

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, June 14, 2016 – 5:30 P.M. CITY COUNCIL CHAMBERS

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

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

- A. COMMISSIONERS' REPORTS
- B. UNIVERSITY REPORT
- C. CHAIR'S REPORT
- D. DEPARTMENT OF NDS
- E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA FOR PUBLIC HEARING
- F. CONSENT AGENDA

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

1. Minutes - April 12, 2016 – Pre meeting and Regular meeting
2. Minutes - April 26, 2016 – Work Session
3. Minutes – May 10, 2016 – Pre meeting and Regular meeting

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

H. JOINT PUBLIC HEARINGS

**1. ZM16-00001 - 209 12<sup>th</sup> Street NE** - Nappa Properties, LLC has submitted a rezoning petition for 209 12<sup>th</sup> Street NE, also identified on City Real Property Tax Map 54 as Parcel 178 (“Subject Property”), as the owner of the Subject Property. The petition proposes a change in zoning from R1-S Low-Density Residential (current zoning) to M-I Industrial (proposed zoning) with proffered development conditions. The proffered conditions include restrictions on the permitted use(s), allowing only single-family residential with special use permit and a limited number of commercial uses and communication facilities; restrictions limiting the height of new buildings to the height of the existing T&N Printing building; restrictions on the location for loading; prohibition on use of the alley behind the parcel; and a ten (10) foot landscaped buffer between the Subject Property and adjacent residential districts and property (the proffered buffer is in excess of any buffer that would be required by the M-I district regulations). The Subject Property has frontage on 12<sup>th</sup> Street NE, and contains approximately 0.19 acres or 8,300 square feet. The general usage of the proposed M-I zoning classification is Light Industrial, with residential uses allowed only by special use permit. The general usage specified in the Comprehensive Plan for the Subject Property is Low-Density Residential. No density range is specified by the Comprehensive Plan. Persons interested in this rezoning petition may contact Carrie Rainey by email ([raineyc@charlottesville.org](mailto:raineyc@charlottesville.org)) or by telephone (434-970-3453).

**2. ZM15-00004 624 & 626 Booker Street Rezoning** - Mark Kestner, acting as agent for property owner Neighborhood Investments-RH, LLC has submitted a petition to rezone land at 624 and 626 Booker Street (“Subject Property”), from low-density (R-1S) Residential to B-3 Commercial with proffers. The Subject Property is identified on City Real Property Tax Map 36 as Parcels 87 and 88, and has frontage on Booker Street. The Subject Property contains approximately 12,545 square feet of land or 0.29 acres. The residential uses allowed by right in the current R-1S classification are limited to

single-family detached dwellings, which may contain interior accessory dwelling units), with residential development limited to density of 7 DUA. The proposed B-3 Commercial district would allow the same R-1S residential uses, at a density of 7 DUA, but would also allow multifamily dwellings by right, at a density of 21 DUA. The property owner proposes to renovate the partially-completed building at 624, to create a multifamily dwelling with three (3) independent dwelling units, and to provide related parking and other amenities on the adjacent lot (626 Booker). The rezoning is proposed subject to proffered development conditions including: limiting the residential density of the property to 11 dwelling units per acre (3 total units); restricting the use of the property to multifamily residential, within the existing building, restricting the height of buildings and structures to 35 feet, maximum; and increasing the minimum setbacks to be used on the property. The Land Use Map designation within the City's Comprehensive Plan identifies this property as being planned for Low Density Residential, but the Comprehensive Plan does not specify a density range. A copy of the proposed zoning map amendment, and related materials, is available for inspection at the Charlottesville Dept. of Neighborhood Development Services, 610 East Market Street. **Report prepared by Brian Haluska, Principal Planner.**

**3. SP16-00006 – 211 Emmet Street Alumni Hall Addition (Amendment)** – Mr. Thomas Faulders, III, as agent for the Alumni Association of the University of Virginia, has submitted an application to amend an existing Special Use Permit for 211 Emmet Street (the Subject Property). The Subject Property is further identified on City Real Property Tax Map 8 as Parcel 45, and it has frontage on Emmet Street, Lewis Mountain Road, and Sprigg Lane. The Subject Property is zoned R-1U (Low Density) and the total area of the Subject Property is about 137,257 square feet or approximately 3.151 acres.. The proposed amended SUP would allow use of the Subject Property for a non-profit recreational facility for group use. The applicant seeks authorization to allow for a 1,364 square foot addition to Alumni Hall to be used for “Club, private,” which is permitted with an SUP in the R1-U zoning district. The Comprehensive Plan designates the land use of the property as Public or Semi-Public. Persons interested in this SUP application may contact NDS Planner Matt Alfele by email ([alfelem@charlottesville.org](mailto:alfelem@charlottesville.org)) or by telephone (434-970-3636).

**4. ZT16-00001 – West Main Street Density and Water Street Corridor** - Proposed amendments to the text of the City's Zoning Ordinance (Chapter 34 of the Charlottesville City Code).

West Main Street Corridor Districts – Proposed amendments to Sections 34-621 and 34-641 would increase the residential density of development allowed by right in the West Main East (WME) Corridor and West Main West Corridor (WMW). Currently WME and WMW allow residential density of up to 43 DUA by right, and permit up to 200 DUA with a special use permit. The proposed amendments would allow up to 200 DUA by right in both WME and WMW. The general usage specified by the Comprehensive Plan for WME and WMW is Mixed Use. The West Main Street Corridor is within the City's Urban Development Area (UDA), and the City's Comprehensive Plan contemplates a minimum density of four (4) DUA within the UDA.

Water Street District Corridor – Proposed amendments to Sections 34-743 and 34-746 of the City Code would extend a 25 foot setback requirement after 45 feet of height to all properties fronting on South Street. The 25-foot setback currently applies only to properties fronting on the north side of South Street. The amendments would also establish a requirement for a 10-foot setback after 45 feet in height, for each building constructed on any property having frontage on Ridge Street. The amendments would also establish a minimum setback of 10 feet from any parcel zoned “South Street Mixed Use Corridor”, and would require an S-2 buffer to be provided within that setback. The amendments would also prohibit ground floor residential uses within any building located on property having frontage along Ridge Street.

The proposed zoning text amendments and related materials are available for inspection at the Charlottesville Dept. of Neighborhood Development Services, 610 East Market Street, Charlottesville, 22902. Tel. 434-970-3186. **Staff contact: Brian Haluska, Principle Planner,** Email: [haluska@charlottesville.org](mailto:haluska@charlottesville.org)

**5. CP16-00001: Comprehensive Plan Amendment – Streets that Work Plan** - The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan, to include the contents of the Streets that Work Design Plan. The purpose of the Streets That Work Design Plan is to serve as a general guide for the character and extent of transportation improvements, including, but not limited to, roadways, bicycle accommodations, pedestrian accommodations, and other public transportation facilities. The Plan recognizes and differentiates among a hierarchy of such transportation facilities and improvements. The Plan is intended to serve as a plan for the physical development of the City’s transportation network(s), providing guidelines for implementation by one or more of the following methods of implementation: capital improvements program; subdivision ordinance; zoning ordinance; and the city’s engineering and safety requirements (set forth within the “Standards and Design Manual”). The Plan, as developed, seeks to improve the transportation network for all modes and create vibrant and sustainable public spaces along streets. The Guidelines, including attached maps, may be viewed at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work>. .

**REGULAR MEETING (Continued)**

- I. Appeal – Erosion & Sediment Determination
  - a. 624 Booker Street

**J. FUTURE MEETING SCHEDULE**

|                                  |                 |  |
|----------------------------------|-----------------|--|
| Tuesday, June 28, 2016 – 5:00 PM | Work Session    | Small Area Tour  |
| Tuesday, July 12, 2016 – 4:30 PM | Pre- Meeting    |  |
| Tuesday, July 12, 2016 – 5:30 PM | Regular Meeting | <u>ZTA</u> – Telecommunications<br><u>Critical Slope Waiver</u> – Seminole Square Shopping Center and Pepsi Bottling |

**Anticipated Items on Future Agendas**

- ZTA – Height and Grade, Woolen Mills Conservation District consideration
- Rezoning – Sunrise PUD Amendment,
- Special Use Permit – 1011 East Jefferson Street, 1248 Emmet Street
- Entrance Corridor – 1170 Emmet Street (Car Wash) & 1300 Emmet Street (CVS)
- Subdivision – Harmony Ridge

**Persons with Disabilities may request reasonable accommodations by contacting [ada@charlottesville.org](mailto: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  
5/1/2016 TO 5/31/2016**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
  - a. 608 Preston Place – Sigma Chi – May 23, 2016
  - b. Lighttower Utility Plan (Hydraulic and Emmet) – May 24, 2016
- 3. Site Plan Amendments**
  - a. Carlton Avenue Apartments- May 5, 2016
  - b. Naylor Street Road plan and public improvements - May 5, 2016
  - c. 1137 Emmet Street North – Hotcakes at Barracks Road - May 13, 2016
  - d. 100 North Baker Street Retaining Wall – May 24, 2016
  - e. AT&T CV517, CV602 Ntelos – 2015 Ivy Road – May 31, 2016
- 4. Minor Subdivision**
  - a. 144-150 Chancellor Street – Boundary Adjustment – May 2, 2016
  - b. Naylor Street Subdivision – May 3, 2016
  - c. 152-156 Carlton Road – Boundary Adjustment – May 10, 2016

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, April 12, 2016

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

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

Members Present: Chairman John Santoski; Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and Corey Clayborne;

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

Mr. Santoski asked if there were any questions on agenda items. He first asked for clarification on the 230 Shamrock Road application. Mr. Alfele provided a brief overview of the project.

Ms. Green noted that she was in disagreement with one item on the consent agenda but did not necessarily want to remove it from consent. She asked for procedure on how to address and that was provided.

Mr. Keesecker asked how the pending BAR related items for William Taylor Plaza related to the item before them this evening. It was noted that all site plan related issues had been addressed in these materials.

Commissioners raised concerns about the William Taylor Plaza site plan and determined they would remove from the consent agenda to allow for discussion.

Mr. Santoski asked for clarity on the questions before the Commission on the Grove Street PUD site plan. Mr. Alfele and Ms. Robertson provided an overview of the application.

The meeting adjourned at 5:27.

II. Regular Meeting (Beginning at 5:30 p.m.)

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

Members Present: Chair Santoski; Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and Corey Clayborne;

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

A. Commissioner's Reports:

Commissioner Lahendro reported the Parks and Recreation Advisory Board met on March 16<sup>th</sup>. Staff made a presentation on the therapeutic recreation program that is jointly run with the County. It lasts all year long but there are increased activities for camps in the summer. They serve about 10,000 people a year. The Meadow Creek Valley Master Plan update: the flood study was expected 4/1/2016 for Meadow Creek which will then guide the design for the pedestrian bridges for the trail over the creek and this is the first step in hopefully in a series that result in the completion of the bridges next spring. The trail is currently being designed. Tonsler Park Master Plan Implementation update: they held the first neighborhood presentation of proposed splash pad designs on February 25<sup>th</sup> and the citizen's input overwhelmingly was for the plaza type splash pad. The next neighborhood meeting is on March 29<sup>th</sup> and the pad could be constructed by next summer. The design for a new field house will start this fall and Ragged Mountain Reservoir trails project had its second public input meeting on March 22<sup>nd</sup> with the next meeting on April 21<sup>st</sup> at Trinity church at 6:00. He attended the Tree Commission on March 23<sup>rd</sup> and staff presented its annual integrated pest management program plan and there was significant discussion on the differences on the recommended planter strips (the widths of those) between the two major studies that are out now, West Main Design and the Streets that Work. The commission is worried that if only the ideal widths are followed than we will never have any large canopy trees on the streets. The consultant report on the mall trees was discussed and recommended the removal of certain trees that are crowding certain other trees and the removal of grates and re-designs for the openings for those trees on the Mall. The Tree Commission is asking for input from Beth Meyer regarding the design changes, and forestry staff from other cities. Arbor Day is April 29th at 10:00 in McIntire Park.

Commissioner Keesecker reported he attended the Master Planning Council meeting in March. The discussion was related to Ivy Corridor planning that the University is conducting. The consultants Dumont Jenks, a planning firm from Boston, are studying the property the Cavalier Inn is on Emmet all the way back past the parking garage to where the BB&T is at the corner of Alderman; that entire block which would be fairly significant. The BAR meeting was held on March 15<sup>th</sup> and there were 4 applications of interest to the Planning Commission; 1) the final review of Market Plaza with full approval to move ahead with all of their details, 2) 550 E. Water Street, was approved with some conditions and some other things to come back. 3) William Taylor Plaza, the BAR approved a variety of conditions and a couple of things they asked to come back. 4) An addition to a home just off 14<sup>th</sup> street that was an intensive expansion almost tripling the base for the old home building behind it. The oddity of that was that they were able to achieve their density and create what the BAR considered an out of scale addition only because that particular landowner had other properties in the neighborhood and can park cars off site to allow this one particular site to have a really large addition. It was a by-right project that was going through the BAR but there were some quarks of the way the zoning was working in that relatively residential neighborhood that allowed for it by zoning and the BAR had some design questions and they actually voted against it.

Commissioner Green reported next meeting of CPAC will be Wednesday May 4<sup>th</sup> at 7:00 at TJPDC.

Commissioner Clayborne reported he has no committee assignments at the moment.

B. University Report— no report

C. Chair's Report—Chair Santoski reported that the subcommittee for the Belmont Bridge met to review the RFPs submitted.

D. NDS Department Report: Missy Creasy stated there is a work session on April 26<sup>th</sup> to discuss the Strategic Investment Plan Code recommendations and the Streets that Work Plan. The Streets that Work demonstration project will take place on Saturday April 16, 2016, between 10:00 and 2:00 on 2<sup>nd</sup> Street between City Market and the Ix building. It will demonstrate some of the Streets that Works principles and fire trucks and buses coming through to see how they function through those demonstrations. Ms. Creasy welcomed members from a high school class visiting the meeting tonight and Owen who is a Montessori student who has been doing some shadowing in the Parks and Rec department.

Mr. Santoski spoke of the loss of a past Planning Commission member, Bill Lucy who passed away and wanted to take the time to send heartfelt thoughts to his family.

F. CONSENT AGENDA

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

1. Minutes - March 8, 2016 – Pre meeting
2. Minutes - March 8, 2016 – Regular meeting
3. Minutes - February 23, 2016 – Work Session
4. Subdivision – 230 Shamrock Road

Motion for approval the consent agenda Mr. Keesecker, seconded by Mr. Lahendro motion passes 5-0.

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

William Taylor Plaza, Site Plan – William Taylor Plaza PUD

Matt Alfele provided the staff report.

Mr. Lahendro asked if the arboretum site will be developed at the same time as the hotel.

Mr. Alfele said yes, it is a part of phase one.

Mr. Lahendro said the proffers on the title sheet calls for the landscaping to be maintained, and he knows the arboretum site has been inundated with bamboo for many years and has been overgrown. What is the enforcement for the owner to maintain the landscape? He doesn't want to see it filled with bamboo in two years and no one can use it again and yet it was used to enhance the acceptance of this PUD.

Mr. Alfele said it would be a zoning violation, if they are not adhering to the PUD and to the proffer requirements.



Ms. Green asked about the enforcement procedures on that.

Mr. Alfele said complaints are brought to the Zoning Administrator's attention who investigates.

Ms. Green said and then what are the steps to be taken.

Ms. Creasy said a complaint would be investigated and if a violation is found, a notice would be sent, there would be a specified period to comply and if compliance did not occur, and then there are other measures to move forward such as court.

Ms. Green asked what is in place to encourage compliance.

Ms. Creasy said she is hopeful since this is a business that they will want to be successful and maintain their property. They also have an HOA that will have declarations of responsibilities that they will not want to be in violation.

Mr. Alfele said there was a boundary line adjustment plat and easement plat that was included with this which included language for maintenance of the arboretum.

Ms. Green said what if they said they don't want to comply?

Mr. Alfele said there will be a fine. Most of the time folks work with us to take care of the matter.

Mr. Keesecker said it is fair to say that this has been high profile and they have been through many Public Hearings. They have consistently tried to say what they are going to do and respond to our concerns. He feels it is fair to say given their record but we can expect with approval that the property would be maintained. There is a HOA to maintain it.

Charlie Armstrong, Southern Development, addressed the first question about the safety of the Stormwater management facility; it is a bio-filter facility so it doesn't hold water over a long period of time. As far as maintaining landscaping, this is a 14 million dollar hotel project, and they are not going to let bamboo grow up, but just in case they do let it get overgrown, there is an agreement they have been working through with the owners of Phase One for maintenance of the arboretum area and the parking and other things the city has seen and reviewed as well that requires those areas to be maintained.

Mr. Clayborne said the bio-filter is labeled as BF and something else is labeled SWM, is that a bio-filter also.

Mr. Armstrong said he is not an engineer and can't get too deep into the mechanics of how that works but his understanding is it is an extended detention basin which means in very big storms the basin fills up and drains out over 24 hours so the bio-filter is the treatment facility and has some stormwater detention in there for 24 hours, maybe a foot. The other one is a small area that takes major surges so that the water leaving the site is slowed down.

Ms. Green said for clarification purposes, all of the amenities; sidewalks, landscaping for Phase One will be installed at that time before the C.O.

Mr. Armstrong said there may be additional amenities but everything you see on the site plan is to be installed as Phase One.

Mr. Keesecker moved for recommendation for approval with the conditions noted in the staff report (see below motion), seconded by Mr. Clayborne, motion approved 3-1-1, Ms. Green abstained, Mr. Santoski voted no.

- A final subdivision (Boundary Line Adjustment) is approved and recorded.
- A property owners' association is established in accordance with City Code §34-494. -
- Ownership of land; common areas and the recorded documents are provided to NDS.
- All bonds posted
- A recorded Stormwater Maintenance Agreement is provided to NDS.
- Remaining engineering comments are addressed.

#### G. JOINT PUBLIC HEARINGS

2. SP16-00002 - 750 Hinton Avenue –Hinton Avenue United Methodist Church, by Sue Woodson, its Trustee chair has submitted a special use permit (SUP) request to allow elementary education and daycare uses of its property located at 750 Hinton Avenue.

Carrie Rainey provided the staff report and the Commissioners then asked questions.

Ms. Green said with 45 to 48 students, has there been a traffic study done to accommodate this many at this point?

Ms. Rainey said no traffic number is provided at this time.

Ms. Green asked about the number of parking spaces. What is the total number of parking needed for this site?

Ms. Creasy confirmed that the higher of the two uses noted would require 5 parking spaces.

Mr. Lahendro noted that the neighborhood advises that a crosswalk be well marked at the intersection of Rialto and Monticello because the primary school is on Monticello and this use of this wing of the church would be a satellite of that school with children walking back and forth between these two building.

Mr. Keesecker said related to drop off and pick up, how that activity can be less impactful to the neighborhood?

Eric Anderson said thank you to the board for their consideration, the school is to be conducted between 8:45 to 3:15. We gather in praise and thanksgiving as God's people, we hear the word of God read and proclaimed. Approval would enable us to serve 48 more students each year. Heather Hill is the chairwoman of building committee.

Following the applicant report, the Public Hearing was opened.

Eugenio Schettini, the new President of the Belmont Carlton Neighborhood Association – said during the day this is kind of a dead area and this would enliven and engage the whole area. The sound of children playing would complement the clinking of wine glasses down the street and as we stated in our letter our concerns are traffic, congestion, and safety of the children and the location of the playground. We informed the school that we would like to be engaged with the formulation in how the playground evolves.

Julia Williams, 751 Hinton Avenue, said it is great to see the property have this opportunity. The trash is not well managed, and there will be a lot more trash. Hinton Avenue and Church Street do not have a stop sign and you cannot see cars coming up the hill. Please discourage having cars stop on Church Street. Additional concern was expressed about drop off and pick up. If the hours were different we would really have a problem so she wonders how the permit could somehow limit the use by hours. She said the play area in the front of the church, could be a benefit or it could be a detriment. She encouraged that be maintained so that it not be a hazard for the children in the area.

Amy Gardner 753 Belmont Avenue, agrees with the trash concerns, the church seems to be challenged in managing that. The Hinton Ave traffic doesn't seem to worry her, maybe because she has been dropping a kid off at school for many years and she is reassured that veteran children will be going there and that parking lot is pretty big. Look at parking on Rialto; parking on both sides of the street, it makes it narrow just for any car, so maybe illuminated parking on one side of the street would help mitigate any issues when they pull out. It is a great use of the space and really love the idea that there will be children playing in the middle of the day.

Adam Frazier 707 Graves Street is a supporter of this idea and he understands there will be a limited amount of students going there. He feels that the drop off/ pick up will be okay as it is not something that happens all at once. The parking lot is a sizeable. The SUP would not convey to the next people. The church is an old church and a lot of older members; they would like to see some new energy. It is a win win situation for the neighborhood, school and the church.

The public hearing was closed.

Ms. Green said we have to be very cautious and view the church in all conditions proposed. Keep in mind the SUP is for the church and that the international school is going to benefit from it.

Mr. Keesecker said he agrees with Ms. Green.

Lisa Robertson said in another similar application, a safety plan was required to be on file with the zoning administrator which would outline the drop off/ pick up procedure for purposes of complying with the condition. It could be noted that this needs to happen on the same side of the street where the school is.

Mr. Keesecker said that does allow the user whoever they are to change and tweak it as they move along.

Ms. Green moved to recommend approval of this application for a Special Use Permit in the R-1S zone at 750 Hinton Avenue to permit daycare and elementary school uses with the following conditions:

1. No more than forty eight (48) students may attend daycare and elementary school at the 750 Hinton Avenue location. An increase in students will require a new special use Permit (SUP).
2. The permitted hours of operation for the daycare and elementary school uses are 8:30am until 4:00pm Monday through Friday. An expansion of hours or days of operation will require a new special use permit (SUP).
3. A safety plan for the daycare and elementary school uses must be submitted annually to the Zoning Administrator for approval, and kept on file.
4. The main drop-off and pick-up activities shall occur in the parking area on the Subject Property.
5. A trash removal plan shall be submitted annually along with the safety plan to the Zoning Administrator for approval, and kept on file.
6. Playground equipment shall be installed per manufacturer specifications, and for so long as it remains on the Subject Property, shall be maintained based upon the specifications.
7. The playground equipment shall be located as shown in the location map provided by the applicant (Exhibit C1 as provided by the applicant) shown on the following page.

Mr. Keesecker seconded the motion. The Commission voted 5-0 to recommend approval of the Special Use Permit.

REGULAR MEETING (Continued)

#### H. Site Plan

##### a. 1002 Grove Street PUD

Matt Alfele provided the staff report.

Chairman Santoski said we have worked with PUDs a lot and this is about as mushy a thing as we can get these days. He said as he remembers correctly PUDs, even if written on the back of an envelope, that PUD once it is submitted and approved becomes the final document that we are supposed to work with and if there is anything that deviates from that plan, either it needs to be amended or denied because it's no longer following the original PUD plan.

Mr. Alfele said he understands where he is coming from because it is another mushy area because that is why he wanted to point out the September 9, 2009 document when they submitted for a preliminary approval and it did deviate from the plan and that deviation by virtue of the approval was deemed to not be substantial so that's where it gets a little mushy because you have this precedent set that there was some could argue a major deviation going from a triplex to a single family home and duplex. The Planning Commission viewed that as a minor deviation.

Mr. Keesecker said some of the items that are noted in our packet on page 3 and 4 and the table related to deviations. Some of the references made to where the original design intent refers to a letter dated June 27<sup>th</sup> are considered part of the PUD or the application for the PUD. His question was what is the PUD, one of those planned diagrams and the proffers we can read on that part of the letter, where are we with that?

Mr. Alfele said yes, that is also another question the applicant will have a chance to speak to, is what is the actual document that was approved in 2006?

Mr. Keesecker said we have a planned diagram that was in our packet which seemed to be a Xerox of a portion of a larger sheet of paper. Is this just an excerpt for the purpose of our booklet or is there another bigger piece of paper in NDS that we are not seeing the rest of?

Mr. Alfele said no what you are seeing came out of this material.

Mr. Keesecker said so it is obviously cut off but we don't know what else was around this excerpt.

Ms. Alfele said to the best of his knowledge correct.

Lisa Robertson said she will note and she believes Matt included this in your packet, a copy of the ordinance that City Council approved to establish the PUD and it specifically references the application materials having the date that is on the narrative that is in front of you. In her opinion, Mr. Santoski is correct that over the years what the city has accepted in the way of proposed PUD development plan includes both narrative and pictures so it may not just be a map or a narrative but whatever comes in with it, the materials that are referenced in the ordinance that approved the PUD needs to be considered as a description as what the PUD was proposed to include.

Mr. Keesecker said he read that too and that is part of the reason why he asked the first question. He saw the reference to June 27<sup>th</sup> 2006 under the heading of the final proffers statement but the letter says narrative statement for the majority of the letter until it gets down to the part that also has some bold text where it says proffers so he concentrated in his study on the part of that letter dated June 26 that was the proffer portion of it because the language in the rest of the description while interesting, is particularly with troubling because it had some references to values to what things would be sold. That information is 10 years old not which may or may not apply so it seems to him that the final proffer statement is the portion of that letter that comes after proffers; would that be a good interpretation of what we got.

Ms. Robertson said I am going to leave the interpretation part to you all as the decision makers but I will say the ordinance references to the application materials which to me includes that entire written statement that has that date and I think there that are a number of places where the person who wrote that statement uses some terms fairly loosely and I am not sure they use them as terms of art so there is a reference in the proffered conditions that are showing up on the first page of your proposed site plan to features shown on the site plan. I think that is referring to the drawings that came in with the original application, one which is on the face of the first page of the site plan. I don't think it refers to what we call a site plan. She said in going through, you have to do the best you can with what you got.

Mr. Keesecker asked where does it say that it refers to the application materials

Ms. Robertson said she thinks it is in the first paragraph of the ordinance. She said it was called a PUD development plan, she said it didn't say application materials.

Mr. Keesecker said it says preliminary proffer conditions dated June 27<sup>th</sup>.

Ms. Robertson said it says a PUD development plan dated June 27, 2006 and certain proffer development conditions set forth when in a statement of preliminary proffer conditions that had that same date. The ordinance contemplated by Council, there were two things that were related to one another. She said the materials you have in front of you have the same date.

Mr. Keesecker said by practice that plan expands to not just be a plan drawing but a plan including the narrative and everything else.

Ms. Robertson said if you look at your ordinance that is very clear, that is supposed to be the case. It is supposed to be a written narrative how you are going to address the intent of the PUD section of the code and talk about the different styles or types of housing. The land use section and some of them are called plans but you have a choose of whether you illustrate them on a map or a drawing or whether you describe it in writing and most people it seems, over the years have done some combination of those.

Chairman Santoski said these PUDs have become a real sticking point but where he has come down from looking at all of this is that whatever is submitted by the applicant at the time the PUD went in is basically what becomes the package because you are talking about a rezoning specific to that PUD, it is not rezoned R-1 or M-I or anything else. It's that PUD for that piece of property so everything that goes with it then becomes necessary materials and if they didn't want that to be then they don't submit all of those materials, or if they want to keep it as vague as it is but then when we have to review it, we should be reviewing an original document and how it has been amended.

Mr. Keesecker said he can't necessarily disagree but as he looks at what this diagram is trying to convey, I see a certain number of units and a certain number of access points off of residential streets and they are relative size and placement to each other. An idea that there would be some amount of common area in the middle and all of the pieces of what would make this an attractive

field project to the city to my reading of it seems to be consistent with the design ideas from the original PUD that for instance being able to meet. (I can't tell from this diagram that it had any hope of meeting the stormwater regulations in 2006, the truth is they changed two years ago and got tougher and so now I am not going to scale this and find out if the common garden could handle the apparent stormwater rates.) There is probably no idea that it could work but the site plan in front of him is actually an improvement to what was generated back then because it does meet given two years' worth of review has gone into this current site plan. It seems like it's an improvement to what was maybe conceptually drawn out in 2006 because it meets the current stormwater rates, where this one may not have had a chance to do so.

