

Agenda

PLANNING COMMISSION REGULAR DOCKET WEDNESDAY, September 9, 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

1. Report of the Nominating Committee

2. Elections

3. Annual Meeting

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 - July 14, 2015 – Regular Meeting

2. Minutes - August 11, 2015 – Pre meeting

3. Minutes - August 11, 2015 – Regular meeting

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

G. JOINT PUBLIC HEARINGS

1. **SP14-00003 Market Plaza (200 2nd Street SW):** An application by Market Plaza, LLC, to amend a special use permit approved by City Council on December 1, 2014. The previously approved special use permit granted residential density of up to 60 units per acre, an additional 31 feet of building height, in addition to the 70 feet allowed by right; authorized two special uses (Farmer's Market and Auditorium, theaters--maximum capacity greater than or equal to 300 persons.) The proposed Amendment seeks to change special use permit condition # 3, to authorize the open-air Plaza within the development to remain privately controlled and operated by the property owner, instead of being subject to a recorded easement for a right of public access. Under the proposed amended condition the public would have a recorded easement for a right of access to a 16-foot wide public pedestrian connection between Water Street and South Street. Several other minor amendments of the original special use permit conditions are also proposed, and a copy of all of the proposed amendments are available for review by contacting the NDS planner listed below. The subject properties are contained within the 100 block of West Water Street, and consist of approximately 1.18 acres of land with road frontage on South Street, West Water Street, and 2nd Street SW. The subject property is further identified on City Real Property Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and is currently owned by the City of Charlottesville. The subject property is zoned WSD (Water Street District Corridor) with Architectural Design Control Overlay District, and Parking Modified Zone. The Land Use Plan of the City's Comprehensive Plan generally calls for Mixed Use. **A copy of the proposed amendments to the SUP Conditions can be obtained by contacting Brian Haluska, Principal Planner, Haluska@charlottesville.org, or at the Office of**

**Neighborhood Development Services, 610 East Market Street, Charlottesville,
Virginia.**

REGULAR MEETING (Continued)

H. SITE PLAN APPEAL

1. Willoughby Site Plan

I. PRELIMINARY DISCUSSION

1. Midland and Randolph Rezoning

J. WORK SESSION ITEM

1. Development Review Process Policy

K. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, September 22, 2015 – 5:00 PM	Work Session	Small Area Plan Discussion
Tuesday, October 13, 2015 – 4:30 PM	Pre- Meeting	
Tuesday, October 13, 2015 – 5:30 PM	Regular Meeting	West Main District Zoning Amendments Minutes – August 25, 2015 Work session

Anticipated Items on Future Agendas

- Entrance Corridor review – 2307 Hydraulic Road
- Harmony Ridge Subdivision Plat
- Spot Blight – 1810 Yorktown Drive
- Telecommunications Ordinance

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

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
8/1/2015 TO 8/31/2015**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
 - a. Beta Apartments (TMP 9- 8) August 11, 2015
- 3. Site Plan Amendments**
- 4. Minor Subdivision**
 - a. Johnson Village Phase 3 (TMP 22B-35 Dedicating Parcel A) – August 17, 2015

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, July 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 UVA representative Bill Palmer

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

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 Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and 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 was unable to attend the Park and Recreation Advisory Board meeting in June because of conflict with another Board meeting. He did attend the Tree Commission meeting on June 24th. Much of the discussion evolved around urban tree canopy assessment that the City has contracted for. This is the first time it has been done since 2009, start in September and be finish in December. It is funded by a grant and already the tree planting committee with the Tree Commission is starting to strategize on how they will be able to use this information for advocating the planting of more tree canopy. There was a presentation by the Tree Commission to the Place Design Task Force on the health problems with some trees on the downtown mall and then the Tree Commission made some recommendations for 400 West High Street, the paper street that is there and is being shared with the BAR where a decision is to be made about that space.

Commissioner Keller reported the TJPDC does not meet in July. The PLACE Task Force did have a brief meeting and the main focus was discussion about the lighting study that is being done with the City under contract and several people went around with the consultants. The Task Force requested some additional information on this. The Planning Commission will want to follow because it relates to things we have talked about such as revision to the Manual, Streets That Work, and the Code Audit. She attended the City Council meeting last week where the Council considered the William Taylor Plaza and the Council did not take any action on that and

is something they will be taken up at a future meeting. She said it became evident to her that we need to be so careful when we craft PUD or SUP approvals when they come back years later because it is really hard to determine what the intent was and that was a project that was approved without a matrix at the time. She said that was not so many years ago but some of the players are the same, but it is really difficult for people to revisit that. We need to work together to make sure we are specific in our language and site the actual drawings and supporting materials that we believe are critical in our decision so if somebody has to look at it in 8 months, 5 years or decades that there are tangible pieces of evidence to see what was intended that they can go to. In the future, she feels we should be cognizant of when we look at these requests that we are leaving a really good record for the future.

Commissioner Dowell - absent

Commissioner Keesecker reported the BAR met June 16th and reviewed a number of projects. The projects of interest to the planning commissioners were 550 E. Water Street which we have the summary in our staff report. The other two are applications for 500 Court Square, the Monticello Hotel or the Court Square Tavern building a discussion about screening of changes to the cellular infrastructure that is on top of the building that we can see from far away and we've taken a look at people trying to get something off the penthouse and bring them down to the deck level. Essentially what the BAR asked for was a coordinated building managed master plan, to bring a cohesive screening to the top of the building which is very prominent. The other project was a proposal for a small cafe on West Main Street directly across from the Flats where the Standard was going to be, the current republic, there is a small space that has some existing trees and a bus stop. They want to provide outdoor sitting without removing any trees with a covered top and then renovate that part of the building and possibly open it up as a restaurant and bring some activity to the street. He said there were some nice images and it was well done. He said the Standard is still on going, the SUP is going to stay in place. It is not going to be built not as a tent structure or masonry but it was basically precursor to the Standard being built. It would not change what we've seen for the Standard. It is a by right use.

Commissioner Santoski - absent

Commissioner Green reported that the July meeting of C-Tech was cancelled being a holiday week and lack of participation, the meeting will resume in September.

B. University Report - Bill Palmer reported that it is summer construction season over at the University. Some of the bigger projects are the Rotunda renovation which is ongoing such as the roof getting painted white, McCormick Road is completely dug up to replace utility tunnels, and near the Alderman Dorm area, the newest Dorm, Givens Hall is just about finished which is the final new dorm built across from the aquatic fitness center. Lastly, there is a large pedestrian bridge where the Alderman Dorm and Gooch-Dillard housing area which use to be upper classmen and now is first year housing which will help that community feel a little more integrated with the other first years.

C. Chair's Report Chairman Rosensweig reported the Housing Advisory Committee met in sub-committees last month. A comprehensive housing survey convened. This was a group of non-profit leaders primarily of housing organizations and agencies who volunteered to help administer the survey to target low-income populations. Previously the scope of work for housing preference had been only to target work force and didn't really have any plans to reach out to Non-profit, low income residence to find out what potential barriers to appropriate housing might be out there. Volunteers are planning to be available to conduct surveys at the annual Westhaven Days on August 1st. The Rivanna River Committee met on June 23rd to discuss the next steps in

the process of forming a plan to bring back the river as a central cultural future of the community. TJPDC, Chip Broyles give us and the Albemarle Planning Commission an update of how that process is going at our meeting on the 23rd. But among other recommendations the group is going to recommend to Council and to the Board of Supervisors some smaller planning studies at various points along the river, as well as some funding mechanism to support some of the nonprofits to help keep the river clean.

This morning the Code Audit, Street That Work steering committee met and he is happy to report that the team is making tremendous progress, thanks to the professional stewardship of planners Heather Poole and Amanda Poncy. The group met again with representatives from Toole Design Group and talked about a set of design guidelines and an implementation plan. Today the focus was on an existing conditions report that Toole Design Group has drafted. There are three community out-reach opportunities planned: July 25th, 10:30 – 2:30 as part of the African-American arts Festival Washington Park representatives of the city, the Toole Design Group, and this committee will be there talking about some of the findings and getting some perspectives about the Streets That Work. Also at Westhaven Days on August 1st, 10:00 to 1:00 on Hardy Drive, the same will take place. An open house on September 15th and 16th for the general public, the time and place will be announced. There are two things of special interest is that on both the African-American Arts Festival and the Westhaven Days, community driven street murals are going to be done in chalk, originally done as tested projects at Westhaven. The search for the Neighborhood Development Services director is still ongoing. Currently the city manager, Maurice Jones, is conducting reference checks for the top candidates. He complimented to Maurice Jones and staff for organizing a professional and fair process and looking forward to meeting the new Director of Neighborhood Development Services.

D. NDS Department Report: given by Brian Haluska, Senior planner reported the next work session July 28th and the items on the agenda is the West Main Streetscape, Development Review Policy. Today we recognized our traffic engineer Donovan Branche who will be leaving the city and we gave her a surprise farewell party this afternoon.

E. Matters from the Public – No Public Comments

F. CONSENT AGENDA

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

1. Minutes – June 9, 2015 – Pre-Meeting
2. Minutes – June 9, 2015 – Regular Meeting
3. Minutes – June 23, 2015 – Work Session
4. Site Plans and Subdivisions Approved Administratively
5. Subdivision Plat – Naylor Street

Motion by: Commissioner Green

Seconded: Commissioner Lahendro

VOTE: 5-0

“Aye”: Commissioners Green, Keesecker, Keller, Lahendro, Rosensweig,

“Nay”: None

Abstentions: None
Disqualifications: None

Planning Commission Meeting took a break until a quorum is form with City Councilors
Planning Commission Meeting Resumed at 6:00 p.m.

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

G. JOINT PUBLIC HEARINGS

1. ZM15-00001 – Longwood Drive PUD Amendment – Richard Spurzem of Neighborhood Properties LLC, has submitted a PUD amendment to add four (4) attached residential units to the existing Longwood Drive 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 four (4) attached residential units, additional parking, and adding 2,705 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.

Matt Alfele gave the report on the Longwood Drive PUD Amendment. The changes submitted after the May 12, 2015 public hearing is outlined below:

- The applicant has changed the development from five (5) townhomes to two (2) duplexes for a total of four (4) new units.
- The duplex facing Harris Road is two (2) stories to keep in context with surrounding properties.
- The duplex facing Harris Road would no longer have garage parking.
- The duplex facing Harris Road would have front porches to increase street life and add to the surrounding neighborhood.
- The duplex at the south end of the development has been moved to allow more separation with the existing development. That separation has increased from fifteen (15) feet to twenty-nine (29) feet. This change is reflected in the development plan and included as an additional proffer.
- Open Space has increased from One thousand five hundred sixty-five (1,565) square feet to Two thousand seven hundred and five (2,705) square feet.
- Parking has increased from seven (7) driveways to eight (8) driveways.
- Proffer statement from the previous submittal has not changed with the exception of a new proffer requiring a 29 foot setback from the southern property line.

Mr. Alfele said that staff finds that incorporating two (2) duplexes for a total of four (4) units into the existing Longwood PUD complies with many of the goals laid out in the Comprehensive Plan, but some concerns remain.

He said the principal concern staff has 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) and proffer # (9) are very much welcomed by the City. Staff recommends proffer # (9) be clarified to address just this one area of the development. As written it could be applied to other areas of the development. 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. 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 with timetables would be helpful so the City and surrounding neighborhoods fully understand the timeframe of Longwood Drive PUD.

Mike Myers, Dominion Engineering, gave a brief history of the project and the changes made.

Richard Spurzem said the desire for off street parking is a dedicated spot for the units. He said anyone that has a three bedroom townhouse has at least 2 cars and they want enough parking for two spots per units. The neighbors commented that they want all new units to have off street parking. The housing price is and most of the townhouses already has been sold and met the affordable price. They feel the provision has been met. They were met given the formula in the original PUD.

Councilor Szakos said the housing ordinance has to be a certain time period for this. This was outlined in the proffers. Your policy came after there.

Mr. Alfele stated the affordable units are 15% of the dwelling units and those documents are something staff had in the past.

Councilor Szakos felt that they had not completed the terms of the proffers.

Mr. Spurzem said we do not have in the documentation to fill this proffer, this proffer has been met.

Commissioner Keller just wants to make it safe for the pedestrians.

Open Public Hearing

David Hennegan, 101 Longwood Drive, Lot 116, said we appreciate the conditions that have been met. Support the spirit and the spaces are necessary.

Lisa Pisani 114 Longwood Drive, not opposed to anything being built, more of the sunlight will be block and will decrease the property value. If this new development is allowed to proceed, it will be too close to my own home and all we want is to keep it nice and quiet and peaceful the way it is.

Rebecca Quinn questioned the paving methods that will be used, does that satisfy the storm water runoff.

Closed Public Hearing

Commissioner Keller do you have a concern about the pedestrian. Is the crossing guard at that location?

Staff has concerned and this will be addressed on the site plan, wide right of way, and to have another curb cut for 2 driveways

Mr. Alfele said there is a crossing guard.

Commissioner Green said we don't need these open spaces on the PUD, we rejected it before, and we just had a conversation really spell out things. She is more in favor without those spaces there.

Commissioner Rosensweig asked Mr. Spurzem can you tell us if parking is on both sides. Mr. Spurzem said the two curves on Longwood seems to make people last likely to park on the S curve. It appears to be smaller and the S curve does not allow people to park on the street. Extension on the curve would be new to have on street parking for this community

Commissioner Keller concerns for pedestrian safety and the proffers have not been met.

Commissioner Keesecker said the double cut is close to the corners. He said it can be discussed with the site plan.

Mr. Alfele stated this was reviewed by the traffic engineer and it is more appropriate to have the large curb cut.

Staff believes that the applicant has incorporated feedback from the Planning Commission and adjacent property owners into the most recent submission. The units facing Harris Road are more appropriate to the neighborhood and have the potential to add street life to Harris Road. The units facing Longwood Drive now provide more separation from the existing development.

Staff finds the Longwood PUD amendment complies with the goals of the Comprehensive Plan and recommends approval.

9. Attachments

- Application
- Project Narrative
- Status of Final Proffer Conditions
- June 23, 2015 Proffer Statement
- Old Development Area Detail
- New Development Area Detail
- Perspective from Harris Road
- June 23, 2015 Amended Development Plan
- Existing Conditions on Harris Road
- Portion of Final Approved Site Plan dated March 11, 2011 for Context
- Proffer Statement Dated March 20, 2009

Commissioner Green move to recommend approval of this application to amend the development plan for the Longwood Drive Planned Unit Development with amended proffers, with the addition of the new proffer to eliminate off street parking in favor of on street parking along Longwood subject to traffic engineer approval on the basis of the proposal would serve the interests of the general public welfare and good zoning practice, seconded by Commissioner Lahendro, motion passes 5-0.

- 1. ZT14-00011 – Transient Lodging Facilities** - A proposed zoning text amendment, amend and reordain § 34-1200 and § 34-1172 of the Zoning Ordinance of the City of Charlottesville, to provide a definition of “transient occupancy”, and to provide amended regulations under which a residential dwelling unit may be used as a transient occupancy facility, within all zoning district classifications where Home Occupations are allowed. For the purposes of this proposed zoning text amendment, the term “transient occupancy” generally refers to the use of any building or structure, or portion thereof, as overnight accommodations for any individual(s), for any period(s) of 30 or fewer consecutive days, in return for a fee or charge. The lodging facilities contemplated by this zoning text amendment are temporary accommodations, or “stays”, such as those offered through services commonly known as “Airbnb,” “HomeAway,” and “Stay Charlottesville”. A copy of the proposed zoning text amendments, staff reports and related materials is available for public inspection in the Office of Neighborhood Development Services, 610 East Market Street, Charlottesville, VA 22902. Contact: planner Matt Alfele, alfelem@charlottesville.org.

Based on this information and the dialog City Council, Planning Commission, and the public had on May 21, 2015, staff recommends amending the current Bed and Breakfast Homestay ordinance and supporting regulations. These changes will accommodate Transient Occupancy in residential dwelling units in a measured and calculated manner. One important aspect of the suggested changes will require Homestay provisional use permits be issued on a calendar year basis. This will help in tracking the prevalence of Homestays in the city.

Staff Recommendations

The Planning Commission should recommend the following to City Council:

- 1) The amendment of Zoning ordinance Sections 34-1200 (to provide a definition of “Lodging,” “Occupancy, Transient,” “Residence, permanent,” and “Responsible Party;” 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 Occupancy in residential dwellings (under the term “Homestay”) authorized by a Provisional Use Permit.

Nearly a year after city of Charlottesville staff was directed to study possible regulations for residential property owners who profit from hosting guests in their homes on short-term rentals, officials moved a step closer to creating rules.

As the number of entrepreneurial homeowners and businesses banking on the “share economy” continues to grow, Charlottesville and other localities are wrestling with ways to regulate property

owners offering short-term rentals through websites such as Airbnb, Stay Charlottesville and HomeAway.

Commissioner Lahendro asked do you have legal backing if the people do not comply.

Read Brodhead, zoning administrator, said 95% if not more, try to do right thing. That might slip through the cracks, but there might be some of those instances.

Lisa Robertson, City attorney, said this ordinance has definition for residential occupancy, transit occupancy added onto a residential use, you want to limit the number guest or the number of room otherwise you have a definition to transient occupancy. You need to spell it out in this ordinance.

Commissioner Green asked if the police could weigh in on this.

Mr. Brodhead said yes, we would use the police to help solve these problems.

Mayor Huja asked can they rent the house just once or twice a year.

Mr. Brodhead said no they would not be able to be operating anymore. They would not be able to do it.

Commissioner Green does not think the SUP is the best thing for this, because it changes the integrity of the neighborhood.

Commissioner Jody Lahendro said he just did not want it to be the majority of days in the year.

Open Public Hearing

Travis Wilburn said former and current city officials have told him his business which manages approximately 60 properties for short- and long-term rentals are legal. After paying \$300,000 in taxes in recent years and being told in 2014 by former Neighborhood Development Services Director Jim Tolbert that Stay Charlottesville was “a good example of how transient lodging facilities should operate,” the business could be in danger of becoming an illegal operation. Mr. Wilburn stated that this is a code for home occupations, not short-term rentals. If short-term rentals are going to be regulated, they need to be regulated individually and not as a home occupation.

Mark Kavit, said he is concerned about home turned into to Air BnB. He is concerned with the approached used for Air BnB operation. Some enforcement regulation, at least regulations some type of way to go about that, primary home, right not he know of three used for short term rental. Some enforcement regulations need to be done in these. The primary home should be addressed because they have slept there certain times a year. Jean Hyatt 1534 Rugby Ave., concerned about it and urges the planning commission to require them to be owner occupied in R1 neighborhood and to have a small unit on the property. Do not permit transient lodging in R3 into long term residents. This is unrelated

to moving out of these neighborhood are precious and limited resources, investors and homeowners

Bill Chapman, Stay Charlottesville Co-founder and member of the city's Board of Zoning Appeals, said he wouldn't have invested in this business for five years if he didn't believe it would be legal.

Ms. Joyce Guest Houses Arlington Blvd doesn't understand the second home rentals, there is a lot of growth, however that what a guest rental is. They use it part of the time. The majority are not second owners, and they came to me for a service. There is a really strong need for guest rental in this area. People would rather stay with me than a hotel room. This would accommodate people for a week or two weeks long. We are tourist town. We are a Big tourist town. Tourism promotes tourist to come and stay longer. This is her main issue. Signs she doesn't agree with. There is nothing in here for people who are leaving their homes for graduation weekend.

Closed the Public Hearing

Commissioner Green said this is a great start for this ordinance. Still not of a mind set to do the second home. Relationships with people all over the world. She would be sad that there would be a house purchased just for this reason. She said we could start with an ordinance and later we could always tweak it.

Commissioner Lahendro said his concern is about the protection of the residential community. This is like a financial temptation to start to damage residential communities. How many times to be rented to visitors before it starts to erode to connection to that community through these services.

Commissioner Keesecker said staff has been responsive to the conversation he's hearing, he has concerns about this provision may apply to the non-primary use from time to time, reservation about the definition about home occupied

Chairman Rosensweig said he thinks the thing most at stake is the character of the neighborhoods and it has to do with the density of this use in a given area. He also stated that there has to be a tipping point where it will no longer feel like a residential neighborhood.

Mr. Santoski joined in at 8:00 pm

According to a staff report, only five complaints about such units have been reported to the city zoning administrator. If the ordinance is passed, anyone in Charlottesville will be able to operate a transient lodging facility in virtually any residential property where home occupation is allowed, apartments and condominiums included, with few specific reservations.

Permits would be revoked if more than four calls for police are called on the property within a two-month period. The City Council is expected to consider the ordinance at a meeting next month.

Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice, Commissioner Green move to recommend approval of a zoning text amendment as proposed with the following changes:

- PUP
- Owner not required to be onsite
- Allowable in low density and MF condos
- No notification
- No posted evacuation plan
- Permanent owner occupation
- No one unit restriction per TMP
- 24/7 responsible party
- Yes to revocation
- No limit on number of days
- No more than 6 adults, per visit, per parcel
- Smoke alarm and fire extinguishers required
- Addition of word “Overnight” in homestay definition guests
- No signage

to Section 34-1200 and 34-1172 of the Zoning Ordinance, to allow Transient Occupancy in residential dwellings (under the term “Homestay”) with a Provisional Use Permit in every zoning district where Home Occupation is allowed to add a limit of no more than six adult guest per parcel, Seconded by Commissioner Keller, 3-3 vote and the motion failed.

The Amended Motion

Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice, Commissioner Keller move to recommend approval of a zoning text amendment as proposed with the following changes:

- PUP
- Owner not required to be onsite
- Allowable in low density and MF condos
- No notification
- No posted evacuation plan
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- No one unit restriction per TMP
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- No signage

to Section 34-1200 and 34-1172 of the Zoning Ordinance, to allow Transient Occupancy in residential dwellings (under the term “Homestay”) with a Provisional Use Permit in every zoning district where Home Occupation is allowed to add a limit of no more than six adult guest per parcel, (Council consider some feasible time limit) Seconded by Commissioner Green, 4-2 motion passed. (Commissioners Lahendro and Rosensweig voting no)

- 2. SP15-00002 – 550 East Water Street** – Core Real Estate and Development has submitted a Special Use Permit application to increase height from 70 feet to 101 feet. The property is further identified on City Real Property Tax Map 53, Parcel 162.3 with road frontage on East Water Street. The site is zoned Water Street Corridor with Architectural Design Control District Overlay and Parking Modified Zone Overlay. The parcel is approximately 0.28 acres or 12,200 square feet. The Land Use Plan calls for Mixed Use.

The applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for an expanded mixed-use building located at 550 East Water Street. The proposed development plan shows a 101 foot tall building with 7 residential units and 11,487 square feet of new commercial office space. The building as proposed would have parking for 15 cars and 16 bicycles located in structured parking under the building. The Water Street Corridor zoning permits a maximum height of 70 feet by right. The maximum height permitted is 101 feet by special use permit.

Mr. Andrew Baldwin, developer, explained that the current plan is to break the building into two components. The section next to the former C&O train station would be constructed to a maximum height of 40 feet, while the section next to the King Building would rise to 101 feet.

Mr. Robert Nichols, architect, said the intention is to displace building mass and the interior volume of the building to make a different composition to make a better experience on the street. The project would feature three stories of office space on the quarter-acre lot with a single residential unit on each of the remaining six floors.

Commissioner Rosensweig said he could have supported the additional height, but the impact on Water Street would be too great. He added he liked the concept of splitting the building into tall and short sections, but 101 feet was too high.

Open Public Hearing

Mark Kavut – 400 Altamont Street, said he is not against the tall story building, but it should not have nine stories. The project plan for office space and condos, condo unit 2 million dollars, parking problems for the area, problem with loading.

Morgan Butler Southern Environmental Law, said this is out of scale for the location, we are not opposed to this particular site, between 2 historical buildings. Would triple the height of these buildings. The propose tower height is the reason why. We don't see that as a reason tries to do too much for this site. Any by right will need to be reviewed by the BAR or place conditions on the By right. Trying to do too much for this building.

Samuel Hellmann, a resident of the Holsinger, located across the street from the proposed site, said the proposal drastically overburdens the triangle-shaped property. He said the worst thing you can do in a street is put a tall building on the south side, and have it shield the sun and will completely be in the sight line of almost every place on the Downtown Mall. Mr. Hellman questioned whether granting the permit was worth it to the city, given that only six residential units would be created. He hopes he gets the contract and be able to build something that pleases the neighborhood. Why is there a tower, 6 luxury apartments and some parking. This is better it is the lesser of two evils, he considers and over burdens. More modest but does make water street just a canyon.

John Lawrence 213 West Main Street, said he has been a business owner since 1993 and is familiar the developer and the project. The irregularity in the downtown area is something that makes it interesting and makes Charlottesville progressive and forward-thinking. He said in Virginia we like how things used to be in the old days, but I love how Charlottesville over the last few decades has really thoughtfully developed itself.

Tim Michel said this is really too much. It's too dense and impacts us too high, and we'll be in shadow for a good bit of the day. However, the owner of the former train station said he supported the permit.

Neal Sansovich said he is in favor of it and thinks what this makes the downtown exciting is the juxtaposition between new architecture [and old architecture] from good architects that can do something different that makes vibrancy that is so important.

Patty Myatt commented if Charlottesville loses its distinctive character, people will stop coming here because they don't want to come to just another version of Northern Virginia or Virginia Beach. We will lose our drawing power. Please do not approve this tall building.

Emilie Johnson 112 Fifth Street S.E said the proposal scale and massing the heights, setback and step back, located on the Southside, all have an open space. There are site lines from every direction. The water street elevator show discrepancies show the relationship toward the train station and the King Building. Shares concerns with loading and traffic, especially since Water is the main E/W quite a few concern, landscaping will make it a com, the size of the building, she thinks the street frontage street wall a concern, is actually very very lively, not technically development, the building scale, there are similarly, the new water house, the Omni, all are very large, the north of the building, the parking lot, Omni parking to the North. This structure casting shadows over her apartment. Lack of a loading zone.

David Myatt said he lives at the Holsinger, adverse impact on the neighborhood. Note that at BAR it has been said the commercial use is light duty transient office space, if that the case the applicant should be held to that commitment. It should be preserved. Street closure could be extreme. Heavy volume of traffic. At this location the street is not wide enough for two way traffic.

Lisa Hogan said she supports the argument raise 1. Waterhouse unoccupied, 455 South same solution the requirement of these properties, garage that was referenced, pleased that it is there. Proposed By right building, even that structure is longer and lower throughout the area and charming. Conducive to the lower class housing.

Close the Public Hearing

Mr. Nichols said the site is part of the downtown core and should reflect the city's growing urban character. We are clearly participating in the Fifth and Water Street intersection, and that's where we've put the bulk of occupancy.

Mr. Baldwin said the project is in the spirit of the Comprehensive Plan. Revitalization of dead areas within the city of Charlottesville is what we need to focus on and provide in a project of this scale. He added that he would create pocket parks on either side of the development and install wider sidewalks than currently exist.

Mr. Santoski move to recommend denial of this application for a special use permit, Seconded by Ms. Keller, 4-2, motion passes.

Mr. Baldwin said he was willing to defer his vote to return with a smaller building, but Commissioner Santoski was not willing to withdraw the motion.

Commissioner Keesecker and Commissioner Rosensweig voted against the motion to recommend denial. The City Council will review the project at a future meeting.

Ms. Keller left the meeting at 11:25 pm

H. ENTRANCE CORRIDOR REVIEW

5. 1725 Jefferson Park Avenue

The applicant is requesting approval of a certificate of appropriateness to construct a six-story apartment building with 19 units, and garage parking for 32 cars and 20 bicycles. The site abuts Jefferson Park Avenue and Montebello Circle.

The vehicular circulation includes two entrances off Montebello Circle that provide access to two levels of parking. There is an existing 5-foot sidewalk along JPA, and a proposed 5-foot sidewalk along Montebello Circle. Proposed street trees include 7 Red Maples along JPA and 3 Red Maples along Montebello Circle. Additional landscaping in front yard on JPA includes 5 Redbuds, and Holly and Abelia shrubs. Building materials consist of traditional red brick with light colored precast base and white Hardie on the top floor, white roof overhang, and white double-hung windows. Signage is proposed over the main entrance.

Staff Recommendations

Staff believes the project meets the standards and guidelines for a certificate of appropriateness in the Entrance Corridor. Staff recommends approval of this application.

Recommendations for changes are

- A low, stone site wall should be constructed along the JPA sidewalk to relate this project to others in the Oakhurst Circle area.

After a brief discussion by commissioners:

Commissioner Keesecker move to approve the Entrance Corridor Certificate of Appropriateness application for the new apartment building at Jefferson Park Avenue and Montebello Circle, with the following conditions: The applicant will work with Ms. Scala to get the appropriate stone for retaining, seconded Commissioner Green, 5-0 motion passes.

Adjournment 11:40 pm

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, August 11, 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 John Santoski, Kurt Keesecker, Taneaia Dowell, Genevieve Keller, Jody Lahendro, and UVA representative Bill Palmer

Call to Order: the meeting was called to order by Chair Rosensweig at 5:00 p.m. He then reviewed the agenda and asked if there were any questions pertaining to the agenda.

Jody Lahendro asked for clarification on the 1130 East High application of the number of commercial verses residential units. Staff reviewed the proposal as well as the zoning category allowances.

Mr. Rosensweig noted that if a COA was approved at this time for this property then it would be important for Ms. Scala to have the ability to review administratively for compliance for the final version of the design.

Mr. Rosensweig then talked through the proposed discussion format for the West Main zoning item. Kurt Keesecker asked for clarification on one item on the proposed code and Mr. Lahendro noted that the tree commission expressed concern with the bike storage requirements proposed.

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 John Santoski, Kurt Keesecker, Taneaia Dowell, Genevieve Keller, Jody Lahendro, and 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 attended the Parks and Recreation Advisory Board on July 15th where the Meadowcreek Master Plan update was provided and it was noted that a new Frisbee disc golf course will open July 22nd. There is also a study to connect Greenbrier Park with two trail bridges that will go across Meadow Creek. At the south end they are requesting VDOT approval to use a culvert under 250 and Hydraulic to gain access from Meadowcreek to the northside behind the new Kroger. McIntire Park infrastructure schematic design was submitted July 17th and contract documents for the pedestrian bridge over the railroad is going to bid in September. The Skate Park contract documents will be completed in October and fundraising has started for the 1.6 million project. The Tree Commission

met July 22nd. Four trees in McIntire Park are going to be submitted for tree conservation ordinance review. Approved recommendations were submitted to the Planning Commission and the City Council regarding the West Main Street form based code and they have received a \$7000 grant towards a tree canopy project.

Commissioner Keller absent
Commissioner Dowell absent
Commissioner Keesecker nothing to report
Commissioner Santoski absent

B. University Report - Bill Palmer reported that the University has hired a new architect Alice Rochire and she will start on or around September 16th. We are looking forward to having her come on board. McCormick Road improvements are underway and it should be on track to open by August 21st when the first year students start moving in.

C. Chair's Report Chairman Rosensweig reported there was no Housing Advisory meeting this month and the River committee met this morning and he was unable to attend. The City Manager has hired a new Director of Neighborhood Development Services Alexander Ikefuna, who most recently has been working as an independent consultant and before that he was the Director of Planning in Mobile Ala. and prior to that he served as the Director of Planning and Zoning in Salt Lake City, Utah. He brings a world of experience to the job and it was a pleasure meeting him when he was here for an interview and he noticed a very calm even temperament that will gather a lot of respect here in Charlottesville. He begins on August 17th and we are looking forward to welcoming Mr. Ikefuna to Charlottesville and the position.

D. NDS Department Report: given by Brian Haluska, Principle planner reported that when Mr. Ikefuna starts on the 17th the juggling of duties still continues in our office. This means this is the last time he is am on the dais and Missy will return to her place in September as Planning Manager. You have a work session on August 25th and that is a review of the small area plan process and some updates on that from the staff. Staff has developed some ideas about how to deal with not the prioritization of the plans but some of the other goals in that section of the Comprehensive Plan. The plans talk about a common list of items for a small area process report. Additionally the Capital Improvement Program will be on the work session agenda. We are starting that process again and the planning commission enjoys being involved in that. My final note is that your September meeting will be on Wednesday the 9th. Because of Labor Day and the bumping of City Council and because Council has to be present at your meetings so please make note of the change in the schedule.

E. Matters from the Public

Travis Pietila, Southern Environmental Law Center said he is glad to see this (West Main Zoning) moving forward, and this is a big priority for the community and SELC and time is of the essence. A few points to touch on appurtenances: a) he agrees with the staff that now is the time rather than citywide code audit, b) he commented that appurtenances as habitable space is inappropriate; potential to undermine regulations, c) the staff potential solution to remove rooftop appurtenance paragraph; ambiguity remains, d) it's better to clearly state rooftop appurtenances cannot include habitable space, d) only use appurtenances for mechanical equipment and other non-occupiable infrastructure. Travis also spoke on zoning boundaries: a) whether to extend West Main zoning boundaries, b) would it be beneficial to keep parcels at the west end within the current corner zoning district, c) they should contain small-scale historic buildings, and corner district limits height to maximum 50 ft., d) in contrast, pulling into West Main West would bring this height up to 70' or 75' feet, e) one of the main reasons behind

rezoning to better protect character of this historic corridor and an objective would not be served by increasing allowable heights on these parcels. Lastly, he talked about the Definition of “build-to-zone”, a) questions and potential clarifications about proposed definition of “build-to-zone” need to be made, b) draft definition: “minor deviations such as recessed entries” will not count against the calculation of build-to percentage requirements:

1. “Recessed entries” is quite broad – hotel entrance and vehicle turnaround?
2. Recessed space will count toward meeting the 80% build-to requirement, or just taken out of equation and must meet for remainder of site?

Closed the meeting because we need a quorum. Meeting reconvened at 5:43 pm

F. CONSENT AGENDA

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

1. Minutes – July 14 2015 – Pre-Meeting
 - 2. Minutes – July 14, 2015 – Regular Meeting – will be approved at next meeting**
 3. Minutes – July 28, 2015 – Work Session
 4. Preliminary Site Plan – 1725 Jefferson Park Avenue
- Motion by: Commissioner Keesecker
Seconded: Commissioner Lahendro

VOTE: 4-0

“Aye”: Commissioners Dowell, Keesecker, Lahendro, Rosensweig,

“Nay”: None

Abstentions: None

Disqualifications: None

G. ENTRANCE CORRIDOR REVIEW

1. 1130 East High Street

The applicant is requesting approval of a certificate of appropriateness to construct four 2-3 story mixed-use buildings with 14 total units around a courtyard, with parking for maximum 15 cars. The vehicular circulation includes one entrance from East High Street to access 5 surface parking spaces and 10 covered parking spaces tucked under buildings, including one HC space. There is an existing 5-foot sidewalk along East High Street. The main pedestrian access is a paved forecourt that links the public sidewalk to the interior courtyard. A second pedestrian access connects the public sidewalk with the accessible parking space. Three existing street trees are proposed to be saved in the front yard, a 30” Maple, 30” Ash, and 18” Pecan. The front and rear yards will be planted with S1 buffers; a hedge will screen parking along the property line; the courtyard will contain a lawn and rain gardens. Building materials consist of painted cement fiber siding (hardiplank and hardipanel); and aluminum clad windows. The roofs are not visible behind parapets. A monument sign is proposed at the main entrance.

Rosalyn Keesee: on behalf of Richard Price – stated she’s here to answer any questions.

Chairman Rosensweig asked have you considered commercial entrances fronting High Street and to advertise those couple of units in the front as accessible?

Ms. Keesee said we have and she has a drawing that she could share. The primary reason for this design is to minimize the work around the trees. You will see the entrance has been turned to face High Street and then the commercial entrances will be engaged off the forecourt. In addition you will see the doors straight from High Street that pedestrian entrances to the residential units will continue into the interior court.

Chairman Rosensweig said it looks like you added some benches also, and these improvements are excellent.

Commissioner Lahendro commented he is very please with the design and it is appropriate and compatible for this area considering the amount of commercial development along High Street but the residential is too close. He thinks it's wonderful to provide mixed use in this project and very appropriate for the area.

In staff's opinion, the project as developed so far meets the standards and guidelines for a certificate of appropriateness in the Entrance Corridor. Staff recommends approval of this application subject to staff approval of final scaled drawings, provided the building design, materials, colors, site design, landscaping, lighting, and signage all remain essentially the same as described in the application packet dated July 15, 2015.

Commissioner Keesecker move to approve the Entrance Corridor Certificate of Appropriateness application for the new mixed use building at 1130 East High Street, with the following condition:

1. Staff approval of final scaled drawings, provided the building design, materials, colors, site design, landscaping, lighting, and signage all remain essentially the same as described in the application packet dated July 15, 2015 as well supplemental moving the entrances to the commercial spaces facing E. High Street dated August 7, 2015, Seconded by Commissioner Dowell.

Commissioner Keesecker thought the report was awesome. It all came together.

Chairman Rosensweig said it's a great first step in the re-development of that corridor which is something we have been looking for for a long time. His vote is an enthusiastic yes.

The motion passes 4-0.

A. WORK SESSION (NDS CONFERENCE ROOM)

1. West Main Street Zoning

Chairman Rosensweig said he wanted to discuss several items

A. Heights

B. Which zoning classification should the train station be located.

Chairman Rosensweig said the draft appeared to be a compromise between the form based code and BAR/PC overview.

For the West Main Street zoning discussion, staff provided the commission with a series of questions to review and repond to refine the draft. The following outlines the discussion and guidance for each question:

1. Relabeling of districts: The proposed FBC suggests labeling the western portion of West Main Street as WM-1 and the eastern portion as WM-2. In the draft code sections, staff has amended these labels to be West Main Street West and West Main Street East to better fit the existing system of mixed use corridor labeling and to reduce confusion as to which area of the street a particular code section applies.

Which system of labeling the districts does the Planning Commission prefer?

The Planning Commission noted they were okay with using West Main Street West and West Main Street East but would be willing to review other options.

2. Designation of primary and linking streets: The proposed FBC suggests a new way to designate primary and linking streets. A list of primary streets is given, with all other streets falling into the linking category. This format is used in the proposed code draft. A second option is to continue with the designation format in the existing code. Potential traditional designations:

a. West Main Street West

I. Primary streets: Jefferson Park Avenue, Wertland Street, 10th Street NW, Roosevelt Brown Boulevard and West Main Street.

II. Linking streets: 12th Street NW, 11th Street SW, and 9th Street SW.

b. West Main Street East

I. Primary streets: 7th Street SW, 4th Street NW, Ridge Street, South Street, Commerce Street, and West Main Street.

II. Linking streets: 8th Street NW, Cream Street, 7th Street NW, 6th Street NW, and 5th Street SW.

Which system of labeling primary and linking streets does the Planning Commission prefer?

The Commission would like to list only the primary streets as noted in the proposed FBC language.

3. The proposed FBC designated heights for building stories do not correspond with the existing code designations. Staff has designated minimum and maximum heights by story in the proposed code draft, which will follow heights specified in Section 34-1100 Height- Application of district regulations. Following this code section, a maximum of six (6) stories in height is equal to seventy (70) feet. In contrast, the proposed FBC specified a height of seventy-five (75) feet for a six story building. Alternatively, the Planning Commission may consider amending the West Main Street districts to have alternative height allowances as specified in the FBC. While considering these options, Planning Commission may wish to consider item 4 below in conjunction, as required minimum ground floor heights may affect achievable story counts.

What option does the Planning Commission prefer?

The Commissioners agreed that a hard line should be place at 91 feet for west and 68' for east; and should not go taller than that. The Commissioners also discussed the heights 70' versus 75'. The Commissioners requested input from the consultant team on the maximum height determined to be appropriate through the corridor analysis; specifically whether the consultants considered the allowed appurtenance space to part of the appropriate height maximum.

4. Per request of Council, staff has added a section of code (proposed Sec. 34-618(c) and 34-838(c)) limiting allowable building width before a differentiation is required. Staff has provided language that is

not detailed to allow the Board of Architectural Review (BAR) flexibility in determining what constitutes an adequate break based on building context. Additional options include requiring an inset at a maximum spacing, or requiring different materials at a maximum spacing. However, these options may not achieve the desired results and limit the BAR's ability to require changes from applicants.

What option does the Planning Commission prefer?

Chairman Rosensweig said he was concerned that lowering the economic potential of that property would keep it as an undeveloped surface parking lot (the Amtrak lot) for many years.

He said the zoning changes originally restricted the role that would be played by the Board of Architectural Review by listing specific details of how buildings should look. West Main is its own architectural district and all structures need a certificate of appropriateness from the BAR. He stated the consultants came to us with something that was more of a form-based code and there was a concern that would take the Board of Architectural Review too much out of the process and so there was some design discretion added back in.

Commissioner Keesecker talked about maintaining rhythm within the context of the area and if that is not the desire of the applicant, they would need to make that case to the BAR.

Lisa Robertson, Deputy City Attorney, said something to consider is to look at the BAR guidelines. She also stated that per this proposed code it could be 200 feet unless the BAR recommends a different façade break.

The Planning Commission noted that consideration should be given to establishing a minimum/maximum or to send back to Council with instruction that the BAR should address building articulation through their review.

The proposed FBC allows for residential use on the first floor if adequate story height is met to ensure the potential for re-use of the space as commercial if desired in the future. The existing code does not allow ground floor residential uses (see Section 34-620 and 34-640 in the proposed code sections document). Staff suggests consideration of amending the existing code to allow for ground floor residential with a minimum story height (fifteen (15) feet is specified in the proposed FBC). The Planning Commission may wish to consider addressing this issue Citywide during the code audit. The Planning Commission may wish to consider amended the sections noted above to the following:

The following uses are prohibited within a building that fronts on a primary street, within any ground floor areas adjacent to such frontage:

- (1) Dwelling units and guest rooms (residential and transient occupancies).
- (2) Parking garages, except ingress/egress.

If a building has frontage on more than one primary street, the ground floor area adjacent to one (1) primary street may contain dwelling units or guest rooms, but not on West Main Street.

The Planning Commission noted that 15 feet in height is appropriate for the first story. An allowance for residential use on the first floor was not clarified.

6. The requirements for bicycle parking suggested in the proposed FBC and included in proposed draft code sections specifies percentages of bicycle parking that should be short-term or long-term (example: eighty (80) percent short-term and twenty (20) percent long-term). However, the minimum required number of spaces is two (2) for most uses. In the circumstance that less than five (5) spaces are required, it is not possible to meet the percentage designations for short-term and long-term, as less than one (1) space would need to be designated as long-term.

The Commission choose option “a” which reads:

a. Include a statement in the code authorizing the Director of Neighborhood Development Services to determine appropriate percentages of short-term and long-term spaces in instances where less than five (5) spaces are required.

The Commission suggested bicycle parking should be given more robust analysis and consideration during the Citywide code audit project. The Commission suggested confirming with the Bicycle and Pedestrian Coordinator that one bicycle parking space per unit was appropriate.

7. The proposed text regarding required bicycle parking does not include “bike closets” in individual residential units to contribute to the bicycle parking requirements. The Planning Commission may wish to include such storage systems in the code as allowable in meeting the bicycle parking requirements. However, such storage systems may be appropriated by residents for other uses and not provide the desired bicycle parking opportunity.

The Planning Commission suggested placement of a communal area for bikes as well as looking to alternative ways of storing bikes such as hitches or hooks on the wall. The Commission suggested these spaces be required to be labeled on the site plan for a development opting to include bicycle parking interior to individual units.

8. The reorientation of the zoning districts from north-south to east-west requires changes to the Use Matrix in Section 34-796. The existing West Main Street South (WMS) allows more height than West Main Street North (WMN), as the proposed West Main Street West (WMW) allows more height than West Main Street East (WME). Staff proposes uses that are currently found in WMS but not WMN be allowed in WMW but not WME. These uses are noted in blue in the proposed Use Matrix document. Alternatively, the Planning Commission may wish to further study existing allowed uses and make more substantial changes to the Use Matrix.

Commissioner Kurt Keesecker said the redefined zoning districts would give the city a chance to define a new vision for West Main. He said it seems like we’ve come to some consensus as a community that we want smaller, fine-grained development on the east side, and we’re generally okay with a little bit taller on the west side.

Commissioner Keller said we want to preserve some flexibility in here so that we don’t have a cookie-cutter approach and we are not some new neo-traditional community somewhere in Florida. It’s a corridor approaching a World Heritage site. We want it to look like Charlottesville.

It was decided to update that use matrix per the staff recommendation, but circle back in the future for more of a fine grain discussion on the East side. A Commissioner requested information on the percentage of lots in the east side with frontages of forty (40) to sixty (60) feet for use in analysis of the appropriate rhythm of the street.

9. The proposed FBC did not suggest changes to the City's regulations on appurtenances, found in Section 34-1101. Many members of the public and various review boards have expressed frustration with the existing code's ambiguity. Staff suggests the Planning Commission consider addressing the issue concurrently with consideration of the proposed code changes to the West Main Street districts. Planning Commission may wish to discuss removing Section 110-1(c), which rooftop allows appurtenances to include habitable space:

No rooftop appurtenance shall: (i) itself measure more than sixteen (16) feet in height above the building, or (ii) cover more than twenty-five (25) percent of the roof area of a building. A roof-top appurtenance may contain useable floor area, but such area may only be used for or as an accessory to a residential or commercial use allowed within the applicable zoning district.

The Planning Commission had some agreement that appurtances should not contain habitable space but there was not a firm direction on the overall height of the building. Clarity on height will be needed to determined to address this issue.

10. A new definition (under Section 34-1200) has been proposed for build-to-zone, as the term does not exist in the current code. Planning Commission may choose to edit the definition, or alternatively remove the requirements for build-to-zones found in the proposed Sections 34-618(a)(1), 34-638(a)(2), 34-638(a)(1), and 34-638(a)(2). To build to zone clear a little bit of their site and potential issues that might come up.

The Planning Commission decided the definition proposed by staff should move forward

11. The proposed new zoning map provided by the consultants along with the FBC does not simply re-label the existing lots found within the West Main Street North and West Main Street South zoning districts. Several lots are moved from adjacent zoning districts to be included in the new West Main Street West district, and lots currently found in the West Main Street South district were not included in the new West Main Street zoning categories. Staff has created a new map that follows the same overall boundaries of the existing West Main Street districts, but redraws the dividing line between the two categories. Alternatively, the Planning Commission may wish to pursue the boundaries provided by the consultant. If so, additional consideration of affected parcels is required. Both maps are provided in this packet of information.

The Planning Commission Agreed with staff's recommendation except there was no consensus on which zoning district the Amtrak station site should be located. The Planning Commission suggested studying the inclusion of parcels on Ridge Street in the West Main Street East district at a later date.

Public Comments

Travis Pietila, Southern Environmental Law Center, said looking at the heights for zoning regulations on West Main, the appurtances were not included in the materials from the consultants. He recommended using the 52' and 75' heights without appurtances.

Adjournment 8:50.

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CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT

APPLICATION FOR A SPECIAL USE PERMIT
PLANNING COMMISSION AND CITY COUNCIL JOINT
PUBLIC HEARING

DATE OF MEETING: September 9, 2015
APPLICATION NUMBER: SP15-00003

Project Planner: Brian Haluska, Principal Planner

Presenter: Brian Haluska, Principal Planner

Date of Staff Report: August 28, 2015

Applicant: “Market Plaza, LLC”, by Keith Woodard, its authorized member. Another limited liability company (“WP South Street LLC”) joins in the application, as indicated by the signature of its authorized member, also Keith Woodard.

The City of Charlottesville previously authorized Market Plaza, LLC to make application involving the City-owned property.

Current Property Owners:

City of Charlottesville: 200, 210, 212 2nd St., SW and 207 1st Street, S.; ROW for 1st St. S, between Water Street and W. South St. (As of the date of this staff report, there has of yet been no final sale/ purchase agreement between the City and Market Plaza, LLC or WP South Street LLC)

Application Information

Property Tax Map/Parcel # and Street Addresses:

Tax Map 28

Parcel 69: 101 W. South St.

Parcel 71: 207 1st St., S

Parcel 73: 2nd St. SW

Parcels 72, 74, and 75: 200, 210 and 212 2nd St. SW

Also: the proposed development contemplates possible future use and occupancy of the ROW of 1st St., South, between Water Street and W. South Street

Total Square Footage/Acreage Site: 1.18 acres

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

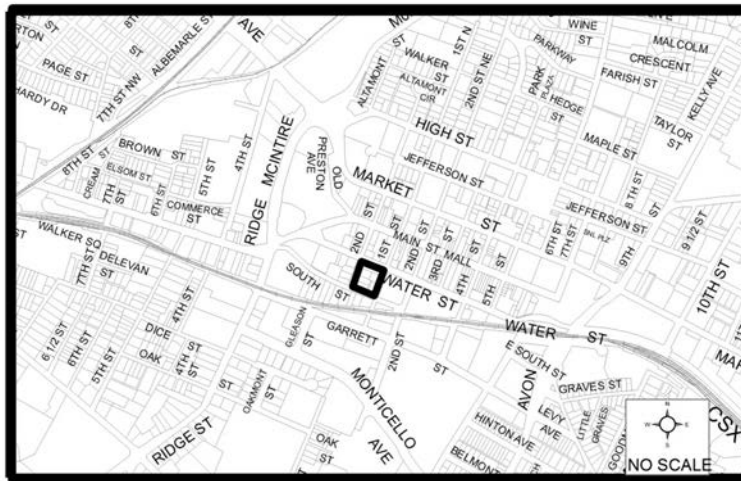
Current Zoning Classification: Water Street Corridor with Architectural Design Control District and Parking Modified Zone Overlays

Tax Status: The City Treasurer’s office confirms that the taxes for the properties were current as of the drafting of this report.

Applicant’s Request

The applicant requests a modification of the conditions applicable to the special use permit previously granted by the City on December 1, 2014. The applicant proposes changes to the conditions related to the plaza portion of the site. Specifically, the applicant is requesting that the conditions requiring public access to the plaza at all hours be modified to permit the applicant private control over the plaza.

Vicinity Map



Background/ Details of Proposal

The Applicant has submitted an application seeking to amend the conditions of a Special Use Permit in conjunction with a site plan for a new mixed-use building located at the 100 block of West Water Street.

The Property has additional street frontage on 2nd Street SW, 1st Street S, and West South Street. The proposed development plan shows a 101 foot tall building with 70 residential units (i.e., density of 60 DUA); 56,660 square feet of office space (inclusive of the events space for which SUP approval is requested); 19,311 square feet of interior retail space; and a 24,390 square foot open plaza that is proposed to host a weekly Farmer’s Market. The building would have parking for 279 cars located in structured parking located under the building.

The proposed modifications to the existing special use permit are as follows:

Condition 2: Define the term “applicant” to emphasize that the word means and includes the successors in interest of the applicant, so that the conditions and obligations cannot be read to be limited to just the applicant.

Condition 2a: Revise the language of the restriction of structures above plaza level along the First Street right-of-way.

Condition 3: Revise the description of the plaza so that it will be designed to feel as open space when not in use for an event. The revisions further stipulate that the First Street right-of-way will remain as an open publicly accessible walkway, while the plaza will be a privately maintained open space that the public will be permitted to use as an invitee of the applicant.

Conditions 3b and 3c: Remove all mention of a water feature in the plaza, and all reference to public accessibility to the plaza. Also reassigns the responsibility for review of the layout plan for the City Market from the Director of NDS to the Department of Parks and Recreation.

Condition 9: Stipulate that the time and dates of the Farmer’s Market will be determined in a lease agreement between the City and the applicant. Also eliminates language that designates the plaza as a public gathering place.

Condition 10: Replace the words “developer” with the word “applicant”, so that one term (“applicant”) will be used consistently throughout the document.

Condition 11: Consolidate two conditions referencing the Traffic Impact Study.

Condition 12: Change the term “developer” to the “applicant”, so that one term (“applicant”) will be used consistently throughout the document.

Condition 13: Change the term “developer” to the “applicant”, so that one term (“applicant”) will be used consistently throughout the document.

Condition 14: Remove the adjective “public” in reference to the plaza.

Condition forwarded to the BAR: Remove all reference to the plaza as a public space.

Land Use and Comprehensive Plan

EXISTING LAND USE; ZONING AND LAND USE HISTORY:

The properties are currently used as surface parking lots. Parcel 71 (207 1st St., S.) was the location of an office building that had previously housed H&R Block, and was used by the City until it was destroyed by a fire in 2013.

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

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

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

SURROUNDING LAND USES AND ZONING DISTRICTS

North: Immediately north of the property are several mixed-use multi-story structures. The ground floors of these buildings are used for retail and restaurant uses, and the upper stories are apartments. One block further north is the Downtown Pedestrian Mall. These properties are zoned Downtown Corridor with ADC District Overlay.

South: Immediately south of the property are multi-story structures that house a mix of uses. These properties are zoned Water Street Corridor with ADC District Overlay. Further south are the Buckingham Branch Railroad lines, and properties zoned Downtown Extended.

East: Immediately adjacent to the east is a surface parking lot zoned Water Street Corridor. Further east is the Water Street Parking Garage, a five-level structured parking facility that serves the downtown area. These properties are zoned Water Street Corridor with ADC district Overlay.

West: Immediately adjacent to the west are several two-story structures that are used for commercial purposes. The lone exception is the property that fronts on Water Street across 2nd Street SW, which houses the Mono Loco restaurant, and is a single-story. The other structures on 2nd Street SW exhibit a residential character despite their use as commercial establishments, and have long served to frame the western edge of the void of the two parking lots. These properties are zoned Water Street Corridor with ADC district Overlay.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

Natural resource: The site does not have any notable natural resources. The site is mostly paved and used for parking. There are some small trees between the City-owned lot and the private owned lot on the corner of South Street and 1st Street.

Cultural features: The site does not have any notable cultural features.

COMPREHENSIVE PLAN ANALYSIS:

Specific items from the Comprehensive Plan that can be applied to the proposal are as follows:

Land Use

- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density. (Land Use, 2.5)

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

Economic Sustainability

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

Historic Preservation and Urban Design

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

Public and Other Comments Received

PUBLIC COMMENTS

The Planning Commission held a joint public hearing with City Council on the original SUP request at their meeting on October 14, 2014. Several members of the public expressed concern about and opposition to the project. The comments cited the impacts to parking in the area around the project, the impact to the historic district, and the inappropriateness of the scale of the building.

The City held a preliminary site plan review conference on September 4, 2014. Seventeen members of the public attended along with the applicant. One of the chief points raised in the meeting was regarding the process, as the building as shown would require the sale of City land and the closure of 1st Street. The attendees also expressed concern about the scale of the building, particularly in relationship to the adjacent structures, as well as the traffic impact on the nearby streets. There was also discussion about the possibility of changes to 2nd Street and South Street in conjunction with the West Main Street study’s recommendations for the intersection of Water Street, South Street, McIntire Road, 5th Street and West Main Street.

COMMENTS/RECOMMENDATIONS OF THE BAR

The Board of Architectural Review considered the Special Use Permit request at their meeting on August 18, 2015, and took the following action:

The BAR recommended (5-1-1, with Miller opposed, and Mr. Schwarz recused) that the proposed amendments to the special use permit conditions previously approved by City Council on December 1, 2014 for the redevelopment of 200 2nd Street SW into a mixed use development including City Market, regarding the elimination of the water feature and the provision for a 16 foot wide pedestrian walkway and handicapped access by elevator, will not have an adverse impact on the Downtown Architectural Design Control (ADC) district, and the BAR recommends approval of those portions of the proposed amendments to the special use permit, but the BAR has no comment on the remaining portions of the amendments. The BAR requests that the Planning Commission and City Council review other aspects of the document that concern the transition from public to private plaza space and implications to operations (usage and access, viability of the City Market) and impact on the district and the BAR asks for review (of drawings and details) of the new centerpiece and pedestrian access.

IMPACT ON CITY SERVICES:

Public Works (Water and Sewer): The proposed modifications would not impact the water or sewer service to the proposed building.