Mr. Alfele said what is before you tonight as far as a site plan, outside of what is listed in those tables, and could be an approvable site plan.

Mr. Keesecker said it is just the understanding of how much variance we allow from the concept/PUD development plan from 2006 to today's drawing.

Ms. Green said this is not a site plan, this is a concept. She said it is like apples and oranges.

Mr. Santoski said we have had this discussion with developers before and when they submitted the original PUD and it was approved and called for a common garden quite honestly whether or not this diagram would meet today's standards, it is almost immaterial. They called for a common garden and they are going to build it today rather than back in 2006, I am sorry guys, that is why we gave you this PUD because it was a Planned Unit Development and now just throw the rules out of the window and say hey look you gave it your best shot but you have to live up to the standards we have at the moment when you are coming before us, doesn't matter how you do it, this is what you told us you were going to build so if they don't want to build that they need to come back and get an amendment to the PUD.

Mr. Keesecker said it looks like they do, he is seeing open space, it doesn't necessarily mean it is a common flower garden.

Mr. Santoski said in general, once you start making exception to that, then the whole PUD thing goes out of the window. Unless someone formally comes in and says we want to change this diagram and this is why and we have the right to have another public hearing, denies the new PUD, we can do all sort of things at that point, but if they are coming in and asking us to modify the PUD from what was the originally approved.

Ms. Green said she thinks that the question is, does this new site plan actually modify the PUD that was approved?

Mr. Lahendro said he is studying the narrative statement from 2006, and it is a very different site plan from what is being put out today than this narrative statement describes and is that our beginning point for the PUD?

Mr. Keesecker said very different in terms of the things that are on the table that Matt allotted.

Mr. Lahendro said yes in terms of keeping the existing trees and according to this narrative and to replacing all of the trees in the current site plan, it talks about styles of building that are going to be put in. It talks about keeping the character of the neighborhood. There is a lot of detail in this narrative statement. If that is our beginning point and that is what we have to judge against what is being submitted now we need to agree upon that and he thinks we are and that is what he is hearing.

Ms. Green said that is exactly what we need to do is read this narrative and figure out if this new site plan is in compliance with that narrative PUD or the pictures and whole thing is a packet.

Ms. Robertson said everything is included in the packet so look at the narrative, look at the drawing, look at the proffer development conditions. They all have to be read together because once this was approved they all became the zoning regulations applicable to the development of this property so they all have to be read together and interpreted together.

Mr. Keesecker said so we would expect that the maximum dollar figure for sale of the unit on these properties given the third bullet on the first page units is \$350,000 dollars.

Ms. Robertson said she doesn't know if that is a site plan issue or whether it is even addressed in the site plan. The site plan is talking about the layout of the overall development site, the amenities, the buildings, the stormwater, the green roofs, all of the things that are referenced but she doesn't know that typically site plans include a sale price.

Ms. Green asked if we could hear from the applicant.

Mr. Maynard Sipe, representing the applicant, Dickerson Homes LLC, and Mr. Bo Dickerson is here with us tonight. He said the statement that all of the application package is to be considered as part of the PUD plan tonight is the first time we have heard that as an applicant.

Mr. Santoski said that is not the first time we have had PUD discussions on the commission since I have been here and we have talked about that many many many times that the application submitted to us for review includes all of the documents that we get so when people go back to look at everything and we look at it, we have been told time and time again and has everyone else. Quite honestly he gets tired of hearing that people don't know that because he knows it better than he should have to know it. He said he gets a little frustrated over the fact that people said they don't know what the PUD is all about.

Mr. Maynard Sipe said he has a thorough understanding of PUDs and he worked on them in Northern Virginia and other locations, but what he wanted to say is that is the first time he has heard that comment tonight, he is just making you aware of that. He did not add that paragraph to the letter to try to focus the argument on what's the PUD plan so much because he is confident that it does conform to the plan and to the proffers. We had strived all along to meet your process with staff to do that and our goal was to conform as close as possible to the plans and to the proffers that staff is pointing to through the process and we made that our goal and he believes they have achieve that. That is why he wants to get to those points and they have heard this one point tonight for the first time.



Mr. Santoski said whether you call them proffers or whatever you want to call them, whatever was submitted with the original PUD plan is what becomes the Plan Unit Development Plan. So it doesn't matter if they are called proffers or just part of the plan, and we could get into arguments about proffers and everything else but it is really what the applicant says in order to get this PUD this is what I am going to do for the city and in return this is what I am going to build and this why I don't want to adhere to the regular zoning that is in that area. That document becomes the new zoning for that piece of property and honestly looking through this I have to agree with Mr. Lahendro that there seems to be marked deviations from the original PUD plan that was approved. What Ms. Green is saying is why don't you walk us through the document that Matt put together for us that kind of basically says hey look that's what basically was proposed and this is where the deviation is right here.

Mr. Sipe said when you approve a re-zoning of any kind, especially a PUD, the ordinance adopted by City Council is the ordinance and that in itself should contain all of the language including a proffer statement signed by the landowner. That is a state law that the landowner sign the proffer statement. Staff has been unable to produce a proffer statement.

Mr. Santoski said this is different than a typical re-zoning when you are going into a Planned Unit Development, you are stepping outside of the typical re-zoning and you are moving into a whole new area. Whether or not you wrote it on the back of an envelope or postcard or what have you, once you have done that; we have good PUD plans and we have had very poor PUD plans and we have had PUD plans where developers who says I didn't realize when I wrote that on the back of an envelope that became the plan, yes you did know it, it's right here, they told you and it's in the ordinance, I beg the differ with you and my colleagues may not feel the same way. But quite honestly I would like for you to address why the PUD plan dated June 27, 2006 is the same for the proposed site plan that we are seeing now.

Mr. Sipe said those points in his letter were for background and context. Onto the general layout and the structures, in the staff memo they talked about the structure location and the types of structures. The drawing that is there is a concept plan showing a triplex, a three family dwelling connected by sort of one story roofs. The Planning Commission previously saw a site plan for this priority in which the applicant at that time, showed a duplex and a single family unit and no connections between them other than the duplex obviously and the Planning Commission at that time approved that site plan and that seem to indicate to us that that was an acceptable deviation as staff noted in their presentation and he said staff in their review of this expressed an opinion that the general layout and location complies with the PUD plan and that was in the letter of July 10<sup>th</sup> from staff that I provided you as attachment (C) in the package. We believe that the structure locations are really the best possible and the way that we have re-worked the plan obviously increased the open space and addressed the modern stormwater regulations which are requiring things that were not required in 2006, and we feel confident that it does match the PUD Plan and general location and layout structure. There was a lot of discussion with staff about green roofs and that is a popular item for some people. If you look at the proffer statement it does discuss green roofs, rain gardens and other elements of low impact development and the proffer states the intent is to achieve as much stormwater reduction as possible and I guess that is both quantity and quality of stormwater. We have gone through and met all of the modern regs which are

superior to the ones in 2006 when the plan was approved and we removed the one story structure because it was not an effective way to provide an effective form for the housing and by removing the one story structures we felt that the green roofs would not be necessarily required and green roofs at this point would not add to the management of the stormwater. He said he wrote a letter outlining that in detail which led to the zoning administrator's determination that we're in compliance with that proffer and in effective we have exceeded the intent of the proffer. That is provided to you on attachment E.

On housing types, for two years, we haven't had any issues raised by staff on the housing types, no questions because no one had put in front of us that they would evaluate us against the entire application filed by the applicant in 2006. However the site plan itself governs the footprints of the housing and the location of the structures, we think the scale and placement of the structures is very much in keeping with the character of the neighborhoods and these will be all two story structures. That part of Fifeville has a mix of architectural types, a lot of vernacular architecture, varying in sizes and ages, but we think the units we are developing will fit into the neighborhood fine and the information shown on the site plan provides structures that are in the proper context. The one unit facing Grove Street is in alignment with other houses facing Grove. There is a house facing the other street and then we have three houses facing the side street and they basically flush out the block in a manner in keeping with the neighborhood.

He said the next item is the preservation of trees. He said it is important to look at the proffer language itself. The proffer language is the refinement of everything in the discussion on the rezoning that usually achieves the end point of the proffer which expresses what is required. The proffer is not explicitly requiring preservation of any or all of the trees. It does ask for us to make every possible effort to save existing trees. We went through the layout and structure and tried shifting them in many ways. He said I guess if I want to refer to the plan I could point out one unit. There is a unit facing Grove Street on the West side, on the left side of the plan and it has a driveway between the unit and the neighboring property. We felt that was an important aspect of the design to provide the driveway there and more buffer distance from the neighboring property to protect that neighbor. We are dealing with zero setbacks. He believes with this PUD we did that there and we did the same thing to provide buffers to the house on the corner of King and 10<sup>th</sup> Street by locating the driveways between the houses which provides a little more distance. There were a lot of elements like that we considered and we also had to do the rain gardens as part of the low impact development for the current storm regs. We expanded that open space to accommodate that. All water on the site from the roofs of the structures and almost all of the yards is going into that open space of that rain garden and we are using rain barrels as well. The only offsite water was a minimum amount from the wheel strip driveways. The wheel strip driveways are going to be in impervious pavers. He said there are a lot of choices he had to make in the plans and he sat down with the engineer to walk through this and in doing so it really was practically impossible to preserve the existing trees even though the tree location might be in the open space on the border of it. You are always going to impact the root zone of a tree and constructing the rain gardens and for the stormwater to be able to put five units of residents on the site is very difficult. He said he did include a landscape plan with planting of trees or replacing the trees with native species and all of that was envisioned in the proffer itself, any trees removed would be replaced. He said the other two elements are pretty straight forward. The open space that staff has shown that we are providing 27.1% of the area of the site open

space as opposed to approximately 16% shown on the PUD plan. He feels that is a great improvement and it did enable them to do the rain garden which will be a nice open space for the residence. The grasscrete pavement was called out specifically, it was a brand name. He thinks it's a brand name commonly referenced at the time in 2006 but what we are using is impervious pavement which is extremely similar and we are using them in all six parking areas, instead of the three required in the proffer, so we meet those elements as well. He said if there are questions about how we are deviating, he is happy to entertain them.

Mr. Keesecker said so the letter we have dated June 27, 2006 basically walks us through the evolution of the design of the building from a submission from 2005 or so all the way to present from 2006. It contains language that goes from a 7 unit design to a 6 unit design with various different partners and architects until ultimately we settled on a description of a couple of different plans or 3 different plans that we have but this plan date May 31, 2006 that is in our packet that shows a more modern buildings by an architectural firm call Utile, as referenced in that process and background description. What are we to make of this?

Mr. Sipe said in the application materials you have a set of drawings with the name of the designer on there, Utile that is dated the 31<sup>st</sup> of May 2006, which includes all of the drawings for the housing types and the architectural drawings, those drawings were obviously prepared in advance of the application and were included in the application package to illustrate what the applicant at that time was considering. The ordinance itself always refers to the date of the narrative and the proffer statement that was included in the package, June 27, 2006.

Mr. Keesecker asked are these June 27<sup>th</sup> drawings.

Mr. Sipe said those drawings we have originally led to believe were the most recent that were made available between June 27<sup>th</sup> the application date and the date the ordinance was adopted by Council so they may be more recent than the application package.

Mr. Keesecker said there are no dates on these drawings.

Mr. Sipe said no, there are no dates on those drawings and there is no language in the ordinance to tie those drawings to it, but we have worked with those drawings all along.

Mr. Keesecker said I know it's a typo, basically this says there are 20 units on this plan, but I am sure it means 20 units per acre but it does say that it says 20 units.

Mr. Sipe said he really did not want to go into detail to comment on the quality of the original work of the application, but we just took the plan and as a concept plan it is not to scale it is sort of a sketch plan which he referred to in his letter as a sketch plan. We took that and worked with it all along. We tried to adhered to it all along and he believes they have adhered to it in terms of the layout on that plan you pointed to which is the undated one included in the packet.

Mr. Keesecker said the description of what we think is the actual approved PUD is some portion of this letter that probably falls under, the portion of the letter dated June 27<sup>th</sup> that says response to specific requirements, is that what the staff's impression is? Is it from that point down?

Mr. Sipe said he drew attention to this in his letter, but really did not intend for the Commission to be overwhelmed by quality or quantity of materials from the original approval. I felt I had to mention that, but really just wanted to focus in on how we can form with the general plan which is in the dated plan that you held up. Staff can answer that particular question better.

Mr. Sipe said proffer 2 said we are to look at environmental features included but not limited to rain gardens, rain barrels and green roofs on the one story structures sections of the buildings. We have utilized rain gardens, rain barrels and we have utilized impervious pavement and other techniques not listed there. We also just design the site to contain as much as possible of the stormwater. We went back and submitted a letter to the zoning administrator which outlined all of this in detail and we did outline an argument that all of the techniques we have used which include additional techniques to those that were in the proffer have resulted in a retention of stormwater significantly greater than what was expected to be retained in 2006. If you look at that proffer you can see that maybe at the time they were trying to get the applicant to retain more stormwater than the minimum requirement in 2006, that would have been a level like this and they wanted something more. We have now met the 2009 requirements which is even a higher mark minimally exceeding the 2006 ones, so we presented that argument and the zoning administrator agreed with it and provided that to staff and we felt that issue was resolved at that point back in February.

Mr. Santoski said but the original PUD calls for a one story section instead of two stories which you are now proposing which is why the green roofs were something not usable on the two stories but that is a marked deviation from the original PUD. Where does it allow you to put a two story home up where you said you were only going to put up a one story home?

Mr. Sipe said all of the homes on the original PUD plan were two stories I believe, but they were connected, there were some one story connected sections envisioned by the original designer or architect.

Mr. Santoski asked where are they?

Mr. Sipe said they were not provided on the preliminary plan that met the planning commission approval in 2009 and we did not find them to be workable for the housing type.

Mr. Santoski said just because they are not workable doesn't mean we allow you to get away with it. He said he has heard this argument several times, oh that was just a preliminary, that is how we were thinking, we are envisioning this, and don't you understand if you sold the property to somebody else the PUD is still the PUD. If you said you are going to do something, we expect you to do it. You can figure out how to do it, you are bright people, you have engineers, consultants, this is what you said you were going to build, this is what we expect you to build.

Mr. Sipe said his only response is that the plan Mr. Santoski just held up is a concept sketch, is not to scale and shows housing sketches of a certain nature, those housing types would not be practical on the site, they interfere with our ability to deal with the stormwater.

Mr. Santoski said it does matter; it was part of the plan that was approved.

Mr. Keesecker asked Mr. Santoski how he knows that plan is the one that was approved.

Mr. Santoski said he doesn't but he is taking this one on face value that this was the plan that was submitted for approval and the crazy part is often we are not able to find what was originally approved. We have to base it on what we have and we have the narrative and kind of talks to that and it is the same thing with the trees. There is no doubt in here that they say there are at least two trees that they wanted to have preserved and you want to take down all of the trees. One of the biggest problem we have had with PUDs is the developers taking down the trees when they are not supposed to. The reason you get the PUD is because you say you are not going to take down the trees.

Mr. Sipe said if you look at the 3<sup>rd</sup> sheet of the site plan packet, we have submitted, the 3 rain gardens there is a stormwater pipe running through the open space. We have been hard pressed by the staff to do the most absolutely possible for stormwater and the rain gardens and installing that pipe to receive the water or the overflow from the rain garden is located right through the root zone of those trees. That's an excavation that is going to affect the roots under those trees. It really wasn't necessarily the dwellings that caused that the two trees you mentioned the hollies and the hickory that are very slow to the stormwater drain on the back corner of lot #2. Those were the elements we were balancing. We have been balancing the two issues, new stormwater requirements vs. what was original envisioned maybe or at least what was the original aspiration. He said we have done a good job of balancing that. Are there any specific points I can answer.

Mr. Keesecker said different from some of the things in the staff report, the trees are addressed by a proffer statement that essentially said there is going to be an effort to save existing trees but the proffer says if it doesn't work out the trees will be replaced with native species. He looks at the proffer statement carrying more weight than anything that might have been a narrative and trying to describe what your intentions are. Is it true that your site plan now meets the proffer statement basically, the proffer is repeated on the modern site plan and are native trees being used to replace, is the trees coverage being met with native species?

Mr. Sipe said yes we are replacing all of the trees using native species. We are meeting the language of the proffer as I said earlier. Proffers are supposed to be the desolation of the requirements for zoning approval and we think we meet that.

Mr. Keesecker said if your stormwater regulations were less severe, would some portion of the existing trees have a higher chance of being able to remain?

Mr. Sipe said they might would have a likelihood to remain and in looking at the PUD original concept plans he thinks it is very important to look at the big picture of the plan for the site and most of the trees on the site were non-native evasive species like a Lantus. They were basically weak trees that had grown in an old fence row and so you may be losing a couple of good trees in someone's opinion overall you are going to get five preference types of trees species than was on the site originally. So the overall site is going to meet the requirement for tree canopy. We

are doing our best to make the site as attractive as possible; the developer wants an attractive site that serves the needs of the future home owners.

Ms. Green said you mentioned the plan that is in front of us, the plan from 2006, you meant the one roof, the green roof, met the 2006 stormwater requirements and you believe this plan went above that and then you said you have now met the 2009 requirements and 2009 is 8 years from where we are now so what is the difference from 2009.

Mr. Sipe said we are exceeding the contemporary requirements which are higher than the ones and to your questions, the plans in 2006 did not have any engineering, there was no demonstration that this plan could possibly meet stormwater or not.

Ms. Green said her question was what 2009 has to do with this.

Mr. Sipe said that was the previous site plan that the Planning Commission approved which eliminated the one story structures that had a duplex and a single family home. This had been seen by the planning commission before with the structures as we are showing them so today you are getting another bite of it. The stormwater discussion is basically what was expected in 2006 when the proffer was made and what is required today, 2009 is only relevant to the structures.

Ms. Green asked do they have to meet 2009 requirements or 2015-2016 requirements?

Ms. Green said the housing types; you believe are not practical on this site. What is practical, to whom, to why, what does that mean, in what nature?

Mr. Sipe said the concept plan we have been working with all along, showed five individual single family dwellings and these five had two story buildings. This row on the tri-plex was made a tri-plex on the concept plan. He said that is why the 2009 comes up because in 2009 there had been a preliminary site plan that the Planning Commission approved that allowed the duplex and the single family structure. When we talked to staff last summer, (Ebony Walton) because the Planning Commission had seen it and approved it the staff thought it was appropriate in keeping with the prior planning commission action.

Bo Dickinson, Manager of Dickinson development, said practical means from 2006 the stormwater from 2006 is not sufficient for today. We had to increase the middle side of the open space. We thought the dimensions would go into that open space and it was not going to fit the site so we went to a 24 x 32 box so we can have the homeowners help to design the project.

Ms. Green said he said housing types and he said on the PUD with the one story tri-plex is not practical on the site; she is trying to clarify what that means.

Mr. Sipe said what he is saying is he has footprints that he can build to the homeowners desires with that footprint and so if you look at the concept plan that you are going back to with the tri-plex and you look at our plan and the stormwater facilities we designed to address the site with the 3 rain gardens, you will see that one of the rain gardens in the center of the site is here between our duplex and single family structure and it would be where the tri-plex is over

running. The tri-plex consumes a lot of area and we have converted that area into open space lot (some of it) and we have been able to accommodate the rain gardens to address the current standards for stormwater. This tri-plex was not, that what I meant by not being a practical housing type, structure or plan, because when we went in to get today's standards for stormwater and everything else, that is not an appropriate structure and staff had concurred with that all along.

Mr. Keesecker said in the visual reference that it appears duplex and single family configuration has less roof area than the tri-plex and the triplex massing stretches from one street to the other. Is there any math to back up the visual?

Mr. Sipe said the plan is not to scale so it would be impossible for me to give you an inch or a foot. The massing is something to be considered and we felt the duplex and the single family unit would fit nicely in the character of the neighborhood. They still maintain three units in the same location while letting us have more open space and accommodate new stormwater. I don't know about the roof area really exactly but I know we have created open space so there is a net gain design.

Mr. Lahendro said he is confused to what the PUD is. He said he thought it was the 2006 documents and now he is hearing 2009 being approved. Something amended or something changed, what is the approved PUD that we are reviewing now?

Ms. Green said it sounds like we are designing a site plan right now but to part of the PUD, what is the PUD is one of those plans diagrams or where we are with that?

Mr. Alfele stated the actual document that was approved in 2006. June 27, 2006, walks us through the evolution all the way to present, containing language that goes from 7 unit to 6 unit designs, different partners and architect, a couple of different plans we have, May 31 2006, showing a modern building is reference in the process and back ground.

Lisa Robertson said if we can't identify a PUD approval then there is no site plan that can be approved. The site plan has got to match the approved PUD plan. She thinks that as a practical matter what the applicant has done is given you a site plan showing at least one of the drawings from the PUD development plan referenced with a specific date that was referenced in the City Council ordinance and also on the first page of that site plan is a list of proffered conditions. City Council ordinance specifically references a set of proffer develop conditions since that is what the applicant has given us on the first page, a minimum of those two things I think we have an agreement on. She said the only way the applicant can move forward, is for us to agree that that is an approved PUD and we look at whatever materials that are in those June 2006 materials referenced in City Council's ordinances is what we have to go on. 2009 was the first time the property owner came seeking approval for a site plan, and at the time that plan was under review it should have been doing the same thing you are trying to do now which is figure out whether the proposed site plan that has been submitted was substantially compliant with the approved PUD and so that was the issue in 2009. It was not an amendment of the PUD but whatever it was that the site plan was being compared against at 2009 that is what we are supposed to be

comparing this site plan with tonight. It should not have changed and at a least one drawing and a set of proffers that nobody is arguing, whether they comprise the PUD.

Mr. Lahendro asked what the conclusion in 2009 was.

Lisa Robertson said in her understanding in 2009 the site plan approval allowed substitution of some different types of units. The most substantial change was that what was shown on this original picture as being a series of buildings with what shows up on the drawing that is on the front page of this site plan as being labeled green roof was actually sort of a connectors or a one story connector between a bunch of buildings. You will notice that in 12345 different places something is labeled green roof. It is her understanding that that was some sort of structure that whether it was part of the porch which was one story tall or what it was original approved PUD to be a green roof. The reason this is important is because separately the proffer development condition reads, "The developer will install environmental features shown on the site plan, designed to retain as much storm water as possible, including but not limited to rain garden, barrels, green roof on the one story section of the building;" by the proffer, by the picture, what you were supposed to be getting, was some types of buildings or structures that have had sections which was one story with green roofs on it.

Mr. Lahendro asked do we have a 2009 site plan.

Ms. Robertson said yes you approved it, but NDS does not have it.

Mr. Clayborne said so is it fair to say in 2009 when you came before the commission, the dialogue that occurred was that there allowed you to switch those building types, was that due to the stormwater regulation rules?

Ms. Robertson said here is the separate issue that allowed that one, because proffers are all tied together, but in an approved proffer statement if it needs to be amended that is a separate process than amending a PUD. The Supreme Court has been very clear, when someone like a zoning administrator when performing an administrative or administration somewhat like you are trying to do tonight, is looking at the wording of the zoning regulation you have got to apply the plan language. My concern over the memo the zoning administrator did he is attempting to declare some legislative intent and trying to help create some sort of equitable resolution of the situation that is difficult because of the record keeping issues and other requirements but The Supreme Court has said a zoning administrator cannot step outside outlined parameters. He has to apply the plain language of the zoning regulations and if in trying to reach an equitable solution or whatever those needs to be changed, it has to be by a legislative amendment. The zoning administrator cannot say this stuff meets the intention of the original. You have to look at the language, you have leeway, look at the statement from 2006 and say this is how we meet the PUD requirements and look at those drawings and you yourself can read the language of the ordinance and if you decide what is in front of you is substantially in compliance with those items as you know it then approve the site plan and we can move on. My issues with the zoning administrator correspondence is that he is not reading the language of what is there so it may well be, that you think what is in front of you is substantially in accordance with the PUD development plan but whether or not someone can simply chose not to include one story



buildings and then say I can't comply with the proffers because I now not choose not to include one story sections of buildings which is the actual wording and we've got to figure that out. So that is one legal issue which is whether in looking at the actual wording of what is in front of you, and if you think that what you've got is compliance with those words and that is for you to determine.

The issue of what is required for stormwater, the state stormwater regulations outline the old ones and the new ones. That is the development law no matter what so the issue that is required by state regulations and what you were promised in a PUD are two separate things. If someone tells you I proffer that I will comply with the storm water regulations that is already a requirement, so presumably when you are reading a proffer that says I am going to install environmental features, designed to retain as much stormwater as possible including by not limited to these things. The issue is what were you getting collectively to deal with stormwater? Those things are a matter for you to interrupt. I think what I am hearing is because the storm water regulations have changed this owner has no alternative other than to comply with the present stormwater regulations so there are some adjustments that may need to be made to this original layout simply in order for them to comply with what is now the law. She said something like that has to be taken into consideration.

When you are looking at language such as whether someone proffers to make every possible effort to save existing trees and if you can save the existing trees or replace the ones lost. Does this site plan demonstrate efforts to save existing trees or can someone come in and say that because of these new stormwater regulations for other reasons we can't even bring you a plan although we didn't consider trying to do a different layout to save existing trees. That is the language you have to focus on, is what's written and you give your interpretation to it. Whatever you decide as the age of the site plan is your decision but she said put aside your general feeling about PUDs. This original thing was at least the documents that no one is disputing and try to give some interpretation to that in a way that takes into account some other requirements that may have come into being since the original approval.

Mr. Keesecker said so generally PUDs are in place to bring forward relatively creative solutions to infill issues and so the basic intention behind PUDs is to bring what would have been difficult solutions to a basis where they can have a site plan where they can be approved. PUDs are not intended to be literal translations at the time you approve the PUD because under that scenario I don't know that anybody could present a PUD as an idea through that process to bring the creativity forward.

Ms. Green said yes, but proffers are.

Mr. Keesecker said so proffers are very literal.

Ms. Green said and that is where number two comes in.

Mr. Santoski said the PUD is usually the only thing that has been required that it be a concept plan and we've have had discussions about it being more than that. The hard part is that it has been exactly that, because most PUDs have been accepted as concept plans, nobody knows if the

engineering will work, nobody knows if any of this stuff is working. The developer just comes forward and says this is my best guess that this will work with a lot of promises and the city on faith takes that and so if this is what we have we have to believe that this passes. Yes it was 2006 and now 2016, many things change but the original Planning Commission, the original Council, the original neighborhood, believe that this was basically the plan that was going to be approved. If we don't approve that, then why do we have PUDs? Let's just get rid of them and use the regular zoning we have and operate within that. All we have is concept plans for these things so when we want it to be something more than we are requiring developers to go through the regular zoning process, then we need engineering plans and everything else. Yeah it's a leap of faith on the city's part but we are also having a certain amount of faith in the developer that they are going to deliver to us as close as they can what we are looking at.

Mr. Keesecker said in good faith, when I look at this plan it seems like it's as close as you can get, given the changes to the stormwater.

Ms. Green said she disagrees.

Mr. Keesecker said his question is how as a creative solution structurally how this fits into the neighborhood, to Ms. Green you are saying this is not the PUD....

Ms. Green said this is not trying to make their site plan work because it fits in the neighborhood that is where I think we are getting confused. We have a PUD and that is what has been approved. I am not disagreeing that maybe something from this PUD shouldn't be better but the process is not bringing forth the site plan and that supersedes the PUD. The process is for them to bring the PUD back to us to make it fit what they need, to amend the PUD, not try to fit a square peg in a round hole.

Mr. Keesecker said so you think this is a square peg in a round hole.

Ms. Green said the proffer language is very clear, it says including but not limited to so at least on this plan you should have rain gardens, rain barrels, green roofs on the one story section of the building.

Mr. Keesecker said in that clarity, one could install a green roof over the one story porches of the building and meet that proffer.

Mr. Santoski said that would do it possibly.

Mr. Santoski said Lisa is right we have to look at the language of it, and it doesn't matter what we think today, we are not designing the site plan, does their plan meet the things that are explicitly required and does it meet what was presented in the approved PUD. Sometimes this is the best we have, we don't always have good records, nobody can seem to turn up some things, but if this is what we have, it still deviates from the original PUD.