Public Works (Storm Drainage/Sewer): The modification to the conditions would delete reference to a water feature on the open air plaza. This feature had been the source of a concern from Public Works regarding how the overflow from the feature would be handled.

Staff Analysis and Recommendation

ANALYSIS

Assessment of the Development as to its relation to public necessity, convenience, general welfare, or good zoning practice:

The proposed changes are primarily concerned with the ownership and access to the plaza contained within the project. The original conditions of the special use permit designated the plaza to be similar to a public park when not in use for special events and the Farmer's Market. The modifications would remove most of the language suggested or requiring that the plaza be designed as a public urban plaza, and would substitute language that would treat the plaza as open space in a private development. The applicant has stated that the public would be invited to use the space when it is not being used for private events. As invitees, the public would be expected to adhere to any rules or regulations the applicant sets for the use of the space, or risk being asked to leave the plaza. The applicant has indicated that the First Street right-of-way would remain open and accessible to the public at all times.

The changes are primarily concerned with access and responsibility for the maintenance of the plaza. The overall usage of the property is not changing, and thus it is difficult to find any zoning related issues that arise from the requested modifications.

Assessment of Specific Potential Impacts of the Proposed Development:

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

The proposed changes to the special use permit would not impact the massing and scale of the proposed project.

2. Traffic or parking congestion on adjacent streets.

The proposed changes to the special use permit would not impact the traffic or parking of the proposed project.

3. Noise, lights, dust, odor, vibration

The proposed changes would give the applicant some ability to exclude disruptive persons from the plaza, potentially alleviating one possible source of noise that can result from public spaces. This is, however, difficult to quantify, and a minor change at most.

4. Displacement of existing residents or businesses

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

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

The proposed changes to the special use permit would not impact the residential density or commercial traffic of the proposed project.

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

The proposed changes to the special use permit would not impact the provision of affordable housing in the proposed project.

RECOMMENDATION

The proposed modifications to the special use permit would roll back some of the conditions that were intended to set up the plaza in the project as a public space similar to Lee Park or the Downtown Mall.

Staff finds limited guidance on which to base a recommendation. The physical form of the plaza space will still be subject to BAR review, and none of the proposed changes suggest the applicant intends to prohibit public access to the plaza outside of the Farmer's Market. The proposed changes are coming as a result of ongoing negotiations between the City and the

applicant. It is staff's opinion that the proposed changes do not substantially alter the project originally approved by City Council, and thus these changes should be approved.

Attachments

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions for your consideration
4. Application and Supporting documentation from the Applicant

Attachment 1

Sec. 34-157. General standards for issuance.

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

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

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

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

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

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

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

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

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

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

Attachment 2

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

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

Primary streets: All streets are primary.

Linking streets: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Primary streets: East High Street and Meade Avenue.

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

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

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

Linking streets: None.

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

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

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

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

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

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

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

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

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

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

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

***Primary streets:* All.**

***Linking streets:* None.**

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

Primary streets: South Street.

Linking streets: None.

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

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

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

Attachment 3

Approval without any conditions:

I move to recommend approval of the proposed modification of a special use permit as requested in SP15-00003, because I find that approval of this request is required by the public necessity, convenience, general welfare or good zoning practice.

OR

Approval with conditions:

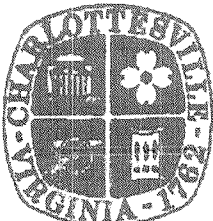
I move to recommend approval of the proposed modification of a special use permit as requested in SP15-00003, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the following conditions:

[List desired conditions]

Denial Options:

I move to recommend denial of this application for an amendment of the special use permit previously approved by City Council on December 1, 2014.

NEIGHBORHOOD DEVELOPMENT SERVICES



SPECIAL USE PERMIT APPLICATION

JUL 21 2015
RECEIVED

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

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

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council for a special permit to use the property located at: 200 2ND ST SW (address), zoned: WATER STREET DISTRICT, for: _____

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

1. 198 feet of frontage on E WATER ST (name of street)
2. Approximate property dimensions: 198 feet by 260 feet
3. Property size: 1.179 AC (square feet or acres)
4. Present Owner: CITY OF CHARLOTTESVILLE (Name) as evidenced by deed recorded in Deed Book Number 170 Page 132, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: PO BOX 911 CHARLOTTESVILLE, VA 22902
6. City Real Property Tax Map Number 28 Parcel(s) _____; Lot(s): _____
69, 71, 72, 73, 74, 75

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

Property Owner Name	Mailing Address	City Tax Map and Parcel #
1. <u>SEE ATTACHED SHEET FOR ADJACENT PROPERTY INFORMATION</u>		
2. _____		
3. _____		
4. _____		

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

Applicant's Name MARKET PLAZA LLC / C/O KEITH WOODARD
 Mailing Address 224 14TH ST CHARLOTTESVILLE, VA 22903
 Applicant's Phone Number(s): 434-971-8860 Work _____ Home _____
 Applicant's Signature [Signature]

W.P. South Street LLC [Signature], Manager

D. Attachments Submitted by the Applicant

1. A required site plan was previously submitted on 08/12/2014 (Date) with the required fee, for a pre-application review conference on _____ (Date). This site plan was prepared by: Name: POWE STUDIO ARCHITECTS PC / GREGORY POWE, AIA Address: 208 3RD ST NE, CHARLOTTESVILLE, VA 22902 Phone: 434-979-0979
2. Other attachments as required by Section 34-158 of the City Code (Office Use: Submitted _____).
3. The correct application fee (see above).

For Office Use Only
 I certify that the sign(s) as required by Section 34-44 of the City Code as amended has been posted on the following date: _____ Signature: _____ (Zoning Administrator)
 Amt Paid: \$1,500 Date Paid: 7/28/15 Cash/Check # 0135 Received by: [Signature]

NEIGHBORHOOD DEVELOPMENT SERVICES

RECEIVED

AMENDED AND RESTATED
SUP CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION
FOR THE PROPOSED WATER STREET PLAZA DEVELOPMENT
_____, 2015

SPECIAL USE PERMIT CONDITIONS:

General

1. 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 October 14, 2014 and November 11, 2014, submitted to the City for and in connection with SP-13-10-19 (“Application”). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City’s BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
2. As used within these conditions, the term “Applicant” shall include the Applicant’s successors and assigns.

Massing and Scale

3. The Applicant shall work with staff and the Board of Architectural Review in the process of obtaining a certificate of appropriateness for the Development, to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR.
 - a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures above the level of the open-air plaza (“Plaza”), with the exception of an elevator on Water Street.
 - b. All outdoor lighting and light fixtures shall be full cut-off luminaires.
 - c. To encourage active uses and building access, a minimum of 3-5 entrances/openings shall be established on Water Street, 2nd Street SW, and South Street as determined by the Board of Architectural Review. On South Street, these will lead to the Plaza.
 - d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners’ associations; written leases; etc.).

Uses

4. The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links.
 - a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as an open space, not as a private parking lot, when not in use. The Plaza shall be maintained as an attractive, user-friendly open-air space. The Plaza will not be a traditional public forum such as a street or public park; however the public will be invited to use and enjoy the Plaza as an invitee of the Applicant, subject to rules and regulations established by the Applicant or its successor in its discretion to ensure the quiet enjoyment of residents and other users of the Development. The Plaza will be closed to other uses and users during specified time periods for events scheduled by the Applicant or its lessees or licensees. Following any such event, the Plaza shall promptly be returned to a clean and attractive condition. The general public shall have a right of access to and use of the pedestrian access connecting Water Street and South Street, which shall include a 16 foot wide pedestrian walkway and handicap access via elevator, and this right of public access shall be recognized within a written instrument recorded within the City's land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. First Street pedestrian access will remain open at all times (even during private events, except if closed for City-sponsored events such as the Farmers Market, or by temporary street closure permit).
 - b. The design and construction of the Plaza and market shall incorporate amenities such as, but not limited to, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in accordance with rules and regulations established by the Applicant.
 - c. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza ("Plaza Layout"), such as: paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that is compatible with the character of the Development and the City's Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days ("Market Plan"). The Market Plan may be

AMENDED AND RESTATED
SUP CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION
FOR THE PROPOSED WATER STREET PLAZA DEVELOPMENT
_____, 2015

changed from time to time by the City Parks and Recreation Department with the agreement of the Applicant. Any minor change to the approved final site plan for the City Market shall be submitted to the director of neighborhood development services for administrative approval.

5. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit. This condition regulating sound generation shall remain in effect until such time that the City's noise ordinance is amended to apply to the exterior areas of the Subject Property.
6. The on-site parking garage shall meet the following requirements:
 - a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.
 - b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. This single entrance/exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

Massing and Scale

7. The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.
8. Along Water Street there shall be provided a stepback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street

AMENDED AND RESTATED
SUP CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION
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shall be 25 feet, and the maximum height shall be 45 feet.

9. Along 2nd Street SW there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

Use

10. **Farmer's Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public at times and dates to be determined by a separate lease agreement between the Applicant and the City.
 - a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.
 - b. The Farmer's Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."
 - c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Applicant or its successors shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition.

11. **Construction**

- a. Prior to commencement of any land disturbing activity on the Property, the Applicant shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.

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_____, 2015

- b. The Applicant shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
- c. The Applicant shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Applicant shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The Applicant shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
- f. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Applicant shall be required to enter into a written encroachment agreement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

11. Traffic

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

AMENDED AND RESTATED
SUP CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION
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_____, 2015

- b. The Applicant shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- c. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
- d. The Applicant shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- e. The Applicant shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- f. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.
- g. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The Applicant shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

Affordable Housing

- 12. The Applicant must declare how it intends to comply with City Code 34-12, prior to the issuance of a building permit for the Development.
- 13. In the event that the Applicant chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution has been calculated by the Applicant and confirmed by the City's Director of Neighborhood Development Services, or designee, and until such contribution

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_____, 2015

has been paid in full to the City.

Landscaping

14. The landscaping plan required as a component of final site plan approval for this Development shall include native or appropriate tree plantings along all street frontages, as well as trees on the Plaza subject to BAR approval. Trees on the Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

The following conditions shall guide the Board of Architectural Review in its review of the application for a certificate of appropriateness for this development, and shall be applied in conjunction with applicable BAR guidelines:

Massing and Scale

1. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
2. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (ex: Trees, Public art, murals that are incorporated in the design of the building).
3. The Planning Commission is in favor of having a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.
4. Request that the BAR discuss the vertical piers on South Street.
5. Brick detailing will be evaluated across all four (4) facades of the proposed development.

Uses

6. **Open-Air Plaza:** Market space/Plaza should contribute positively to the City's open space network.

AND BE IT FURTHER RESOLVED that this amended special use permit is expressly conditioned upon City Council's separate consideration and approval of a sale of the Subject Property to the Applicant, and upon final closing and settlement of any such sale as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**



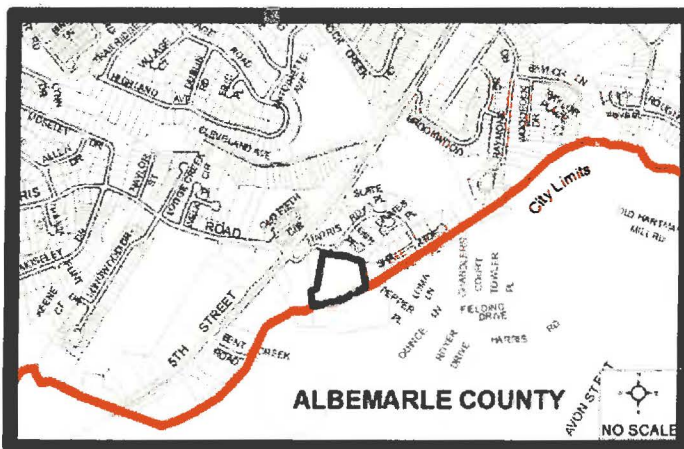
MEMORANDUM

To: Charlottesville Planning Commission
From: Carrie Rainey, RLA, Neighborhood Planner
Date: September 9, 2015
Re: Willoughby Place Site Plan Appeal

Background

Justin Shimp, on behalf of Moore's Creek, LLC, submitted a preliminary site plan application for Willoughby Place on October 29, 2014. The application was denied on November 4, 2014 because the site plan does not meet the required sight distance, and therefore does not comply with City Code 34-896, which stipulates each development must provide safe and convenient access to one or more public roads. The applicant is appealing the Director of Neighborhood Services' denial of the Willoughby Place preliminary site plan.

The property is zoned R-3 Multifamily. This property is further defined on City Real Property Tax Map 21B as parcel 13 in close proximity to Harris Road and containing approximately 220,849 square feet of land (5.07 acres). The preliminary site plan proposes 48 dwelling units located in two multifamily structures.

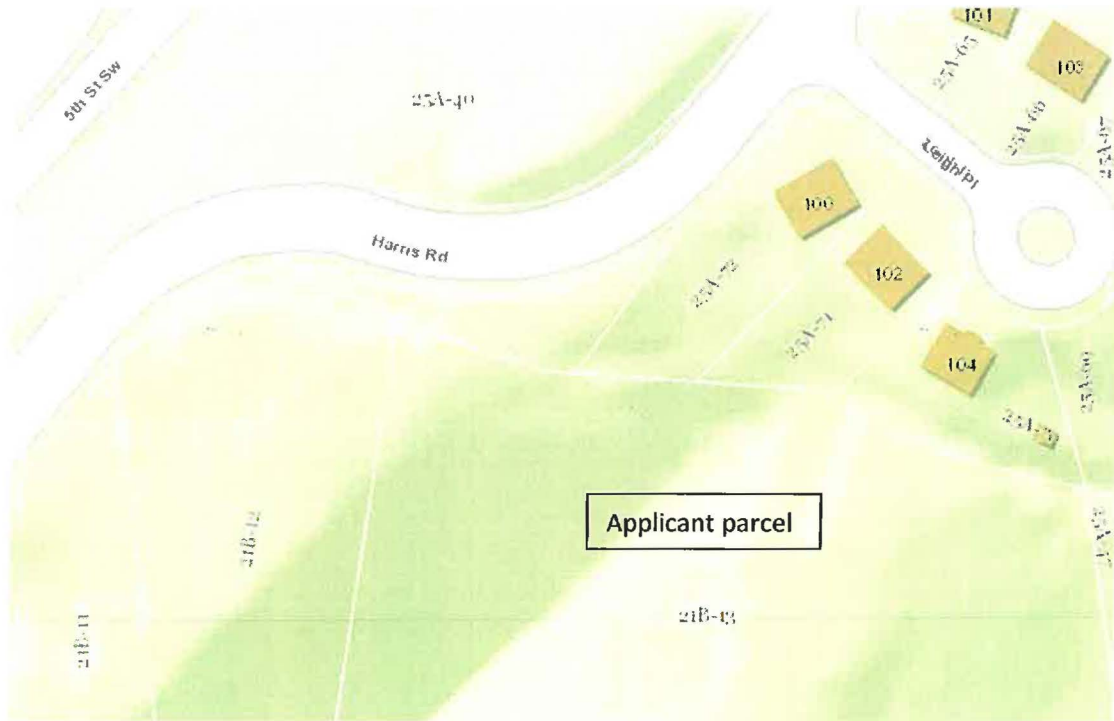


Context Map

The site plan submitted is an amended version of a 2012 submittal by the applicant. In the 2012 submission, the applicant proposed a standard access entrance onto Harris Road. Due to the on-site traffic conditions, a 280-foot sight distance minimum was

required by Traffic Engineering. This requirement is derived from the *Geometric Design Standards for New Residential Streets* Table 1C in Appendix B of the City's Standards and Design Manual. The table is attached to this report for reference.

To comply with the sight distance minimum, the applicant needed to obtain an easement on an adjoining parcel to clear the obstructed view looking towards 5th Street SW. The applicant was unable to attain the needed easement, and therefore did not comply with the required sight distance.



Zoom In Map of Parcel Layout

The applicant subsequently proposed an entrance onto Harris Road utilizing a multi-way stop intersection. Section 2B.07 of the Manual on Uniform Traffic Control Devices (MUTCD) outlines specific criteria that shall be met for installation of all-way stop control at intersections. The applicant did not demonstrate that this criterion had been met and therefore, traffic engineering did not support the all-way stop control.

The applicant appealed the previous disapproval to the Planning Commission on August 14, 2012. The Commission unanimously affirmed the disapproval for the failure by the applicant to provide acceptable, safe, and convenient ingress and egress as required under City Code Section 34-896.

The 2014 submittal under consideration at this time proposes no changes to the access for the development. The 2014 varies from the 2012 submittal in that the second phase

shown in the 2012 submittal is no longer included. This second phase in the 2012 submittal proposed 32 units to be added to the 48 units proposed in the first phase.

Traffic Engineering has determined the reduction in daily trips between the 2012 and 2014 submittals does not alter the original determination regarding the required minimum sight distance. Sight distance calculations are based on travel speeds, existing and projected traffic counts, and additional factors such as road grade.

In addition to failure to meet the required sight distance, the applicant has not demonstrated to staff that access has been secured across the adjacent property to access Harris Road. The applicant's parcel does not have frontage on Harris Road. However, a 1917 Roadway Easement (recorded in Albemarle County Deed Book 166/429, as at that time this parcel was in the County) allows property owners on both sides of the boundary line to use the access easement. This easement has appeared as a twenty (20) foot wide "gravel road" on many recorded plats since the time of the easement recordation. The applicant has not provided staff with documentation that both parties (the applicant, and adjacent landowner, the Willoughby Property Owners Association) agree that the language of this easement includes the right of one party to construct an entrance to a multi-family development (or any development beyond a single-family home, as existed at the time of the 1917 agreement). The easement is attached to this report for reference.

Deficiencies Noted to Date

Ownership of Property—the Willoughby Property Owners Association owns a sliver of land within the area shown on the proposed site plan as the development's entrance from Harris Road. The POA has not joined in, or consented to, the inclusion of its property within the proposed site plan. **Reference: Virginia Code 15.2-2258.**

The "Driveway"—the interior vehicular travelway for the proposed development is labeled a "driveway." However, under the zoning ordinance, any development that is subject to the requirement of a site plan must provide **public street(s)/ road(s)** in accordance with the standards set forth within the city's subdivision ordinance (only one exception: private streets and roads are allowed only for townhouse developments). The area labeled as a private "driveway" is not represented, on the face of the proposed site plan, as an area that will be dedicated for public use and constructed in accordance with the City's public street standards. (*A "development" is defined in City Code 34-1200 to mean a tract of land which will be developed to contain three (3) or more residential units*). **Reference: City Code Sections 34-850; 34-914(a)(1); 34-1200; and 29-182(h).**

Sight Distance—entrance at Harris Street. Staff believes that the proposed site plan does not meet City requirements for sight distance at the intersection with Harris Street.

- a. The proposed entrance does not meet standards set forth within the City's **Standards and Design Manual ("SDM")**.

- i. For traffic purposes, the entrance from the development onto Harris, as depicted, has a functional classification of “local street.” (*a “local street” is defined as a street that provides direct access to adjacent land and serves travel of short distances as compared to higher functional classifications; service to through traffic is discouraged.*) **Reference Section 203.A. SDM.** While the “driveway” is not currently proposed to be connected to an adjacent public street in Albemarle County, staff notes that the layout appears to have been designed to facilitate such a connection in the future.
 - ii. The minimum design standard for a local street (sight distance) is set forth within the Geometric Design Standards for New Residential Subdivision Streets, **Appendix B, Tables 1-3. 204.E. SDM.** According to **Sec. 204.E. and Appendix B, Table 1C** the required sight distance for the intersection with Harris Street should be 280 feet. On the proposed site plan, the sight distance is shown as a “sight distance triangle” with two equal sides of twenty (20) feet. A similar triangle is noted in **City Code Section 34-1121(a)** as the requirement for clear visibility required at all corner lots and is designated as a “sight triangle.” However, Section 34-1121 does **not** govern the traffic design/layout of an entrance—it simply establishes a rule that says “no person shall place or maintain any structures, fences, landscaping or other objects” into the area referred to as the “sight triangle” on a lot of land.
- b. Additionally, City’s traffic engineer is of the opinion that the entrance shown on the proposed site plan at Harris Street is not safe, as designed and depicted on the plan. Given the slope of Harris Street in the vicinity of the intersection, the minimal sight distance shown on the proposed plan will not serve to minimize conflict and friction between vehicular traffic on Harris Street and the traffic entering or exiting the development site. **Reference: City Code 34-896(a).**

Action Taken

Section 34-896 of the City zoning ordinance stipulates each development shall provide for a safe and convenient ingress and egress to one or more public road. Without an acceptable entrance, Section 34-896 and its requirements cannot be sufficiently met. Therefore, the preliminary site plan was denied.

On November 4, 2014, the applicant was notified in writing that the preliminary site plan was disapproved and the reasons, as stated above, were provided. Under Section 34-823, the applicant has ten days to request an appeal to the Planning Commission or pursue judicial review as permitted under Virginia Code Section 15.2-2260. The

applicant requested to appeal the decision to the Planning Commission within the ten day timeframe. If the Planning Commission affirms the decision to disapprove the site plan, that action is also subject to judicial review.

Legal Standard of Review

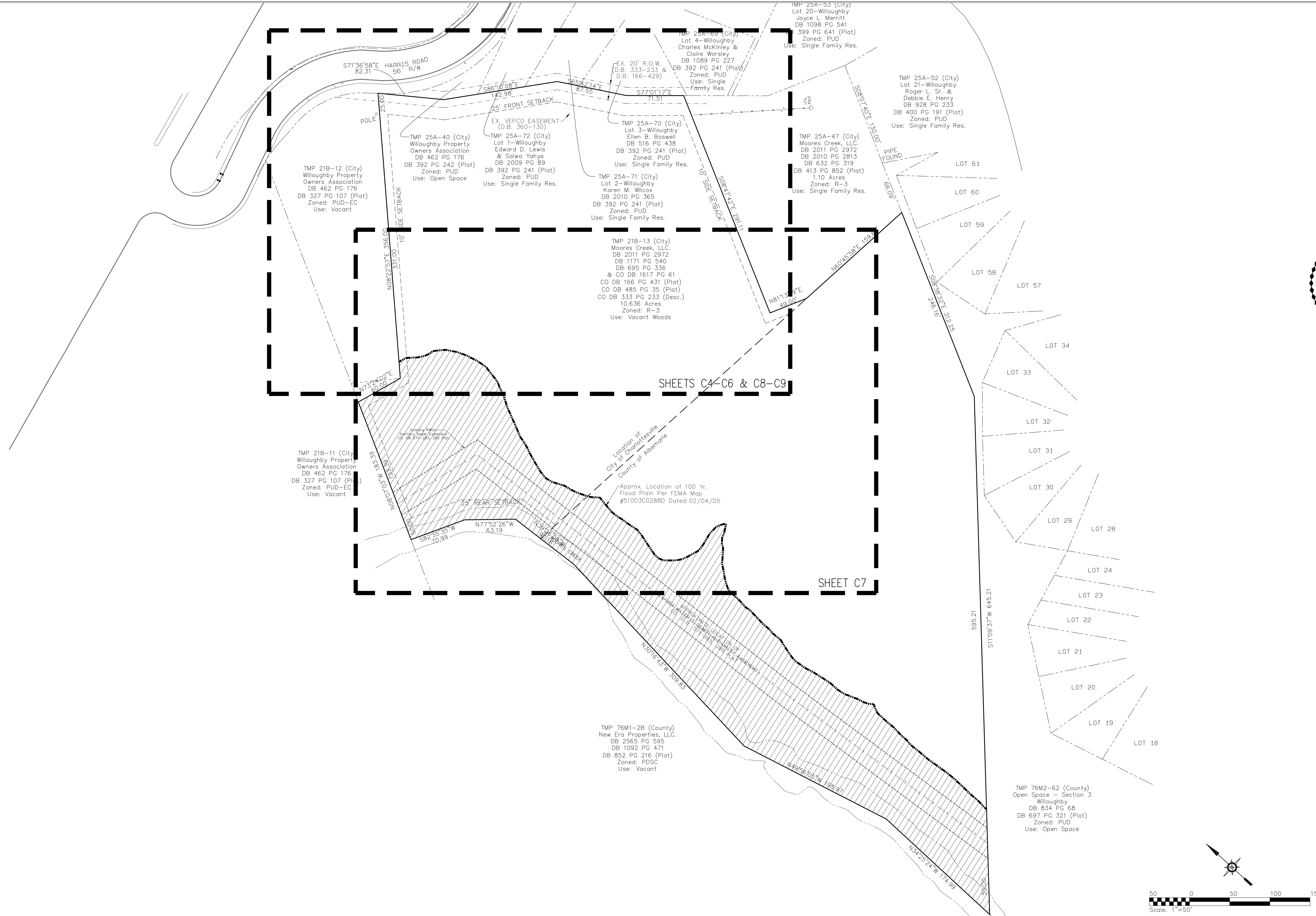
The director's reasons for disapproval of the Willoughby Place preliminary site plan have been provided and corrections were identified that would permit approval of the plan. In the event the Planning Commission determines there are grounds upon which to affirm disapproval of the site plan, the motion must clearly identify the deficiencies in the plan, that are the basis for the denial, by reference to specific City Code sections and requirements. Further, upon disapproval of a site plan, the Planning Commission must identify the modifications or corrections that would permit approval of the plan.

Suggested Motions

1. I move to affirm the Director's November 4, 2014 disapproval of the preliminary site plan submitted by the applicant for Willoughby Place for failure by the applicant to provide acceptable safe and convenient ingress and egress as required under section 34-896 of the zoning ordinance. The applicant shall provide an entrance that meets all applicable city codes and requirements in order to permit approval of the plan.
2. I move to reverse the Director's November 4, 2014 disapproval of the preliminary site plan submitted by the applicant for Willoughby Place for the following reasons:
 - a.
 - b.
3. I move to modify the Director's November 4, 2014 disapproval of the preliminary site plan submitted by the applicant for Willoughby Place as follows:
 - a.
 - b.