Mr. Keesecker said this is a plan with a terrible record, some half scrappy Xerox's of boxes on a plan on 2006 that are not dated or scaled, but it is a terrible record and nobody can produce a signed proffer statement and he has one dated plan that shows a duplex in a single building in

2006 and he has two diagrams that don't have dates but the ones that don't have dates say 20 units. We have really bad records and poorly worded stuff. He said he wanted to pull back and say overall the intent of the PUD ordinance is for the creative design and is this basically a deviation

Ms. Green said the overall intent is to make something better than what the original zoning created and is harmonious with the neighborhood.

Mark Saunders 419 4<sup>th</sup> Street N.E. noted he is feeling a little insulted because the original intention of this project was to give a creative solution for a neighborhood where you had a giant development proposed for Roosevelt Brown Blvd and you had low density, a set of residential homes further back in the King and Grove community and the idea here was that they were dilapidated, so we brought and knocked down this property. We worked with the Charlottesville Community Design Center with Katie Swenson. We wanted to have affordable housing so that police officers and teachers could afford to buy some of these small units and the elderly people on fixed income. We wanted to give some creative designed solutions, mentally environmentally sensitive solutions. That was where the idea of green roofs came from. We found some new partners that had some capitol to bring to the project and we entered into an agreement to sell the property to them. He said what he sees on the site plan is truly a good faith effort and not this bad plan. This is a good faith effort. This is not a plan trying to kill trees, some of the trees are knocked down by storms. He said this plan will make Charlottesville better.

Mr. Clayborne asked is it accurate to say that in 2009, the planning commission said it was okay to remove the one story addition. Is that when the decision was made?

Mr. Saunders said the original concept was to run this really long building and a large house fronting on Grove Street. There was a small unit fronting King Street. Because the zoning required it to be connected, the owners or builders had to build a breezeway and that is all it was, a covered breezeway, and then they added this one-story section in the two story house fronting Grove Street and the two story house fronting King Street was to mimic what had been there and so that was the idea to remove that one story section, which was approved in 2009, in order to have fewer units. He said it is not a major deviation from the original PUD.

Mr. Lahendro said comparing the site plan to what is prepared now; he sees an attempt on Grove Avenue to align the front yard setback with the existing house next to it. Next is Unit F on the original compared to Unit 6 on the current you would enter Unit F from the west which means Unit F is further away from the side yard property line. He believes there's more space on that side and should be a minimum 5 yard setback as is required in that neighborhood. He doesn't see it being done in the current site plan, and Unit C compared to Unit 3 on the new site plan seems further away from Grove Avenue which is appropriate. He is making these suggestions because he is comparing the two site plans and thinking of the neighborhood and the kind of setbacks and side yard setbacks that exist. He said there is a wonderful holly tree that is there and would love to see them comply with the original intent to save every existing tree possible and that is one that certainly deserves to be saved. He noted the following potential conditions.

1. Submit a plan to preserve the Holly Tree or come with an arborist to inspect the tree to let him know if the tree is worth saving or not.
2. For unit F on the original compared to Unit 6 on the current, you would enter Unit F from the west which means Unit F is further away from the side yard property line. Should there be a minimum 5 yard setback as is required in that neighborhood. He doesn't see it being done in the current site plan, and Unit C compared to Unit 3 on the new site plan seems further away from Grove Avenue which is appropriate.

Ms. Robertson said so you are indicating that they would not comply with city code 34-518(b) that requires site plan to conform to the approved PUD.

**Mr. Keesecker move to approve the proposed final site plan as submitted, Seconded by Mr. Clayborne. Mr. Lahendro No, Mr. Clayborne Yes, Mr. Keesecker Yes, Ms. Green No, and Mr. Santoski No, 3-2 motion failed.**

**Mr. Lahendro move to disapprove the proposed final site plan, for the following reasons: Per City Code §34-518(b), the plan must be modified or corrected to comply with the approved PUD Development Plan, as follows:**

1. Provide 5 foot setback between Unit F/Unit 6 and the west property line.
2. To provide the same front yard setback as the existing house west of the unit.
3. Increase the side yard setback of Unit 3 on the north side against Grove Street to a minimum of 5 feet.
4. Make every effort to preserve the Holly Tree and if that cannot be done, provide an independent arborist report noting that it is not worth saving.
5. The proposed site plan does not comply with proffer #2. Delete reference to the green roof in the proffer or amend the site plan to include some sort of the green roof.
6. Provide for different housing sizes as outlined in item three of the chart on page 3 of the staff report.

Seconded by Ms. Green,

Mr. Keesecker said when we note deviations and then we ask for remedies wouldn't the evidence of the deviation have to be strong in that how does the current submitted site plan not comply with the architectural style related to the cottage, federal or Victorian? Those footprints could be designed in those styles so how would that not comply? We can't hold up a site plan based on information that they could still do that style or are we going to debate limits of what Victorian are? The second question is related to setbacks, what basis so we have for saying the existing buildings aren't closer to the setback lines than the current site plan. In looking at this diagram, which appears to have two lines one dashed and one solid running adjacent to those buildings, it also shows the property lines running through some of the new properties. That boundary will be

adjusted. These are diagrams built over the city's planometrics, they aren't surveys. One could argue that building C is as close to the corner in this diagram as it is in the current site plan. So are buildings E and F if the second line that I am looking to scale this.

Mr. Lahendro said he is looking at Unit 6 which has a 2 foot setback from the side yard. There is certainly more space between Unit F and the side yard.

Mr. Keesecker said one would assume that with the walkway it's wider than two feet.

Mr. Lahendro said he is interrupting the intent that is all he could do with the diagram. He is interrupting intent in a way that is compatible with that neighborhood.

Mr. Keesecker said the little translation of a non-scale drawing is out weighing some of the intent of the designers of the PUD itself which was affordability, stormwater management, and infield density in a small neighborhood that relatively in scale which was the intent of the PUD. The intent was not the setbacks.

Mr. Santoski said as we all look at the same pieces of information, we all have different interpretations.

Mr. Clayborne said how can we say you didn't meet a certain requirement if it is solid in the proffer.

Ms. Green said it is not only about the proffer, it is about the documentation we have on the PUD as a whole.

Mr. Clayborne also spoke of the history of this and one point we said we could take this literally but at the same time there was precedent of the 2009 commission. It is very obvious between all the testimonies we have heard here today that there has been a lot of work with city staff, a lot of time energy and money invested to this thing since 2009. He said he can't dismiss even though it is just hearsay to use judgment in making this decision, that is why I asked the question twice: was it in 2009 that the one story portions were removed and we heard the reasons why and it seemed like there was a very unmaterial reason used. Even though we don't have the 2009 documentation for whatever reason, it is almost like the starting point in a sense. You have to look back and say okay, we have the 2009 plan that provided direction and watched from 2009 until now in that direction are we going to be the public court that says no because of a 2006 diagram you must start from scratch. That is kind of where I stand from discussion purposes of just putting it out there while you guys continue to dialogue. He said he is having a hard time digesting making someone start over.

Ms. Robertson explained to Mr. Clayborne that the site plan is good for a certain length of time. She said she couldn't tell him if this site plan is even still valid because we don't have the plan.

Mr. Lahendro said there are a lot of differences between the current site plan and what we have in front of us from the 2006 PUD. He is generally in agreement that the intent of the design matches most of the PUD and he is doing his best to identify the specific areas that he thinks

don't and could stand some improvement and he not looking to start the whole program over again. He is looking to give some way that the applicant can come back to us with an acceptable project.

Mr. Santoski called for the vote.

Lahendro yes  
Santoski yes  
Green yes  
Clayborne no  
Keesecker no  
Motion passes.

Mr. Keesecker asked from this position tonight, how can one initiate a zoning text amendment to eliminate PUD's from the ordinance?

Mr. Keesecker made a motion to initiate a zoning text amendment to eliminate PUD's from the ordinance; Motion was seconded by Ms. Green.

Mr. Alex Ikefuna, Director of Neighborhood Development, said he realize there are various opinions regarding the PUD, the developers may have taken advantage of the process, however he doesn't think you guys need to make a text amendment of the zoning and eliminate the PUDS, a creative way of assuring that difficult parcels are developed. He recommended that the Planning Commission re-consider the motion and find a way to improve the process or revamp the system and let's move forward from there, instead of eliminating it is not a good idea.

Ms. Creasy said the process for PUDs and what has come in for PUDs has changed quite a bit from 2006. The last one we had was Locklyn Hills, very detailed; they came back to you with specific work that needed to be corrected. You have sufficiently scared the development community into not using the tool anyway because of the difficulty of it. We are not finding that we have a lot of two acre sites that are left anyway to use this tool. We have had difficulties with this tool and other zoning tools and it could be useful and it has it merits but it is a good thing that is not the only tool we have. Staff's time is better spent evaluating that tool or if there are other priorities that make more sense to spend the time on. So that is another consideration to think about.

Ms. Green spoke that maybe the tools should be more of enforcement. How are we going to enforce this and what are we going to do if they don't do it.

Ms. Creasy said we are going to use the zoning tools that we have to address it and it is difficult to do and it is based of complaint basis and it is a difficult process, but it is the process that the state has provided us with.

Mr. Keesecker said the only way he can see to get us out of a fix like this to get us out of the loop that we are in with site plan approvals because they are always going to have to come back to us. The concept always has to turn into literal. The built and the reality changes from the site

plan and because there are stuff that happen sometimes in the field. The only way you can have a functional creative process is if you dictate the applicant defined or city defined what characteristics of the plan are significant and those are the one can't deviate and so in the case of this one we would say six units accessed from three different points from various roads and save the existing tree. Proffers get to that a little bit, but to be able to take a concept plan to a site plan to the level of, what we got into tonight to discount a decade of time multiple real estate gyrations and storm water relation changes to say that this is not a site plan we can approve just seems unfair to everybody in terms of the two years it took to get this plan in front of us tonight and the multiple good intentions that was developed in 2006 and 2009.

After many opinions on PUDs and the differences of how the process should be defined the votes were called for the motion. Mr. Santoski said as we vote on this we kind of say let's not do this right now and give everybody a chance to sit down and read the ordinance and see if we can figure out if this is completely workable and if we have to in a month or two and then we through it up, that might be better and now we have to take a vote.

Lahendro no  
Santoski no  
Green no  
Clayborne no  
Keesecker yes

Motion denied

Mr. Ikefuna suggested the Planning Commission have a meeting for further discussion on PUDs.

Motion to adjourn by Mr. Lahendro until the second Tuesday in May.

**MINUTES**  
**PLANNING COMMISSION WORK SESSION**  
**Tuesday, April 26, 2016**  
**5:00 – 7:00 p.m.**

**PLANNING COMMISSION WORK SESSION**

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

Planning Commission Members Present: Vice-Chairman Kurt Keesecker and Commissioners Taneaia Dowell, Genevieve Keller, Jody Lahendro, and Corey Clayborne;

City Councilors Present: Kathy Galvin, Mike Signer, Bob Fenwick, and Kristin Szakos;

STWCA Advisory Group Members

Call to Order: by Vice-Chairman Keesecker

Call to Order: by Mayor Mike Signer

Missy Creasy proposed a Joint Session of the Planning Commission and City Council to discuss the Strategic Investment Plan for Thursday, May 26<sup>th</sup>. Based on feedback from the attendees, Ms. Creasy said the session would be tentatively confirmed for the 26<sup>th</sup>. A discussion of code changes for the West Main Street and Water Street districts is scheduled for Tuesday (May 24<sup>th</sup>) of the same week; it will be followed by the first Small Area Plan walking tour.

**Background: the Streets that Work Plan**

In February 2014, City Council adopted a resolution to consider the context surrounding the streets as part of any future design process. Since then, the City of Charlottesville has been involved in the Streets That Work planning process which has included both a variety of community engagement efforts as well as drafting the Streets That Work Plan. City staff has worked with Toole Design Group (TDG), the Streets That Work Code Audit Advisory Committee (STWCA), the Development Review Team and incorporated feedback from the public to inform the process and draft the plan.

Heather Newmyer and Amanda Poncy introduced the Streets that Work Plan discussion. Heather Newmyer said that the purpose of the discussion would be to touch on key unresolved issues and items that are new to the plan.

**First Question for discussion: What is an appropriate standard that supports healthy tree growth and balances the public's priority for large street trees, minimizes sidewalk maintenance/repair as well as utility conflicts (overhead and underground)?**

The first discussion item concerned recommended soil volumes and planting widths for street trees. Tim Hughes, former Urban Forester with the City, served on the Streets That Work Project Team until his retirement in February 2016 and provided staff with street tree planting and soil area standards to be incorporated into the Streets That Work Plan. These are the same standards that are currently distributed to developers during site plan review as recommendations for landscape plans. They are based on national



research to support the growth of large shade trees. The recommendations are for 8' minimum planting strips and 900 ft<sup>3</sup> per tree for large trees; 6' strips and 450 ft<sup>3</sup> of soil for medium trees; and 4' strips and 250 ft<sup>3</sup> of soil for small trees. The question is whether these recommendations should simply be included in the Streets that Work Guidelines, or whether they can be codified as requirements for private development via the code audit.

The Tree Commission, after review of the City's current recommended standards, provided alternative standards that were less restrictive. The Tree Commission was concerned that Mr. Hughes' recommendations, coupled with limited right-of-way space throughout Charlottesville, would limit the planting of large street trees. In response to these concerns, staff reduced the soil volume minimums in the Streets that Work Plan from 900 ft<sup>3</sup> to 700 ft<sup>3</sup> for large trees, while specifying 900 ft<sup>3</sup> as preferred. Staff also reduced the large street tree minimum planting strip width from 8' to 6', listing 8' as preferred. Additionally, staff appended a note stating that smaller planting widths may be permitted if soil volumes are met. The revisions are meant to allow for more trees along Charlottesville streets, while remaining consistent with national standards for the soil and planting space required for healthy trees.

Paul Josey of the Tree Commission explained that though the commission supported the soil volumes recommended in the Plan from the standpoint of ensuring tree health, they had concerns that they might be cost-prohibitive. The Plan is meant to inform the Code, and though 8' strips for large trees would be ideal, there are very few streets in the City that actually offer an 8' right-of-way. Most cities set a 4' minimum; Toole Design Group (Charlottesville's consultant for Streets that Work) did a similar project in Boston, and set a 1.5' minimum width for street trees. The West Main Streetscape Plan currently envisions a 9' sidewalk. Applying the proposed 6' planting strip standard, West Main Street would be able to support only small, ornamental trees like redwoods or dogwoods. We couldn't plant what we have today. Mr. Josey said that the problem of street tree roots lifting or cracking the sidewalk surface is better mitigated by providing trees adequate volumes of uncompacted soil beneath the street than by regulating wide planting strips. For these reasons, the Tree Commission favors a 5' minimum planting strip width for large trees, at the most.

Heather Newmyer clarified that the current minimum given in the draft plan is 6' for large trees, a width that can be reduced further given large soil volumes. She telephoned a staff member at the City of Alexandria, which has a minimum of 300 ft<sup>3</sup> of soil for all trees, to ask what the rationale behind setting the standard was. The staff member said that although Alexandria agrees with the national recommendations for higher volumes, in an urban setting, it is necessary to be pragmatic. Alexandria also requires a 6' planting strip; Richmond's minimum is 5'. Mrs. Newmyer asked the meeting attendees, Planning Commission, and Council for their input.

Carl Schwarz said that Charlottesville's zoning code requires large street trees for certain developments. He asked whether these requirements, combined with a new clause saying smaller planting widths can be achieved as long as soil volumes standards are met, would in effect force developers to turn to suspended sidewalk slabs or other methods to achieve soil volumes, and whether that would be a desirable outcome. Can the problem be solved just by requiring developers to use more expensive planting methods?

Heather Newmyer said it could, but it is important to consider that in some cases, the street improvement is conducted by the City instead of by a private developer. At what point must the City determine that there is not enough room or money to plant a large tree and accept a medium or small tree?

Bob Fenwick asked what constitutes a large or medium tree. Heather Newmyer responded that the ones on West Main Street are classified as medium-size.

Kristin Szakos suggested setting a required minimum soil volume, but only a *preferred* minimum for planting width. Mr. Josey supported the idea.

Missy Creasy gave some general context for the discussion, explaining that multiple drafts of the Streets that Work Plan have been reviewed by City staff, the Streets that Work/Code Audit (STWCA) Advisory Committee, the public and other groups. The final draft is the one now before the joint work committee. The questions presented for discussion regard the main items that are still pending. Ms. Creasy acknowledged that while there would likely be additional topic areas that the Commission and Council would like to discuss, it was important to tackle two topics in addition to street trees in order to resolve specific questions and make timely progress.

Kathy Galvin asked how the street trees discussion relates to the street typology outlined in the Plan. Ms. Newmyer explained that each street typology has a chart of street design parameters. For example, the parameters for “Mixed Use B” streets are found on page 41. The parameters include street tree planting strip widths and soil volumes. Mrs. Galvin asked whether street tree parameters actually varied by street type. Ms. Newmyer answered that what varies is the width of the curbside buffer. Ms. Galvin said that, since buffer width was the dynamic element, it made sense to give “preferred” planting widths and maintain soil volumes as a requirement.

Heather Newmyer asked for confirmation that the Plan’s soil volume standards should be 700 ft<sup>3</sup> for large, 450 ft<sup>3</sup> for medium, and 250 ft<sup>3</sup> for small trees, and that preferred planting widths should be 6, 6, and 4 feet for each tree size, respectively.

Carl Schwarz asked how achievable a 700 ft<sup>3</sup> soil volume would be on West Main Street, for example.

Paul Josey said that it would be tight, but if large trees are planted 40’ on center, 700 ft<sup>3</sup> of soil per tree would be feasible.

Brennen Duncan said that, for reference. A trench 4’ wide and 4’ deep provides 640 ft<sup>3</sup>, if trees are planted 40’ apart on center. On West Main Street, there are utility conflicts, but this is not true for every street.

Paul Josey pointed out that the utilities on West Main Street may be relocated.

Mike Signer cautioned that utilities relocation has not been shown to be fiscally feasible on West Main Street. Ms. Galvin responded that it was too soon to rule out the possibility, however, since the City is waiting on a cost estimate. Mr. Signer said that unless \$8-9 million materializes, it is likely that the City will have to move forward with the West Main Streetscape project without undergrounding utilities.

Kristin Szakos said that, nevertheless, Council had agreed to keep undergrounding in the plan for West Main Street.

Kathy Galvin asked Ms. Newmyer to clarify what the 640 and 300 ft<sup>3</sup> minimums meant. Heather Newmyer said that the 300 ft<sup>3</sup> was an example of a flat minimum soil volume for all trees in the City of Alexandria.

Paul Josey said that Virginia has excellent clay soils that retain moisture and nutrients, and that it could support healthy trees with lower soil volumes. He recommended a minimum soil volume of 300 ft<sup>3</sup> like Alexandria's or 400 ft<sup>3</sup> like Tyson's.

Rachel Lloyd said that the question of utilities is important. Utilities both above and below ground are the major impediment for many street design aspects, including emergency services, street trees, and etc. Utilities were not in the scope of the Streets that Work Plan, yet the plan will remain un-implementable until the City addresses utilities.

Amanda Poncy suggested that another issue to consider was the effects of minimum soil volumes and planting widths on sidewalk maintenance and wheelchair accessibility. Minimums that are too small will result in sidewalk heaving, resulting in ADA challenges and added maintenance costs.

Cory Clayborne said that there is always a trade-off between big, beautiful trees and flat, even sidewalks; it is a matter of choosing which is the higher priority. Mr. Josey said that measures like thicker sidewalks slabs and root barriers that direct roots downward, can allow the City to achieve both.

Lisa Green asked whether the species of the tree influences the amount of sidewalk buckling. Charlottesville has planted many elms and zelcova, but on Garrett Street, there are white oaks. These appear to have shallow root systems more prone to sidewalk heaving. Paul Josey said this was indeed the case, and suggested that the City provide a recommended species list. Heather Newmyer agreed, suggesting this as a project for a future urban forester or for the Tree Commission.

Rachel Lloyd expressed a strong preference for tall street trees whose limbs are above pedestrians. Mr. Josey said that tall trees also reduce the shadows cast by leaves blocking street lights.

Kathy Galvin said that the consensus seemed to be to establish a smaller minimum (400 ft<sup>3</sup>) of soil for a large tree, specify preferred tree species, and then allow planting strip width to vary based on the street typology.

Genevieve Keller asked Paul Josey whether, given the quality of local soil, he would be comfortable with a minimum soil volume below the national standard of 400 ft<sup>3</sup>. Mr. Josey said that soil quality varies even within the city, and he feels the national standard is a safe average.

Heather Newmyer said that these standards are just recommendations at this point, but if they are integrated into the Code or the Standards and Design Manual, they can be accompanied by a note that they are subject to the urban forester's recommendations based on site conditions. Once the Streets that Work Guidelines are adopted, the discussion on how to codify it will begin. Some aspects will be codified in the zoning ordinance and others are more appropriate for inclusion in the Standards and Design Manual.

A member of the public raised a concern about nighttime street lighting. He said that the Guidelines should address the differences between pedestrian and vehicle lighting, as well as illumination of buildings and landmarks. Brennan Duncan said that a separate study, the Pedestrian Lighting Study, is proceeding separately.

**Second Question for discussion: Are there concerns about including shared streets as a City supported street typology? Are there other considerations that should be included in this typology?**

Heather Newmyer introduced the next question, concerning shared streets. She said that the City's engineering staff had several concerns regarding this topic (addressed on page 65 of the Streets that Work Guidelines). The idea is to take nontraditional but beloved local streets like Altamont Street and provide flexibility for other low-traffic neighborhood streets to mimic them in the future. However, these streets are not eligible for VDOT maintenance, so the City would be fully responsible for them. Where would these streets be appropriate, given levels of traffic and topography? For instance, a shared street on a very steep slope could be dangerous. A third issue is ensuring access for fire trucks.

Brennen Duncan added that there would need to be a standard for providing staging areas wide enough for emergency vehicles, especially for longer shared streets.

Dan Rosensweig said that to make shared streets work, designers have to take the plunge and make them feel so unsafe to drive quickly that motorists are forced to slow down. This idea has worked for the Sunrise development. He also said that Altamont Street, which is 15' wide curb to curb, has not seen a traffic fatality since it was built. Yet the Streets that Work Guidelines currently recommend yield streets with parking on both sides to be 20-24' wide. This means the language "shared streets" is misleading. Altamont Street works; we should imitate it more faithfully.

Amanda Poncy said that yield streets are a separate concept from shared streets. The guidelines should make that distinction clearly.

Lisa Green said that the narrowness of Altamont Street is what signals to drivers to slow down and watch for pedestrians. The street diet has to hurt a little bit to be effective. This was demonstrated in Saturday's Streets that Work Demonstration Project. Education and enforcement are as important as better design.

Dan Rosensweig emphasized that 20-24' is still too wide to function as a traffic-calming street. The public really wants to push the envelope. Mr. Duncan responded that 20' *is* pushing the envelope for many streets. For instance, Market Street has travel lanes that are 14 or 15' wide now. Taking even more width out of that right-of-way would severely inhibit traffic in peak hours, given delivery truck traffic and on-street parking. Shared streets are not always appropriate; we need to be very specific about when they are.

Rachel Lloyd asked why shared streets are not appropriate for steep slopes. Amanda Poncy explained that shared streets require slow speeds, but steep grades make it difficult for heavy vehicles to maintain those speeds.

(\*\*\*At this time, 6:00pm, City Council lost its quorum\*\*\*)

Genevieve Keller suggested that the criteria for locating shared streets should include parking capacity and land use. Ms. Poncy replied that shared streets are appropriate in many different land use contexts, including commercial areas. The Downtown Mall vehicle crossings are a model.

Kathy Galvin directed attention to the table of street typologies (page 66 of the Guidelines). She said the table failed to distinguish between framework, local, and shared/yield streets. Ms. Poncy responded that

the street typologies apply only to framework streets. The problem is that the vast majority of streets in the City are local, not framework, and there is extreme variation among them in width and other streetscape conditions. Ms. Galvin said that if the local streets are not categorized, even though the menu of tools can be applied to them, there is no way to codify this and will happen on an as-needed basis.

Heather Newmyer said, however, that standards for shared streets do need to be codified so that they can be enforced. Mr. Rosensweig said that for all other types of local streets, the minimum lane widths and curb heights required to guarantee safety should be available to designers and developers. Ms. Galvin agreed. Amanda Poncy said that the problem with codifying standards for local streets is that they would force well-liked streets such as Altamont to change drastically.

Kristin Szakos asked if there was a way local streets could become framework streets.

Kurt Keesecker said the question was whether there might ever be a situation in which we want to change our vision for local streets. Ms. Szakos said streets' context can change; Water Street is changing thanks to the construction of Market Plaza, and if it had formerly been classified as a local street, we would have been stuck with treating it as such. Mr. Keesecker said that a better question might be how to build room for creativity into the Standards and Design Manual, instead of how to codify each street type—for instance, by allowing developers or designers to measure any street that is safe, and replicate it.

Kathy Galvin said that the goal should be to create a process to redesign streets so that they better serve us. Missy Creasy agreed, saying the Guidelines are a tool for exacting higher standards for our streets. Room for creativity alone won't motivate a departure from the status quo. Ms. Galvin said that the Guidelines fail to insist upon alley systems and better intersection spacing, which are nevertheless key to improving the structure of our street *network*.

Alex Ikefuna said that a few weeks ago the City Engineer told the City Council that some of the streets that the City has accepted that meet VDOT guidelines are now eligible for maintenance funding from VDOT. As we move forward with implementation of the Streets that Work process, we need to keep in mind that all unconventional streets will require local taxpayer money.

Kathy Galvin proposed that the Guidelines simply state that local streets are not permitted to be built or redesigned to be wider than Neighborhood B streets.

Dan Rosensweig asked that, given the aspirational nature of the Streets that Work document, the discouraging language under the heading 'shared streets' be removed. Ms. Poncy said that perhaps a balance could be achieved that expresses an aspiration yet makes clear that certain conditions are needed for a shared street to thrive.

Kathy Galvin raised the issue of access management (reducing curb cut size and frequency) and the need to relegate parking to the rear of buildings, which she strongly felt should be an aspect of the Streets that Work Guidelines and then the Code—for by-right development and smaller additions, not just for Special Use Permits.

### **Third Topic for discussion: Prioritization**

Amanda Poncy introduced the prioritization process included in the Guidelines. The Streets That Work plan included a standard set of criteria to compare all of the location specific transportation issues raised during town hall meetings and neighborhood/public meetings. The process identified priority corridors and intersections where improvements based on the Streets That Work Guidelines would have a significant positive impact on the comfort and safety of all street users. The initial criteria used by Toole Design Group to identify priority locations for redesign were: crash locations, public input on problem spots, bicycle and pedestrian improvements recommended in the Bicycle and Pedestrian Master Plan, pedestrian demand analysis, and transit stops. Criteria added by the City included accessibility, employment density, and inclusion in CIP or repaving schedules.

Kristin Szakos said that prioritization should take into account actual incidences of speeding, not just crashes or tickets. Amanda Poncy said that the City does not currently have those data, but can build speed into the equation for future calculation.

Kurt Keesecker said that it is important to focus on clusters of priority rather than tacking projects over the next fifty years in a whack-a-mole fashion. Clusters allow for more holistic planning and design. Fortunately, the priorities generated by this process are located in clusters. Some of them are in our Small Areas already targeted for investment.

Jody Lahendro asked whether all the data and input used to prioritize had been collected and was no longer subject to change. Amanda Poncy said that the Guidelines are a living document. The prioritization equation is a rational formula and it can be recalculated in the future given updated data.

Genevieve Keller asked what the final elements of community engagement were. She worried that people would be upset their neighborhood street was not a priority project. Kathy Galvin agreed, asking that there be a station for Streets that Work at the neighborhood Townhalls to inform people of the result of the prioritization process. Amanda Poncy said that the public feedback had been extensive and very positive.

Corey Clayborne asked whether thought had been given to how to track the success of streets as the Guidelines are implemented. How will we tell the story? Being able to point to measurable improvements will help with community engagement. Mr. Keesecker built on this comment, saying that the Comprehensive Plan talks about placemaking. Intersections are strategic places, and the City may get more bang for its buck by making changes at these places rather than along corridors. Ms. Keller agreed, saying that Charlottesville has seen decades of investment in corridors at the expense of intersections. Good intersections are destinations can spur better corridor infill. However, to be destinations, intersections need to be marked by strong, traditional visual foci instead of parking lots and flat land uses.

Lisa Green asked how this discussion would influence the weighting mechanism, since intersections are not one of the criteria in the prioritization formula. Amanda Poncy replied that there is a priority list for corridors and a separate one for intersections.

Kurt Keesecker said that priority intersections and corridors form clusters and will need to be tackled in conjunction. Ms. Green objected, saying that if intersections are prioritized, corridors may be filled in organically. But a member of the public pointed out that corridors remain an important priority for transit routes.

In conclusion, Kathy Galvin asked how the Guidelines would link up with the Code Audit. Missy Creasy said that the Guidelines needed to be finalized before moving to the code. Rachel Lloyd said that the original vision had been to conduct the planning and the Code Audit approximately at the same time. The Guidelines would not be finalized until staff had taken a few steps into the Code Audit, so that interrelations could be discovered and mutually inform the auditing and planning processes. Ms. Lloyd requested that staff provide a presentation on the green infrastructure activities occurring in the City. Kathy Galvin agreed, saying that the way built form influences the street has not been thoroughly considered in the Streets that Work Guidelines.

Missy Creasy said that the City has limited resources and staff, and that our goals must be pursued step by step. Staff went through the Plan with the intent that it would give us the data to perform a code audit. Kristel Riddervold and other green infrastructure experts have been part of the process all along, and the planning has been conducted with the ultimate goal of a Code Audit firmly in mind.

Kathy Galvin proposed that streets with exceptional potential to be “green streets,” which now carry and could filter lots of water, be prioritized as well. The Strategic Investment Area Plan already does this.

Adjournment: 7:00

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, May 10, 2016

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

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

Members Present: Chairman John Santoski; Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and Corey Clayborne.

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

Ms. Creasy provided a review of the agenda including process clarification for the appeal.

Ms. Keller asked for clarification on #6 of Mr. Payne's letter and that was provided by Ms. Robertson. Ms. Green asked what would be the result of the overturning of the appeal and how would it affect the pending rezoning. Ms. Robertson clarified the process involved with the appeal and noted that this item is independent of the rezoning request.

The meeting adjourned at 5:27.

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

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

Members Present: Chair Santoski; Commissioners Taneaia Dowell, Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and Corey Clayborne

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

A. Commissioner's Reports:

Commissioner Lahendro reported that he was not able to attend the Parks and Recreation meeting but was able to attend the Tree Commission on May 3<sup>rd</sup>. We had a presentation from Lance Stewart from Public Works about maintenance and sidewalks. They have hired Timmons Group to develop strategies and recommendations for healthy trees and safe sidewalks and the draft of those recommendations will be available in about a month. We had staff from the Virginia Department of Forestry to make a presentation entitled "Evaluating and Conserving Natural Assets Planning for Connected Landscaping in Charlottesville". It was very interesting and it links studies that are currently underway and identifies tree planting opportunities in the city. The Tree Commission has created a Matrix Committee to develop performance indicators which will measure the commission's success or progress in carrying out its purpose. During the meeting we reviewed the committee's Matrix measures. The Tree planting sub-committee reported their initiative to plant two thousand and twenty trees by 2020. In the addition to the



opportunity of public land they will target private property by working with the Neighborhood Associations.

Commissioner Keller reported on April 16<sup>th</sup> along with several other members of the PLACE Task Force she attended the Streets That Work live demonstration which she thinks was very successful and positive. She was quite pleased by the number of people who stop at our table to ask questions and took surveys, maps and folders and it was a really good experience. At the last two PLACE meetings there has been a discussion on 3-D modeling software. The people are very happy with the City going that route as a tool to help in decision making and she thought that would be something of interest to the Planning Commissioners and at some point we will have a joint work session scheduled that would also consider other things that PLACE Task Force is interested in and there was quite a broad range discussion at the last meeting about Small Area Planning and the Upcoming Code Audit. She wanted to articulate to her colleagues here how interested in those two areas members PLACE are. They represent other groups in the city that we work with or interface with the BAR and the Tree Commission, Bike/Ped and all other kinds of allied interest and concerns and hopefully we can have some kind of session to talk about those things.

Commissioner Dowell reported she has not had the chance to attend any meetings, but she will be attending the Community Development Block Grant/Home meeting with the Housing Advisory Committee on Wednesday, May 18<sup>th</sup>. This is to ensure our program effectiveness and efficiency and to make sure the city's policies are consistent with HUD regulations.

Commissioner Keesecker reported the BAR met on April 19<sup>th</sup> and we had several items that would be of general interest to the Planning Commission. 1. William Taylor Plaza at Cherry and Ridge Street received its final approval and will be moving forward. 2. 550 Water Street Mixed Use project near the C&O station was given final approval. 3. The Atlantic Project on West Main Street (By-right) was given massing approval with more details to come back and it's changed a few times and this latest iteration got approval. 4. A discussion to change the benches on the Downtown Mall to replace some of them that have backs to backless benches to allow people to turn around to face the buildings a little more easily and not camp out as much. A long discussion about public benches and how there needed to be some places where people did have backs on the benches on the Downtown Mall.

Commissioner Green reported on last Wednesday she attended the C-Tech meeting and discussed and reviewed the unified planning work program which is a summary of the fiscal year 2017. That was not quite complete yet so if you are interested in that you have two opportunities to see that and comment on that 1. MPO Technical meeting on May 17<sup>th</sup> and the MPO Policy Board on May 25<sup>th</sup> for public hearing. We also talked about the MPO strategic plan that we are trying to do jointly with the strategic plan and we will have more conversation about that in the future. We held elections and she was voted as co-chair with David Hurst. The next meeting is July 6<sup>th</sup>.

Commissioner Clayborne reported he has no committee assignments at the moment.

B. University Report no report

C. Chair's Report reported the Belmont Bridge Committee has not re-convened yet although there has been some movement on bids that have come in and as soon as we have something we will share that with you.

D. NDS Department Report: given by Missy Creasy, Town halls are starting and the next one is next Thursday. The schedule is online. The House Bill 2 transportation funding is coming back around for round two. We find out in June if we received any funding in round one and are now preparing for submissions for round two. We have two work sessions coming up. We have one on May 24<sup>th</sup> and one on May 26<sup>th</sup>. On May 24<sup>th</sup>, it will be more specific to zoning text items that Council asked us to look at following the West Main approval. Those will be areas in the West Main district as well as the Water Street district followed by our first small area tour. On the 26<sup>th</sup> we have a joint meeting with City Council and it is to be on the SIA (Strategic Investment Area) review of the code recommendations that are part of the plan. The materials that you all got for the April meeting that we were scheduled to have this before, we will likely mirror those and so we will send it out again so that everyone has the opportunity to review those. We look forward to a fruitful discussion and hopefully get some good direction so we can start to dig into the details of this because right now we need some more over-arching input so that we go down the right path to start.

F. **CONSENT AGENDA**

(Items removed from the consent agenda will be considered at the end of the regular agenda)  
There were no items on the consent agenda.

The Commission gaveled out of the Planning Commission meeting and into the Entrance Corridor review Board.

1300 Emmet Street - Recommendation on SUP SP16-00005 to City Council

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

In staff's opinion, the proposed SUP request for a manual car wash use will not have an adverse impact on the EC district. The required site plan review will address traffic issues, and the entrance corridor review will address visually important elements, including the architecture, lighting, and landscape plan.

Commissioner Lahendro moved to find that the proposed special use permit to allow a manual car wash use at 1300 Emmet Street North will not have an adverse impact on the Emmet Street Entrance Corridor District Seconded by Commissioner Keesecker, motion passes 7-0.

The group gaveled out of the Entrance Corridor review Board and back into the Planning Commission meeting.

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

City Council called their meeting to order with Mayor Mike Signer, Kathy Galvin, Kristin Szakos and Bob Fenwick in attendance.

#### H. JOINT PUBLIC HEARINGS

1. ZM16-00001 - 209 12th Street NE - Nappa Properties, LLC has submitted a rezoning petition for 209 12th Street NE, also identified on City Real Property Tax Map 54 as Parcel 178 (“Subject Property”), as the owner of the Subject Property. The petition proposes a change in zoning from R1- S Low-Density Residential (current zoning) to M-I Industrial (proposed zoning) with proffered development conditions. The proffered conditions include restrictions on the permitted use(s), including single-family residential with special use permit; a limited number of commercial uses; and communication facilities; restrictions limiting the height of new buildings to the height of the existing T&N Printing building; and a ten (10) foot landscaped buffer between the Subject Property and adjacent residential districts and property (the proffered buffer is in excess of any buffer that would be required by the M-I district regulations). The Subject Property has frontage on 12th Street NE, and contains approximately 0.19 acres or 8,300 square feet. The general usage of the proposed M-I zoning classification is Light Industrial, with residential uses allowed only by special use permit. The general usage specified in the Comprehensive Plan for the Subject Property is Low- Density Residential. No density range is specified by the Comprehensive Plan.

#### Staff Recommendation

The applicant has proffered to allow minimal uses on the property, limited allowable heights, and landscape screening. Staff welcomes the proffers, as more intense commercial uses generally allowed by scale and use in M-I zoning are determined to not be appropriate for the subject property location. While the Comprehensive Plan denotes the area as low density residential for future land use, staff believes the expansion of the existing low scale commercial development of T&N Printing is appropriate and harmonious with the surrounding area.

Mr. Lynwood Napier said it might not happen next year, but I’d like to have it available. He has owned the company since 1982. He said T&N has “imminent” plans to tear down the building at 207 but does not have any specific details for how 209 would be developed.

Mr. Kestner, the architect assisting Mr. Napier said he doesn’t want to infringe upon the neighbors, but his business is at a point where it’s in need of expansion. I think the proffers that are in place address the concerns that we heard from our neighbors at the community meeting in February.

#### Open the Public Hearing

Ann Mercer 1200 E. Jefferson Street said she is opposed to 209 12th Street being rezoned to Light Industrial because 12th street is a residential street with residents. If the street is zoned

industrial house by house first 207 then 209 then once it's started it is hard to stop and the character of the street will definitely change. She said 207, that is going to come down soon, used to be the house of flowers. Catherine who lived there maintained a beautiful flower garden, maybe aided by the fact that she worked at a flower shop but it was absolutely beautiful. She said 209 is a very special house to us and we have been at that location for 16 years and in that time we have seen a young man and woman living there as best friends. They met the brother and sister of a mutual friend and ended up marrying them, moving out and both starting families of their own and they are still in Charlottesville. In came another young couple and she worked at a no cost pre-school for kids who could otherwise not attend such place. He was a musician but was accepted into seminary school which took them away to the west coast. They vowed to someday come back to Charlottesville. Now we have a beautiful young couple who just had a baby, Leo who is started a new life in that same house. It is a house of good fortune and good karma or however you want to see it. Next door in 211 is the grandson of the people who bought it as a new house in 1915 and is the fourth person or household to live in that house. It has had long-term residents living in that house. At the top of the street is 217 is a couple there who are great neighborhood people they remind us to have fun. During the snow storm this winter, they built this huge snow slide that started on E Jefferson Street and went behind the house down onto 12th Street. Every kid in the neighborhood went down that slide and she was not the only grown-up person who went to work one morning and went head first down that slide feeling rather ridiculous but feeling like an Olympian athletic. Every house tells a story and there are many more houses to come from those houses and every house lost especially single occupancy and of that type is moderate income, every house like that, that is lost is a tragedy. T&N are good neighbors and everybody says that and she said everybody says T&N are such good people and she agrees that they really are. She would prefer they expand along Market Street, she supports their expansion and applauds their success but not at the expense of 12th Street, not at the expense of a brilliant and flourishing neighborhood.

Logan Blanco 1200 E. Jefferson said she is opposing to the rezoning of 209 and we already have 207 being developed as Light Industrial and she is very glad T&N is doing that and not somebody else because they are wonderful neighbors and does support their expansion. Her concerns are we are such a neighborhood, we have been part of transition street, energize Charlottesville, we are very committed to being a community there and seeing a property come creeping up the street as Light Industrial is a little bit scary right also in a Historical District where part of the farm, the old Michie Plantation Mansion is right across the street and she knows they have some concerns about Light Industrial coming up the street. She said with the development of 207 it actually brings the Light Industrial up to the back perimeter of those Light Industrial things on Market Street. 209 would take it deeper into what she considers as buffer zoned. She feels Light Industrial is nice in the perimeter but once it starts coming into that buffer zone, because those lots on E. Jefferson are deep and they go right up to there and then on the east side we actually have the creek with all of the foliage and everything acting as our buffer zone and that feels good right now. She is also concerned about traffic issues. Right now we do have some issues with all of the delivery trucks as they tend to come down E. Jefferson rather than Market and they come around that corner on 12th Street very early in the morning which is when they have to be delivering. We have talked to T&N about it and they have talked to their suppliers about it and many of them have stopped doing that but we still have that issue and she is not looking to have more trucks and dealing with that issue more. They also park in the middle

of 12th Street so it is hard driving in and out in the early morning going down to work. The loading and unloading is often taking place right in the street. She said she has had two vehicles to drive into her yard, one hitting the support of their house and T&N got their engineers right in there, and got it fixed-up right away which was really great and another driving into our hedge right into our back yard. We really don't want the Light Industrial to creep into our neighborhood.

William Wylie 1111 E. Jefferson said he opposes the rezoning because it doesn't make any sense to him because they don't have plans to rezone it now. Especially because 207 has not been developed under the plan that they are considering or working on. There is no way to know exactly what the 207 impact is going to have on the community so to go ahead and give them the pass right now before we can even measure the 207 impact is to say when the time comes you decide whether its next year or 5 years from now or 10 years from now that you want to go ahead and expand the business I would rather have the opportunity to come back at that point and have the Commission and the community to say well 207 wasn't so bad or 207 was a bad expansion and be able to judge it from that. He also has a problem with the traffic on E Jefferson. He said he does business with T&N and they are fantastic people to work with and also good neighbors so this has nothing to do with that whatsoever. He said just think they are already expanding the 207 and the 209 is not necessary right now, they are not planning to do something with it. Even the proffers do not make him feel better to what could possibly be there. Even the way the architects were talking and your question about the ridge line it is not clear what impact visually that is going to have on the community, so as Logan mentioned it is pushing passed the existing M-I zoning on Market Street into the neighborhoods. The proximity to the farm, proximity to all of those great houses on E. Jefferson Street. He just opposes it and just doesn't like the way it is pushing back. He has no problem with the 207. He asked everyone to stand to show support for opposition.

Jen Lucas, who lives at 217 12th St. NE, said she doesn't understand how it could make sense to make a change without plans. As a neighbor who is two doors down, she would rather see 207 developed first, and if they need a change, ask for the rezoning then.

### Close the Public Hearing

Chairman Santoski said we all feel housing is very important, but at the same time, we recognize the importance of local businesses, and he agreed the discussion would be easier if there was a plan for 209.

Commissioners asked Mr. Napier why he was asking for a rezoning without a specific plan.

Mr. Napier said I don't think I'll ever do anything with it, but I'm getting old, and that's the whole reason behind this. I'm never going to upset the neighbors. I just didn't want to wait. I want to think 10 to 15 years ahead.

Commissioner Lahendro pointed out that another house on the other side of the street is also zoned for industrial use despite having a home on the property. He said I understand the community's concern and worry, but what gives me pause is, as I look at the zoning map, I see

that 208 is already zoned for industrial. There's some rationale for alignment between the two sides of the street.

Commissioner Keller said she was torn about how to vote because she wanted to support an established business but didn't want to potentially remove one house. She said I'm not ready to vote for approval without additional proffers, but I can see supporting this because business retention is as important as housing retention.

Commissioner Keller moved to defer this pending submission of additional proffers that address loading locations, height of the gable, hours of delivery, and clarification on the alley status at the rear of the property. Motion seconded by Commissioner Keesecker, to defer the application to rezone the parcel designated as Tax Map 54, Parcel 178 with the associated proffers. Motion passes 5-2 (Commissioners Dowell and Clayborne opposed)

2. SP16-00004 - 209 Maury Avenue - William Atwood, contract purchaser for property owned by Jennifer Ward and Virginia Warfield, has submitted a Special Use Permit (SUP) application for the properties located at 209 Maury Avenue and three (3) adjacent parcels to the north with frontage on Stadium Road (collectively, the Subject Property). The application requests authorization to allow "Daycare Facility Facilities" and "Elementary Education Facilities" uses on the Subject Property, as authorized by City Code Sec. 34-420. The Subject Property is further identified on City Real Property Tax Map 17 as Parcels 180, 184, 185, & 186 having frontage on Maury Avenue and Stadium Road. The Subject Property is zoned R-2U (Low Density) and the total area of the Subject Property is about 70,218 square feet or approximately 1.612 acres. The Comprehensive Plan designates the land use of the property as low density residential. Persons interested in this SUP application may contact NDS Planner Matt Alfele by email (alfelem@charlottesville.org) or by telephone (434-970-3636).

Staff recommends the Planning Commission focus on potential expansion of the proposed uses and the increased traffic generated during by the requested uses, particularly during morning drop-off and afternoon pick-up as part of the review. The applicant has indicated an anticipated 132 students and 20 staff by the 2018-2019 school year, with the possibility of a student population reaching 192 beyond that timeframe. Staff considered a maximum of 150 students and 20 staff while performing an analysis of the requested SUP. This number provides for an analysis within the maximum number for the 2018-2019 school year, but provides a 14% growth margin without triggering an SUP amendment. Any growth over the 150 student number would require a reevaluation of the impacts of the use and intensity on the property and surrounding neighborhoods. The (ISC) does not provide busing to students.

Commissioner Green said she wonders what the plan is for this to still be a part of this environment in this location and culture even.

Commissioner Keller said she does not know if they could speak to that but it would seem reasonable with the high numbers of population in that greater neighborhood that momentum would shift from one neighborhood to another and certainly with the University being the largest

employer in the city and indeed the region there would be a number of people who would want to take advantage of this particularly for the daycare and enrichment classes during the year. She said she can see it being a reasonable location. For that she can appreciate what the neighbors may experience, this is a neighborhood that is under extreme pressure from the University daily use and weekend and evening sporting events and it is difficult. She said their job is to look for conditions to approve this and she thinks it is a great adapted use for the Bradbury building and she would like to add conditions for the preservation of the building.

Mr. Alfele said the parking requirement is minimal. There is space to expand the parking but there are the reductions that they can take advantage of if they wanted to if they expanded. The number went up when they wanted to reduce by 20% for the onsite parking. They would have access to the reduction as far as being close enough to the bus stop and they could explore the bicycle lockers.

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

1. Approval of a final site plan.
2. Completion of a traffic impact study at a level determined by the City Traffic Engineer and included in the final site plan submission.
3. A maximum of 150 students total are allowed on the subject property. An increase in students beyond 150 will require an amendment to the SUP.
4. A safety plan for the daycare and elementary school uses must be submitted annually to the Zoning Administrator for approval, and kept on file. The safety plan, at minimum, must address the following:
  - a. Drop-off and pick-up locations, times, and coordination.
  - b. Trash and recycling storage and removal plan.
  - c. Times and dates for any events that would fall outside normal operation hours of the daycare and elementary school.
5. All parking on site shall be used exclusively for the operations of the daycare and elementary school. The final site plan shall contain measures, such as gates or barriers, to prevent parking on site outside of the daycare and elementary school operations.
6. The existing trees buffering the properties from Stadium Road and Maury Avenue shall remain. Trees may be removed for the following:
  - a. A certified arborist provides a report stating the subject tree needs to be removed due to disease, infestation, or is a danger to the public.
  - b. The tree needs to be removed to accommodate a curb cut onto Stadium Road or Maury Avenue and corresponding sight distance.
  - c. The tree needs to be removed to accommodate new pedestrian circulation.
7. S-3 Screening, as described in Section 34-871 of the City Code, shall be provided on the western and southern boundaries of the properties.
8. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light such as shields, visors, or hoods to eliminate the luminaire glare and block direct illumination from neighboring properties. The fixtures shall completely conceal and recess the light source from all viewing positions except those positions permitted to receive illumination.
9. Playground equipment shall be installed per manufacturer specifications, and for so long as it remains on the subject properties, shall be maintained based upon the specifications.

Commissioner Keller move to recommend approval of this application for a Special Use Permit in the R-2U zone at 209 Maury Avenue and the 3 adjacent parcels as presented in the application materials to permit elementary school and daycare uses conditions that are listed on page 11 of our PC agenda with the following additional conditions:

- a. the approval of offsite of valet parking for special events
- b. any alterations or modification of the existing structure be done in a way that preserves existing exterior features or character of the structure
- c. any exterior alterations or modifications are performed in accordance with the Department of Interiors guidelines for historic preservation and removal of any alterations or removal of significant interior features be documented, photographed and those photographs be offered to the University of Virginia Library for Eugene Bradbury and documented for demolition special collection.

Seconded by Commissioners Lahendro, motion passes 7-0.

3. SP16-00003 - 510, 512-514, 600 W Main Street (Blue Moon Redevelopment) – Heirloom West Main Development LLC has submitted an application seeking approval of a Special Use Permit (SUP) to allow residential density up to 200 dwelling units per acre (DUA) at 510, 512-514 and 600 West Main Street, identified on City Real Property Tax Map 29 as Parcels 6, 7 and 8 (“Subject Property”), as authorized by City Code Sec. 34-641 The zoning district classification of the Subject Property is WME (West Main East) with Architectural Design Control District and Parking Modified Overlays. In WME residential uses are allowed by-right, including multifamily dwellings, at a density up to 87 DUA. The Subject Property has frontage on West Main Street and contains approximately 0.36 acres or 15,754 square feet. The general usage specified in the Comprehensive Plan for the Subject Property is Mixed-Use. No density range is specified by the Comprehensive Plan.

Heirloom LLC has asked for a special use permit for up to 200 dwelling units per acre. However, no specific plan was submitted for how many units would be built and what type they would be.

Mr. Haluska said with by-right development there can be a density of up to 43 units per acre. That would allow only a maximum of 15 units on the site. The West Main East corridor is intended to be developed as a mixed-use corridor with a high reliance on pedestrian, bicycle and transit infrastructure. The [parking] modification requested by the applicant is in keeping with the city’s vision for the corridor.

The commission’s discussion largely focused on the parking request.

Mr. Haluska said there is a robust debate in the planning world regarding the role parking requirements play in hindering the development of vital urban spaces; the requirement of on-site parking for residential units makes those units more attractive to renters that own cars and want to house them on site. He said the cost to rent a micro-unit would increase if it was required to have a parking space. Structured parking is a cost and it affects the housing cost where it is built.



Mr. Lopez said the transportation options on West Main Street make it an ideal location for people who don't want to own cars. He said what we've proposed is what we think the market is looking for, given the demographic of the potential residential tenants for this building. We've got a growing biotech and technology and incubator innovation sector and the transportation options on West Main Street make it an ideal location for people who don't want to own cars. What we've proposed is what we think the market is looking for, given the demographic of the potential residential tenant in this building. He said young professionals would be the target demographic.

Open the public hearing.

Nancy Carpenter said the needs of other demographics, such as seniors and working-class families, should also be considered. We should also not neglect the fact that there are still people who are facing housing challenges every day. Sometimes we have to look beyond the dollars and cents and look at the nuts and bolts of having affordable units dedicated to certain parts of our city residents.

Pat Edwards, from Starr Hill spoke on not forgetting 10<sup>th</sup> and Page because those cars will be warehoused in our neighborhood. They will have their bicycles and they will ride the bikes to work, but they will park their cars and come and get them on the weekends.

Joy Johnson said she invited them to come on over and visit her neighborhood in Westhaven or 10<sup>th</sup> and Page. She said all we see around us is encroaching around us and it's just sending a message that the neighborhood is changing. She said there was a time that there was a preservation of neighborhoods where you keep some of the integrity and the history there and she is afraid that she is not seeing that any more. It's gone, and things are going to change and she knows we are 10 square miles and we have to figure a way how we are going to build up to get folks, but she thinks there needs to be some kind of consideration for preservation of neighborhood and keeping some of its integrity and some of its richness and history.

Donna Casabo said all of these developments going up around us are really having a huge impact on neighborhood. Everywhere we turn things are impacting our neighborhoods. We notice who is being invited and who is being excluded. We have a beer garden right across the street from Region Ten. There is a very small business with nothing but treadmills and all she sees is white people.

Lauren Hall is welcoming them to the community except for the parking. There is not enough parking each and every day. Allowing them to build and not having enough parking will allow people to park in our neighborhoods. We will have to deal with the overflow by having to get permits, guards, meter both and to tow or get police to our existing neighborhoods. Please protect us in this area. She said that you should hold this development to standards and not use West Main Street as an experiment.

Larry from University Tire is located right beside them, and he is not sure whether he is for this matter or against it. He said we allow the First Baptist church to use our Parking Lot on Sunday. They can all use their parking lot after hours.

## Close the Public Hearing

Chairman Santoski said we want to be a walkable city and we want to be a city that is pedestrian-friendly, but I don't see a reduction in automobiles. I think when we hear from folks who live in the neighborhoods that the reality of it has not caught up with where we think the theory is going yet.

Commissioner Keesecker said he is not necessarily ready to say that the developer is going to bring a lot more affordability if they don't have to do the parking, but there is a hidden cost there.

Other commissioners said this might lead to the creation of more restricted parking zones which would inconvenience existing residents who would need to pay the city for a permit to park on their own street.

Commissioner Dowell said why should I have to incur an expense because someone else doesn't pay for that expense? Somebody is going to pick up the cost of parking either way.

Commissioner Keller said she is a landlord who has previously given discounts to tenants who don't have cars. In my experience people have come and been happy to be downtown where they can walk and don't have to have a car but by the second semester or second year I get an email asking what they need to do to get a parking permit. I think we exact some cost on the adjacent neighborhood if we don't have some provision for parking in this building, adding she did not think the Planning Commission had enough information to take a vote.

Mayor Mike Signer pointed out that there are many more technological advances coming such as driverless cars. There will be more assets for someone living without a car in this city in five or ten years than they have today, especially if we were to be intentional about it.

Commissioner Keller said she believe that Mayor Signer is correct and we'll have these changes but the neighborhoods that are there now will definitely feel an impact for the next ten years if we don't require some parking.

Commissioner Dowell said how we are going to vote on something that we don't have all of the information on.

At the end of the hearing, Mr. Lopez dropped the request to exempt units smaller than 550 square feet. He also said he could reduce the density.

Commissioner Keller move to recommend approval of a special use permit as requested in SP16-00003, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes the recommendation for the conditions referenced in the staff report, subject to the following revisions and those are on page nine of our agenda for tonight, she add a provision of

- a. 1.2 parking space per unit and
- b. the density 180 dwelling units per acre, and

- c. the mix of units would include studio efficiencies (40%) none of which would be any less than 450 sq. feet in size and others would be a combination of one (30%) and two (30%) bedroom units,
- d. that there would be an in and out door lobby and exterior courtyard space for the recreational use for residents and patrons of businesses that are part the development,

Motion Seconded by Commissioner Keesecker, motion passes 4-3 (Commissioners Dowell, Green and Clayborne voting opposed)

4. SP16-00005 - 1300 Emmet St – Aqua VA, LLC, contract purchaser for property owner Kathleen Whatley, has submitted an application seeking a special use permit (SUP) to allow the establishment and operation of a car wash on property located at 1300 Emmet Street North, identified on City Real Property Tax Map 40 as Parcel 4-F (“Subject Property”). The zoning district classification of the Subject Property is URB (Urban Corridor District) with Entrance Corridor Overlay. In URB, a “car wash” is allowed by SUP pursuant to City Code Sec. 34-796. The Subject Property has frontage on Emmet St. North and access to Meadowbrook Rd, and contains approximately 0.719 acres or 31,320 square feet. The general usage specified in the Comprehensive Plan for the Subject Property is Mixed Use. Persons interested in this SUP application may contact NDS Planner Heather Newmyer by e-mail ([newmyerh@charlottesville.org](mailto:newmyerh@charlottesville.org)) or by telephone (434- 970-3968).