Attachments

Preliminary Site Plan for Willoughby Place
Table 1C: Geometric Design Standards for New Residential Subdivision Streets
November 4 2014 Letter of Site Plan Denial
1917 Roadway Easement



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 JUSTIN@SHIMP-ENGINEERING.COM

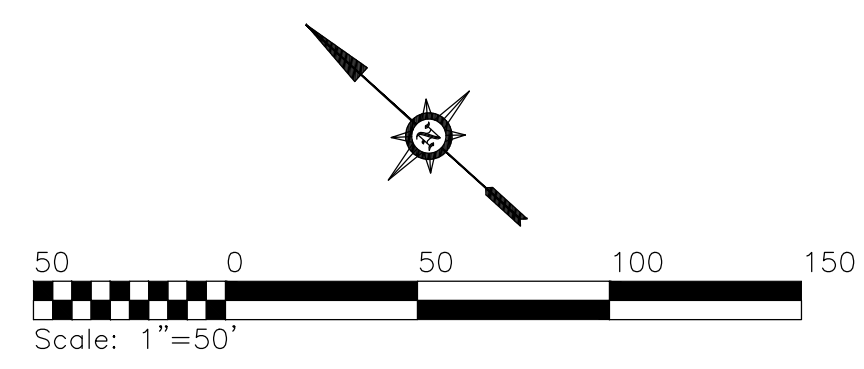


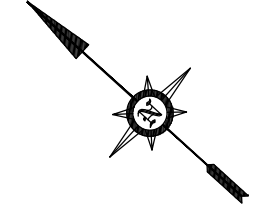
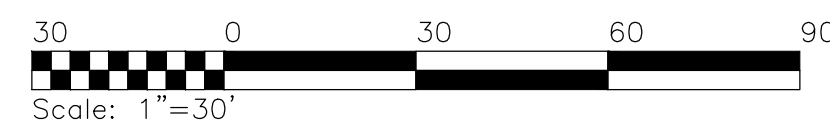
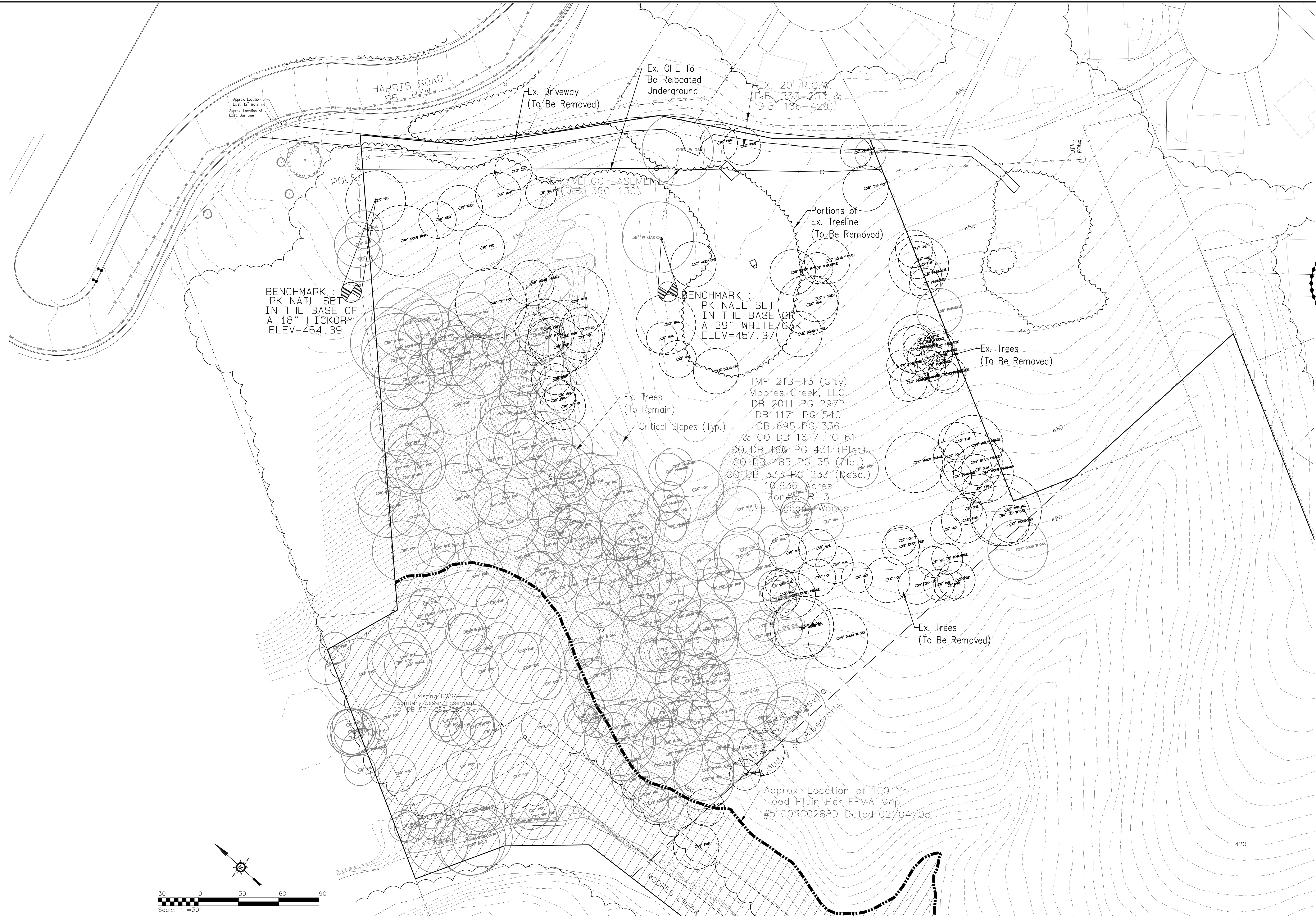
PARCEL OVERVIEW

Rev. #	Date	Description

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
 CHARLOTTESVILLE, VIRGINIA

Date	10/06/2014
Scale	1"=50'
Sheet No.	C2 OF 12
File No.	13.036





BENCHMARK :
PK NAIL SET
IN THE BASE OF
A 18" HICKORY
ELEV=464.39

BENCHMARK :
PK NAIL SET
IN THE BASE OF
A 39" WHITE OAK
ELEV=457.37

TMP 21B-13 (City)
Moore's Creek, LLC
DB 2011 PG 2972
DB 1171 PG 540
DB 695 PG 336
& CO DB 1617 PG 61
CO DB 166 PG 431 (Plat)
CO DB 485 PG 35 (Plat)
CO DB 333 PG 233 (Desc.)
10.636 Acres
Zone: R-3
Use: Vacant Woods

Existing RWSA
Sanitary Sewer Easement
CO DB 571-283-2285 Plat

Apprx. Location of 100 Yr.
Flood Plain Per FEMA Map
#51903CQ288D Dated: 02/04/05

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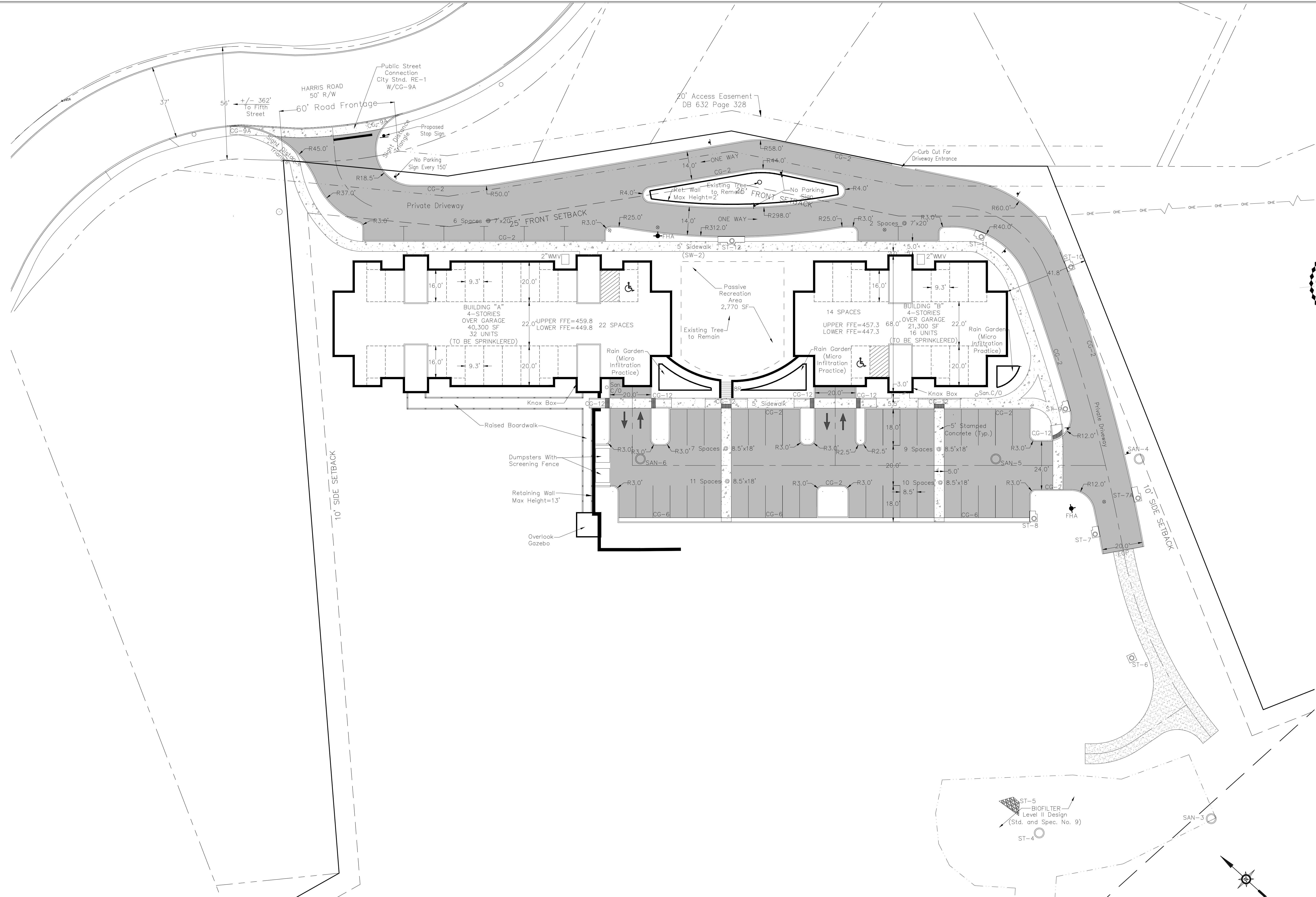


EXISTING CONDITIONS &
DEMOLITION PLAN

Rev. #	Date	Description

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
CHARLOTTEVILLE, VIRGINIA

Date: 10/06/2014
Scale: 1" = 30'
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File No.: 13.036

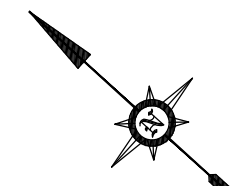
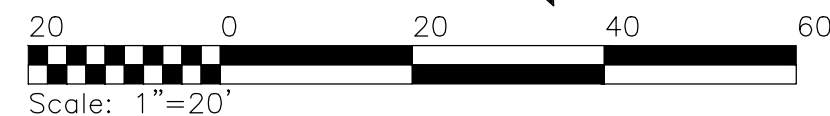


SITE PLAN

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
 CHARLOTTEVILLE, VIRGINIA

Date	10/06/2014
Scale	1"=20'
Sheet No.	C4 OF 12
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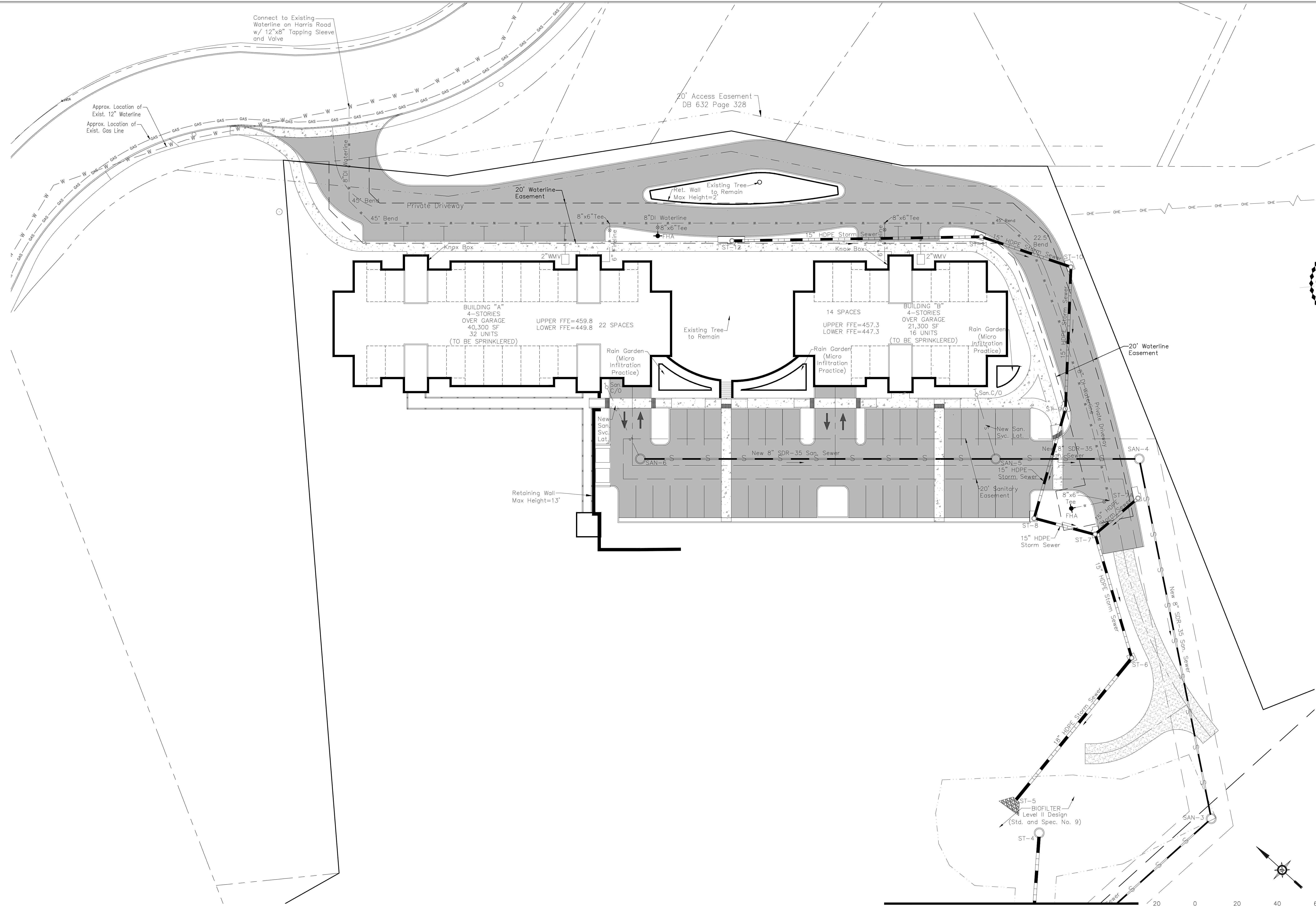
SEE SHEET C7



Connect to Existing Waterline on Harris Road w/ 12"x8" Tapping Sleeve and Valve

Approx. Location of Exist. 12" Waterline
Approx. Location of Exist. Gas Line

20' Access Easement DB 632 Page 328



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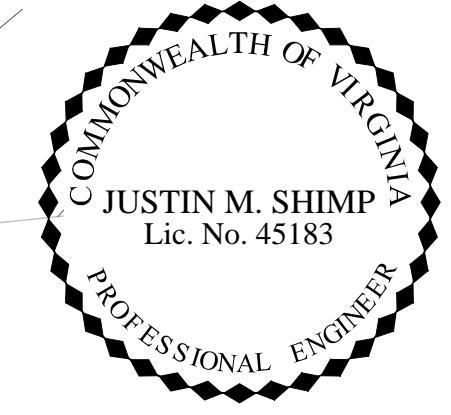
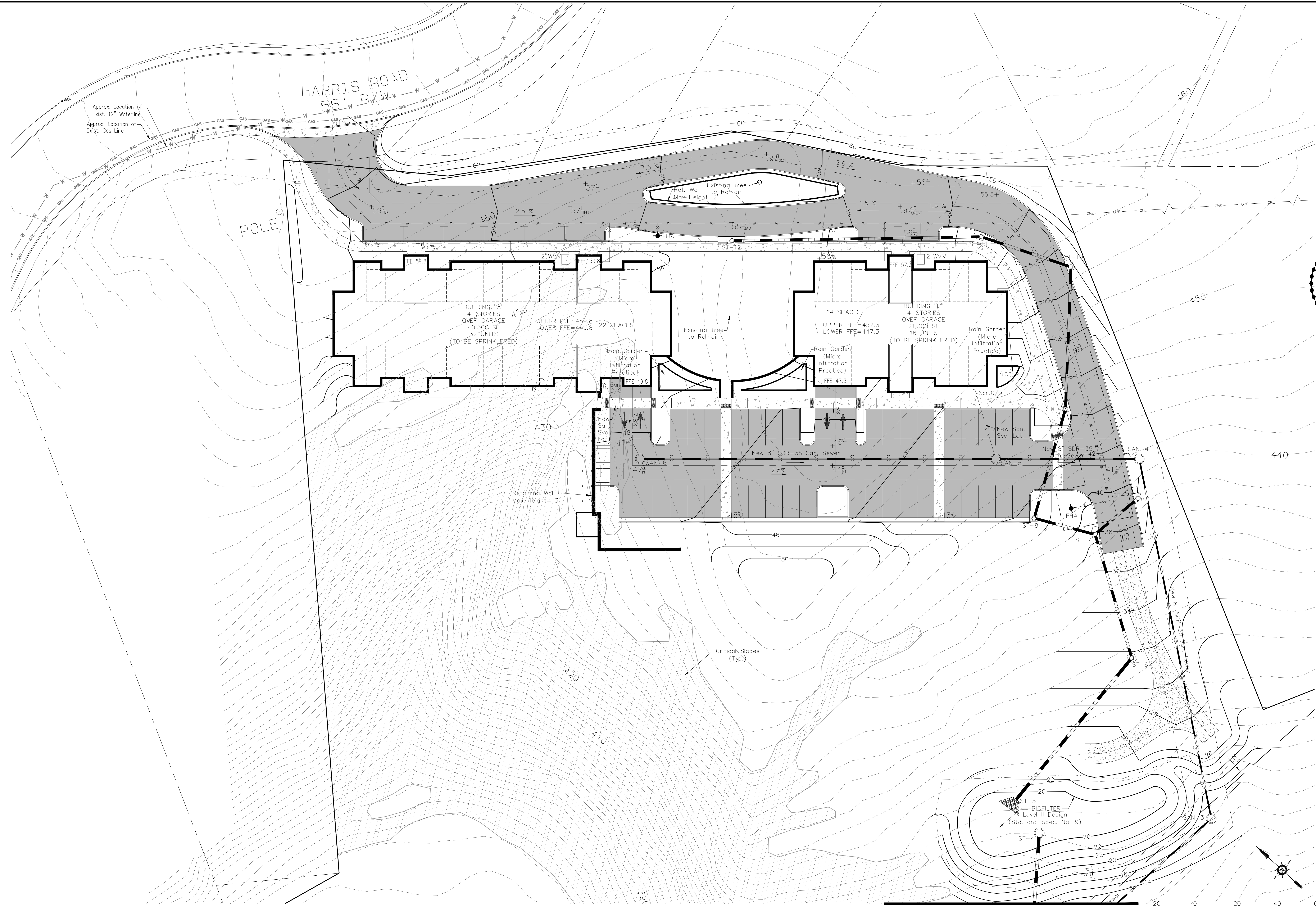
UTILITY PLAN

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
CHARLOTTEVILLE, VIRGINIA

Date	10/06/2014
Scale	1" = 20'
Sheet No.	C5 OF 12
File No.	13.036

SEE SHEET C7



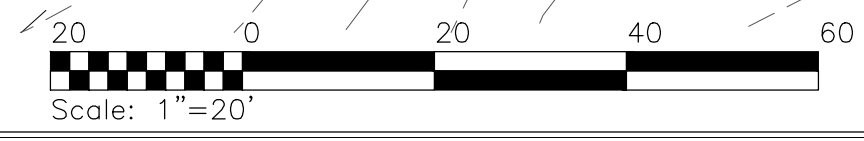


GRADING PLAN

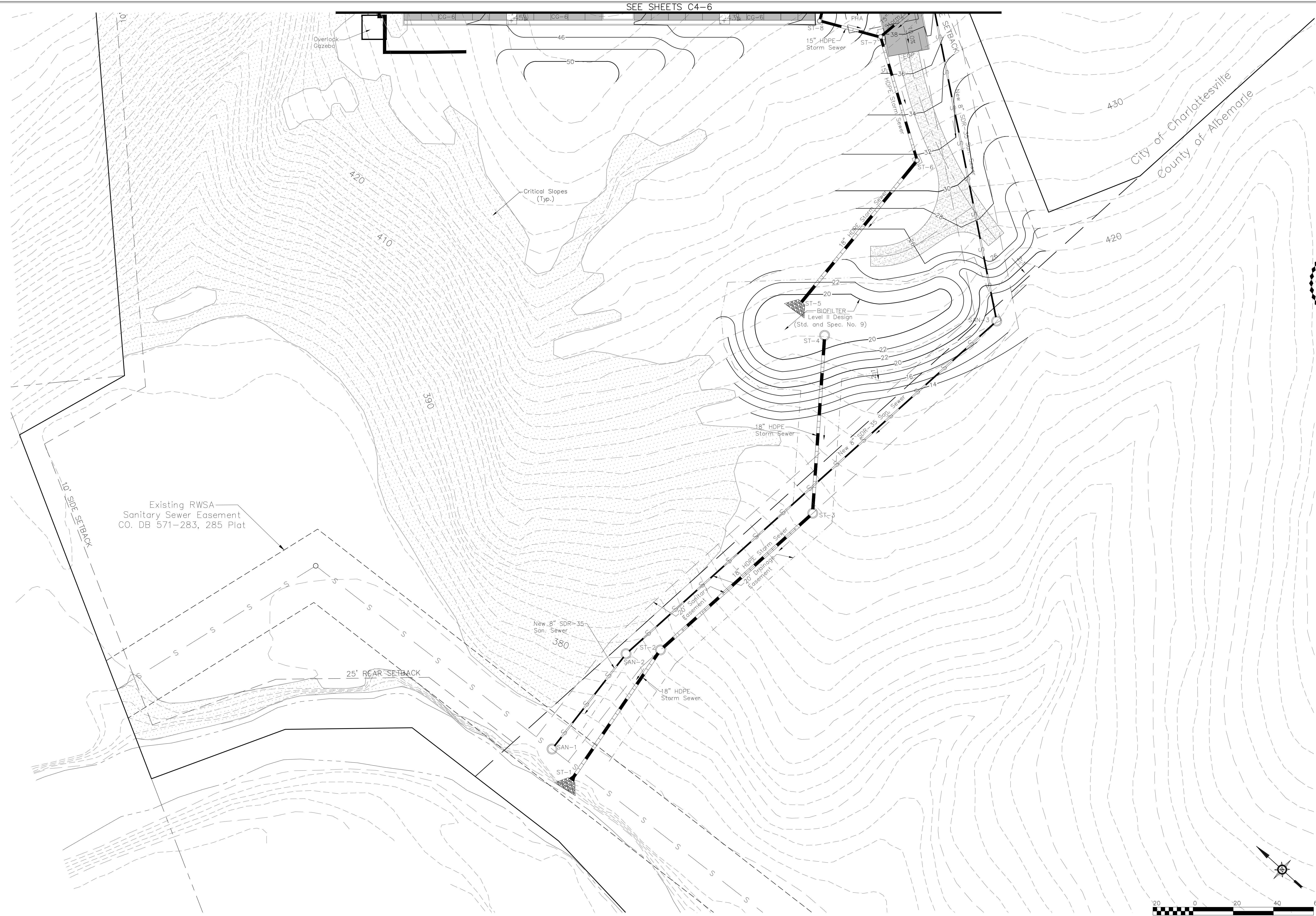
Rev. #	Date	Description

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
 CHARLOTTEVILLE, VIRGINIA

SEE SHEET C7



SEE SHEETS C4-6



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OFFSITE GRADING & UTILITIES PLAN

Rev. #	Date	Description

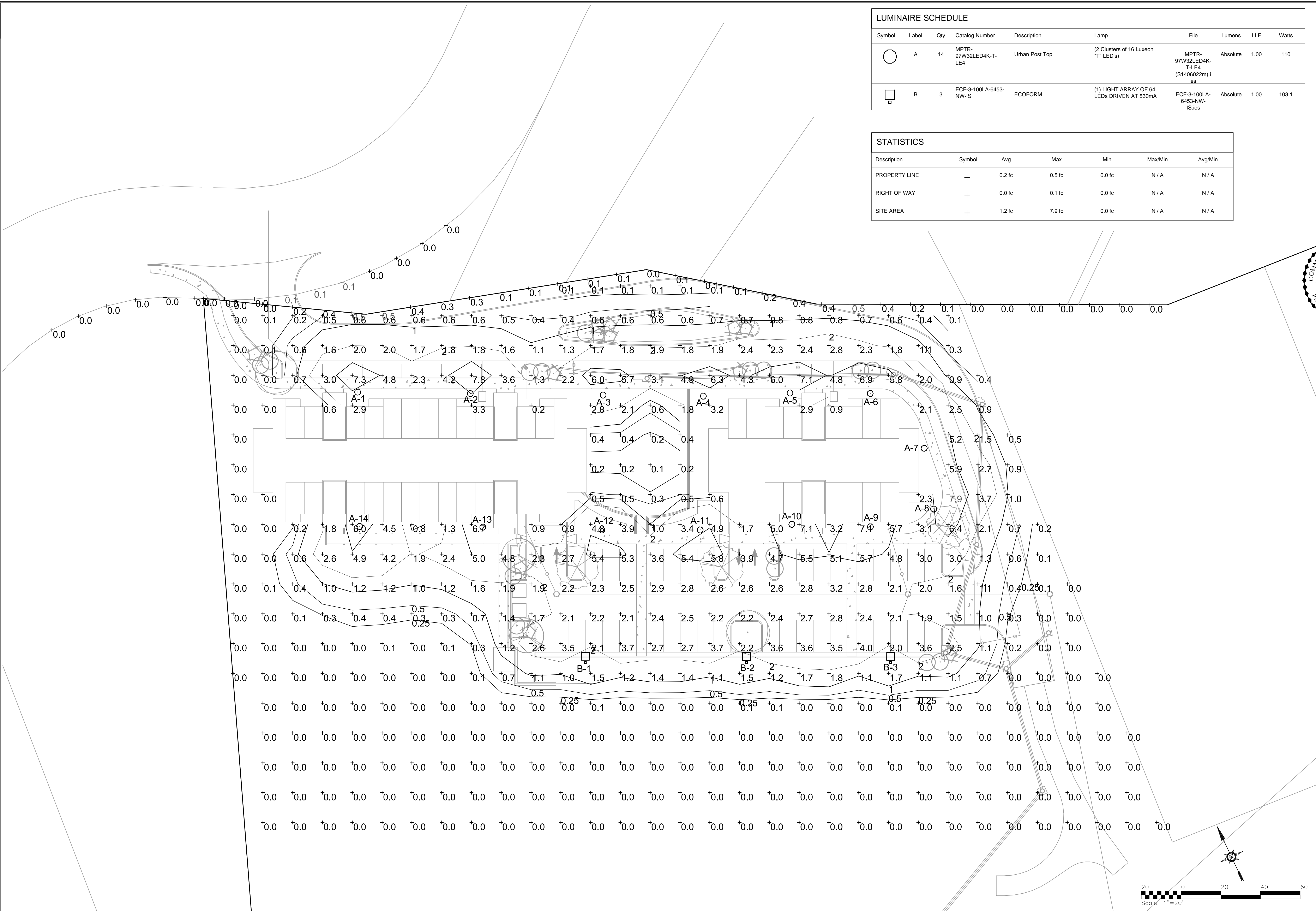
PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
 CHARLOTTEVILLE, VIRGINIA

Date: 10/06/2014
 Scale: 1" = 20'
 Sheet No.: C7 OF 12
 File No.: 13.036



LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
○	A	14	MPTR-97W32LED4K-T-LE4	Urban Post Top	(2 Clusters of 16 Luxeon "T" LED's)	MPTR-97W32LED4K-T-LE4 (S1406022m).ies	Absolute	1.00	110
□	B	3	ECF-3-100LA-6453-NW-IS	ECOFORM	(1) LIGHT ARRAY OF 64 LED'S DRIVEN AT 530mA	ECF-3-100LA-6453-NW-IS.ies	Absolute	1.00	103.1

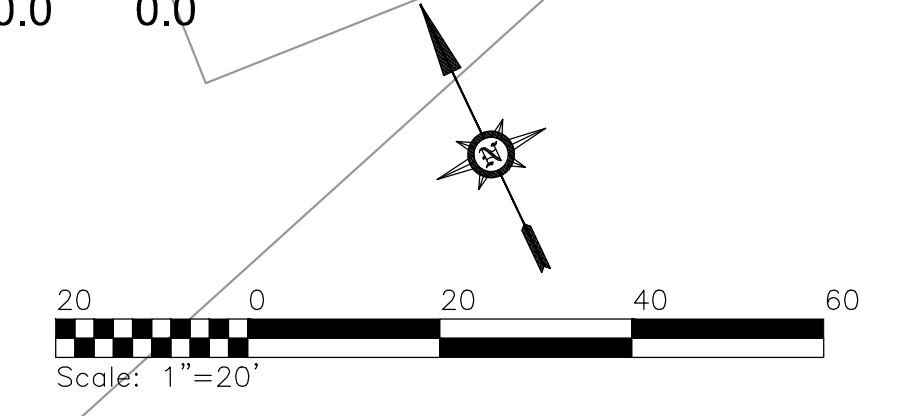
STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PROPERTY LINE	+	0.2 fc	0.5 fc	0.0 fc	N / A	N / A
RIGHT OF WAY	+	0.0 fc	0.1 fc	0.0 fc	N / A	N / A
SITE AREA	+	1.2 fc	7.9 fc	0.0 fc	N / A	N / A