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

1. The special use permit should allow only the specific use requested—a manual car wash, defined by the Charlottesville Zoning Ordinance as “a facility where cleaning is performed by employees of the facility.” That way, an SUP amendment would be required if the car wash were converted to an automatic or other type of car wash that could have different impacts.
2. The access to Meadowbrook Rd from the site shall be closed off during hours when the car wash is not open to the public.
3. Signage shall be placed interior to the site directing people to exit to Morton Drive to access Emmet St N. This will help mitigate increase in traffic through the Meadowbrook Hills/Rugby neighborhood. The location, type and orientation of the signage shall be reviewed and approved by the Traffic Engineer.
4. The proposed use will provide bicycle storage facilities, the number and type to be reviewed and approved by the Bicycle and Pedestrian Coordinator.
5. The developer of the Project shall provide a future connection to the proposed Meadowbrook Rd sidewalk/trail project (Barracks to Morton Drive), in a location determined in consultation with City staff.
6. The development shall comply with the following requirements, in addition to the requirements of the City’s outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.): a vertical shield shall be placed on each light fixture installed adjacent to low-density residential properties. The final site plan shall identify the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.

Open the Public Hearing

Kurt Woerpel said these are really nice people and he likes the idea of their business. The biggest concern he and the neighborhood has is the traffic on Meadowbrook Road and they will use their neighborhood. Please think of the safety of the citizens in the Meadowbrook Hills neighborhood and take that into consideration.

Michael Masters said he has lived in his home for 30 years and doesn't exit at Morton Road. You are putting cars through our neighborhood. He feels it is unprecedented for the city to allow this.

Ed Gibson 1408 Meadow Brook said he is in the fifty foot perimeter. He looks right down on the abandoned building. He gets to see who comes through the road all of the time coming up and down the road all of the time. He said there used to be a dumpster with crap falling out of that which is gone now. But the other thing was it is a regular parking spot for people who live in their vehicles. He said these mobile homes do not come with toilets so you know what that means. He said he drives out on Morton Drive every day and he doesn't have any problems at all doing that. He is in favor of a nice clean family oriented business so he is for it.

John Pertzlaff is speaking on behalf of the property owners who live in Northern Virginia. They just wanted a very safe community friendly business. They had other choices one was a burger restaurant and the other a chicken restaurant. He just wanted to inform you the point of view from the property owner.

Pat Gibson 1408 Meadow Brook said she shares driveway with another resident and the elevation of our property is above the street level and it is also removed so when people are coming down Meadow Brook Road from either direction and because of the curve at Morton Drive and this property, and because of the setback there is a stop sign for the street that goes up into the neighborhood and a stop sign for Meadowbrook Road, so when they are coming from either direction they are not expected for us to come out. The applicants were very supportive of our concerns in managing the traffic there. We, children, pedestrian, bicyclers and the entrance design corridor is supposed to support alternative modes of transportation. She said they would love to walk down Meadowbrook Road to go to Barracks Road both day and night but we are much safer in our vehicles. She said she supports the provisions that the applicants are willing to add to this where they would be limiting no outside speakers. Thank you for your service we have been impressed by your endurance.

Dena Imlay lives at 2014 Meadowbrook Road and is president of the Neighborhood Association. Paul Reynolds, UVA Professor who has been collecting data on traffic, says motorists completely ignores signs, so putting up sign are kind of useless. People are going exactly where they want to go. She said we figure that it is possible to re-configure the site. There is a developer in the neighborhood that has looked at the site plan and said he could design this so you wouldn't force everything out the back. You could in and do all of the procedures and go back out on Emmet. For the neighborhood we may not want a car wash but it would be much more acceptable if the traffic wasn't dumped into a residential neighborhood. Her request is for the applicant to re-configure the site and see if they can come up with some of the solutions that are available to them.

Elizabeth McGarvey said she really supports your business but the traffic is really bad. You've got about 20 people who walk in the neighborhood, the Frisbee players in the park and the English Inn tours walking around so there are a lot of people who walk up and down the road. So if there was some way you could have the business and not funnel through our neighborhood.

M.L. Coolidge, 2021 Spotswood Road, as it is now we know when there is an event at JPJ because we get more traffic through the neighborhood. We have no sidewalks, and we have a herd of deer, (10 point buck in the neighborhood). No one has mentioned Bodos is there and in one of the reports it said Bodos funnels something like 1200 cars on a Saturday and Sunday and most of them do go back on Emmet. But if you are coming out of the car wash and you see the lines coming out of Bodos where there is always traffic backed up it is a whole different mess. It has to be looked at as a whole impact on the neighborhood.

### Close the Public Hearing

Commissioner Green move to recommend approval of this application for a Special Use Permit to authorize a manual car wash at 1300 Emmet St N, subject to the conditions recommended by staff on page 14 with additional conditions:

- a. No exterior speakers
- b. Hours of operation, no earlier than 8:00 am and no later than 7 pm
- c. A traffic measure that would eliminate right turns with something more substantial than a sign.

Seconded by Commissioner Lahendro, motion passes 5-1 (Commissioner Keller opposed)

### REGULAR MEETING (Continued)

- I. Appeal – Erosion & Sediment Determination
  - a. 624 Booker Street  
Stop Work Order—On March 21, 2006, City staff issued a Stop Work Order (SWO) to the current owner of the property (attached as Exhibit B with associated correspondence), to provide notice of the E&S violation, and to put the owner on notice that proper permits are required in accordance with Chapter 10 of the City Code (Water Protection Ordinance, which contains the City's Virginia Erosion and Sediment Control Program (VЕСP) regulations). The SWO was issued by the City's VЕСP staff, after reviewing the condition of the site and, based on their observations and calculations, concluding that a land area of 6,000 SF or more has been disturbed during the construction process. The following conditions observed by staff are evidence that land disturbing activity over 6,000 SF had occurred: (i) footprint of newly-constructed building and installed shed, newly-constructed patios, porches and sidewalks; (ii) site grading such as grass removal, changing soil grades around the building.

Fred Payne said there is no sediment on this property. He said he is not going to argue the legal issues.

The time is near 12:00 a.m. and the Planning Commissioners took a 10 minute break for everyone to move their cars.

Mr. Payne returned to speak with City Attorney, Lisa Robertson, Mr. Silman and Commissioner Santoski.

Chair Santoski said the suggestion has been made and he agrees that we should continue this until our June meeting and in the meantime Mr. Payne and Ms. Robertson can sit down and work through the findings and facts presented by Mr. Payne and the findings and facts presented by the City and try to come to a consensus on which things are fact and which things are in disagreement as to fact and bring it back to us at the June 2016 meeting so it will be much narrower in scope and we will have a better idea what we need to resolve.

Ms. Creasy said the applicant is providing that allowance so we don't get into any time frame concerns.

Chair Santoski motion that we continue this item at the applicant's request in June of 2016, Seconded by Commissioner Keesecker, motion passes 6-0.

Commissioner Keller motion to adjourn at 12:26 a.m.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**APPLICATION FOR REZONING OF PROPERTY**

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

**DATE OF HEARING: JUNE 14, 2016**  
**APPLICATION NUMBER: ZT16-00001**

**Project Planner:** Carrie Rainey  
**Date of Staff Report:** June 1, 2016

**Applicant:** Mark Kestner  
**Current Property Owner:** Nappa Properties, LLC

**Application Information**

**Property Street Address:** 209 12<sup>th</sup> Street NE  
**Tax Map/Parcel #:** Tax Map 54, Parcel 178  
**Total Square Footage/ Acreage Site:** 0.19 acres or 8,276 square feet  
**Comprehensive Plan (Land Use Plan):** Low Density Residential  
**Current Zoning Classification:** R-1S

**Applicant's Request**

The applicant is seeking to rezone the parcel described above from R-1S residential to M-I light industrial with proffers. The applicant notes the reason for seeking this change is for the future expansion of the T&N Printing Business owned by Nappa Properties, LLC. The applicant would eventually combine three parcels: TMP 54-178, TMP 54-158, and TMP 54-157 (the parcel on which T&N Printing is currently located), as stated in the Project Narrative (Attachment B).

**Update**

**A public hearing was held on May 10, 2016. The Commission expressed concern about loading zones and alley access and deferred the application. The applicant has provided revisions for consideration. New material is identified in bold text in this report.**

**Vicinity Map**

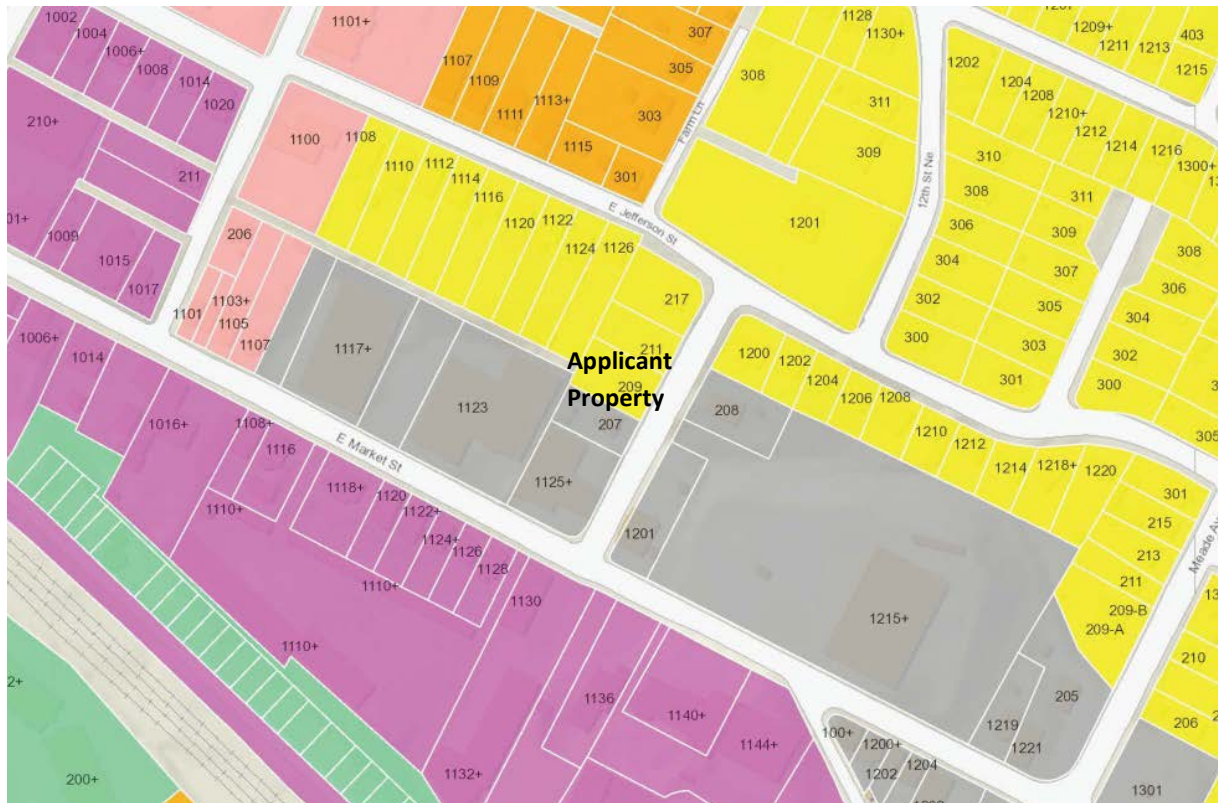


**Context Map 1**





## **Context Map 2- Zoning Classifications**



**KEY - Yellow: R1-S, Grey: M-I, Orange: R-2, Purple: DE, Pink: B-1, Green: PUD**

## **Rezoning Standard of Review**

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

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

- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services. Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

## **Project Review/Analysis**

### **Background**

The applicant has requested a rezoning of the subject property to allow for the future expansion of T&N Printing, which is located on adjacent M-I zoned property. The applicant has not provided a site plan for the subject parcel, but would be required to achieve site plan approval before construction of an addition to the T&N Printing facility. At the community meeting on February 23, 2016 the owner of T&N Printing and the subject property indicated that the future expansion would be a similar architecture to the existing T&N Printing building on E Market Street, including brick facing and a height of one (1) to two (2) stories.

The future expansion must meet the regulations set forth in Section 34-457, such as a maximum height of 85 feet and a minimum front yard setback of 20 feet. These regulations also include a side yard adjacent to residential properties providing one (1) foot of setback for every two (2) feet of height, with a minimum setback of ten (10) feet. In addition, a rear yard setback of 20 feet minimum is required where residential properties are adjacent to the rear of the subject property.

### **Proposed Use of the Property**

The applicant has indicated the desired use for the property is general commercial, specifically photographic processing/blueprinting.

**Zoning History**

In 1949 the property was zoned A-1 Residence District. In 1958 the zoning was changed to R-3 Multiple Dwelling District. In 1976, the zoning was changed to R-2 Residential District. The zoning was changed in 2003 to R-1S Residential District.

**Character and Use of Adjacent Properties**

| Direction | Use                            | Zoning    |
|-----------|--------------------------------|-----------|
| North     | Single Family House            | R-1S      |
| South     | Commercial                     | M-I       |
| East      | Commercial                     | M-I       |
| West      | Single Family House/Commercial | R-1S, M-I |

The property is located on 12<sup>th</sup> Street NE between E Market Street and E Jefferson Street. The properties to the south and across 12<sup>th</sup> Street NE are M-I commercial. Properties north are R-1S residential. On the western side of the parcel, both M-I commercial and R-1S residential border the property. The properties to the north, northwest, and northeast have lower density residential uses, while the remaining surrounding properties have commercial uses, such as blueprinting, building material supply, and trucking services.

**Effect on Surrounding Properties and Public Facilities**

Potential effects on surrounding properties include the commercial and light industrial uses allowed in M-I light industrial zoning. The purpose of M-I zoning is established by the code of ordinances to allow areas for light industrial uses that have a minimum of environmental pollution in the form of traffic, noise, odors, smoke and fumes, fire and explosion hazard, glare and heat and vibration. The subject parcel is located adjacent to residential properties which would be affected by some of the more intensive allowable uses in M-I light industrial zoning.

*Noise and Visual Concerns*

A potential effect on the surrounding properties would be the additional activity created on the parcel by the expansion of commercial activity on a block that contains single-family residential uses. The applicant has provided a proffer that will limit available development to uses related to the existing photographic processing/blueprinting business and residential uses and their associated accessory uses. The existing T&N Printing facility located south of the subject parcel has operated in close proximity to the existing residential areas with minimal impact due to noise and odors.

An additional potential effect would be the visual discrepancy of a commercial structure located adjacent to residential properties. While the subject property is located at a lower elevation than the residences north of the subject property, the maximum allowable height of 85 feet in the M-I zoning classification could result in a building greatly out of scale with the

existing neighborhood. To address this issue, the applicant has provided a proffer to limit heights on the subject parcel to be no higher than the existing T&N Printing facility. This could result in a structure that is slightly taller than the existing residential building immediately north of the subject property (see Attachment E). The applicant has also provided a proffer to provide S-3 buffering between the subject property and adjacent residential properties north and west of the subject property (this is more than the minimum buffer requirement per M-I regulations which requires setbacks as described under the Background section above, but does not require screening) . S-3 screening provides an opaque landscaping screen and is applied where maximum visual shielding is desired.

Outdoor lighting may be another potential concern regarding commercial uses adjacent to a low density residential area. However, any installed outdoor lighting must comply with Section 34-1003, which states that spillover from luminaries onto public roads and other properties within a low-density district shall not exceed one-half foot candle.

#### *Traffic and Parking*

Another potentially substantial effect on surrounding properties may be a change in traffic volumes on Market Street and 12<sup>th</sup> Street NE due to the expansion of photographic processing/blueprinting facilities onto the subject property. The applicant has not specified the desired maximum square footage for the future expansion of the T&N Printing facility onto the subject parcel. As such, detailed traffic impact information is not available. A traffic study would be required and reviewed by Traffic Engineering during the site plan process if the applicant moves forward with the proposed development, and these factors would be considered and appropriate mitigation (if necessary) required. In addition, parking requirements would be established during the site plan process, and must be adequately provided for site plan approval.

**The applicant has proffered limitations to loading and unloading zones on the subject property to minimize traffic impacts and noise on neighboring residential properties. The applicant has also proffered limitations to the use of the alley in the rear of the subject property to minimize traffic impacts on properties fronting the alley.**

12<sup>th</sup> Street NE does not currently have a sidewalk on either side of the street. The applicant will be required to install sidewalk along the subject property frontage as part of the site plan process. The new sidewalk will provide residents with a protected connection to E Market Street from areas north of the subject property.

### *Utility Improvements*

Regarding potential effects on public utilities, the applicant will need to supply any required upgrades or extensions to water, sanitary, and gas lines in order to provide these services to the development. An existing sewer facility with easement runs along the rear of the subject property from E Market Street to E Jefferson Street. All new construction must be a minimum of 10 feet from this existing line. The proposed improvements and new structure(s) location will be reviewed as part of a site plan submission, and must be approved by Public Works.

### **Reasonableness/Appropriateness of Current Zoning**

The current zoning of the parcel is R-1S. The current zoning is appropriate in the sense that the parcel is located on a block comprised partially of single family homes on R-1S lots and partially commercial properties located on M-I lots.

### **Consistency with Comprehensive Plan**

The Future Land Use Plan shows the property's use as low density residential.

**Land Use Goal 2:** Establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.

- 2.1** When considering changes to land use regulations, respect nearby residential areas.
- 2.2** Encourage small businesses that enhance neighborhoods and employment centers.
- 2.3** Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.

### **Proffers**

In response to many of the concerns raised over the proposed rezoning by neighbors, staff, and the Commission, the applicant has submitted a proffer statement that would restrict development on the site in several ways:

1. The applicant proposes to restrict the use of the property to photographic processing/blueprinting, single family detached dwellings with a special use permit, external and internal accessory apartments with a provisional use permit, and accessory buildings, structures, and uses related to the aforementioned uses as specified in the Use Matrix for Commercial Districts (Section 34-480).
2. The applicant proposes a maximum structure and building height not to exceed the height of the existing T&N Printing facility located at 1125 E Market Street. The height shall be determined by a horizontal plan measured from the roof of the existing facility to the highest point of any structures or buildings on the subject property. No appurtenances may exceed the established maximum height for any building or structure on the subject property.

3. The applicant proposes a S-3 landscape screening buffer a minimum of ten (10) feet to be provided between the subject property and each adjacent low-density residential property.
4. **The applicant proposes to restrict alley use to not differ from the existing nature or intensity from established and ongoing uses(s) by other properties having frontage on the alley.**
5. **The applicant proposes no loading or unloading of trucks in connection with any commercial activities will take place within fifty (50) feet of the adjacent residential property at 211 12<sup>th</sup> Street NE.**

### **Public Comments Received**

#### *Community Meeting*

Staff attended the community meeting held by the applicant on February 23, 2016 starting at 5:30pm at office of Henningsen Kestner Architects Inc. located on E High Street. Nine (9) citizens attended in addition to several representatives from T&N Printing and Henningsen Kestner Architects Inc. Several attendees noted they were generally supportive of the rezoning, although concerns were raised regarding the potential size of the addition if proffers were not put in place to limit the allowable height to a maximum more appropriate to the current neighborhood than the maximum allowable 85 feet for M-I zoning. One attendee noted she did not agree with a rezoning approval until the owners of the subject property were ready to develop the property. Please see Attachment C for community meeting materials.

#### *Other Comments*

Staff received email correspondence on March 28, 2016 from a resident of E Jefferson Street who noted concern with potential alley usage by T&N Printing.

Staff received email correspondence on March 30, 2016 from a resident of E Jefferson Street that expressed concern regarding the spread of non-residential uses into the 12<sup>th</sup> Street NE neighborhood. The neighbor noted she is supportive of the expansion of T&N Printing, but believes it should happen along E Market Street and not 12<sup>th</sup> Street NE.

Staff spoke over the phone with a citizen that expressed concerns about an increase in traffic and speeding if the rezoning is allowed.

### **Staff Recommendation**

The applicant has proffered to allow minimal uses on the property, limited allowable heights, and landscape screening. Staff welcomes the proffers, as more intense commercial uses as generally allowed by scale and use in M-I zoning are determined to not be appropriate for the subject property location. While the Comprehensive Plan denotes the area as low density residential for future land use, staff believes the expansion of the existing low scale commercial development of T&N Printing is appropriate and harmonious with the surrounding area.

### **Suggested Motions**

1. I move to recommend approval of this application to rezone the parcel designated as Tax Map 54, Parcel 178, subject to the proffered development conditions dated April 19, 2016, on the basis that the rezoning will serve the interests of public necessity, convenience, general welfare and good zoning practice.
2. I move to recommend denial of this proposed conditional rezoning of property identified as Tax Map 54, Parcel 178, on the basis that the rezoning is not required by public necessity, convenience, general welfare or good zoning practice.

### **Attachments**

- A. Application for Rezoning provided February 1, 2016
- B. Application Narrative provided February 2, 2016
- C. Community Meeting Materials provided February 24, 2016 and March 18, 2016
- D. Proffer Statement provided June 6, 2016
- E. Elevation Graphic dated March 18, 2016

RECEIVED



# City of Charlottesville

FEB 01 2016

NEIGHBORHOOD DEVELOPMENT SERVICES

## Application for Rezoning

Project Name: T & H PRINTING

Address of Property: 209 12<sup>TH</sup> ST. NE

Tax Map and Parcel Number(s): 54 - 178

Current Zoning: R1-S

Proposed Zoning: M-1

Comprehensive Plan Land Use Designation: LOW DENSITY RESIDENTIAL LIGHT INDUSTRIAL

Applicant: MARK KESTHER

Address: 1108 E. HIGH ST.

Phone: 434.971.7202 Email: MARK@MKARCHITECTS.COM

Applicant's Role in the Development (check one):

Owner  Owner's Agent  Contract Purchaser

Owner of Record: HAPPA PROPERTIES, LLC

Address: 17 OUT OF BOUNDS RD. PALM BEACH, VA. 22963

Phone: 434 996 8878 Email: lynwood@t-hprinting.com

### (1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print MARK KESTHER Date \_\_\_\_\_

Applicant's (Circle One): LLC Member  LLC Manager  Corporate Officer (specify) \_\_\_\_\_

Other (specify): AGENT

(2) Signature [Signature] Print Lynwood Napier Date 1-28-16

Owner's (Circle One): LLC Member  LLC Manager  Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_

2M 16-00001





# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: T+N PRINTING

Pre-Application Meeting Date: 18 DEC 2015

Applicant's Representative: MARK KESTNER

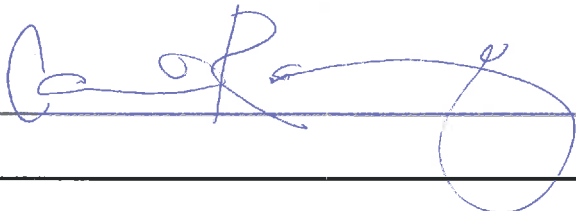
Planner: MARIE RINEY

Other City Officials in Attendance:

NONE

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. ZONING MAP OF AREA
2. 500FT RADIUS FOR COMMUNITY MEETING + MARTHA JEFFERSON NEIGHBORHOOD ASSOCIATION
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Planner Signature:  18 DEC 2015



# City of Charlottesville

## Application Checklist

Project Name: T & H PRINTING

**I certify that the following documentation is ATTACHED to this application:**

34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan

34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts

34-158(a)(6): other pertinent information (narrative, illustrative, etc.)

Completed proffer statement

All items noted on the Pre-Application Meeting Verification.

### Applicant

Signature [Handwritten Signature] Print MARK KESTNER Date 23 Jan. 16

By Its: AGENT

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

Project Name: T & H PRINTING

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted \_\_\_\_\_, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: MARK KESTNER

By:

Signature [Handwritten Signature] Print MARK KESTNER Date 20 July 16

Its: AGENT (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Personal Interest Statement

Project Name: T & H PRINTING

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Applicant: HAPPA PROPERTIES, LLL

By:

Signature *Lynwood Napier* Print Lynwood Napier Date 1-28-16

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)

### Commonwealth of Virginia

#### City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 28<sup>th</sup> day of January, 2016 by Lynwood Napier

Notary Signature Connie A. Palmer

Registration #: 7223179 Expires March 31, 2016





# City of Charlottesville

## Owner's Authorizations

(Not Required)

Project Name: T & H PRINTING

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this rezoning application.

Owner: NAPPA PROPERTIES, LLC Date 1-28-16

By (sign name): [Signature] Print Name: Lynwood Napier

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this rezoning, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: MARK KESTER

Name of Corporate or other legal entity authorized to serve as agent: ATWOOD HELLINGSELL KESTER, LLC.

Owner: NAPPA PROPERTIES, LLC Date: 1-28-16

By (sign name): [Signature] Print Name: Lynwood Napier

Circle one:

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Fee Schedule

| Application Type         | Quantity | Fee                         | Subtotal |
|--------------------------|----------|-----------------------------|----------|
| Rezoning Application Fee | 1        |                             |          |
| Mailing Costs per letter |          | \$1 per letter              |          |
| Newspaper Notice         |          | Payment Due<br>Upon Invoice |          |
| <b>TOTAL</b>             |          |                             |          |

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_



**ATWOOD HENNINGSEN KESTNER  
ARCHITECTS  
INC.**

2 February 2016

Department of Neighborhood Development Services  
Charlottesville, VA 22903

Re: 209 12<sup>th</sup> Street NE – Narrative

Summary:

The existing structure located at 209 12<sup>th</sup> Street NE is located near the intersection of Market Street East with frontage on 12<sup>th</sup> Street. The property is currently zoned R1-S, but is bordered on three sides by M-I. The owner would like to rezone the property to M-I for the possible future expansion of the T&N Printing business eventually combining three parcels, TMP 54-178, TMP 54-158 and TMP 54-157 (Where the business is currently located).

The future expansion would be in keeping with the existing use and would be one to two stories in height. The owner's plans would include off street parking and a pleasant pedestrian experience.

General Standards for Rezoning.

The proposed zoning will be harmonious with the existing patterns of use and development within the neighborhood with the scale of the project and proposed use. The scale and massing of the proposed future expansion fits with the existing buildings in the area. The proposed use of the property building will require a limited zoning change. The proposed use of the building will also conform to a number of aspects of the city's comprehensive plan. These aspects and initiatives include the expansion of a locally-owned and operated business; the encouragement of alternate forms of transportation based on proximity to the university, shopping and transit lines; the creative minimization of the impact of parking facilities and vehicular traffic due to the consolidation of parking on site. In addition, the proposed construction will comply with all applicable building code regulations.

The following summarizes and addresses the potentially adverse impacts on the surrounding neighborhood with the proposed development and the potential mitigation efforts.

1. Traffic Impact - The proposed change will not significantly increase traffic and trip generation over the existing allowable trip generation for the site. These vehicles will park on-site.

2. Noise, lights, dust control effects on the natural environment – Not anticipated except during construction phase.

3. Displacement of existing residents – The development of this parcel for a business use will not displace any existing residents as there are currently no occupants.

4. Discouragement of economic development – The proposed modification to the parcel will increase the economic benefit of the site for the city, improving the condition of the site and may positively impact surrounding property values as well.

5. Intensity of use in relationship to community facilities – Any increase in impervious area would be mitigated on site.

6. Utilities: City water and sewer.

7. Reduction of available affordable housing – The development of this site will not have a negative effect on affordable housing.

8. Impact on school population – The proposed modification to the parcel will not have an effect on the school population or school facilities.

9. Effects on Historic District – The parcel is not located within a Charlottesville Historic district. The improvements to the site will be done in accordance with the City approvals. The existing structure itself is not a historical structure and is not a building of interest.

10. Conformity with Federal, state, and local laws – The redevelopment will meet all requirements set forth and required by local, state, and federal regulations.

11. Massing and scale of project – Any proposed construction will be designed such that it would fit nicely into the existing context of the neighborhood scale and surrounding buildings.

Overall, the modification to this parcel meets the general requirements and standards of the area and is in harmony with other adjacent zoning classifications within the zoning district area. The proposed modification does not appear to have any major additional impacts on the City resources or natural resources, and the proposed use fits well with the surrounding area. Additionally, a light industrial use would be a more appropriate use for the parcel.





**ATWOOD HENNINGSEN KESTNER  
ARCHITECTS  
INC.**

2 February 2016

Re: 209 12th Street NE – meeting invite

Dear Neighbors,

We would like to invite you to attend an upcoming meeting to discuss a zoning modification for 209 12<sup>th</sup> Street NE. The existing structure located at 209 12<sup>th</sup> Street NE is located near the intersection of Market Street East with frontage on 12<sup>th</sup> Street. The property is currently zoned R1-S, but is bordered on three sides by M-I. The owner would like to rezone the property to M-I for the possible future expansion of the T&N Printing business eventually combining three parcels, TMP 54-178, TMP 54-158 and TMP 54-157 (Where the business is currently located).

The future expansion would be in keeping with the existing use and would be one to two stories in height. The owner's plans would include off street parking and a pleasant pedestrian experience. We would like to have your support moving forward with the City.

The meeting will be held at 5:30 on Tuesday, February 23, 2016, at the offices of Atwood Henningsen & Kestner, Inc. Architects. Please join us if you wish to discuss this matter. We look forward to seeing you.

Lynwood Napier  
Mark. A Kestner

AFFIDAVIT

I, Mark Kestner, swear under oath before a Notary Public that:

The T&N Rezoning Invite letter, dated 2 February 2016, was mailed 14 calendar days prior to such meeting to each property owner affected by proposed rezoning.

[Handwritten Signature]

Signature

MARK KESTNER

Print Name

5 FEB. 16

Date

Commonwealth of Virginia

City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 5<sup>th</sup> day of

February, 2016 by Mark Kestner.

Notary Signature [Handwritten Signature]

Registration # 7662788

Expires May 31, 2019

**LEAH RENEE MYERS  
NOTARY PUBLIC  
REG. #7662788  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2019**

SIGHT 14

| <u>NAME</u>       | <u>ADDRESS</u>                             | <u>PH</u> | <u>#</u> |
|-------------------|--|-----------|----------|
| JO CARSON         | 1201 JEFFERSON                             | 293-3411  |          |
| Doretha Quilton   | 2616 Lallard dr.                           | 971-8038  |          |
| CHRIS HENNINGSEN  | AHK  | 971-7202  |          |
| Lynwood Napier    | 20512 <sup>th</sup> ST. N.E.               | 996-8878  |          |
| BILL WYLIE        | 1111 E. JEFFERSON                          | 975-8290  |          |
| Phyllis Templeton | <del>6410</del> 20512 <sup>th</sup> ST W.E | 996-8877  |          |
| ANN MERCER        | 1200 EAST JEFFERSON ST.                    | 244-9981  |          |
| CARRIE RAINEY     | NDS  | 970-3453  |          |
| MARK KESTNER      | AHK  | 971.7202  |          |

Am Mercer

loganblanco@yahoo.com

WYVIE

WW9B@VIRGINIA.EDU

Doneitta Quillon

dmquillon@gmail.com

JoLauEM

ewl2m@virginia.edu

PROFFER STATEMENT  
NAPPA PROPERTIES, LLC  
PROPERTY ADDRESS: 209 12<sup>th</sup> Street, N.W.

**PROPERTY, TAX MAP PARCEL ID(s):**  
Tax Map 54 Parcel 178 (TMP 540178000) (0.1940 acre)

**ZONING MAP AMENDMENT (ZMA) #:** ZM16-00001

**OWNER:** Nappa Properties, LLC, a Virginia limited liability company, its heirs, successors and assigns (collectively, "Owner")

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**Request:** the above-referenced zoning map amendment (ZMA) proposes to change the zoning district classification of a single lot or parcel of land from low-density residential, small lot (R-1S) to M-I commercial, light industrial (M-I). The above-referenced lot or parcel of land that is the subject of the ZMA is referred to within this proffer statement as the "Property".

**Proffer:** pursuant to Sections 34-61 et seq. of the Code of the City of Charlottesville, as amended ("City Code") the Owner hereby voluntarily proffers certain conditions restricting the development of the Property, which conditions will be and become effective if the Zoning Map Amendment (ZMA) is approved by the Charlottesville City Council. These development conditions are proffered by the Owner as part of the ZMA. The Owner agrees, on behalf of itself and its heirs, successors and assigns that the ZMA itself gives rise to the need for the conditions and the conditions have a reasonable relation to the requested zoning map amendment.

**Proffered Development Conditions:**

1. The Property may be used for any of the following uses; any use other than those expressly listed below is prohibited:
  - a. Single family detached dwelling, used for residential occupancy by special use permit (SUP);
  - b. Pursuant to a provisional use permit, an accessory apartment (internal or external), used for residential occupancy;
  - c. Photographic processing; blueprinting;
  - d. Photography studio;
  - e. Art workshop;
  - f. Accessory buildings, structures and uses;
  - g. Attached communications facilities not visible from any adjacent street or property.
2. The maximum height of buildings and structures on the Property (inclusive of appurtenances) shall be determined in accordance with this paragraph. The highest point of any structure constructed on the Property, and the highest point of the roof of any building constructed on the Property, shall not extend above a level horizontal plane, extending from the highest point of the roof of the existing building at 1125 East Market Street ("T&N Printing") across the surface of the Property. The Owner shall establish this dimension, and any site plan

PROFFER STATEMENT  
 NAPPA PROPERTIES, LLC  
 PROPERTY ADDRESS: 209 12<sup>th</sup> Street, N.W.

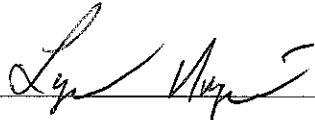
(preliminary or final) for proposed development of the Property shall depict the horizontal plane as determined in relation to both the Property and 1125 East Market Street.

3. Prior to issuance of a certificate of occupancy for any new building or structure constructed on the Property, the Owner shall establish and maintain S-3 screening landscaped buffer, along each side and rear lot line that adjoins any residential district or residential use. If the M-I zoning district regulations prescribe a required side or rear yard, the screening shall be located within the required yard area(s). For purposes of this proffered condition, the screening shall comply with the following:
  - a. A 10-foot wide landscaped buffer may be utilized for, or as part of, the required screen. If utilized, the nature and installation of the plantings shall maximize the visual shielding of the buildings, structures and activities on the Property from view on adjacent lots. The Owner may select any combination of plantings from among options "A", "B" and "C" within the following chart:

| <i>Required Screen: expressed as a number of plant units per square foot of area to be covered</i> |           |           |           |
|--|-----------|-----------|-----------|
| <i>Type of Plant</i>   | A         | B         | C         |
| Large Canopy Trees   | 1/1000 SF | 1/1000 SF | 1/1000 SF |
| Medium Canopy Trees  | 1/1000 SF | 1/1000 SF | 1/1000 SF |
| Understory Trees   | 1/500 SF  | 1/250 SF  | 1/500 SF  |
| Evergreen Trees  | 1/500 SF  | 1/500 SF  | 1/750 SF  |
| Shrubs/ hedges   | 1/100 SF  | 1/100 SF  | 1/200 SF  |

4. The alley which adjoins the rear lot line of the Property shall not be used by the Owner(s) or occupant(s) of the Property in any manner that differs in nature or intensity from established and ongoing use(s) of the alley by other properties having frontage on the alley.
5. No loading or unloading of trucks in connection with any commercial use shall take place on the Property within fifty (50) feet of the lot line shared with 211 12<sup>th</sup> Street, N.E. (Tax Map 54 Parcel 179).

**NOW, THEREFORE**, by their signatures, the undersigned individuals stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested.

By:  \_\_\_\_\_  
 Owner

By: \_\_\_\_\_  
 Applicant

PROFFER STATEMENT  
NAPPA PROPERTIES, LLC  
PROPERTY ADDRESS: 209 12<sup>th</sup> Street, N.W.

Print Name: Lynwood Napier

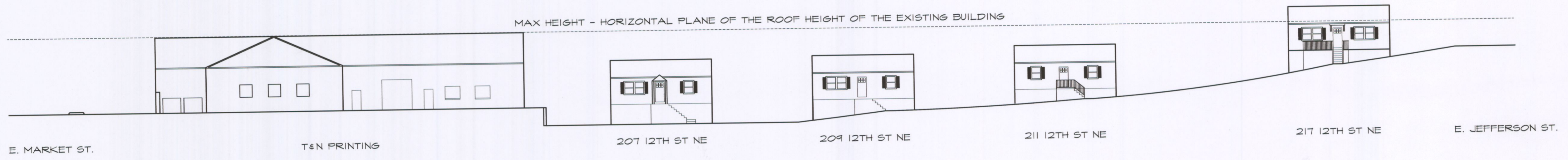
Print Name: \_\_\_\_\_

Address: 205 12<sup>th</sup> St NE  
Chiville Va. 22902

Relationship to Owner: \_\_\_\_\_

Date: 6-6-14

Date: \_\_\_\_\_



1 SITE SECTION

1"=20'-0"

| NO. | DATE    | DRAWING RELEASE        |
|-----|---------|------------------------|
| 1   | 5-18-16 | MAXIMUM HEIGHT PROFFER |
|     |         |                        |
|     |         |                        |
|     |         |                        |
|     |         |                        |
|     |         |                        |
|     |         |                        |
| NO. | DATE    | REVISION               |
|     |         |                        |
|     |         |                        |
|     |         |                        |
|     |         |                        |

SITE SECTION

JOB NUMBER 15-41      FILE NO. 15-41-X-01

**A.1.01**



**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**APPLICATION FOR REZONING OF PROPERTY**

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

**DATE OF HEARING: June 14, 2016**  
**APPLICATION NUMBER: ZM15-00004**

**Project Planner:** Brian Haluska

**Date of Staff Report:** May 24, 2016

**Applicant:** Mark Kestner, agent for Neighborhood Investments – RH, LLC

**Current Property Owner:** Neighborhood Investments - RH, LLC

**Application Information**

**Property Street Address:** 624 and 626 Booker Street

**Tax Map/Parcel #:** Tax Map 36, Parcels 87 and 88

**Total Square Footage/ Acreage Site:** 0.29 acres or 12,545 square feet

**Comprehensive Plan (Land Use Plan):** Low-Density Residential

**Current Zoning Classification:** R-1S

**Applicant's Request**

The applicant is seeking to rezone the parcel described above from R-1S residential to B-3 commercial with proffers. The applicant notes the reason for seeking this change is to complete a partially constructed residential building at 624 Booker Street as a three unit residential building. The original building plans for the project were for a 7,000 square foot single-family detached residence. The applicant proposes combining the two parcels mentioned above to create a single 0.29 acre lot for the structure.

## **Vicinity Map**



## **Rezoning Standard of Review**

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

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

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

## **Project Review/Analysis**

### **Background**

The previous owner of the property located at 624 Booker Street applied for a demolition permit on November 9, 2012. He removed the structure on the property and submitted a building permit application on January 23, 2013 for a new single-family detached residential dwelling with an interior accessory apartment. The building permit was approved on August 9, 2013.

The previous owner of the property began construction on the approved building, and then ceased construction. The current owner purchased the property with the partially completed structure on November 9, 2015 and the building permit for the dwelling expired on November 17, 2015.

The current owner consulted with City staff regarding the potential to complete the building as a three-unit multifamily structure, and was advised that the only way to do so would be to rezone the property to a zoning that permitted multifamily residential dwellings. City staff further suggested that the B-3 designation would be the best zone to request, since the property was adjacent to B-3 zoning on Rose Hill Drive, and that properties located at 612 and 613 Booker Street were zoned B-3.

### **Proposed Use of the Property**

The applicant has indicated the desired use for the property is a three-unit residential building with associated parking.

### **Zoning History**

In 1949 the property was zoned A-1 Residence District. In 1958 the zoning was changed to R-3 Multiple Dwelling District. In 1976, the zoning was R-3 Residential District. In 1991, the properties were rezoned to R-1A. In 2003, the zoning was R-1S Residential District.

### **Character and Use of Adjacent Properties**

| Direction | Use                 | Zoning |
|-----------|---------------------|--------|
| North     | Single Family House | R-1S   |
| South     | Single-Family House | R-1S   |
| East      | Single-Family House | B-3    |
| West      | Single-Family House | R-1S   |

The property is located on the east side of Booker Street. Booker Street runs between Charlton Avenue and Preston Avenue, although the intersection with Preston Avenue is not accessible to automobiles. The structures on Booker Street are residential in character. The properties that front on Booker Street are zoned R-1S except for the two structures at the southeast end of the street (612 and 613 Booker Street) which are zoned B-3. The properties on the west side of Booker Street back up to the Preston Place Shopping Center. The properties on the east side of Booker Street back up to an alley that serves this side of Booker Street and commercially zoned properties on Rose Hill Drive. The partially completed structure on 624 Booker Street is the lone 3-story structure in the immediate vicinity.

**Effect on Surrounding Properties and Public Facilities**

The property is situated within a traditionally single-family residential neighborhood, but in proximity to the Rose Hill Drive corridor that has a mixture of uses, although it is predominantly commercial.

The applicant’s proposal would create a six space parking lot on the property to be accessed via the alley at the rear of the parcel. Residents have expressed concern about the impact the increased car traffic would have on the alley and the adjacent properties. One concerned resident noted that the house at the end of the alley on the corner of Booker Street and Charlton Avenue has almost no setback from the alley, and thus any additional cars travelling on the alley would be moving very close to the house.

Staff finds that the rezoning will have a negligible impact on public facilities, as the maximum occupancy of the proposed triplex and the current structure would likely be the same.

**Reasonableness/Appropriateness of Current Zoning**

The current zoning of the parcel is R-1S. The current zoning is appropriate in the sense that the parcel is located on a block comprised partially of single family homes on R-1S lots.

**Consistency with Comprehensive Plan**

The Future Land Use Plan shows the property's use as low density residential. The City has defined triplex units as multi-family dwellings and has excluded them from the low-density residential districts.

### **Comprehensive Plan Goals That May Support the Rezoning**

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

Housing Goal 3.3 – “Achieve a mixture of incomes and uses in as many areas of the City as possible.”

Housing Goal 3.6 – “Promote housing options to accommodate both renters and owners at all price points, including workforce housing.”

### **Comprehensive Plan Goals That May Not Support the Rezoning**

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

Land Use Goal 2.1 When considering changes to land use regulations, respect nearby residential areas.

### **Proffers**

In response to many of the concerns raised over the proposed rezoning by neighbors and staff, the applicant has submitted a proffer statement that would restrict development on the site in several ways:

1. The applicant proposes to limit the number of residential units to 3 units within a single building.
2. The applicant proposes limiting the Floor-Area-Ratio in the project to 0.70
3. The applicant proposes to limit the use of the property to a single multifamily residential dwelling. This proffer would prevent any commercial use of the property, except as currently allowed in residential districts under the home occupation regulations.
4. The applicant proposes restricting the materials used on the exterior of the building and specifies the type of windows to be used.
5. The applicant limits the height of the building to 35 feet. The maximum height of a structure in the B-3 zone is 70 feet.
6. The applicant specifies that the setbacks applicable to the property will be those found in the R-1S zone.

7. The applicant proffers a landscaped garden of at least 3,000 square feet.
8. The applicant proffers 6 off-street parking spaces to be accessed via the alley in the rear of the property.
9. The applicant proffers that the impervious area of the site will not exceed 7,000 square feet.
10. The applicant will submit and obtain approval of a stormwater management plan for the structure and associated parking.

## **Public Comments Received**

### *Neighborhood Meeting*

Staff attended a neighborhood meeting on April 26, 2016 at the Friends Meeting House. Staff's purpose was to convey the details of the proposed rezoning and explain the process to the residents. There were around 35 persons present. Some concerns raised about the proposal were the utilization of the alley for automobile traffic, how the existing structure was approved for construction, and how the rezoning request would impact the neighborhood's concerns regarding continued affordability.

### *Community Meeting*

Staff attended the community meeting on May 3, 2016 starting at 6:30pm at Zion Union Baptist Church. Over 50 citizens attended in addition to several representatives from Henningsen Kestner Architects Inc. The attendees noted that they were opposed to the rezoning request because of the impact to the surrounding neighborhood, including the traffic and the introduction of multi-family dwellings into a single-family neighborhood.

### *Other Comments*

Staff has received an extensive amount of comments via mail and e-mail. The comments are almost universally opposed to the rezoning proposal. Staff has scanned the written comments we have received and attached them this report. E-mail comments have been forwarded to the Planning Commission.

## **Staff Recommendation**

As presently zoned, the current structure at 624 Booker Street may be completed as a single-family detached structure with an optional interior accessory apartment. The proposed rezoning would permit the current owners to complete the structure as a three-unit dwelling.

One of the major concerns raised by the residents of the Rose Hill neighborhood has been the changes they have seen recently in their neighborhood. The rising costs of properties are forcing out lower to middle income residents through a combination of higher property taxes and changes in property ownership. This pattern has been seen in other traditionally minority neighborhoods such as 10<sup>th</sup> and Page and Fifeville. This is exacerbated, in part, by zoning regulations that only permit single-family dwellings to be constructed in a large portion of the City.

In the joint work session on form-based code and the Strategic Investment Area on May 26, Milt Herd made reference to the “missing middle” residential forms such as triplexes, quadplexes, bungalow courts and garden apartments that do not often comply with the zoning regulations of many localities. Some planners point to these building forms as a means to combat neighborhoods that are gentrifying due to economic forces such as those at work in many neighborhoods in Charlottesville. The theory is that by permitting a slightly higher level of density in residential buildings that can meld with existing single-family residential neighborhoods to begin to create a diversity of unit types and sizes at a wider range of price points. Thus, neighborhoods can accommodate a broader range of potential residents in terms of income levels.

A change to begin to permit these missing middle housing types in the existing single-family residential zones must follow a wholesale review of all such areas in the City, in the interest of good zoning practice. Every neighborhood in the City should be evaluated and treated equally. Otherwise, developers would likely repeat the process of this rezoning request by picking properties in neighborhoods where the residents are undergoing financial strain to keep their homes.

Staff believes that there may be a time when triplex units are deemed as an acceptable unit type to be located on Booker Street, but only after a thorough evaluation of all residential neighborhoods for suitability for such units. Staff recommends the application be denied on the basis that the proposal would not serve the interests of good zoning practice.

### **Suggested Motions**

1. I move to recommend approval of this application to rezone the parcel designated as Tax Map 36, Parcels 87 and 88, subject to proffered development conditions submitted with application, on the basis that the rezoning will serve the interests of the public necessity, convenience, general welfare and good zoning practice.

2. I move to recommend denial of this proposed conditional rezoning of the parcel identified as Tax Map 36, Parcels 87 and 88, on the basis that the rezoning is not required by public necessity, convenience, general welfare or good zoning practice.

**Attachments**

- A. Application for Rezoning provided December 17, 2015
- B. Application Narrative provided December 17, 2015
- C. Statement of Proffered Development Conditions submitted with application
- D. Written comments received by staff from the public





# City of Charlottesville

## Application for Rezoning

RECEIVED  
DEC 17 2015  
NEIGHBORHOOD DEVELOPMENT SERVICES

Project Name: CO24 BOOKER

Address of Property: CO24 BOOKER STREET

Tax Map and Parcel Number(s): 360-07 AND 360-00

Current Zoning: R-15

Proposed Zoning: B-3

Comprehensive Plan Land Use Designation: LOW-DENSITY RESIDENTIAL

Applicant: MARK KESTNER

Address: 1100 E. HIGH ST.

Phone: 434.971.7202 Email: MARK@MKARCHITECTS.COM

Applicant's Role in the Development (check one):

Owner  Owner's Agent  Contract Purchaser

Owner of Record: NEIGHBORHOOD INVESTMENTS - RH, LLC  
RICHARD T. SPURZEM

Address: 810 CATALPA COURT, CHARLOTTESVILLE

Phone: 434.923.0900 Email: 22903

### (1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print MARK KESTNER Date 10 DEC. 15

Applicant's (Circle One): LLC Member  LLC Manager  Corporate Officer (specify) \_\_\_\_\_

Other (specify): AGENT

(2) Signature [Signature] Print RICHARD T. SPURZEM Date 12/11/15

Owner's (Circle One): LLC Member  LLC Manager  Corporate Officer (specify) \_\_\_\_\_

Other (specify): ZM15-00004



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 624 Booker

Pre-Application Meeting Date: November 30, 2015

Applicant's Representative: Mark Kestner

Planner: Brion Haluska

Other City Officials in Attendance:

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The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. 

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2. 

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3. 

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4. 

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5. 

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Planner Signature: Brion J. Haluska



# City of Charlottesville

## Application Checklist

Project Name: COLA BACKER

I certify that the following documentation is ATTACHED to this application:

- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- Completed proffer statement
- All items noted on the Pre-Application Meeting Verification.

### Applicant

Signature [Signature] Print MARK WESTER Date 10 DEC. 15

By Its: K4EHT

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

Project Name: COLA BACKER

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted \_\_\_\_\_, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: NEIGHBORHOOD INVESTMENTS - RH, LLC

By:

Signature [Signature] Print RICHARD T. SPURZEN Date 12/11/15

Its: MANAGER (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Personal Interest Statement

Project Name: col4 booker

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

**Applicant:** NEIGHBORHOOD INVESTMENTS - RH, LLC

**By:**

Signature [Signature] Print RICHARD T. SPURZEM Date 12/11/15

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)

### Commonwealth of Virginia City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 16th day of December, 2015 by Leah Renee Myers

Notary Signature Leah Renee Myers

Registration #: 7662788 Expires May 31, 2019

**LEAH RENEE MYERS**  
NOTARY PUBLIC  
REG. #7662788  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2019



# City of Charlottesville

## Owner's Authorizations

(Not Required)

Project Name: 624 BOOKER ST.

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this rezoning application.

Owner: NEIGHBORHOOD INVESTMENTS - RH, LLC Date 12/11/15

By (sign name): [Signature] Print Name: RICHARD T. SPURZEM

Owner's: LLC Member  LLC Manager  Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this rezoning, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: MARK KESTNER

Name of Corporate or other legal entity authorized to serve as agent: ATWOOD HENNINGSEN  
KESTNER ARCHITECTS,  
INC.

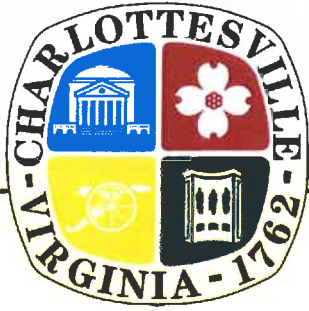
Owner: NEIGHBORHOOD INVESTMENTS - RH, LLC Date: 12/11/15

By (sign name): [Signature] Print Name: RICHARD T. SPURZEM

Circle one:

Owner's: LLC Member  LLC Manager  Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Fee Schedule

| Application Type         | Quantity | Fee                         | Subtotal |
|--------------------------|----------|-----------------------------|----------|
| Rezoning Application Fee | 1        | \$ 1,500                    |          |
| Mailing Costs per letter |          | \$1 per letter              |          |
| Newspaper Notice         |          | Payment Due<br>Upon Invoice |          |
| <b>TOTAL</b>             |          |                             |          |

ZM15-00004

### Office Use Only

Amount Received: \$1,500<sup>00</sup> Date Paid 12/17/15 Received By: J. Barnou



**ATWOOD HENNINGSEN KESTNER  
ARCHITECTS  
INC.**

10 December 2015

Department of Neighborhood Development Services  
Charlottesville, VA 22903

Re: 624 Booker Street – Housing Narrative

Summary:

The partially complete existing structure located at 624 Booker Street is located in the Preston Park area with frontage on both Booker Street as well as a rear alley and is within walking distance to the downtown area and University of Virginia grounds.

The applicant proposes to complete the existing (3) story residential structure and associated landscaped areas. The previous owner intended to develop the structure as a 7,000 square foot single family residence under the R-1S zoning designation. The current owner intends to develop the structure as (3) individual stacked single family residences with a combined area still totaling approximately 7,000 SF. The construction type is wood framing with limited steel as needed.

The applicant proposes to improve the overall pedestrian experience and usability of the site by combining two parcels and making a more park like setting for the neighborhood and users. By combining the two parcels, TMP 36-87 and TMP 36-88 the allowable number of potential single family units will be reduced from (4) to (3) and would allow for a large landscaped garden area. The completion will be in keeping with the materials and methods existing. The owner also intends to provide off-street parking accessed from the alley for residents.

The exterior of the building will consist of a combination of brick, precast concrete and stucco. The windows will be double glaze operable wood windows.

General Standards for Rezoning.

The proposed project will be harmonious with the existing patterns of use and development within the neighborhood with the scale of the project and proposed use. The scale and massing of the proposed building fits with the existing buildings in the Preston area. The proposed use of the building will require a limited zoning change. The proposed use of the building will also conform to a number of aspects of the city's comprehensive plan. These aspects and initiatives include the establishment of a locally-owned and operated business; the encouragement of alternate forms of



transportation based on proximity to the university, shopping and transit lines; the creative minimization of the impact of parking facilities and vehicular traffic due to the consolidation of parking on site, accessed from the rear alley. In addition, the proposed construction will comply with all applicable building code regulations.

The following summarizes and addresses the potentially adverse impacts on the surrounding neighborhood with the proposed development and the potential mitigation efforts.

1. Traffic Impact - The proposed development will not increase traffic and trip generation over the existing allowable trip generation for the site. These vehicles will park on-site.
2. Noise, lights, dust control effects on the natural environment – During the construction activities, there will be adverse effects on the natural environment, but proper construction methods will be implemented to reduce these adverse conditions as much as possible. These conditions should only exist during the construction phase of the project.
3. Displacement of existing residents – The development of this parcel for a (3) unit multi-family dwelling will not displace any existing residents.
4. Discouragement of economic development – The proposed modification to the parcel will increase the economic benefit of the site for the city, improving the condition of the site and may positively impact surrounding property values as well.
5. Intensity of use in relationship to community facilities – No increase in impervious area.
6. Utilities: City water and sewer.
7. Reduction of available affordable housing – The development of this site will not have a negative effect on affordable housing. The increase in density will allow residents to live close to the downtown area and University.
8. Impact on school population – The development possibly have minimal effect on the school population or school facilities.
9. Effects on Historic District – The parcel is not located within a Charlottesville Historic district. The improvements to the site will be done in accordance with the City approvals. The existing structure itself is not a historical structure and is not a building of interest.
10. Conformity with Federal, state, and local laws – The redevelopment will meet all requirements set forth and required by local, state, and federal regulations.

11. Massing and scale of project – The proposed construction and modifications to the building fit with the neighborhood scale and massing of the existing surrounding buildings.

Overall, the development of this parcel to complete the structure as (3) single family residential units meets the general requirements and standards of the area and is in harmony with other adjacent buildings within the zoning district area. The scale and massing on the site are appropriate. The proposed development does not appear to have any major additional impacts on the City resources or natural resources, and the proposed use fits well with the surrounding area. Additionally, (3) single family residences would be a more appropriate use for the completion of the existing structure.

Proffers for change to B-3 zoning:

1. Combine TMP 36-87 and TMP 36-88 such that a landscaped garden would be achievable.
2. Provide off-street parking for all residents.
3. Limit use in the B-3 zoning designation to residential.

PROFFER STATEMENT  
NEIGHBORHOOD INVESTMENTS -- RH, LLC  
PROPERTY ADDRESS: 624 and 626 BOOKER STREET

**PROPERTY, TAX MAP PARCEL ID(s):**

**360087000** (0.144 acres) and **360088000** (0.144 acres) (“Property” (together, approximately 0.288 acres))

**ZONING MAP AMENDMENT #:** ZM15-00004

**OWNER:** Neighborhood Investments -- RH, LLC, a Virginia limited liability company, its heirs, successors and assigns (collectively, “Owner”)

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**Request:** the above-referenced zoning map amendment (ZMA) proposes to change the zoning district classification of two lots or parcels of land from low-density residential, small lot (R-1S) to commercial (B-3). Together, the two lots or parcels of land that are the subject of the ZMA are referred to within this proffer statement as the “Property”.