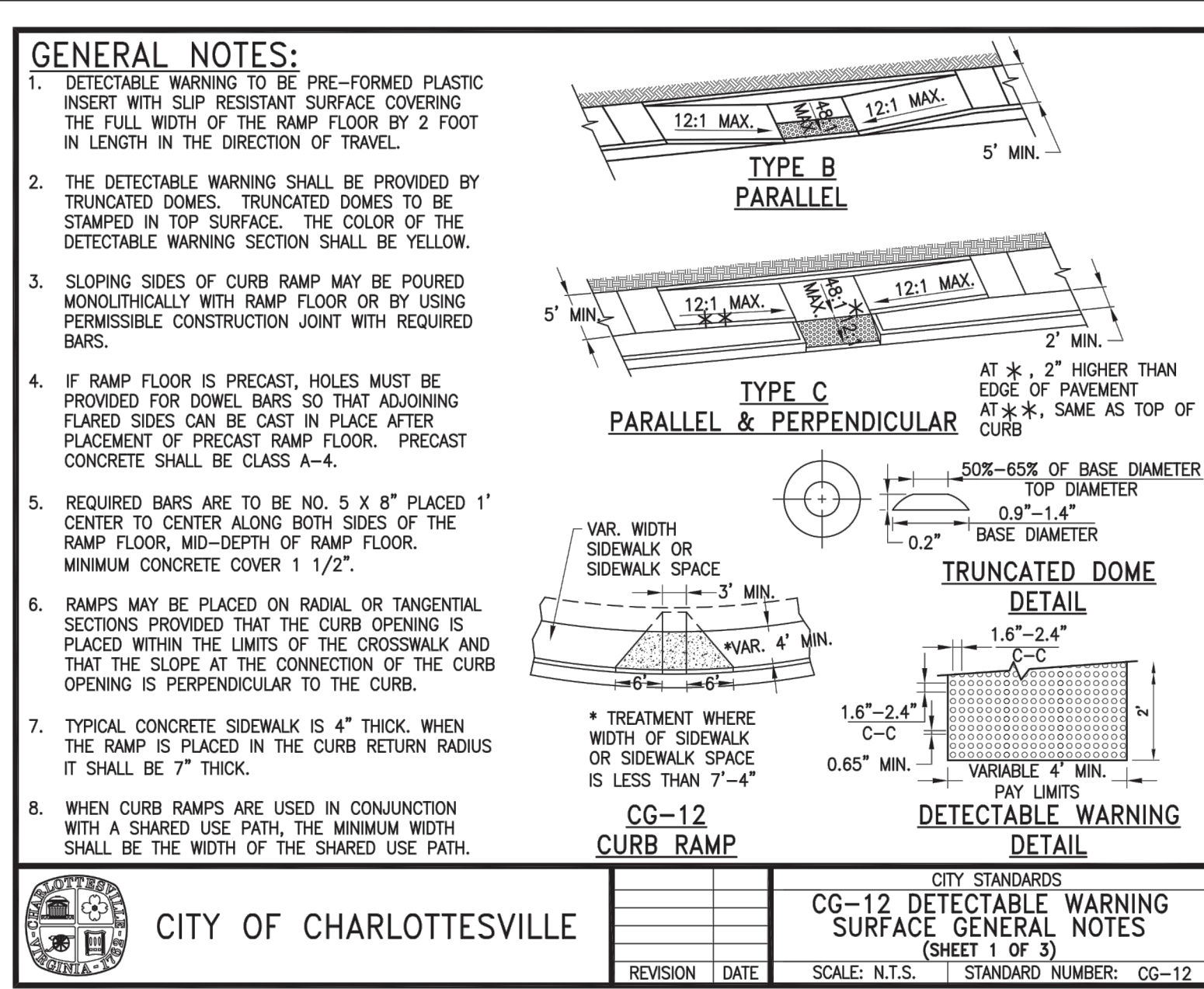
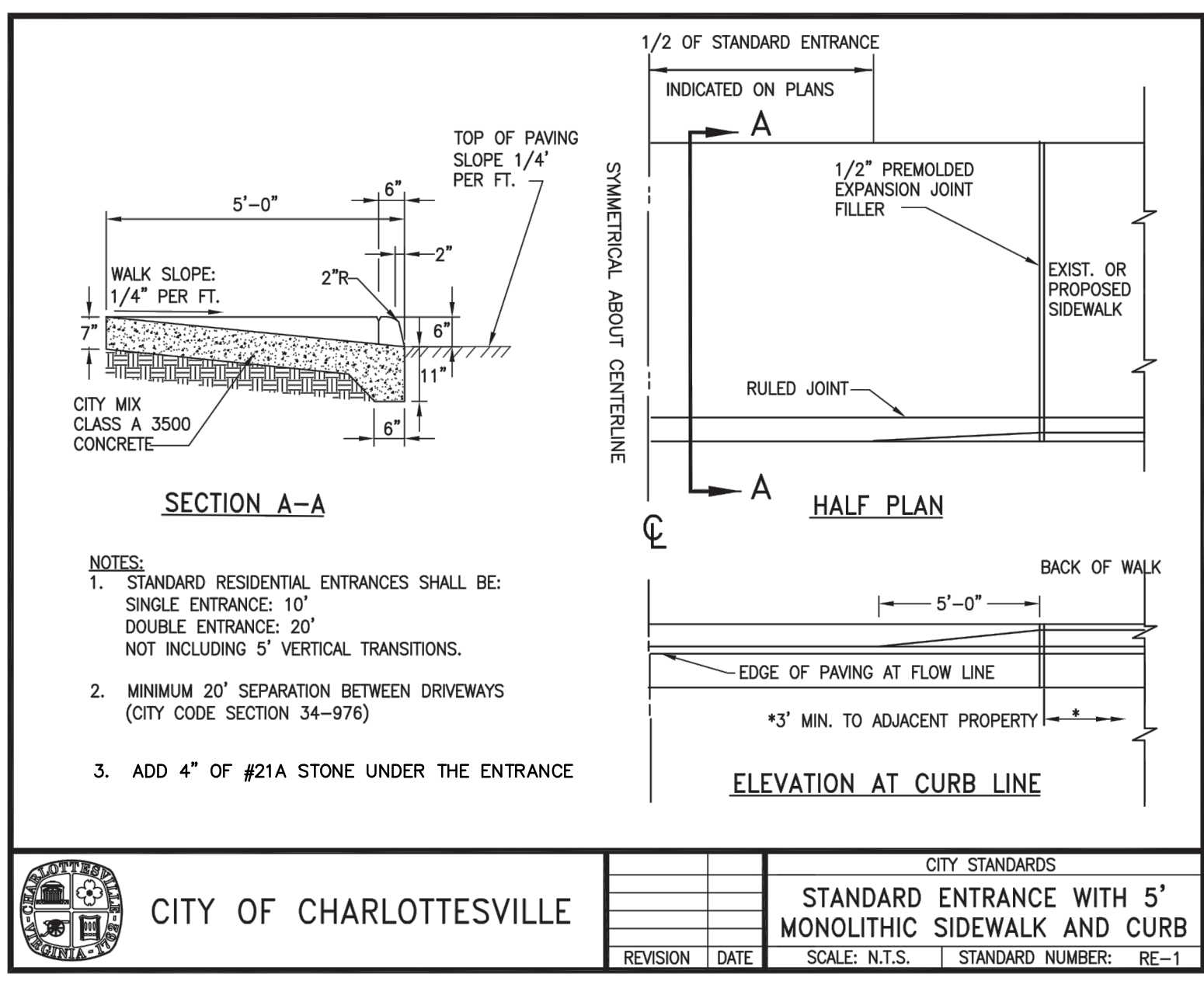
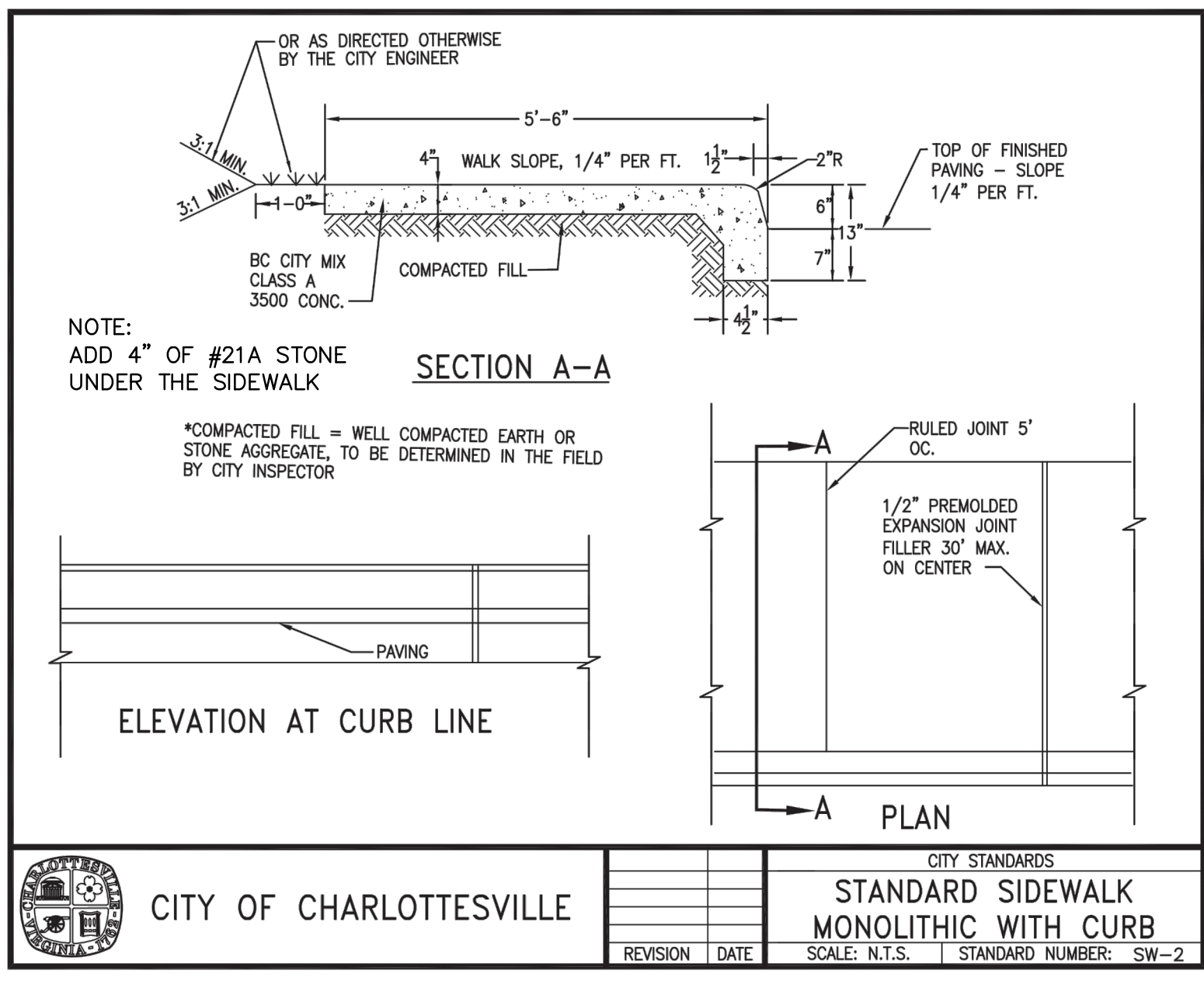
LIGHTING PLAN

Rev. #	Date	Description

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
 CHARLOTTEVILLE, VIRGINIA



Date	10/06/2014
Scale	1"=20'
Sheet No.	C9 OF 12
File No.	13.036



Classic elegance meets advanced lighting technology

METROSCAPE LED POST-TOP URBAN LUMINAIRE

Project: _____
Location: _____
Catalog No: _____
Fixture Type: _____
Mfg: _____ Lamp: _____ Qty: _____
Notes: _____

Ordering guide

Luminaire	LED Module	Optical System	Voltage	Driver Options	Luminaire Options	Mounting	Pole	Accessories	Finish
MPTX: MetroScape Post-Top LED Luminaire	LE2: Type I (ASTM) 120V 120V Type II (ASTM) 240V 240V Type III (ASTM) 480V 480V	LE3: Type I (ASTM) 120V 120V Type II (ASTM) 240V 240V Type III (ASTM) 480V 480V	LE4: Type IV (ASTM) 120V 120V Type V (ASTM) 240V 240V Type VI (ASTM) 480V 480V	HS: House Side Shield OVR: Oscillator PH: Photocell PHX: Photocell RCD: 3-Pr photocell TND: 1" Filter to fit over a 3/4" (19mm) O.D. by 4" (102mm) long screen TND.5" 1/2" Filter to fit over a 3/4" (19mm) O.D. by 4" (102mm) long screen	BE1TX BE2TX BG1TX BG2TX BRTX GN1TX GN2TX GR GT1TX GR GT2TX NP RD1TX RD2TX TG TS WH1TX (Consult for color options)	Consult the Philips web site for details and the complete line of Poles	SFC: Starline SNC: Starline SPCD: Starline SPL: Starline	Consult the Philips web site for details and the complete line of Mountings	Consult the Philips web site for details and the complete line of Mountings

Specifications

Age: In a round shape with 4 arms and a built-in mechanical ring, this cap is a one-piece die cast A360 Aluminum alloy 0100 (2.5mm) minimum thickness, mechanically finished with anodized clear coat.

Finish: Made of die cast A360 Aluminum alloy 0100 (2.5mm) minimum thickness, mechanically finished with anodized clear coat.

LED Module: LED type Philips Lumileds LUXEON T. Composed of high performance white LEDs. Color temperature of 4000 Kelvin nominal, 70 CRI. Operating lifespan 100,000 hours (see chart for specific lifetime based on mA) based on TM 21 extrapolation to get results after which 50% of LEDs still emits over 70% (70%) of its original lumen output. Use of metal core board ensures greater heat transfer and longer lifespan of the light engine.

Optical System: LED type Philips Lumileds LUXEON T. Composed of high performance optical polymer refractor lenses to achieve desired distribution optimized to get maximum spacing, target lumens and a superior lighting uniformity. System is rated IP66. Performance shall be tested per LM 62, LM 79 and TM 15 (IESNA) certifying its photometric performance. Street side indicated. Dark Sky compliant with 0% uplight and 0% per IESNA TM 15.

Philips Lumec logo.

METROSCAPE LED POST-TOP URBAN LUMINAIRE

Ordering Guide (Accessories) - Motion Response*
Must be ordered as a separate line item

Accessory ACC: 120V 277V

Motion Response Module: HRP1G1 Single Grey, HRP1G2 Double Grey, HRP1W1 Single White, HRP1W2 Double White

Dimensions - MetroScape Post-Top LED (MPTX) Luminaire

20 5/8" (511 mm)
17 3/4" (451 mm)
38 1/2" (978 mm)
28 1/2" (728 mm) L.C.

EPAL: 1.97 sq ft
Luminaire Weight: 31.1 lb (14.1 kg)

Specifications (continued)

Finish: Decorative cast 356 aluminum, mechanically assembled.

Hood: Made of die cast A360 Aluminum alloy 0100 (2.5mm) minimum thickness, mechanically assembled to the cast aluminum heat sink.

Access-Mechanism: A die cast A360 Aluminum alloy 0100 (2.5mm) minimum thickness technical ring with latch and hinge.

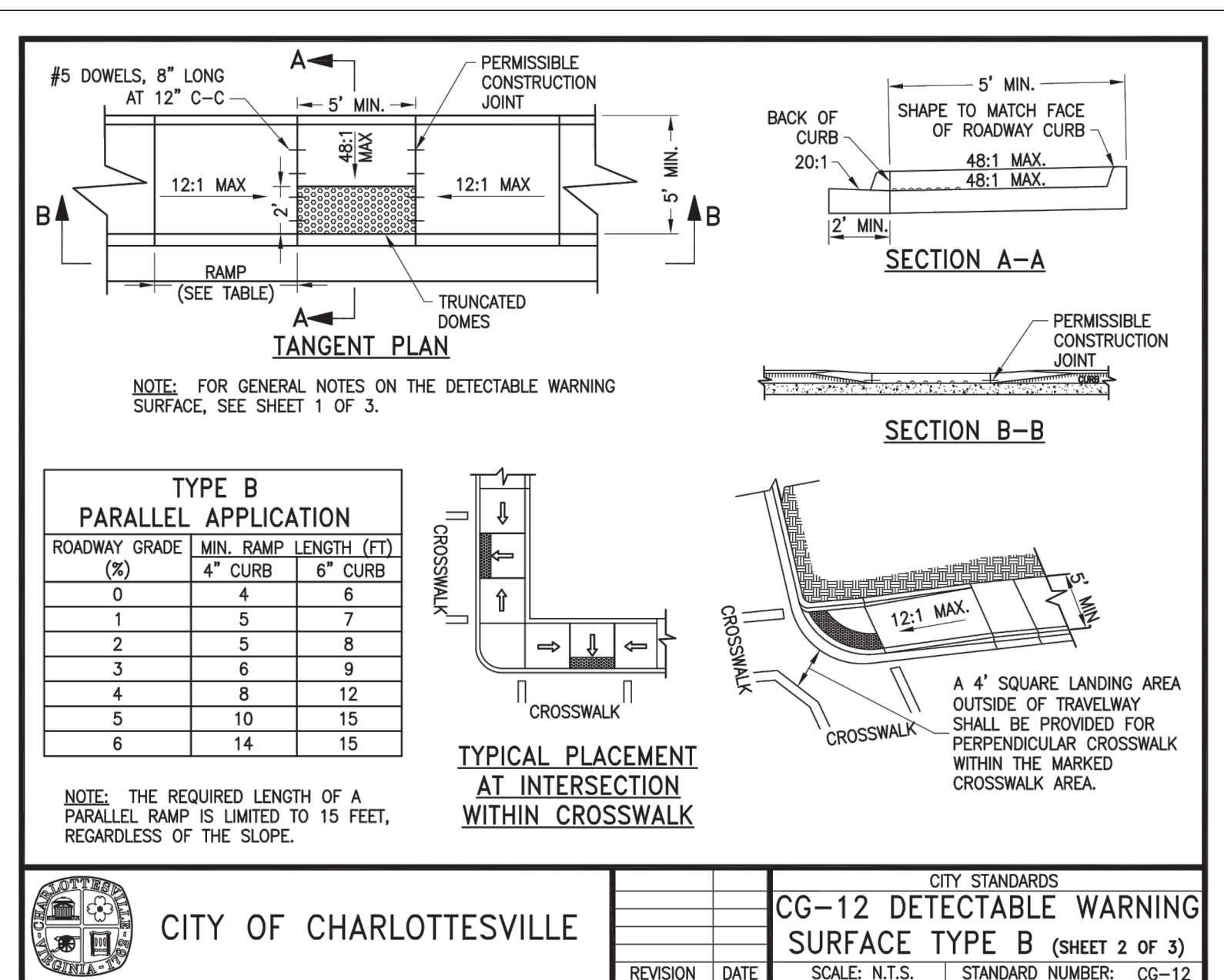
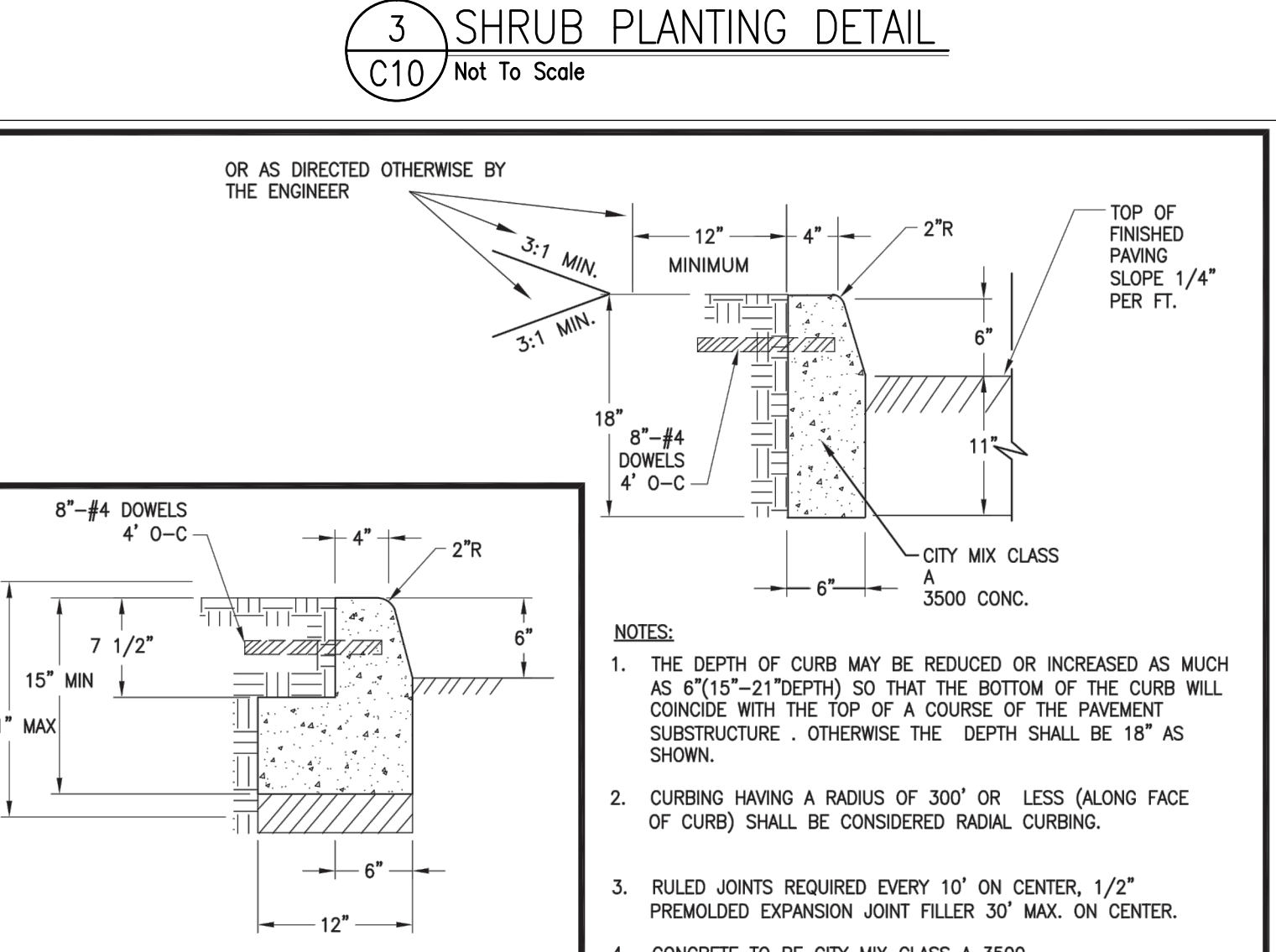
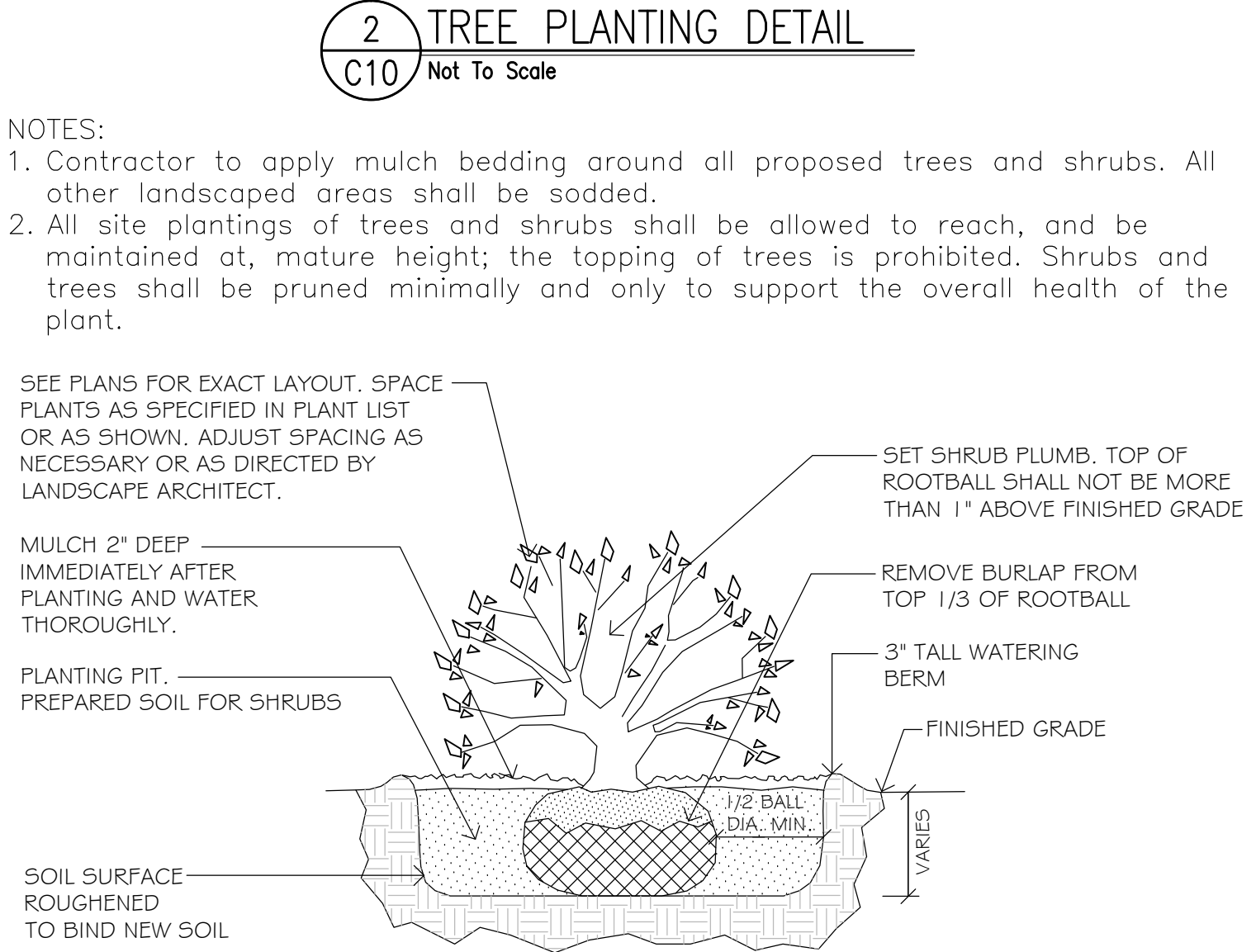
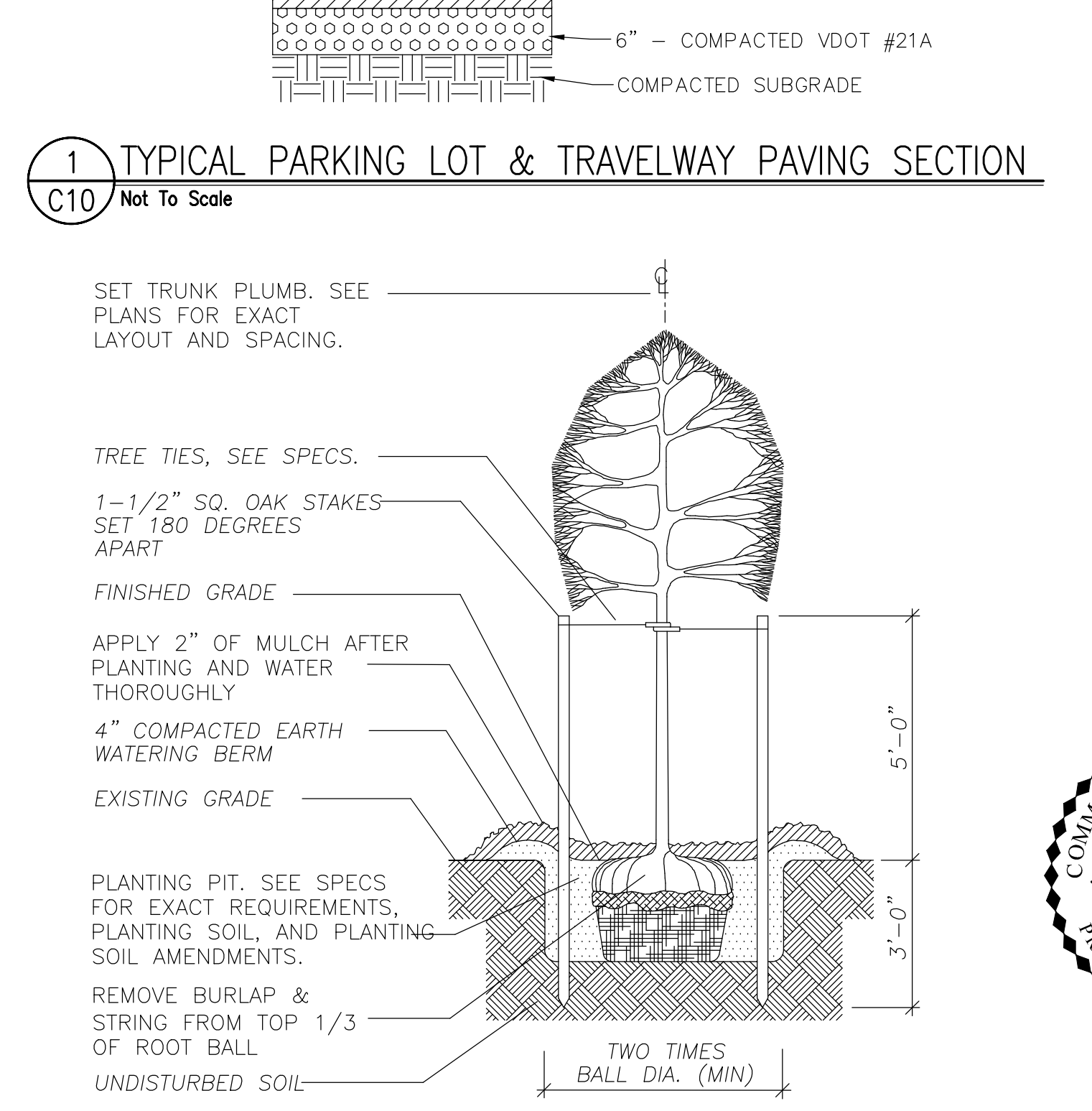
Light Engine: LED is composed of 4 main components: LED lamp / Optical System / Heat Sink / Driver. Electrical components are RoHS compliant.

LED Lens: Made of soda lime clear tempered glass, mechanically assembled and sealed onto the ring of the access mechanism.

LED Module: LED type Philips Lumileds LUXEON T. Composed of high performance white LEDs. Color temperature of 4000 Kelvin nominal, 70 CRI. Operating lifespan 100,000 hours (see chart for specific lifetime based on mA) based on TM 21 extrapolation to get results after which 50% of LEDs still emits over 70% (70%) of its original lumen output. Use of metal core board ensures greater heat transfer and longer lifespan of the light engine.

Optical System: LED type Philips Lumileds LUXEON T. Composed of high performance optical polymer refractor lenses to achieve desired distribution optimized to get maximum spacing, target lumens and a superior lighting uniformity. System is rated IP66. Performance shall be tested per LM 62, LM 79 and TM 15 (IESNA) certifying its photometric performance. Street side indicated. Dark Sky compliant with 0% uplight and 0% per IESNA TM 15.

Philips Lumec logo.



SHIMP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT

201 E MAIN ST, SUITE M CHARLOTTEVILLE, VA 22902
PHONE: (434) 207-8086
JUSTIN@SHIMP-ENGINEERING.COM

COMMONWEALTH OF VIRGINIA
JUSTIN M. SHIMP
Lic. No. 45183
PROFESSIONAL ENGINEER

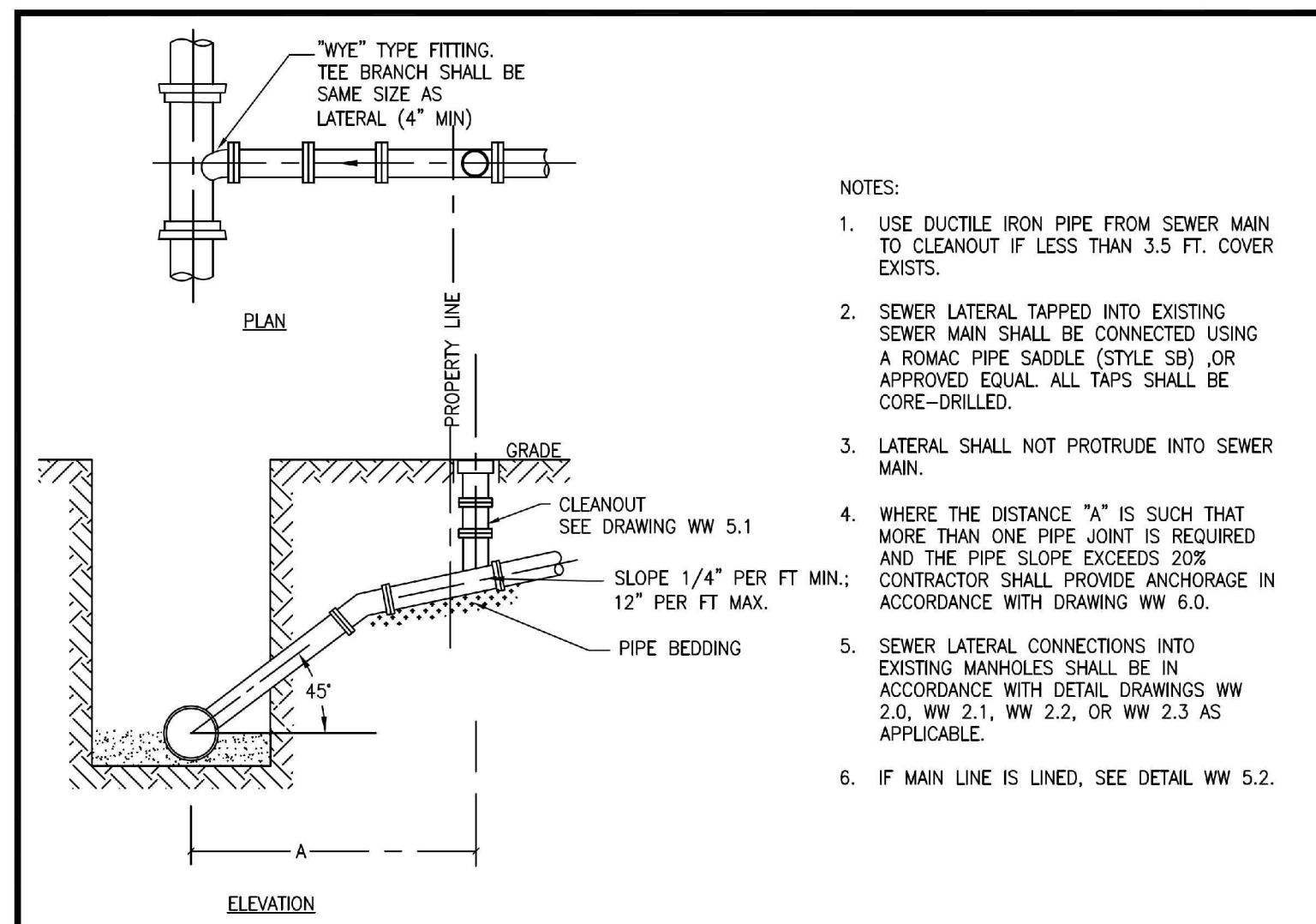
WILLOUGHBY PLACE
CHARLOTTEVILLE, VIRGINIA

PRELIMINARY SITE DEVELOPMENT PLAN FOR

SITE DETAILS

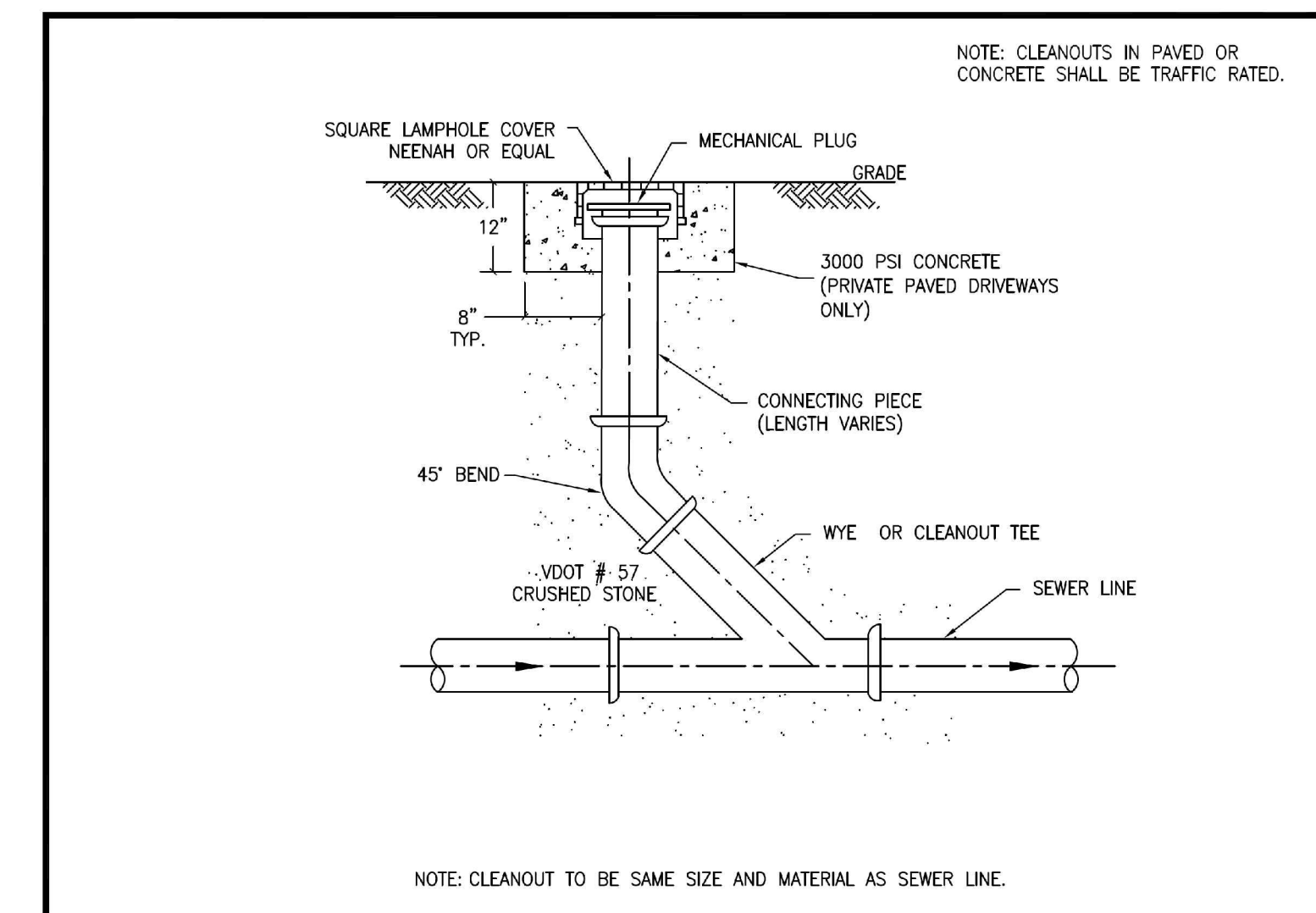
Rev. #	Date	Description

Date: 10/06/2014
Scale: N/A
Sheet No: C10 OF 12
File No: 13.036



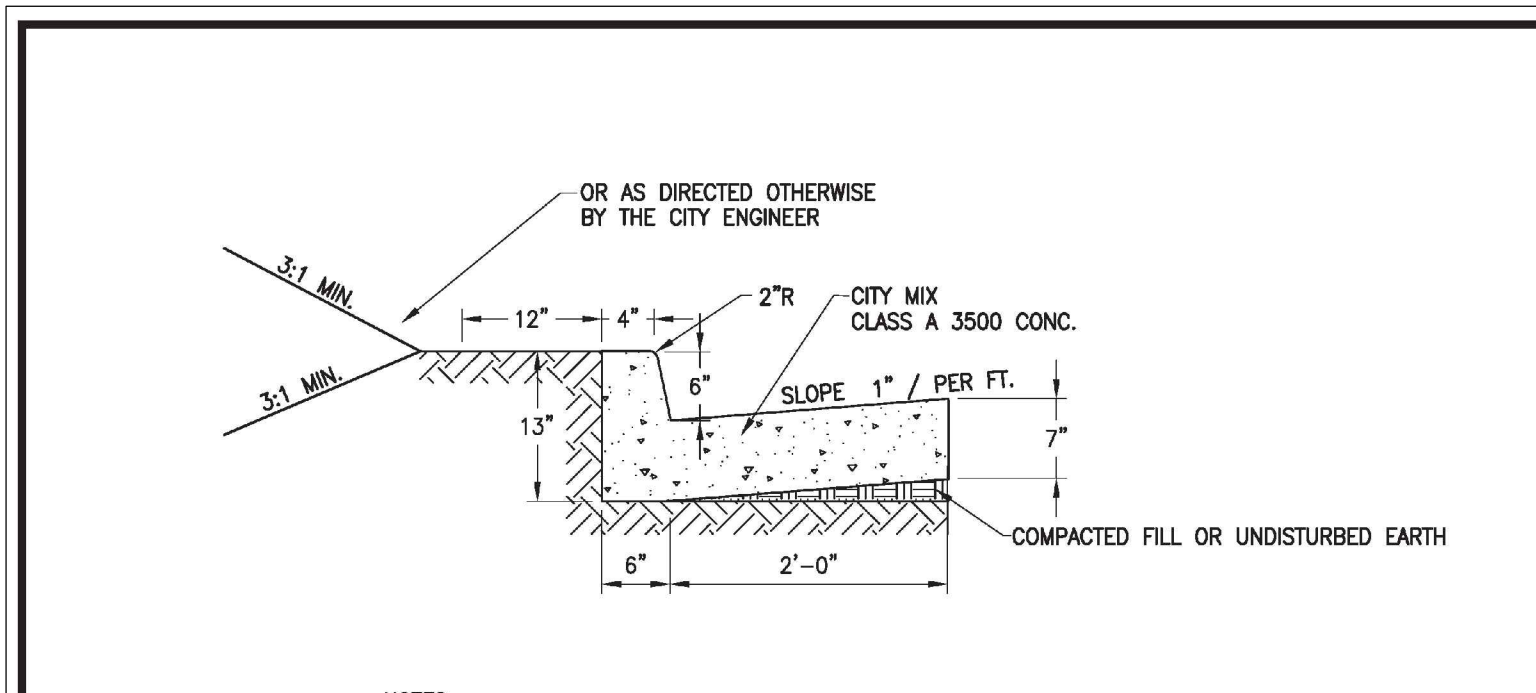
- NOTES:
1. USE DUCTILE IRON PIPE FROM SEWER MAIN TO CLEANOUT IF LESS THAN 3.5 FT. COVER EXISTS.
 2. SEWER LATERAL TAPPED INTO EXISTING SEWER MAIN SHALL BE CONNECTED USING A ROMAC PIPE SADDLE (STYLE SB) OR APPROVED EQUAL. ALL TAPS SHALL BE CORE-DRILLED.
 3. LATERAL SHALL NOT PROTRUDE INTO SEWER MAIN.
 4. WHERE THE DISTANCE "A" IS SUCH THAT MORE THAN ONE PIPE JOINT IS REQUIRED AND THE PIPE SLOPE EXCEEDS 20% CONTRACTOR SHALL PROVIDE ANCHORAGE IN ACCORDANCE WITH DRAWING WW 6.0.
 5. SEWER LATERAL CONNECTIONS INTO EXISTING MANHOLES SHALL BE IN ACCORDANCE WITH DETAIL DRAWINGS WW 2.0, WW 2.1, WW 2.2, OR WW 2.3 AS APPLICABLE.
 6. IF MAIN LINE IS LINED, SEE DETAIL WW 5.0.

CITY OF CHARLOTTEVILLE	JAN	2011	CITY STANDARDS
	SEWER LATERAL CONNECTION - TYPICAL		SCALE: N.T.S. STANDARD NUMBER: WW 5.0
REVISION	DATE	SCALE: N.T.S.	STANDARD NUMBER: WW 5.0



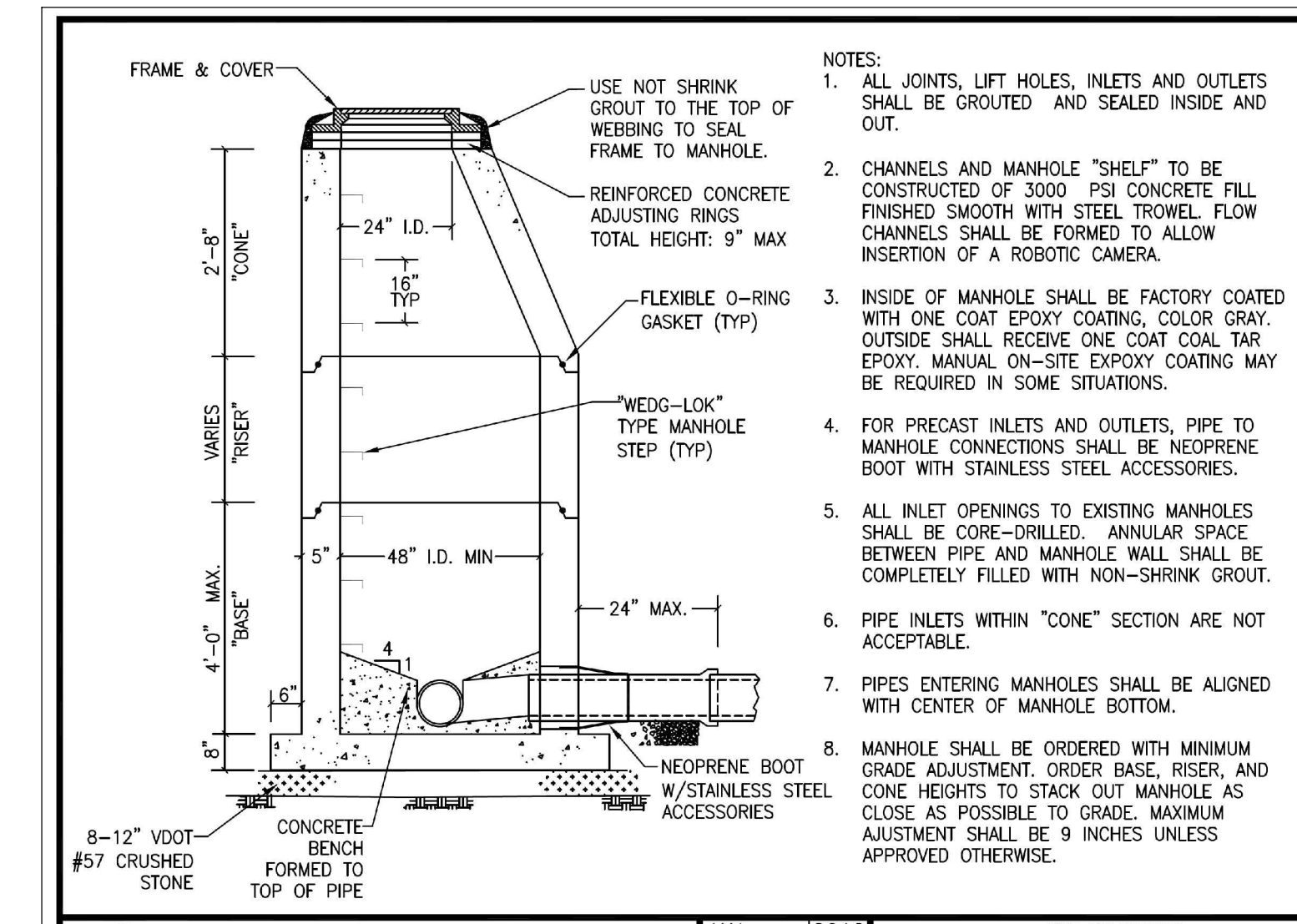
- NOTE: CLEANOUTS IN PAVED OR CONCRETE SHALL BE TRAFFIC RATED.
- NOTE: CLEANOUT TO BE SAME SIZE AND MATERIAL AS SEWER LINE.

CITY OF CHARLOTTEVILLE	JAN	2011	CITY STANDARDS
	CLEANOUT DETAIL		SCALE: N.T.S. STANDARD NUMBER: WW 5.1
REVISION	DATE	SCALE: N.T.S.	STANDARD NUMBER: WW 5.1



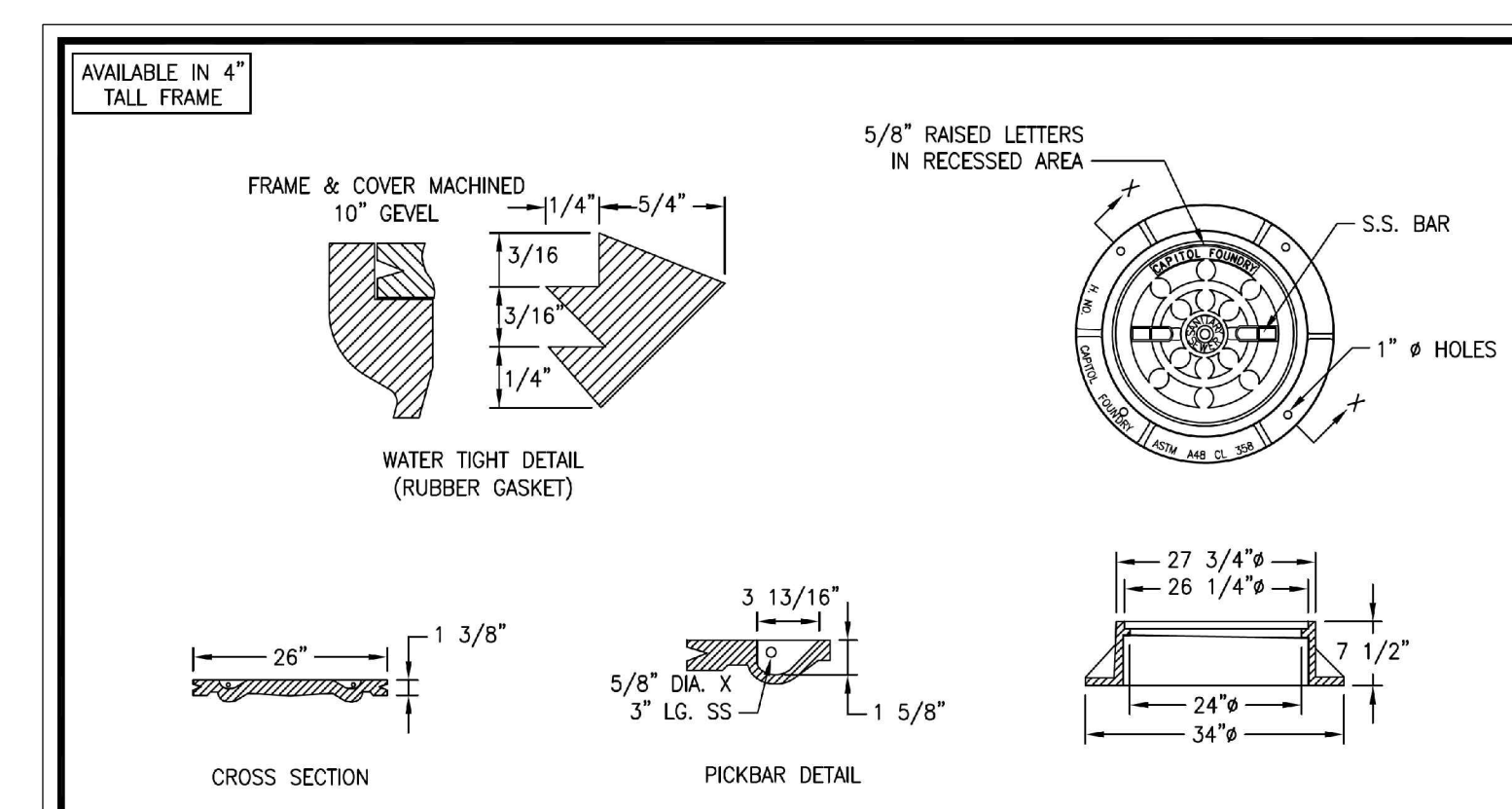
- OR AS DIRECTED OTHERWISE BY THE CITY ENGINEER
- NOTES:
1. THE BOTTOM OF THE CURB AND GUTTER MAY BE CONSTRUCTED PARALLEL TO THE SLOPE OF SUB-SURFACE COURSES PROVIDED A MINIMUM DEPTH OF 7" IS MAINTAINED.
 2. COMBINATION CURB & GUTTER HAVING A RADIUS OF 300' OR LESS (ALONG FACE OF CURB) SHALL BE CONSIDERED RADIAL COMBINATION CURB & GUTTER.
 3. RULED JOINTS SHALL BE PLACED AT 10' O.C.
 4. PLACE 1/2" PREMOULDED EXPANSION JOINT FILLER AT 30' MAX. O.C.

CITY OF CHARLOTTEVILLE	JAN	2011	CITY STANDARDS
	COMBINATION CURB & GUTTER		SCALE: N.T.S. STANDARD NUMBER: CG-6
REVISION	DATE	SCALE: N.T.S.	STANDARD NUMBER: CG-6



- NOTES:
1. ALL JOINTS, LIFT HOLES, INLETS AND OUTLETS SHALL BE GROUTED AND SEALED INSIDE AND OUT.
 2. CHANNELS AND MANHOLE "SHELF" TO BE CONSTRUCTED OF 3000 PSI CONCRETE FILL FINISHED SMOOTH WITH STEEL TROWEL. FLOW CHANNELS SHALL BE FORMED TO ALLOW INSERTION OF A ROBOTIC CAMERA.
 3. INSIDE OF MANHOLE SHALL BE FACTORY COATED WITH ONE COAT EPOXY COATING, COLOR GRAY. OUTSIDE SHALL RECEIVE ONE COAT COAL TAR EPOXY. MANUAL ON-SITE EPOXY COATING MAY BE REQUIRED IN SOME SITUATIONS.
 4. FOR PRECAST INLETS AND OUTLETS, PIPE TO MANHOLE CONNECTIONS SHALL BE NEOPRENE BOOT WITH STAINLESS STEEL ACCESSORIES.
 5. ALL INLET OPENINGS TO EXISTING MANHOLES SHALL BE CORE-DRILLED. ANNULAR SPACE BETWEEN PIPE AND MANHOLE WALL SHALL BE COMPLETELY FILLED WITH NON-SHRINK GROUT.
 6. PIPE INLETS WITHIN "CONE" SECTION ARE NOT ACCEPTABLE.
 7. PIPES ENTERING MANHOLES SHALL BE ALIGNED WITH CENTER OF MANHOLE BOTTOM.
 8. MANHOLE SHALL BE ORDERED WITH MINIMUM GRADE ADJUSTMENT. ORDER BASE, RISER, AND CONE HEIGHTS TO STACK OUT MANHOLE AS CLOSE AS POSSIBLE TO GRADE. MAXIMUM ADJUSTMENT SHALL BE 9 INCHES UNLESS APPROVED OTHERWISE.

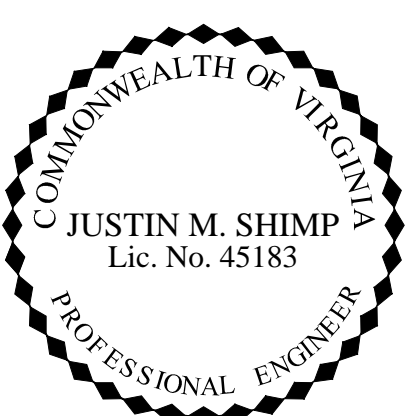
CITY OF CHARLOTTEVILLE	JAN	2012	CITY STANDARDS
	CONCRETE MANHOLE - TYPICAL		SCALE: N.T.S. STANDARD NUMBER: WW 2.0
REVISION	DATE	SCALE: N.T.S.	STANDARD NUMBER: WW 2.0



- NOTES:
1. ALL MANHOLES WITHIN THE 100-YEAR FLOODPLAIN OR LOCATED IN AREAS SUBJECT TO LOCALIZED FLOODING ARE TO HAVE WATERTIGHT FRAMES AND COVERS.
 2. STANDARD 24" X 7" TALL MANHOLE FRAME AND COVER ASTM A-48 CLASS 35B/AASHTO M105 ITEM #MH-3000*WT OR APPROVED EQUAL.