**Proffer:** pursuant to Sections 34-61 et seq. of the Code of the City of Charlottesville, as amended (“City Code”) the Owner hereby voluntarily proffers certain conditions restricting the development of the Property, which conditions will be and become effective if the Zoning Map Amendment (ZMA) is approved by the Charlottesville City Council. These development conditions are proffered by the Owner as part of the ZMA. The Owner agrees, on behalf of itself and its heirs, successors and assigns that the ZMA itself gives rise to the need for the conditions and the conditions have a reasonable relation to the requested zoning map amendment.

**Proffered Development Conditions:**

1. The combined residential density of development on the Property shall not exceed fourteen (14) dwelling units per acre. All dwelling units shall be within a single building, designed and constructed to contain no more than three (3) dwelling units for residential occupancy.
2. The floor-to-area-ratio (FAR) of all building(s) on the Property, calculated in relation to the total area of both lots comprising the Property, shall not exceed 0.70.
3. The Property shall be developed and used only as one (1) multifamily residential dwelling, containing not more than three dwelling units, for residential occupancy, and lawful accessory uses. Notwithstanding the provisions of City Code sections 34-480 (Use matrix—commercial districts) and 34-458 (Mixed use development), as such sections are currently in effect or subsequently amended, no other uses shall be permitted on the Property, or within any dwelling unit(s) located on the Property.
4. The exterior of the multifamily dwelling will consist of a combination of brick, precast concrete, stucco, glass, metal, and wood. Windows will be double-glazed wood windows.
5. No building or structure constructed on the Property shall exceed a height of thirty-five (35) feet.

PROFFER STATEMENT  
NEIGHBORHOOD INVESTMENTS -- RH, LLC  
PROPERTY ADDRESS: 624 and 626 BOOKER STREET

6. The following dimensional set-back requirements shall apply to the use and development of the Property:
  - a. Required front yard: 15 feet, minimum
  - b. Required side yards: 5 feet minimum
  - c. Required rear yard: 25 feet, minimum
7. A landscaped garden, at least 3,000 square feet in size, shall be provided on the Property. The landscaped garden shall be maintained by the Owner.
8. Six (6) improved off-street parking spaces shall be provided on the Property and reserved for use of the occupants of the dwellings on the Property: two spaces for each dwelling unit. Parking spaces will be accessed from the alley at the rear of the Property.
9. The “impervious area” of the Property, as defined in Sec. 10-102 of the City Code, shall not exceed 7,000 square feet.
10. The Owner shall obtain approval of a stormwater management plan for construction of a multifamily dwelling, and related parking (“development”). The Stormwater management plan shall reference the two lots that are the subject of this ZMA, together, as being a single development site.

AFFIDAVIT

I, Mark Kestner, swear under oath before a Notary Public that:

The 624 Booker Street-Neighborhood Meeting invitation, dated 29 March 2016, was mailed 14 calendar days prior to such meeting to each property owner affected by proposed rezoning. Please find attached a copy of said letter and the mailing list used in the mailing effort.

[Handwritten Signature]

Signature

MARK KESTNER

Print Name

29 Mar. 2016

Date

Commonwealth of Virginia

City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 29<sup>th</sup> day of

March, 2016 by Mark Kestner.

Notary Signature

Leah Renee Myers

Registration #

7662788

Expires

May 31, 2019

LEAH RENEE MYERS  
NOTARY PUBLIC  
REG. #7662788  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2019



**HENNINGSEN KESTNER**  
ARCHITECTS

29 March 2016

Re: 624 Booker Street – Neighborhood meeting invitation

Dear Rose Hill Neighbors,

Henningsen Kestner Architects are the architects hired by the owner, Richard T. Spurzem of Neighborhood Investments – RH, LLC, to work on the residential project at 624-626 Booker St.

We invite you to attend a meeting at 7:00 PM, on Tuesday April 26, 2016 at the Charlottesville Friends Meeting house at 1107 Forest Street to discuss an exciting resolution for the unfinished structure located at 624 Booker.

The goal of the proposed re-zoning application is simply to finish the existing building for residential use as three apartments or condominiums. As part of the plan, the owner is agreeing to give up the right to build on the building lot at 626 Booker and to combine that lot with the lot at 624 Booker. The 626 Booker lot would become a landscaped park-like setting for the residents of 624 Booker. Also, the owner is agreeing to provide off-street parking for the residents that would be accessed from the alley running between Booker St. and Rose Hill Dr.

As you know, the unfinished structure at 624 Booker has literally been towering over the neighborhood for some time now. The previous owner intended to develop the structure as a 7,000 square foot, single-family residence under the current R-1S zoning designation. Apparently, he intended to have an accessory apartment on the ground floor while his bachelor pad would be on the top floor. Then, as we understand it, he intended to have roommates in a separate “unit” on the second floor. The City’s zoning allows only four unrelated people to occupy a house, but any number of related family members. Obviously, the previous owner’s plan was not practical from a marketability standpoint or, more importantly, economically feasible and that is why the project stalled.

We look forward to explaining the project to you at the neighborhood meeting. The City Planner Brian Haluska will also be there to answer any questions you might have. We will like to get the support of the neighborhood for this project, so that that process with the City can be expedited and work can begin to finish this building. This project will be good for the Rose Hill neighborhood in many ways:

- First and foremost, this proposed re-zoning will get this half-finished eyesore finished so that it is an attractive addition to the neighborhood.
- Secondly, since the 626 Booker lot could have its own house with accessory apartment with the existing zoning, the maximum allowed density by-right will be reduced from 4 dwelling units to 3 dwelling units when the two lots are combined.
- Thirdly, Booker Street would get a beautiful “pocket park” instead of the dilapidated green house that was on the 626 Booker lot.
- Fourthly, parking pressure on Booker Street would be relieved because of the off-street parking provided off the alley from Charlton. If both 624 and 626 Booker were developed by-right with a total of 4 units, you can easily imagine that there could be 10 cars vying for parking spaces on Booker
- Fifthly, this project is now owned by a well-financed investor who has an unparalleled track record of doing quality renovations and projects in our community. Mr. Spurzem is committed to finishing this project to the highest standards. You may have already noticed the efforts that Mr. Spurzem has made to clean up around the properties on Booker Street, hauling truckload upon truckload of debris away. Also, Mr. Spurzem has gone to significant expense to demolish the blighted buildings at 507 and 631 Rose Hill and at 626 Booker. At least one of these building was being used by vagrants and was therefore a danger to the neighbors since the homeless could have set the house on fire. The neighborhood is much better with these buildings gone.
- Sixthly, the proffers given with the re-zoning application ensure that these two parcels on Booker will NEVER have more than three dwelling units on them. There will NEVER be a commercial use on these parcels.

We hope you can join us on the 26<sup>th</sup>. In the meantime, feel free to call me at 971-7202 or the City Planner Brian Haluska at 970-3182 if you have any questions about this project and the proposed re-zoning.

Sincerely,



Mark A. Kestner

Cc: Mr. Richard T. Spurzem, Neighborhood Investments – RH, LLC  
Mr. Brian Haluska, Planner for City of Charlottesville

ALBERT, BARBARA TR- AASLESTAD FAMILY TR  
P O BOX 81  
BATESVILLE VA 22924

ARNETTE, SALLIE D LIFE ESTATE  
816 ROSE HILL DRIVE  
CHARLOTTESVILLE VA 22903

BARBOUR, DAISY K  
P O BOX 5  
EARLYSVILLE VA 22936

BROWN, ARTHUR W & EMMA F  
4301 BUNKER HILL ROAD  
KESWICK VA 22947

BURNS, JUANITA J  
912 HENRY AVENUE  
CHARLOTTESVILLE VA 22903

CAREY, ISAAC A JR & MARGARET A  
805 ROSE HILL DRIVE  
CHARLOTTESVILLE VA 22903

CURRY, NANCY W, LIFE ESTATE  
918 HENRY AVENUE  
CHARLOTTESVILLE VA 22903

EMORY, WILLIAM TR-SEBAGO LD TR  
1604 EAST MARKET STREET  
CHARLOTTESVILLE VA 22902

GARDNER, MINNIE G  
903 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

GOHANNA, GEORGE H, III  
930 CHARLTON AVE  
CHARLOTTESVILLE VA 22903

ALBERT, MARTIN & PEGGY WRIGHT, ETAL  
3381 WALNUT HILL FARM ROAD  
CHARLOTTESVILLE VA 22911

ASAI, JOHN J & DONNA J  
412 JACKSON ROAD  
TROY VA 22974

BODI BROCK REAL ESTATE, LLC  
820 E HIGH ST STE A  
CHARLOTTESVILLE VA 22902

BROWN, LAWRENCE RUSSELL SR  
902 HENRY AVENUE  
CHARLOTTESVILLE VA 22903

BUSCHMAN, JOHN T  
801 FOREST ST  
CHARLOTTESVILLE VA 22903

CAUGHRON, SAMUEL D  
523 LEXINGTON AVENUE  
CHARLOTTESVILLE VA 22902

DALLEY, DAVID G & JOANN D  
901 PRESTON AVENUE #203  
CHARLOTTESVILLE VA 22903

FABIO, AARON J  
1136 EDMOND CT  
CROZET VA 22932

GIBSON, WENDELL & REBECCA CROWE  
120 BLUE SPRINGS LANE  
CHARLOTTESVILLE VA 22903

H&W DAIRY, LLC  
2125 IVY RD STE C  
CHARLOTTESVILLE VA 22903

ALLEN, MARY J & EDITH J SCOTT  
507 13TH STREET NW  
CHARLOTTESVILLE VA 22903

BANKS, VALERI & AR JONES ADM-CARTER  
966 SUTTON CT  
CHARLOTTESVILLE VA 22901

BROWER LIMITED PARTNERSHIP  
616 SUMTER ROAD  
WAYNESBORO VA 22980

BRYANT, KEITH G  
913 CHARLTON AVE  
CHARLOTTESVILLE VA 22903

CANVASBACK REAL ESTATE & INVEST LLC  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

CHAPMAN, KATHERINE G & TOMMIE C FARIST  
535 PANORAMA RD  
EARLYSVILLE VA 22936

DOGWOOD PROPERTIES OF C'VILLE LLC  
224 14TH STREET NW  
CHARLOTTESVILLE VA 22903

FOWLER, BURTON B, JR  
790 PROSPECT AVENUE  
CHARLOTTESVILLE VA 22903

GOHANNA, GEORGE H JR & FRANCES W  
931 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

HANDY, JASON W & AMY S  
2231 MONTALCINO WY  
CHARLOTTESVILLE VA 22911



HARRIS, EDNA MAE ESTATE  
ATTN: EDWARD HARRIS  
933 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

JACKSON, DARNELL  
907 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

KELLEY, MARY O  
908 HENRY AVENUE  
CHARLOTTESVILLE VA 22903

LLOYD, BARBARA W, ETAL  
906 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

MARSHALL, LAWRENCE CLAY, JR  
3222 GARLAND LN  
CHARLOTTESVILLE VA 22903

MURRAY, JOHNETTA D  
509 ROSE HILL DRIVE  
CHARLOTTESVILLE VA 22903

PETERSON, KENT W  
901 PRESTON AVENUE #401  
CHARLOTTESVILLE VA 22903

PRICE, DANIEL L  
215 WEAVER HOLLOW RD  
BANCO VA 22711

RENNICK PROPERTIES, LLC  
400 COLTHURST DRIVE  
CHARLOTTESVILLE VA 22901

SOECHTING, DONALD E & JULIE M HARLAN  
P O BOX 8320  
CHARLOTTESVILLE VA 22906

HICKS, JAMES & HELEN L CAREY  
915 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

JONES, EVELYN V Y  
629 ROSE HILL DR  
CHARLOTTESVILLE VA 22903

KUDAT, SENEM  
19 ORCHARD ROAD  
CHARLOTTESVILLE VA 22903

LOGAN, CLEVESTER  
2530 HYDRAULIC ROAD  
CHARLOTTESVILLE VA 22901

MEALS ON WHEELS OF C'VILLE-ALBEMARLE  
704 ROSE HILL DR  
CHARLOTTESVILLE VA 22903

NEIGHBORHOOD INVESTMENTS-RH, LLC  
810 CATALPA CT  
CHARLOTTESVILLE VA 22903

PORTER, PEARL G  
ATTN: RHONDA PORTER WOOD  
2555 REAGAN AVE  
VIRGINIA BEACH VA 23454

RACCOON FORD ENTERPRISES LLC  
824 PRESTON AVENUE  
CHARLOTTESVILLE VA 22903

RT2, LLC  
1852 WAYSIDE PL  
CHARLOTTESVILLE VA 22903

SOLID GROUND PROPERTIES, LLC  
616 BOOKER ST  
CHARLOTTESVILLE VA 22903

J & F PASCIUTI, LLC  
690 EXPLORERS RD  
CHARLOTTESVILLE VA 22911

JONES, JAMIE M & SODORA W  
616 BOOKER STREET  
CHARLOTTESVILLE VA 22903

LAPHAM, WILLIAM R & STEFANIE H  
NEWMAN  
7624 SECRETARY'S SAND RD  
SCHUYLER VA 22969

LUDWIG, DALE & CHRIS ANN  
8 OAK GROVE ROAD  
PALMYRA VA 22963

MICHIE, BETTY MAE  
635 BOOKER STREET  
CHARLOTTESVILLE VA 22903

PENICK ASSOCIATES LLC  
1126 EAST MARKET STREET  
CHARLOTTESVILLE VA 22902

PRESTON PLAZA, LLC  
2125 IVY ROAD STE C  
CHARLOTTESVILLE VA 22903

REGION TEN COMMUNITY SERVICES BD INC  
ATTN: ACCOUNTING  
502 OLD LYNCHBURG RD  
CHARLOTTESVILLE VA 22903

SCOTT, WILLIAM, WESLEY, HOWARD, LEON  
& SEAN  
919 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

STRINGHAM, NOEL, ETAL  
926 HENRY AVE  
CHARLOTTESVILLE VA 22903

SUSZYNSKI, TRICIA R  
916 HENRY AVE  
CHARLOTTESVILLE VA 22903

TYLER, JEFFREY F  
918 CHARLTON AVENUE  
CHARLOTTESVILLE VA 22903

WILEY, SCOTT & CHRISTINA RIEBELING  
812 ROSE HILL DR  
CHARLOTTESVILLE VA 22903

WILSON, ANDREW & AFOLAKE  
631 BOOKER ST  
CHARLOTTESVILLE VA 22903

YOUNG, DARLENE CECELIA HARRIS  
619 BOOKER STREET  
CHARLOTTESVILLE VA 22903

TABONY, MICHAEL L & ELIZABETH H  
920 HENRY AVE  
CHARLOTTESVILLE VA 22903

VIRNITA COURT LIMITED PARTNERSHIP  
1215 E MARKET ST STE B  
CHARLOTTESVILLE VA 22902

WILLIAMS, BETTY  
917 CHARLTON AVE  
CHARLOTTESVILLE VA 22903

WOOD, CHARLES H JR & VIRGINIA D  
811 PRESTON AVENUE  
CHARLOTTESVILLE VA 22903

THACH, COLLETT M, TRUSTEE  
ATTN: HANTZMON WIELBEL LLP  
P O BOX 1408  
CHARLOTTESVILLE VA 22902

WALKER, CECIL WARREN & EMMA L  
703 FOREST STREET  
CHARLOTTESVILLE VA 22903

WILLIAMS, MITCHELL, SR & MITCHELL, JR  
621 BOOKER STREET  
CHARLOTTESVILLE VA 22903

YANCEY, CHARLES W C, TRUSTEE  
6801 CALVERTON DR  
HYATTSVILLE MD 20782

April 28, 2016

906 Charlton Ave  
Charlottesville, VA 22903

RECEIVED

MAY 04 2016

NEIGHBORHOOD DEVELOPMENT SERVICES

~~Director~~  
Charlottesville City Planning Commission  
City Hall  
P.O. Box 911  
105 East Main St  
Charlottesville, VA 22902

To: Whom it May Concern:

RE: Rezoning the properties located at  
624/626 Booker St. Charlottesville, VA from  
R.15 to B.3

My name is James W. Markis and I live  
at 906 Charlton Ave, Charlottesville, VA 22903.  
I have lived in the historical Rosehill  
Neighborhood for a life-time.

My reason for writing to you is to  
express my concerns regarding the  
rezoning application that Mr. Richard  
T. Spurzem submitted to rezone 624/626  
Booker St. from R.15 to B.3. I am very  
much opposed to this rezoning for  
the following reasons:

- 1) The unfinished structure on Booker St. (624/626)  
is not consistent with the other  
houses located in the Rosehill Neighborhood.
- 2) An increase in traffic on the  
already narrow streets in the neighborhood

- 3) Increase in the noise from the quiet neighborhood that we have and will definitely work against the residents that are working.
- 4) Increase of cars, trucks and other vehicles that will be using the already stressed alley located between Rosehill Dr and Charlton Ave. (beside my property 906 Charlton Ave which is my property. The ~~erosion~~ erosion of the land is already terrible.
- 5) If 624/626 Booker St. would be rezoned to ~~CC~~ B3, the developer can possibly put breweries, coffee houses and bars. We have enough of them in the neighborhood.
- 6) Possibilities of creating another house such as the unfinished structure that exist on Booker St. No!
- 7) We need more affordable housing for the residents of this city. The owner of the 624/626 properties has already said his homes would not be affordable.

It is readily said that our City officials has no say so regarding the development of this city. The rich developers come in and do whatever they wish. No consideration

of the residents of this city, who  
built these communities. We need  
nice quiet neighborhoods where  
families live. We need affordable  
housing, flowers, trees, children,  
dog, cats, yards with 'nice fences'.  
and developers who think of the  
residents of this city.

We ask you and other councilman  
members when casting your vote  
that you consider all of the concerns  
above and not vote for the rezoning  
of Booker St. Thanks you

May God bless each of you and  
your family.

Sincerely,

Janeil W. Martin  
A Resident of the  
Historical Rosehill  
Neighborhood.

Attached is a cute story of the  
Witchers on Charlton Ave who loves  
the Rosehill Neighborhood. This is to  
give you a feel of our neighborhood,  
Rosehill Neighborhood. Please read  
and enjoy.

Article - Written for booklet "Remembering the Glory Days 1929-1969  
of Washington Park, Tonster Park, Carver  
Rec. Center

## The Witcher Family Remembering Yesterdays at Washington Park

Oh, how we remember Washington Park as a family still living "Up-on-the-Height" now, a part of the Rosehill Neighborhood. The memories will last forever and forever because for us it was a source of social life, education, love and the pursuit of happiness. As we remember we see a large wooden barn surrounded by large beautiful oak trees, loaded with acorns too many to count, squirrels running to and fro. One day we saw a bird with a red ribbon taking it to its nest, we could only guess that it was going to beautify its nest. One tends to wonder why he was carrying the ribbon but it was amazing.

There were many many different birds that lived in the trees at the park and of course the children in our neighborhood knew the names of most of them. A huge owl lived high up in one of the trees and of course as children it would frighten us when it moved its head around. A woodpecker lived there also and he was always pecking in the same tree for years and years. It was home for so many insects and we learned the names of each and what most of them ate for nutriment. At Washington Park we learned a lot about who lived there. It was truly a learning experience for us.

We shall never forget the pear tree. The pears on that tree were very small but so sweet and juicy. We threw rock after rock just to knock one down and have a bite of those pears. Let's not forget the persimmons that if you ate one before the first snowfall it would turn your mouth the wrong side out. There were apple trees, the apples were green but it didn't matter to the Witchers we ate them anyway.

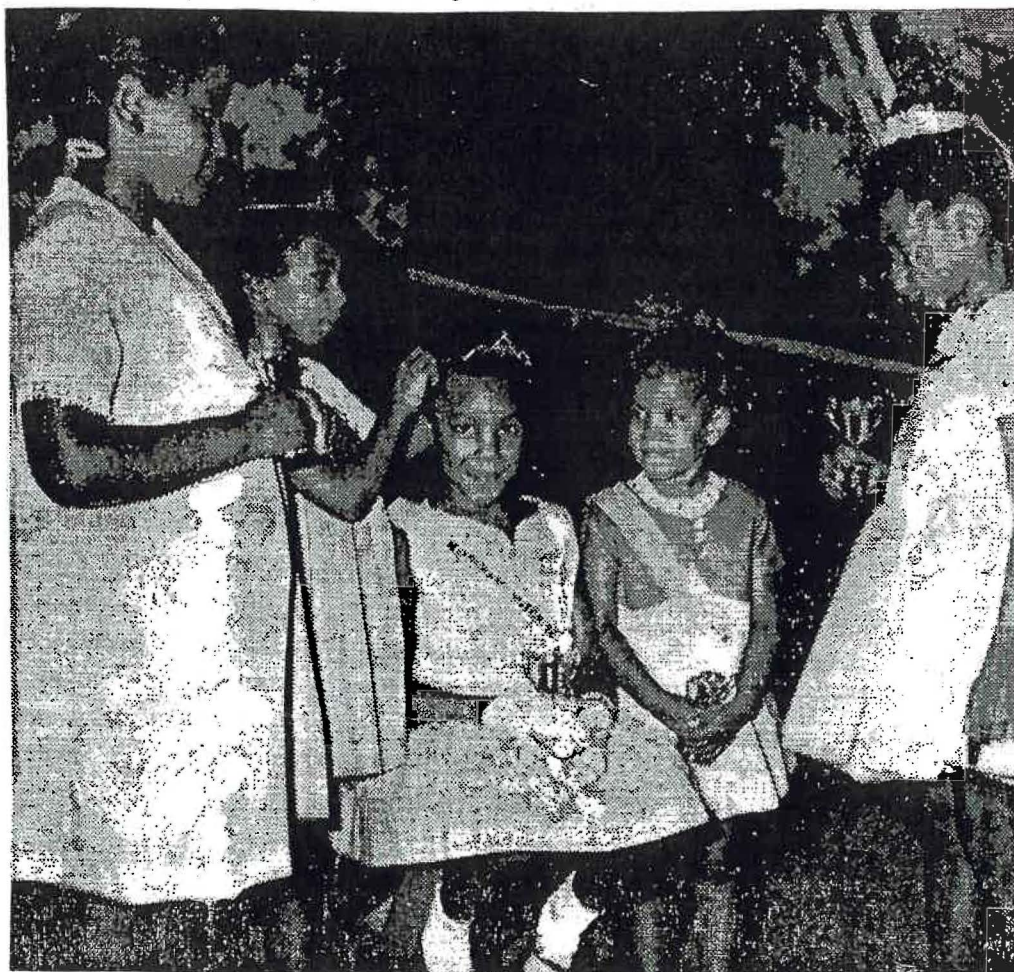
In the Fall of the year the leaves turned red, yellow, and brown and it was a beautiful site. In winter it was so magnificent when the snow would fall all the children "Up-on-the-Height" would meet and go to the park. If you enjoy the slopes of Wintergreen than one could just imagine a smaller slope ride in Washington Park. We rode our smaller slope on a sleigh, dishpan, or even a cardboard box. We rode that slope on anything that would slide. So much free and wonderful fun at Washington Park.

The Halloween Parades that the young children participated in was just another high light of the children living "Up-on-the-Height" now, in the Rosehill Neighborhood. Mrs. Watson would lead the parade and the children would follow. Round and around they would march to the sound of the music. It was such a joyous occasion every Halloween to march around and around the barn a few times all dressed in Halloween costumes. Then the great time for judging which a little one would win a prize. The children loved the activities that took place in the park.

Our Washington Park was a place that all ages could enjoy. Only one that understands life in the park would understand all of this. Memories of the wading pool still hang fresh in our minds because we learned to swim there and also our children. Our grandmother, Carnie Plunkett Witcher attended the first senior citizen meeting in the park and those old ladies enjoyed the meetings. Delphine Shackelford Carter, one of our children, was crowned Miss Washington Park at one of the park's celebrations.

Last but not least we had our Sunday dinners in the park during the summers. Mom would pack a basket fit for a king and off to Washington Park we would go. Our dad taught all of us how to play volleyball and softball in that very park . Our dad and our brother would take on the four of us girls and of course they would win the games. We wish the park could be used in similar ways mentioned above in order to bring families, and friends closer. Please know that Washington Park was truly a part of our family and other families living "Up-on-the-Height" now, in the Rosehill neighborhood and other neighborhoods in the area.

Yes, we remember so many wonderful things about the park. Washington Park has so much history, so many stories untold that would warm the hearts of almost anyone. We would just like to shout out a huge thank you to all those that worked in the park during our life time, just to mention a few, Mrs Elizabeth "Ms. Snookie" Harrison, Mrs. Dorothy Allen, Mrs. Verna Gordon Fleming, Ms. Fannie Barnett, Mrs. Geneva Watson(deceased), Ms. Maude Fortune(deceased) and many others.



*Photograph, courtesy of Mrs. Ellie Shackleford*

**\*Washington Park Queen Crowned, Saturday, August 20, 1966.  
Left to right: Gina Hicks, Sandra Wells, \*Delphine Shackleford, Tina Tyler, Norma Harris**

**Submitted By The Witchers of the Rosehill Neighborhood**

Mrs. Delphine S. Carter  
10,000 Terri Lynn Ct.  
North Chesterfield, VA 23235

April 27, 2016

Dear Mayor Mike Signer and the members of  
the City Council, and Planning Commissioners,

This letter is in reference to the rezoning  
of the Rose Hill Neighborhood.

My name is Delphine Spackelford Carter.  
I am the daughter of Mrs. Ellie W. Spackelford  
who currently reside in the Rose Hill Neighborhood.

In addition, I have two aunts whom reside  
in the Rose Hill Neighborhood as well.

I am writing to strongly oppose rezoning the  
Rose Hill Neighborhood, my home place.

I was born and raised in this historical  
neighborhood. It is a place where each  
and every neighbor knows each other, cares  
for each other and look out for one another.  
This is a rarity today.

I have great concern in regards to the  
rezoning. Rezoning the neighborhood would  
create situations that are unsafe, unaffordable  
and of concern for the elderly, the children  
and the people who live in this neighborhood;  
most whom have lived here all of their lives.

These are the people who made the neighbor-  
hood what it is today. Currently, the  
neighborhood is one where neighbors  
sit on their individual front porches and greet  
with a warm smile, a friendly wave and/or



an affectionate hug. This is another rarity today.

Although I reside elsewhere, I return to the neighborhood very often to visit my mother, aunts, other family members and friends who remain in this neighborhood. It is my intention to, one day, relocate back to my home place, The Rose Hill Neighborhood.

In one of my visits, I was appalled to observe the recent building that was constructed in the neighborhood (Booker St.). This building is totally out of character for the neighborhood and very much out of place.

In addition, I feel, rezoning would create and open doors for restaurants, multifamily homes, excessive traffic and noise, unwanted trash, rodents and predators who prey on the elderly and young children to name a few.

Again, I strongly oppose the rezoning of the Rose Hill Neighborhood. Please let it remain developed for single family homes.