CITY OF CHARLOTTEVILLE	JULY	2011	CITY STANDARDS
	WATERTIGHT MANHOLE FRAME AND COVER		SCALE: N.T.S. STANDARD NUMBER: WW 2.5
REVISION	DATE	SCALE: N.T.S.	STANDARD NUMBER: WW 2.5

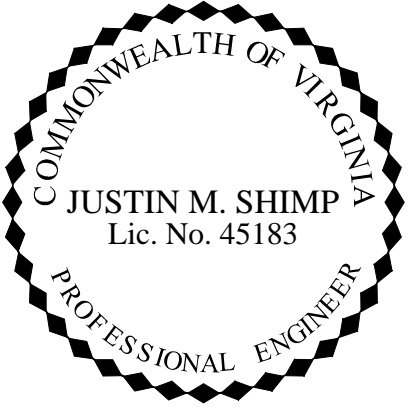
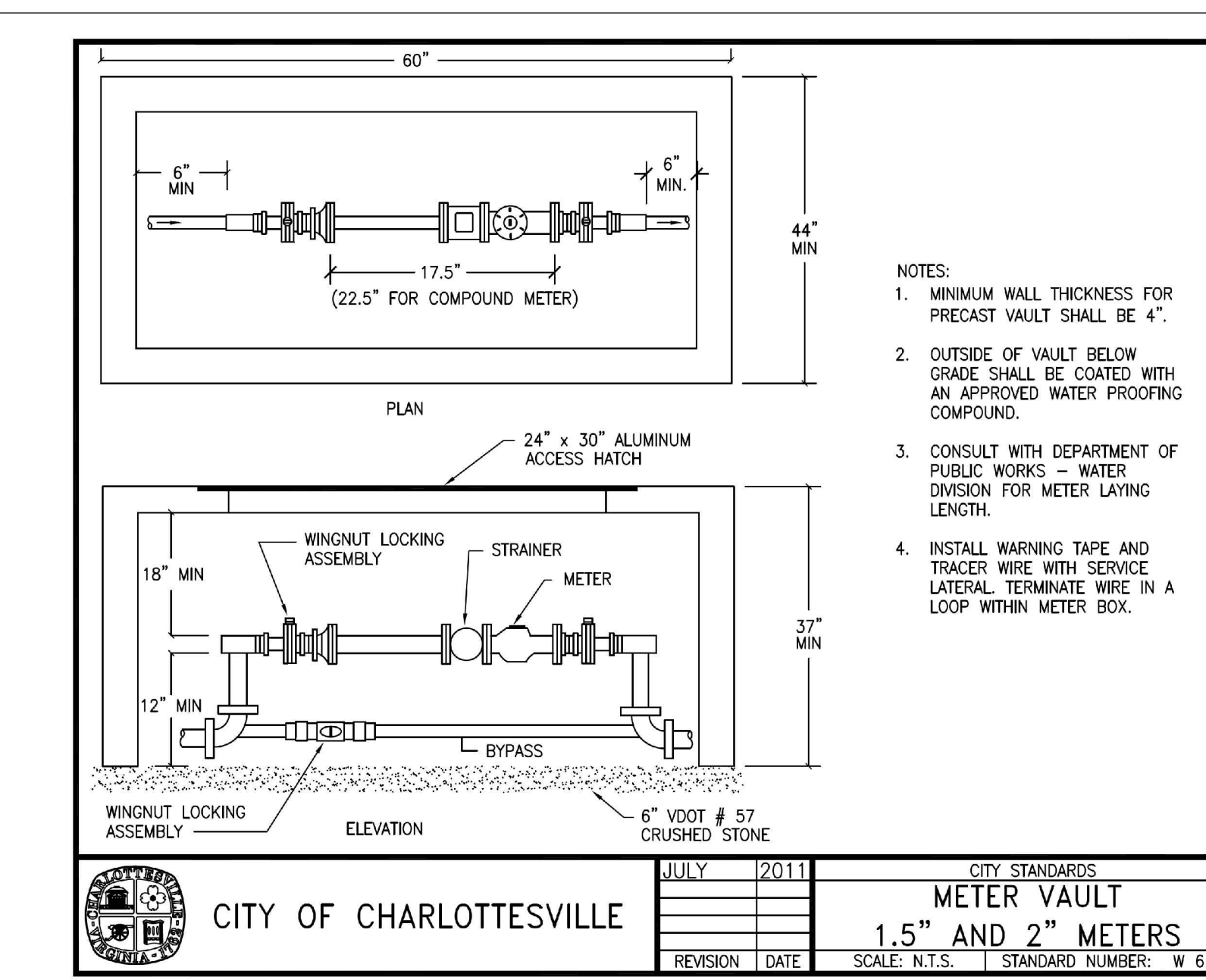
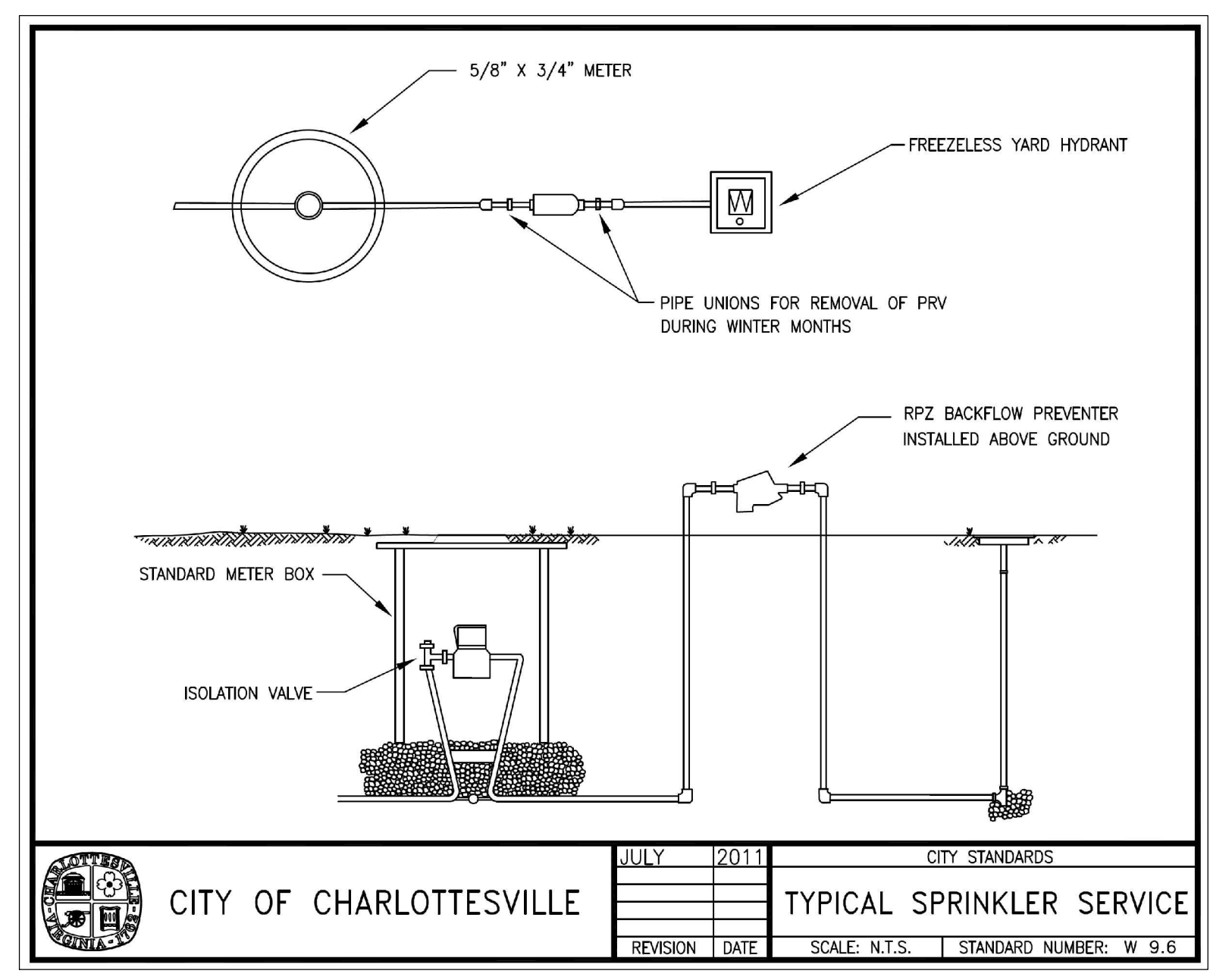
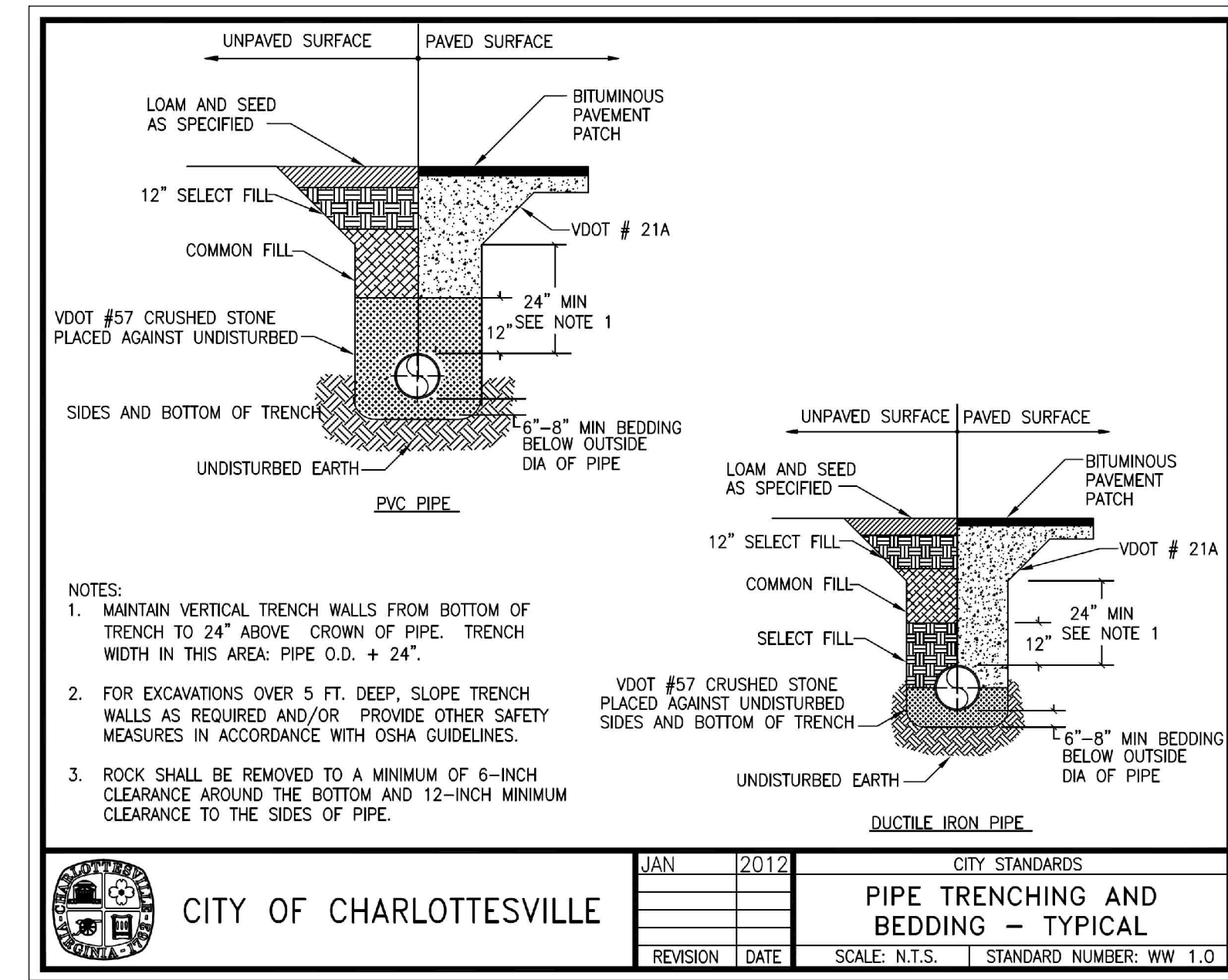
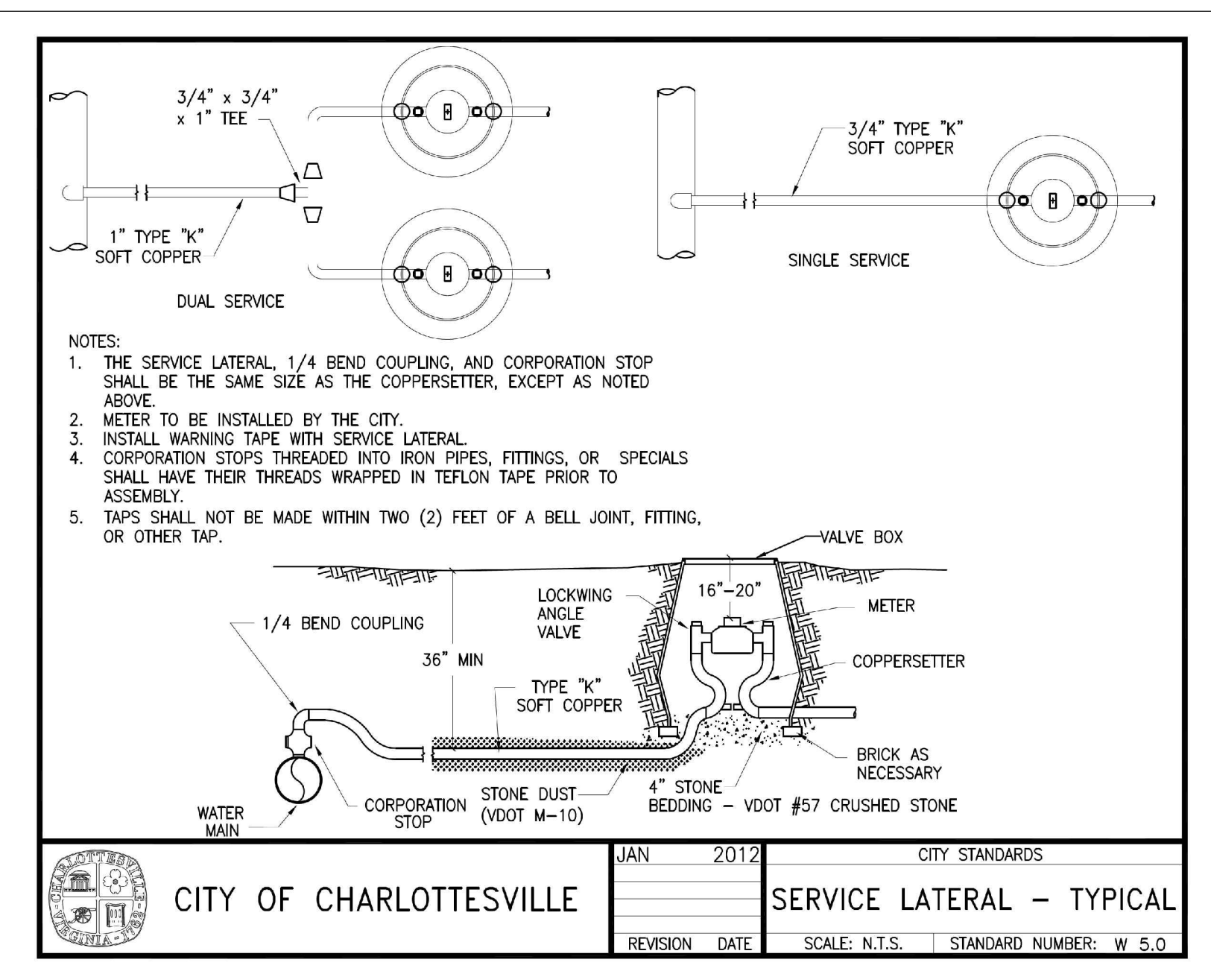
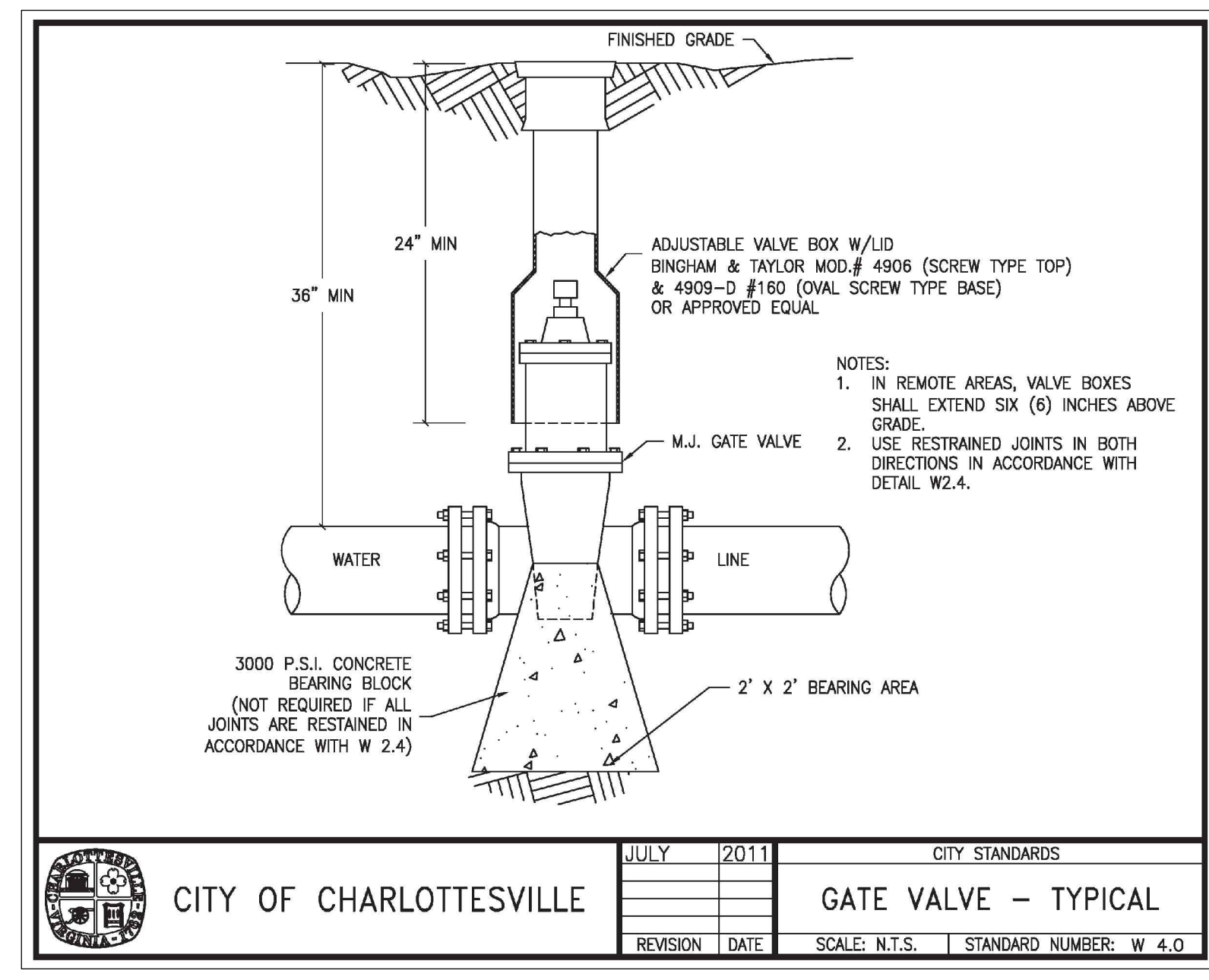
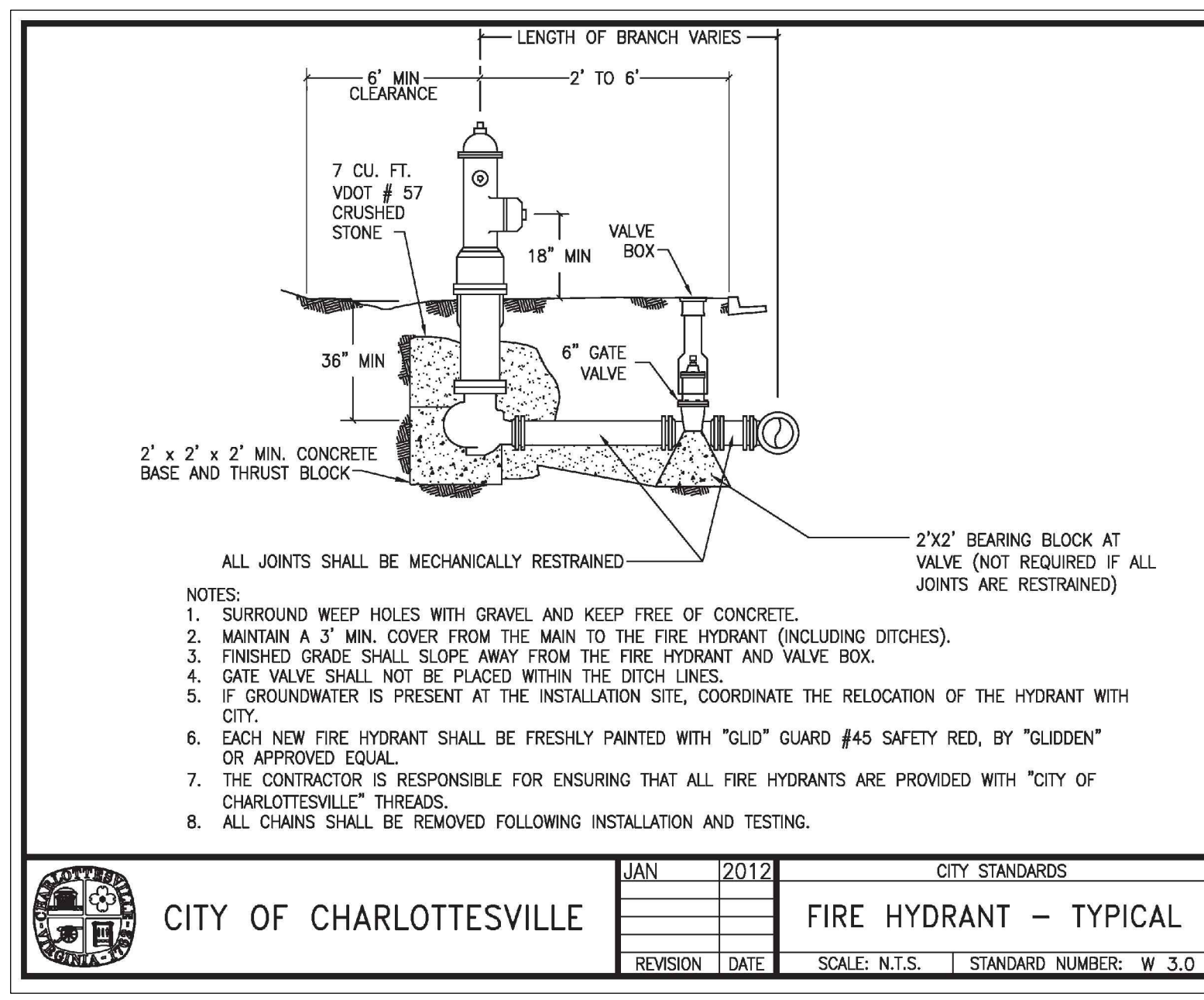
SHIMP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
PHONE: (434) 207-8086
201 E MAIN ST, SUITE M
CHARLOTTEVILLE, VA 22902
JUSTIN@SHIMP-ENGINEERING.COM



SITE & SEWER DETAILS

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
CHARLOTTEVILLE, VIRGINIA

Date	10/06/2014
Scale	N/A
Sheet No.	C11 OF 12
File No.	13.036



WATER LINE DETAILS

PRELIMINARY SITE DEVELOPMENT PLAN FOR
Willoughby Place
CHARLOTTESVILLE, VIRGINIA

Date	10/06/2014
Scale	N/A
Sheet No.	C12 OF 12
File No.	13.036

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

		HORIZONTAL AND VERTICAL CONTROLS MAXIMUM 3:1 CUT OR FILL SLOPE					CURB AND GUTTER ROADWAYS	
PROJECTED TRAFFIC VOLUME (ADT)	MIN. DESIGN SPEED (MPH)	CURVE DATA		SUGGESTED MAXIMUM % GRADE (1)	MIN. SIGHT DISTANCE		MINIMUM WIDTH CURB TO CURB WITHOUT PARKING OR BIKE LANES (A)	SUGGESTED CLEAR ZONE WITHOUT PARKING (MEASURED FROM FACE OF CURB)
		MINIMUM CENTERLINE RADIUS	SUPER-ELEV.		STOPPING	INTER-SECTIONS		
UP TO 400	20	120'	NONE	8	125'	200'	24'	3'
401 - 1500	25	165'	NONE	8	155'	280'	24'	3'
1501 - 2000	30	275'	NONE	8	200'	335'	24'	6'
2001 - 4000	30	275'	NONE	8	200'	335'	26'	6'
<p>NOTES: For streets with volumes over 4000 or serving heavy commercial or industrial traffic; use the appropriate geometric design standard. (see VDOT's road design manual) The roadway with the highest volume will govern the sight distance.</p>				<p>1. The maximum allowable street grade shall be eight percent (8%). The agent or commission, with the advice of the traffic engineer, may vary or grant exceptions to this requirement, pursuant to section 29-36, to no more than 10%.</p>				

November 4th, 2014

Shimp Engineering, P.E.
Attn: Justin Shimp
201 E. Main Street, Suite M
Charlottesville, VA 22902

RE: Willoughby Place Preliminary Site Plan

Dear Applicant:

The site plan noted above was submitted to the City of Charlottesville Department of Neighborhood Development Services on October 29, 2014. This site plan does not address the access concerns that resulted in the June 8, 2012 site plan receiving disapproval. As such, no further review took place. Detailed review will begin when the aforementioned concern is addressed. Please reference the Code of Virginia Section 15.2-2259 (3) for further information.

For the reasons set forth below, the site plan is disapproved.

City of Charlottesville Code Sec. 34-896. Access.

(a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads, designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the director or the commission, in the review of a site plan, may specify the number, type, location and **design of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points.**

(e) On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in

accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications **and subject to the director's determination that the vehicular circulation patterns provided are safe and convenient.**

The Harris Road entrance, as shown on the October 29, 2014 site plan submittal, does not meet City standards for sight distance between two roadways, as determined to be necessary by the director's agent (City Traffic Engineer) to provide safe vehicular circulation. As such, the site plan fails to meet access requirements, and cannot be approved as submitted. Please refer to the 2010 City Standards and Design Manual, Section 204 Roadway Geometric Criteria, E. Sight Distance for requirements and guidance on calculating and demonstrating proposed sight distance.

Under *Section 34-823, Action Required*, the developer, if he chooses, may first appeal this decision to the planning commission, provided that such appeal is submitted in writing to the director of Neighborhood Development Services within ten (10) days after the date of the director's disapproval. The commission may affirm, reverse, or modify, in whole or part, the decision of the director.

Please note that the additional impacts of traffic related to the proposed adjacent property in the County of Albemarle, also submitted by the developer, will be considered during the review of the site plan for this project.

If you have any questions, please feel free to contact me at 970-3182 or raineyc@charlottesville.org.

Sincerely,

Carrie Rainey, RLA
Neighborhood Planner

C: Moore's Creek LLC
224 14th Street NW
Charlottesville, VA 22903

OF

G. T. McCauley, Deceased)
Testate.
)

NAMES	AGE	RELATIONSHIP	RESIDENCE
Rosa E. McCauley	37	widow	Profitt, Va.
Angie R. "	18	Daughter	" "
Malcolm A. "	14	Son	" "
Willard S. "	9	"	" "
Virginia R "	7	Daughter	" "

I, Rosa E. McCauley, who was on the 3rd day of January, 1918, duly appointed and qualified as Administratrix of the estate of, deceased, do hereby affirm that the foregoing list of HEIRS of the said G. T. McCauley, deceased, together with their names, relationship, ages and residences is true to the best of my knowledge and belief.

Given under my hand this 3rd day of January, 1918.

W. L. MAUPIN, Clerk.

In the Clerk's Office of Albemarle Circuit Court, January 3rd, 1918.

The foregoing list of Heirs was presented to me in said office and with certificate attached admitted to record.

Teste: *W. L. Maupin* Clerk.

This deed made this 15th day of December, 1917, by and between P. E. Wheeler, and Lonnie B. Wheeler, his wife, parties of the first part, and L. W. Noel, party of the second part, and George E. Walker, surviving trustee and Asa P. Carnahan; and C. W. Allan and E. W. Walsh, Trustees, and James T. Kidd, parties of the third part,

WITNESSETH:

That for and in consideration of \$1440.00 of which \$300.00 has been paid in cash, and the balance evidenced by bonds of the said party of the second part, satisfactorily secured by deed of trust of even date herewith, which is executed contemporaneously herewith as a part of the same transactions, the said B. E. Wheeler and Lonnie B. Wheeler, parties of the first part, hereby grant, bargain and sell and convey unto the said L. W. Noel, party of the second part, with general warranty of title, that certain tract of land containing 14-4/10 acres of land, situated in Albemarle County, Virginia, south of the City of Charlottesville, not far from the corporate line, accurately described by plat thereof hereto attached, and made part of this deed, and to which plat reference is here made for a full and accurate description of said tract of land hereby conveyed, and being a part of the tract of land conveyed to the said B. E. Wheeler by Theresa Veal and husband by deed dated January 5th, 1911, recorded in the Clerk's Office of Albemarle County in D. B 145, p. 26.

It having been understood that a road 20 feet wide shall, as shown on said plat, extend on the northern boundary of the land hereby conveyed, said northern boundary to be the center of said road, over which road said B. E. Wheeler, his heirs and assigns, and said L. W. Noel, his heirs and assigns shall have a right of way, the said B. E. Wheeler, for himself, his heirs and assigns, reserves over the strip of land ten feet in width along and within said northern boundary of the land hereby conveyed, a right of way which shall

the said northern boundary; so that there shall be a right of way twenty feet in width on the northern boundary of the land hereby conveyed, said northern boundary being the center of said right of way. And in recognition of said right of way and to effectuate the same, said L. W. Noel unites in this deed to grant said right of way over so much of the land hereby conveyed as is embraced within it as aforesaid.

And the said parties of the first part further grant to said L. W. Noel, his heirs and assigns, as appurtenant to the land hereby conveyed, a right of way twenty feet wide from the land hereby conveyed to the Lynchburg Road, as the road now runs.

And George E. Walker, surviving trustee in a certain deed of trust from said parties of the first part, dated January 5th, 1911, recorded in said Clerk's Office in D. B. 144, p. 405, whereby is secured a bond now held by Asa P. Carnahan, as assignee of Theresa Veal, and C. W. Allen and H. W. Walsh, trustees in a Certain deed of trust dated June 1, 1915, recorded in said Clerk's Office in D. B. 159, p. 471, whereby is secured a certain bond to James T. Kidd, by and with the consent of the said Asa P. Carnahan and James T. Kidd, respectively, evidenced by the said Asa P. Carnahan and James T. Kidd uniting in this deed and signing and sealing this deed, hereby in consideration of \$5.00 cash in hand paid to them respectively, receipt whereof is hereby acknowledged, grant, bargain and sell and release unto the said L. W. Noel party of the second part, with special warranty of title, said tract of land hereinbefore described by plat thereof hereto attached, freed and discharged from the liens of said respective deeds of trust.

And the said B. E. Wheeler, having paid to said Asa P. Carnahan \$500.00 upon the understanding that said deeds of trust be released as to the land sold to said Noel, described in this deed, and as to a tract of 20 3/10 acres sold to B. J. Jones, which is to be conveyed by deed of even date herewith, the said Asa P. Carnahan and James T. Kidd creditors respectively secured by deeds of trust as aforesaid, in consideration of \$500.00 paid to the said Asa P. Carnahan as aforesaid, hereby grant and release to the said L. W. Noel all right, title and equity in any way vested in them under said deeds of trust respectively, freed and discharged from the liens thereof, and respectively direct the release of said deeds of trust by said trustees as aforesaid.

But in no other way and to no other extent ^{than} ~~therein~~ as herein expressly mentioned shall the liens of said deeds of trust be affected.

And the said B. E. Wheeler covenants that he is seized in fee simple of said land and with his wife has good right to convey the same; that said grantor shall have quiet possession of said land free from all encumbrances; that he has done no act to encumber said land; and that the parties of the first part will execute such other and further assurance of said land as may be requisite.

Witness the following signatures and seals, the day and year aforesaid.

B. E. Wheeler (SEAL)

Lonnie B. Wheeler ((SEAL)

C. W. Allen Trs. (SEAL)

L. W. Noel (SEAL)

J. T. Kidd (SEAL)

A. P. Carnahan (SEAL)

H. W. Walsh Trs. (SEAL)

Geo. E. Walker (SEAL)

County of Albemarle, to-wit:-

I, John S. Battle, a Notary Public in and for the county and state aforesaid do hereby certify that B. E. Wheeler, and Lonnie E. Wheeler, his wife, L. W. Noel, George E. Walker, surviving trustee, and C. W. Allen and H. W. Walsh, trustees, and Asa P. Carnahan, whose names are signed to the writing above bearing date on the 15th day of December, 1917, have and each has acknowledged the same before me in my said county.

Given under my hand this 3rd day of January, 3rd, 1920.

My commission expires January 10th, 1920.

John S. Battle N. P.

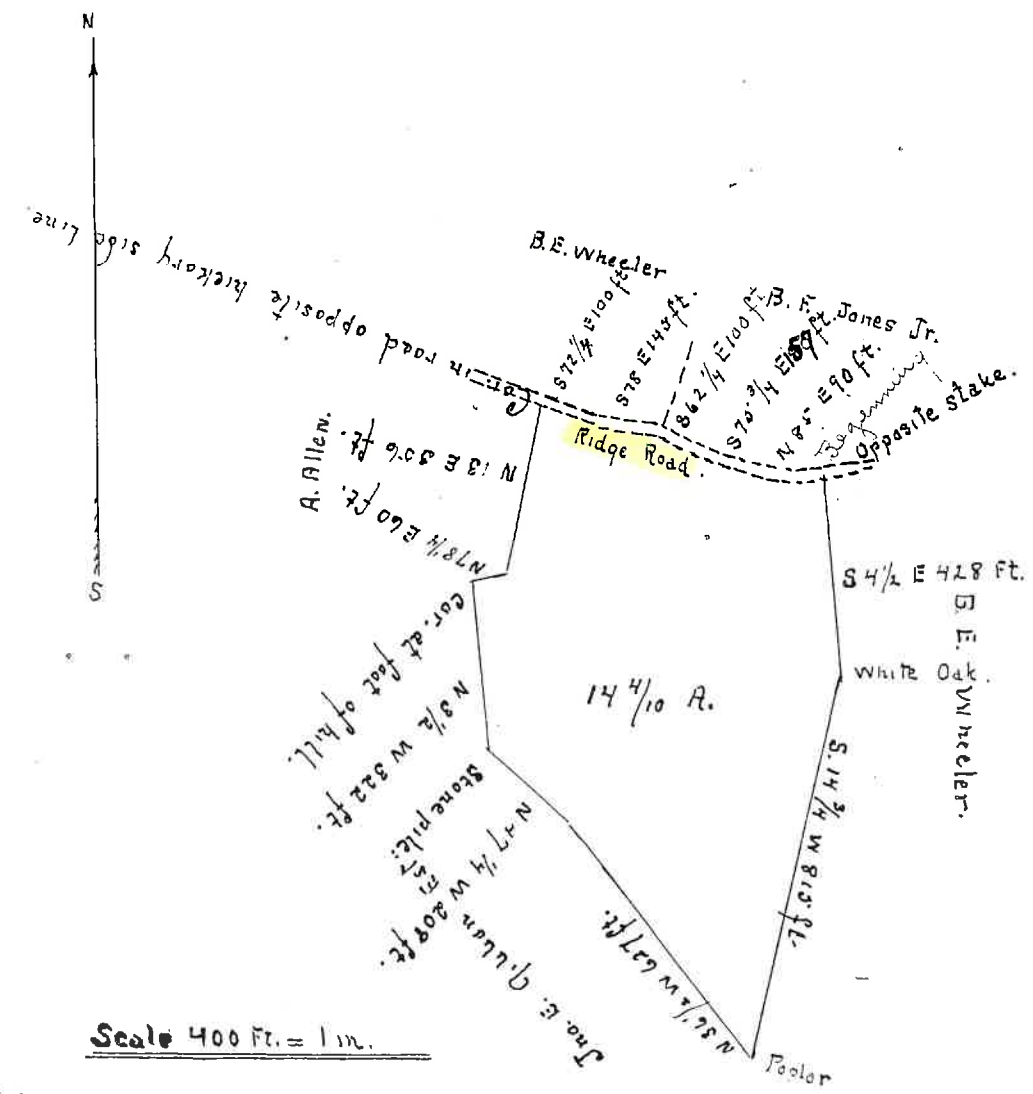
State of Virginia,

County of Fluvanna, to-wit:-

I, E. N. Wood, commissioner in chancery in and for the county and state aforesaid do hereby certify that J. T. Kidd, whose name is signed to the writing above, bearing date on the 15th day of December 1917, has acknowledged the same before me in my said county.

Given under my hand this 28th day of December, 1917.

E. N. Wood, Commissioner in chancery for the circuit court of Fluvanna County.



IN THE CLERK'S OFFICE OF ALBEMARLE CIRCUIT COURT, January 3rd, 1918. This deed was presented to me in said office and with certificate annexed and plat attached, and \$50.00 Internal Revenue Stamps affixed, admitted to record.

Teste: *[Signature]* Clerk.

any expenditure for taxes and levies by the holder of said bonds in pursuance of this deed

If no default shall be made in the payment of the aforesaid bonds or taxes, then upon the request of the said L. W. Noel, a good and sufficient release shall be executed to him at his own proper cost and charges.

Witness the following signature and seal.

L. W. Noel (SEAL)

State of Virginia,

County of Albemarle, to-wit:-

I, John S. Battle, a notary public of and for the county aforesaid in the state of Virginia, do certify that L. W. Noel, whose name is signed to the writing above, bearing date on the 15th day of December, 1917, has this day acknowledged the same before me in my county aforesaid.

My commission expires on the 10th day of January, 1920.

Given under my hand this 3rd day of January, 1918.

John S. Battle N. P.

IN THE CLERK'S OFFICE OF ALBEMARLE CIRCUIT COURT, January 4th, 1918.

This deed was presented to me in said office and with certificate annexed admitted to record.

Teste: *W. L. Mump...* Clerk.

This deed made this fourth day of January, 1918, between S. E. Pugh and Lizzie T. Pugh, his wife, parties of the first part, and J. D. Critzer, party of the second part, all of Albemarle County, State of Virginia,

WITNESSETH:

That for and in consideration of the sum of \$210.00 Two Hundred and Ten Dollars cash in hand paid and four bonds or notes for \$200.00 each payable one two, three and four years after date, the receipt of which is hereby acknowledged the said parties of the first part doth grant, bargain, sell and convey with general warranty of title unto the said party of the second part a certain parcel of land with its appurtenances situated in Albemarle County, 2 miles south of Batesville joining the lands of Mrs. Sallie Martin, Jefferson Wolfe, Oscar Farish, F. H. Via and others containing 85-8/10 acres more or less the said parties of the first part covenant that they have a right to convey the said land and have done no act to encumber the same and will render such further assurances as may be necessary to secure the right and title unto the said party of the second part to have and to hold forever his heirs or assigns.

Witness the following signatures and seals.

S. E. Pugh (SEAL)

(\$.50 Internal Revenue Stamps)

Lizzie T. Pugh (SEAL)

State of Virginia,

Albemarle County, to-wit:-

I, G. W. Brown, a Notary Public, for the said Co. do hereby certify that S.E. Pugh and Lizzie T. Pugh, his wife, whose names are signed to the above writing bearing date the 4th day of January, 1918, have personally appeared before me and acknowledged the same. My commission expires the 23rd day of November, 1920.

Given under my hand this 4th day of January, 1918.

I hereby certify that the ~~XXXXXXXXXXXX~~ interlineation was made prior to the

Wife

1st

*25
10
10
3
said*

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CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION

PRELIMINARY DISCUSSION: REZONING

Author of Memo: Carrie Rainey, City Planner

Date of Meeting: September 9th, 2015

RE: Rezoning of Parcel 560056100 (Midland Street and Randolph Avenue)

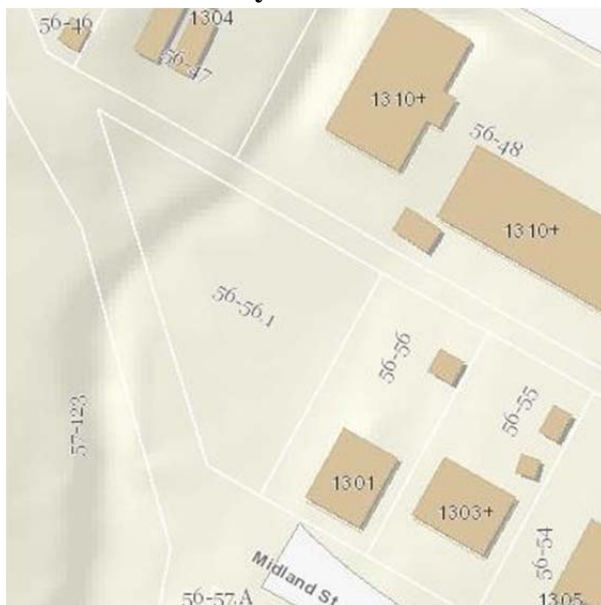
Background

Mark Jones, acting as agent for Donnie McDaniel, has submitted a rezoning application petition for an unaddressed property at the intersection of Midland Street and the Randolph Avenue right-of-way. The property is further identified on City Real Property Tax Map 56 Parcel 56.1. The property is approximately 0.25 acres. The site is currently zoned R1-S. The petition requests a rezoning to B-2 commercial to align with Mr. McDaniel's adjoining properties on Carlton Avenue (TMP 560046000 and 560047000).

The application notes the reason for seeking this change is for the future development of multifamily housing.

Vicinity Map

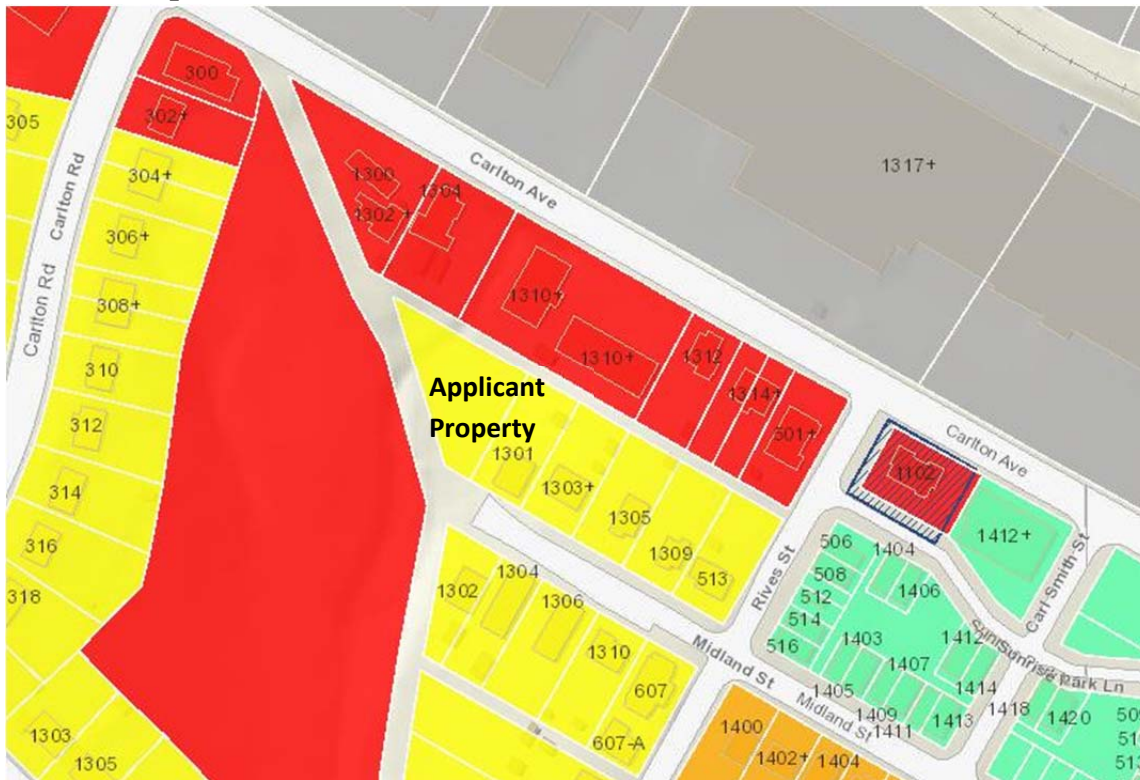
Immediate Vicinity



Context Map 1



Context Map 2



KEY - Yellow: R1-S, Red: B-2l, Orange: R-2, Green: PUD, Grey: M-I

Preliminary Analysis

The applicant has requested a rezoning from single family residential to a commercial designation. While a commercial designation is consistent with the adjacent parcels on Carlton Avenue and Randolph Avenue, the parcel to be discussed is located on a street of detached single family homes.

Questions for Discussion

- How could a multifamily development affect the adjacent properties on Midland Street?
- How could a different use allowed in B-2 commercial zoning affect the adjacent properties on Midland Street?
- How could potential access directly from Carlton Avenue to the subject parcel affect the adjacent properties on Midland Street?
- How could potential access directly from Carlton Avenue to the subject parcel affect the adjacent properties on Carlton Avenue?
- How does the existing alley behind the subject parcel affect request for rezoning of the parcel?

Attachments

Rezoning Petition and associated maps

2M15-00003



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 R1 (Current Zoning Classification) to B-2 (Proposed Zoning Classification).

Reasons for Seeking This Change FOR FUTURE DEVELOPMENT OF MULTI FAMILY HOUSING & 70% OF EXISTING PROPERTY BORDERING MR. MCDANIEL'S PROPERTY IS ZONED B-2 ALREADY.

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

1. 195' feet of frontage on RANDOLPH AVE. (name of street) 30'0 MIDLAND
2. Approximate property dimensions: 180 feet by 126' feet.
3. Property size: 12557 (square feet or acres)
4. Present Owner: D. MCDANIEL (Name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 1304 CARLTON AVE SUITE 1 CHARLOTTESVILLE 22901
6. City Real Property Tax Map Number 56, Parcel(s) 056, 056, 100; Lot(s): 27, 28, 29

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) Mark E. Jones
 Petitioner Mailing Address: 951 BLACK CAT RD. KESWICK VA. 22947
 Work Phone: 434-978-4454 Fax 434-973-0610
 Home Phone: 434-260-2919 Email MARK@FLOWERSARE.US.COM
 Does Petitioner currently own the property where the rezoning is requested? _____
 If no, please explain I AM ACTING AS AN AGENT ON THE OWNERS BEHALF

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

Property Owner Name	Mailing Address	City Tax Map and Parcel #
REGION 10	<u>1304 CARLTON AVE</u>	<u>056 048 000</u>
<u>DONNIE MCDANIEL</u>	<u>1302 CARLTON AVE</u>	<u>056 047 000</u>
<u>?</u>	<u>1301 MIDLAND ST</u>	<u>056 056 000</u>
<u>CHILSHOLM</u>		<u>057 128 000</u>

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).

Mark E. Jones
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: 8/19/15 Amt. Paid: 1500.00 Cash/Check #: 1900 Recorded by: _____

12-5-11 2:40

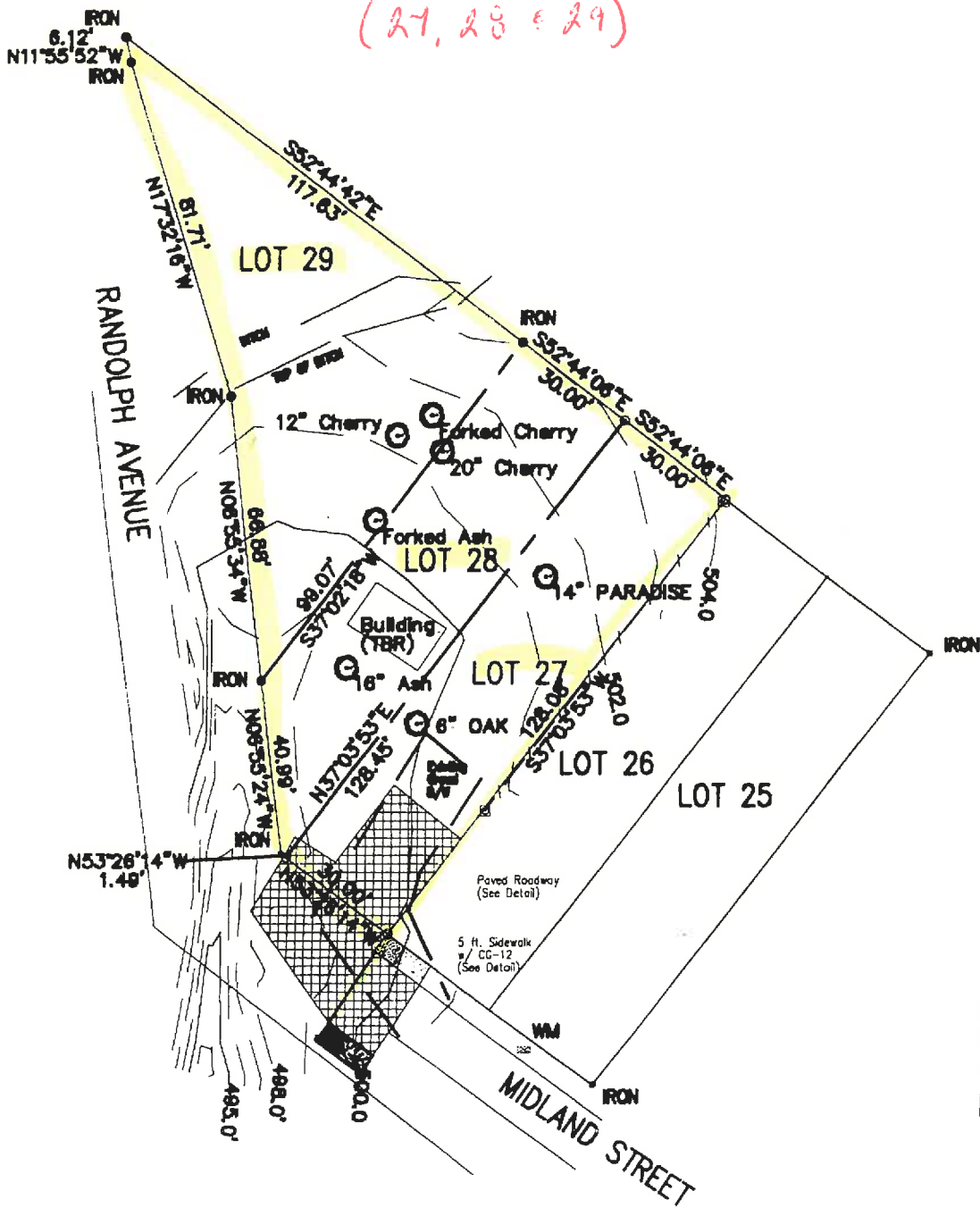
Sketch for REZONING to B-2
(27, 28 & 29)

DONNIE Mc DANIEL

882-2225
please call

MARK E. JONES

434-260-2919



MIDLAND STREET
Proposed Conditions
Consolidate Lots 27-29
Scale 1" = 20 ft.
May 13, 2008 (40)

SSMH
Top=511.03'
Inv. Out=508.25'

ENGINEER

JUSTIN SHIMP

953-6116

1430



CARLTON AVE

RANDOLPH

MIDLAND

SUNRISE
PARK

B-2

B-2

R-1

R-1





**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES
MEMO**

To: City of Charlottesville Planning Commission
From: Brian Haluska, Principal Planner
CC: Missy Creasy, Interim Director
Date: July 30, 2015
Re: Development Review Process Policy

Introduction

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.

At their May 12, 2015 meeting, the Planning Commission recommended changes to the development review process to City Council. At their meeting on June 1, 2015, City Council reviewed the proposed changes and expressed concern about the provision that would permit the Director of NDS to waive the requirement. Council directed staff to draft a document that would provide further guidance to the Director of NDS and staff about when it may be appropriate to waive the public meeting requirement.

Public Process

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on May 12, 2015. Two members of the public spoke at the meeting. The first speaker expressed concern with the amount of staff time necessary to implement the changes, while recommending that staff be responsible for arranging the public meetings. The speaker also questioned the City's legal authority to require a meeting with neighborhood on by-right projects.

The second speaker noted that the site plan conferences the City currently hosts are held during typical work hours, making attendance difficult for some citizens. The speaker also noted that the

additional meetings, especially for site plans, would require many more night meetings for staff to attend.

Policy Summary

Staff divided the applications subject to the new public meeting requirement into three categories:

- The first category is for applications where the Director would not waive the public meeting requirement under any circumstances.
- The second category is for applications where the assumption is that the public meeting would be held, unless the Director specifically decides to waive the requirement
- The third category is for applications where the assumption is that the public meeting would NOT be held, unless the Director specifically directs staff to hold a public meeting.

When referring to the draft policy, the divisions within the site plan and subdivision applications in terms of lots created, parking spaces, or square footage of additions are not distinctions found in the City zoning ordinance, but rather City staff's attempt at quantifying a dividing line between applications that would potentially benefit from the public meeting process, versus applications where meetings would be cumbersome.

Questions for Discussion

Staff intends to ask the following questions during the work session:

1. Is the policy in keeping with the Commission's recommendation to Council on this matter?
2. Are the categories/policy easy for the public to understand?

Supporting Documents

- Draft Application Process Waiver Policy

Applications for which a meeting would be called in all situations:

1. Rezoning
2. Special Use Permits
 - Requests for additional height
 - Requests for density greater than by-right density
3. Preliminary or Final Site Plans
 - Greater than 6 residential units proposed
 - Construction of a mixed-use, commercial or industrial structure greater than 5,000 sq. ft.
 - Expansion of a mixed-use, commercial or industrial structure by more than 5,000 sq. ft. GFA.
 - Proposed addition of more than 10 parking spaces.
4. Major Subdivisions

Applications for which a meeting would be called unless waived by the Director of NDS:

1. Rezoning
 - Modifications to an existing Planned Unit Development
2. Special Use Permits
 - Requests for a use in an existing building
 - Alterations to an existing SUP
3. Preliminary or Final Site Plans
 - Greater than 2 residential units proposed
 - Construction of a mixed-use, commercial or industrial structure greater than 2,000 sq. ft.
 - Expansion of a mixed-use, commercial or industrial structure by more than 2,000 sq. ft. GFA.
 - Proposed addition of more than 5 parking spaces.
4. Minor Subdivisions
 - Creating more than 2 new lots

Applications for which a meeting would NOT be called unless required by the Director of NDS:

1. Preliminary or Final Site Plans
 - Construction of a mixed-use, commercial or industrial structure less than 2,000 sq. ft.
 - Expansion of a mixed-use, commercial or industrial structure by less than 2,000 sq. ft. GFA.
 - Proposed addition of less than 5 parking spaces.
2. Minor Subdivisions
 - Creating less than 2 new lots
 - Boundary line adjustments
 - Vacation of interior property lines
3. Site Plan Amendments - "A minor modification is one (1) that, in the opinion of the director, will not substantially alter the terms of the original approval." (Sec. 34-826)