With Warm Regards,  
Mrs. Delphine Shackelford Carter

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**APPLICATION FOR A SPECIAL USE PERMIT**

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

**DATE OF HEARING: June 14, 2016**  
**APPLICATION NUMBER: SP16-00006**

**Project Planner:** Matt Alfele

**Date of Staff Report:** June 1, 2016

**Applicant:** The Alumni Association of the University of Virginia

**Applicants Representative:** Thomas Faulders, III

**Current Property Owner:** The Alumni Association of the University of Virginia

**Application Information**

**Property Street Address:** 211 Emmet Street

**Tax Map/Parcel #:** Tax Map 8, Parcels 45

**Total Square Footage/ Acreage Site:** 3.15 acres or 137,214 square feet

**Comprehensive Plan (Land Use Plan):** Public or Semi-Public

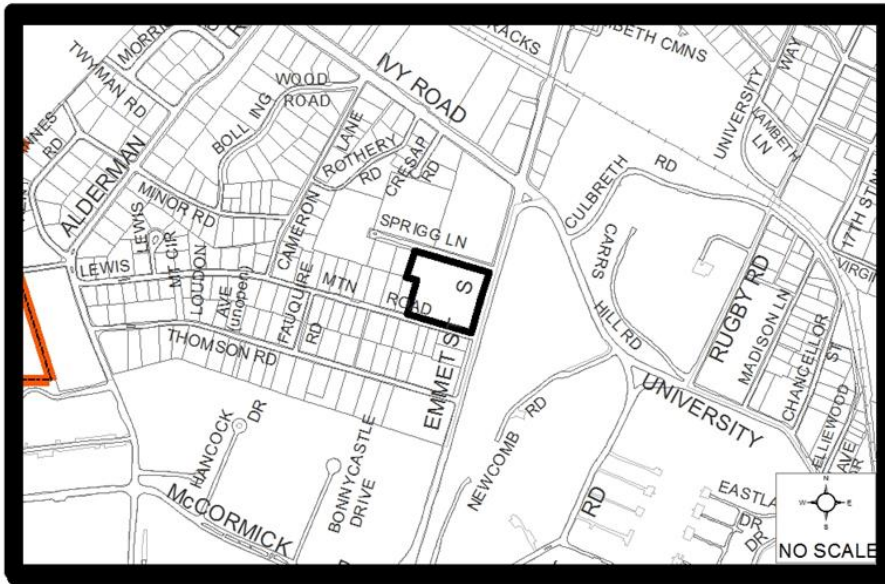
**Current Zoning Classification:** R-1U Residential

**Tax Status:** Parcel is up to date on paid taxes

**Applicant's Request**

Mr. Thomas Faulders, III for the Alumni Association of the University of Virginia has submitted an application to amend the existing Special Use Permit (Clubs, Private non-commercial recreational facility for group use) at 211 Emmet Street (the Subject Property) to allow for an addition (1,346 square feet) to Alumni Hall for additional meeting space. The current building is 30,438 square feet and the addition would increase the total size of the building by 4.48%. The Subject Property is located at 211 Emmet Street with frontage on Emmet Street, Lewis Mountain Road, and Sprigg Lane.

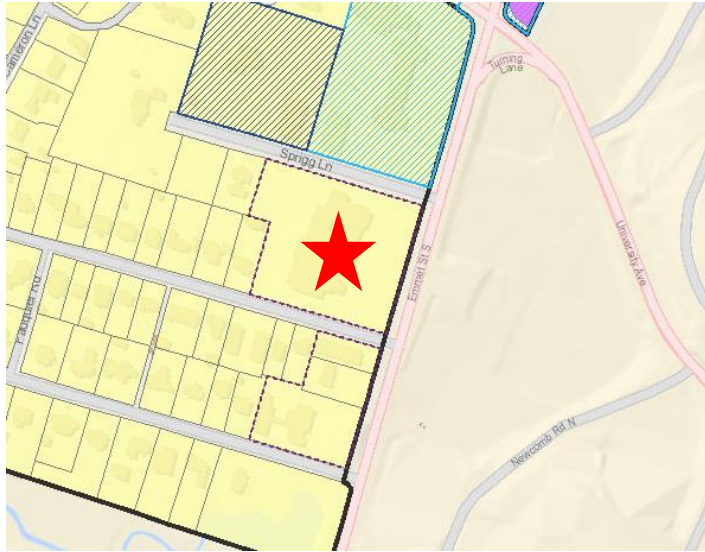
**Vicinity Map**



**Context Map 1**

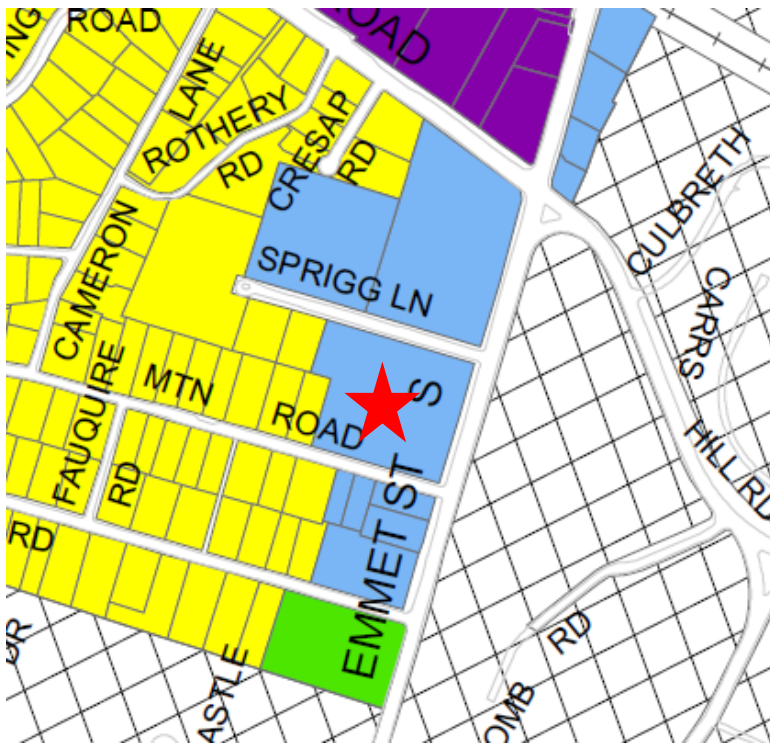


**Context Map 2 – Zoning Classifications**



Key – Yellow: R1U, Unmasked: UVA, Light Blue Hash Mark: EC

**Context Map 3 – General Land Use Plan, 2013 Comprehensive Plan**



Key – Yellow: Low Density Residential, Blue: Public or Semi-Public, Green: Park, Purple: Mixed Use

## **Standard of Review**

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

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

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

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

- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

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

### **Project Review / Analysis**

#### **1. Background**

The applicant has submitted an application requesting amendment of an existing SUP at 211 Emmet Street to allow for an expansion of the private club (non-commercial recreational facility for group use) at Alumni Hall in the R-1U Residential – University District. The history of the existing SUP is as follows:

**March 17, 1980** City Council granted the Alumni Association a Special Use Permit for the use of its property (what is now Tax Map 8 Parcel 45) as a private, non-commercial recreational facility for group use. A copy of the resolution in its entirety is attached (**Attachment C**). In general the conditions of the resolution cover the following topics:

- a. Approval and recordation of a subdivision plat (*accomplished in 1981*)
- b. Elimination of westernmost entrance to Sprigg Lane parking lot (*accomplished in the 1981 site plan development*)
- c. Outdoor lighting of residential character, not more than 15 in height, and shielded from adjacent residential areas (*accomplished, date unknown*)
- d. Installation of an underground drainage line to convey storm drainage from the property to the existing 48" line east of Emmett Street (*accomplished, date unknown*)

- e. Designation of trees greater than 8” in caliper and provision to preserve those not being removed for building or parking expansion (*unknown, but site is full of large canopy trees*)
- f. Designation of proposed landscaping, including that along the Emmett Street and Sprigg Lane frontages (*accomplished in 1981*)
- g. Sign location and size (*approved in 1981*)
- h. Adequate screening along Lewis Mountain Road and western property boundary (*accomplished, date unknown*)
- i. Control devices to limit Lewis Mountain Road entrance to Special Events only (*accomplished with a gate, date unknown*)
- j. Realign Lewis Mountain Road entrance to discourage right hand turns leaving the parking lot (*accomplished, date unknown*)

**January 3, 2006** City Council granted the Alumni Association an amendment to the 1980 SUP. This amendment allowed for the expansion of the building by 1,600 square feet, for additional gathering space and storage space. A copy of the resolution in its entirety is attached (**Attachment D**). In general the conditions of the resolution cover the following topics:

- 1. Except to the extent modified by a new condition, all March 17, 1980 conditions are to remain (*accomplished*)
- 2. Approval of a site plan amendment (*accomplished, January 4, 2006*)
- 3. Installation of measures to control noise emanating from the air handling units on the western side of the building (unknown)
- 4. Installation of a brick wall approximately 100’ (similar in appearance to the existing wall) and landscape screening along western side of the parking lot (unknown)
- 5. Construction of curb designed to discourage right-hand turns onto Lewis Mountain Road and sign (*accomplished, 2006*)
- 6. A gate on the Lewis Mountain Road entrance (*accomplished, 2006*)
- 7. All existing outdoor lighting updated to conform with current City zoning requirements §34-1000 through 34-1004 (*accomplished, 2006*)

### **Relevant Zoning Code Sections**

- Section 34-350(a)(3) Residential Districts – Intent and Description  
R-1U ("university") consists of low-density residential areas in the vicinity of the University of Virginia campus. The overall purpose of the low-density zoning district is to protect areas in which the predominant pattern of residential development is the single-family dwelling.  
Principal Arterial: Emmet Street  
Local: Sprigg Lane and Lewis Mountain Road

- Section 34-420 Use Matrix allows private club by special use permit in the R-1U zoning districts.
- Section 34-1200  
*Club* means a building, or portion thereof, used by a corporation, association, or other grouping of persons for private social, civic, educational or recreational purposes, and to which access is restricted to members of such group.

**2. Proposed Use of the Property**

Alumni Hall is currently used by the University of Virginia for a variety of events, meetings and functions. The building addition being proposed in this application will be 1,364 square feet and used principally for student meetings both during and after regular business hours, and also may be used by the UVA Alumni Association for other events. Most students will walk, ride bicycles, or take buses to these events, so there should be little, if any, additional vehicular traffic. The proposed building addition could accommodate approximately eighty (80) people in a meeting room configuration as shown in the application material (**Attachment A**). The addition will be accessed and secured separately from the rest of the building and simultaneously ties into the use of the main ballroom. This will allow for the addition to be used independently of the main building, or be open to the ballroom during larger events.

The addition will be of the same architectural style of the existing building and will be painted the same color to match. It will be a one story addition, so only the top portion will be visible above the existing wall from Lewis Mountain Road.

**3. Building Code Regulations**

The proposed development will conform to all applicable building code regulations.

**4. Impact on the Neighborhood**

**a. Traffic or Parking Congestion**

The site currently has one hundred-fifteen (115) parking spaces which exceeds the minimum requirement of 106. The proposed addition will not require additional parking as stated in §34-971(c) of the City Zoning Code. The applicant has stated in the application that the principally use of the addition will be for student meetings and that most students will walk, ride bicycles, or take buses to the site.

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

This use should not adversely affect the natural environment. Staff is recommending measures be put in place during construction to protect the existing large maples along Lewis Mountain Road. Any new lighting that is



proposed will need to conform to City Code standers §34-1000 through §34-1004 and be dark sky compliant.

**c. Displacement of existing residents or businesses.**

This use will not displace existing residents or businesses. This site has been used as a private club for the past 36 years.

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

This property will remain owned by the Alumni Association. This use will not discourage economic development or change the tax base for the City.

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

This use does not increase density of population and it adds more space to a facility that is heavily utilized by the community.

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

This use does not reduce the availability of affordable housing.

**g. Impact on school population and facilities.**

This use does not impact school population or facilities.

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

This request has no impact on conservation or historic districts.

**i. Conformity with federal, state and local laws.**

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

**j. Massing and scale of the project.**

The applicant materials indicated that the massing and scale of the project will match the existing building and be designed as a low profile and minimally visible form Emmet Street and Lewis Mountain Road.

**5. Zoning History**

In 1958, this property was zoned R-3, a multiple family designation that allowed for private clubs by-right. In 1975, this property was referred to as part of the UVA campus and therefore had no zoning designation. In 1976 the zoning was changed to R-1 and remained R-1 until the property was rezoned to R-1U in 2003.

As noted previously, the existing SUP, as amended in 2006, has allowed use of the Subject Property for a private, “non-commercial recreation facility for group use” since March 17, 1980. The 2006 amendment changed the SUP designation to “Private Club”, as the Zoning Ordinance at the time did not have an option called “private, non-commercial recreation facility”.

**6. Character and Use of Adjacent Properties**

| Direction | Use                                   | Zoning                 |
|-----------|---------------------------------------|------------------------|
| North     | Rector & Visitors                     | R-1U                   |
| South     | The Wesley Foundation Church          | R-1U                   |
| East      | UVA                                   | University of Virginia |
| West      | The University of Virginia Foundation | R-1U                   |

**7. Reasonableness / Appropriateness of Current Zoning**

The current use of the Property, as authorized by the existing SUP and by the R-1U zoning district regulations, is reasonable and appropriate. NDS records indicate no zoning complaints regarding the existing use. .

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

**a. Land Use**

**2:** Establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.

**b. Historic Preservation & Urban Design**

**1:** Continue Charlottesville’s history of architectural and design excellence by maintaining existing traditional design features while encouraging creative, context-sensitive, contemporary planning and design.

**Public comments Received**

The applicant held a community meeting on May 12, 2016 from 7:00 to 8:30 at St. Thomas Aquinas Church as part of the Lewis Mountain Neighborhood Association semiannual meeting. Property owners within 500 feet and the Lewis Mountain Neighborhood Association were notified of the meeting per requirements in Section 34-41(c)(2) Materials available at the community meeting, in addition to the sign in sheet, can be found in (**Attachment B**).

**Staff recommendation**

During the 2005 / 2006 expansion and SUP amendment, the applicant (The Alumni Association of the University of Virginia) worked very closely with the Lewis Mountain Neighborhood Association to address concerns associated with Alumni Hall. Noise, screening, and traffic flow through the neighborhood were all areas addressed during that process. Staff recommends the Planning Commission reexamine the conditions placed on the subject property and evaluate their

effectiveness over the last ten (10) years. A chart showing staff's suggested SUP Condition updates is attached as **Attachment E**.

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

1. The proposed building addition will require submission and approval of an amended final site plan for the Property. The amended final site plan shall demonstrate that all improvements required by the 1980 and 2006 SUP Conditions have been constructed or installed, and it shall show the location of all existing buildings and improvements on the Subject Property.
  - a. Improvements previously constructed or installed shall be identified on the amended site plan, an improvements not previously installed shall be provided for and installed simultaneously with construction of the building addition authorized by this SUP.
2. The Property Owner shall preserve all existing trees along the Lewis Mountain Road frontage. The location and caliper of each existing tree shall be shown on the amended final site plan. The amended final site plan shall include a tree protection plan designed by a certified arborist, to effectively protect the trees from damage resulting from construction activities.
3. The Amended SUP (2016) will incorporate into one approval document all of the various SUP conditions that will be and remain in effect for this use, with updated language as recommended by staff in **Attachment E**.

**Suggested Motions**

1. I move to recommend approval of Application No. **SP16-00006**, subject to the conditions recommended by staff and further subject to the following conditions:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

**OR,**

2. I move to recommend denial of Application No. **SP16-00006**.

**Attachments**

- A. Application for SUP dated April 26, 2016
- B. Materials and sign-in sheet from the May 12, 2016 Community Meeting
- C. March 17, 1980 City Council Resolution
- D. January 3, 2006 City Council Resolution
- E. Suggested SUP Conditions Updates



# City of Charlottesville

## Application for Special Use Permit

Project Name: ALUMNI HALL - MANNING PAVILION ADDITION

Address of Property: 211 EMMET ST S, CHARLOTTESVILLE, VA, 22903

Tax Map and Parcel Number(s): 8-45

Current Zoning District Classification: R-1U

Comprehensive Plan Land Use Designation: SINGLE FAMILY

Is this an amendment to an existing SUP? YES

If "yes", provide the SUP #: SP-05-9-05

RECEIVED

APR 26 2016

NEIGHBORHOOD DEVELOPMENT SERVICES

Applicant: THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA

Address: 211 EMMET ST S, CHARLOTTESVILLE, VA, 22903

Phone: 434.243.9000

Email: ALUMNI-ASSOC@VIRGINIA.EDU

Applicant's Role in the Development (check one):



Owner

Owner's Agent

Designer

Contract Purchaser

Owner of Record: THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA

Address: 211 EMMET ST S, CHARLOTTESVILLE, VA, 22903

Phone: 434.243.9000

Email: ALUMNI-ASSOC@VIRGINIA.EDU

Reason for Special Use Permit:

Additional height: \_\_\_\_\_ feet

Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre

Authorize specific land use (identify) PRIVATE, NON-COMMERCIAL FACILITY FOR GROUP USE

Other purpose(s) (specify City Code section): \_\_\_\_\_

(1) Applicant's and (2) Owner's Signatures

(1) Signature

Print

C. THOMAS FAULDS, JR

Date

4/26/16

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_

(2) Signature \_\_\_\_\_

Print \_\_\_\_\_

Date \_\_\_\_\_

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_

SP16-00006



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: ALUMNI HALL - MANNING PAVILION ADDITION

Pre-Application Meeting Date: APRIL 19, 2016

Applicant's Representative: C. THOMAS FAULDERS; JAMES R. BOYD, AIA, LEED AP

Planner: MATTHEW ALFELE, ASLA

Other City Officials in Attendance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Elevations
2. Renderings
3. Architectural Drawings
4. Something showing the primary times the addition will be used. This can be a schedule or outlined in the project narrative
5. \_\_\_\_\_

Planner Signature: Matthew Alfele



# City of Charlottesville

## Application Checklist

Project Name: ALUMNI HALL - MANNING PAVILION ADDITION

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- N/A 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- N/A 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- N/A 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- N/A All items noted on the Pre-Application Meeting Verification.

**Applicant**

Signature

Print

C. THOMAS FAULDERS, JR

Date

4/26/16

By Its:

PRESIDENT + CEO

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

**Project Name:** ALUMNI HALL - MANNING PAVILION ADDITION

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

**Applicant:** THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA

**By:**  
Signature *[Handwritten Signature]*

Print C. THOMAS FAULKNER, JR Date 4/26/16

Its: PRESIDENT + CEO (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA Date \_\_\_\_\_

By (sign name): \_\_\_\_\_ Print Name: \_\_\_\_\_

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: \_\_\_\_\_

Name of Corporate or other legal entity authorized to serve as agent: \_\_\_\_\_

Owner: THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA Date: 4/26/16

By (sign name): [Signature] Print Name: C. THOMAS FAULKNER

Circle one:

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_





# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

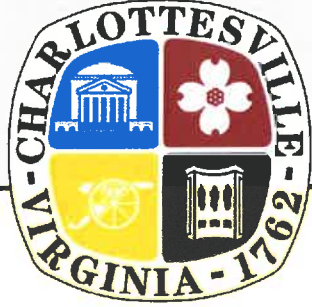
**Note:** The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

**Applicant:** NOT APPLICABLE

**By:**

Signature *C. Thomas Faulkner, III* Print C. THOMAS FAULKNER, III Date 4/26/16

Its: PRESIDENT & CEO (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Fee Schedule

**Project Name:** ALUMNI HALL - MANNING PAVILION ADDITION

| Application Type                                       | Quantity | Fee                      | Subtotal |
|--|----------|--------------------------|----------|
| Special Use Permit                                     | 1        | \$1800                   | \$1,800  |
| Special Use Permit (Family Day Home for 6-12 Children) |          | \$500                    |          |
| Mailing Costs per letter                               |          | \$1 per letter           |          |
| Newspaper Notice                                       |          | Payment Due Upon Invoice |          |
| <b>TOTAL</b>   | 1        |                          | \$1,800  |

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_



# City of Charlottesville

## LID Checklist

**Project Name:** ALUMNI HALL - MANNING PAVILION ADDITION

| LID Measure   | LID Checklist Points  | Points |
|---|---|--------|
| <b>Compensatory Plantings</b> (see City buffer mitigation manual). 90% of restorable stream buffers restored.   | 5 points or 1 point for each 18% of the total acreage                 | N/A    |
| <b>Pervious pavers</b> for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.                     | 7 points or 1 point for each 7% of parking and driveway surface area. | N/A    |
| <b>Shared parking</b> (must have legally binding agreement) that eliminates >30% of on-site parking required.   | 5 points or 1 point for each 6% of parking surface eliminated.        | N/A    |
| <b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)   | 8 points  | N/A    |
| <b>Bioretention.</b> Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.  | 8 points or 1 point for each 10% of site treated.                     | N/A    |
| <b>Rain gardens.</b> All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .   | 8 points or 1 point for each 10% of lots treated.                     | N/A    |
| <b>Designed/constructed swales.</b> Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.  | 8 points or 1 point for each 10% of site treated.                     | N/A    |
| <b>Manufactured sand filters, filter vaults</b> (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.                                    | 8 points or 1 point for each 10% of site treated.                     | N/A    |
| <b>Green rooftop</b> to treat ≥ 50% of roof area  | 8 points  | N/A    |
| <b>Other LID practices</b> as approved by NDS Engineer.   | TBD, not to exceed 8 points   | N/A    |
| <b>Off-site contribution</b> to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director. | 5 points  | N/A    |
|   | <b>Total Points</b>   | N/A    |

### Applicant's Signature

Signature

Print

C. THOMAS FAULDERS, JR.

Date

4/26/16

## Attachment A

April 20, 2016

The Alumni Association of the University of Virginia would like to add a small addition to Alumni Hall on the south side (Lewis Mountain Road) side of the building. In order to do this, the Alumni Association must file an amendment to its Special Use Permit (SUP) with the City of Charlottesville and notify neighbors within 500 feet of the proposed project.

This addition (image enclosed) will comprise just under 1,300 square feet and be used principally for student meetings both during and after regular business hours and also may be used by the Association for its events. Most students will either walk or ride bicycles to these events, so there should be little, if any, additional vehicular traffic.

The addition will fit in with the architectural style of the existing building and will be painted the same color. It is a one story addition, so only the top portion will be visible above the wall from Lewis Mountain Road.

The Lewis Mountain Neighborhood Association is holding a meeting on May 12, 2016 in St. Thomas Aquinas Church on Alderman Road at 7:00am. I will be explaining this addition to the community members at that time. IN the meantime, should you have any questions, please do not hesitate to contact me at (434) 243-9035 or [tfauldersw@virginia.edu](mailto:tfauldersw@virginia.edu).

Sincerely yours,

C. Thomas Faulders, III  
President & CEO

**Legend**

- Parcels
- Addresses
- City Limits



**Title:**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlotteville is not responsible for its accuracy or how current it may be.*

**Date: 4/19/2016**



Attachment A

080042000  
 OWNER: UVA THE RECTORS & VISITORS  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: OFFICE BUILDING

080042000  
 OWNER: UVA THE RECTORS & VISITORS  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: DORMITORY

080048000  
 OWNER: UVA THE RECTORS & VISITORS  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: SINGLE FAMILY DWELLING

120006000  
 OWNER: HEDGEROW CORP.  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: SINGLE FAMILY DWELLING

120005000  
 OWNER: RMW PROP INC.  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: SINGLE FAMILY DWELLING

120004000  
 OWNER: RMW PROP INC.  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: SINGLE FAMILY DWELLING

120003000  
 OWNER: WESLEY FOUNDATION OF THE VA  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: 356 SINGLE FAMILY DWELLING

120001000  
 OWNER: THE WESLEY FOUNDATION CHURCH  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: 356 CLASSROOM

LEWIS MOUNTAIN ROAD

SPRIGG LANE

080045000  
 OWNER: UVA ALUMNI ASSOCIATION  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: TYPE-4 COMMERCIAL

PROPOSED 1,364 sf ADDITION

EXISTING  
 3 PARKING SPOTS

EXISTING  
 8 PARKING SPOTS

EXISTING  
 26 PARKING SPOTS

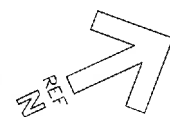
EXISTING  
 23 PARKING SPOTS

EXISTING  
 26 PARKING SPOTS

EXISTING  
 24 PARKING SPOTS + 5 HC PARKING SPOTS

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| Parking Requirements:                 |                                   |
| For Office Use: 1 space/500 sf of GFA |                                   |
| Existing Building - 30,438 sf         | = 61 required spaces              |
| New Building - 1,364 sf               | = 3 required spaces               |
| <b>Total Required Parking</b>         | <b>= 64 spaces</b>                |
| <b>Actual Existing Parking</b>        | <b>= 110 spaces + 5 HC spaces</b> |

080042000  
 OWNER: UVA THE RECTORS & VISITORS  
 ZONING: R-1U SINGLE FAMILY  
 USE CODE: DORMITORY



EMMET STREET

RECEIVED

APR 26 2016

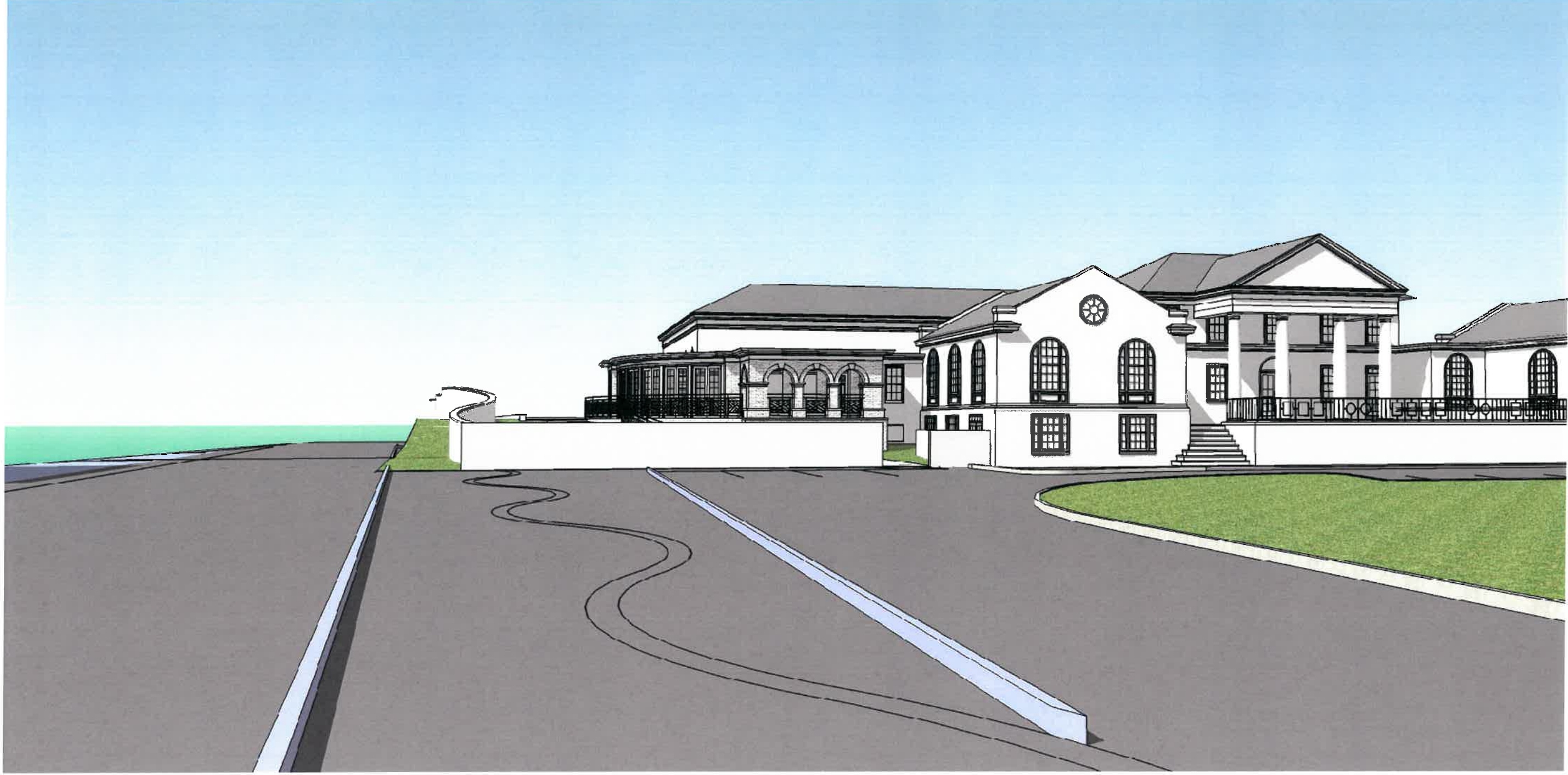
NEIGHBORHOOD DEVELOPMENT SERVICES

4.26.2016





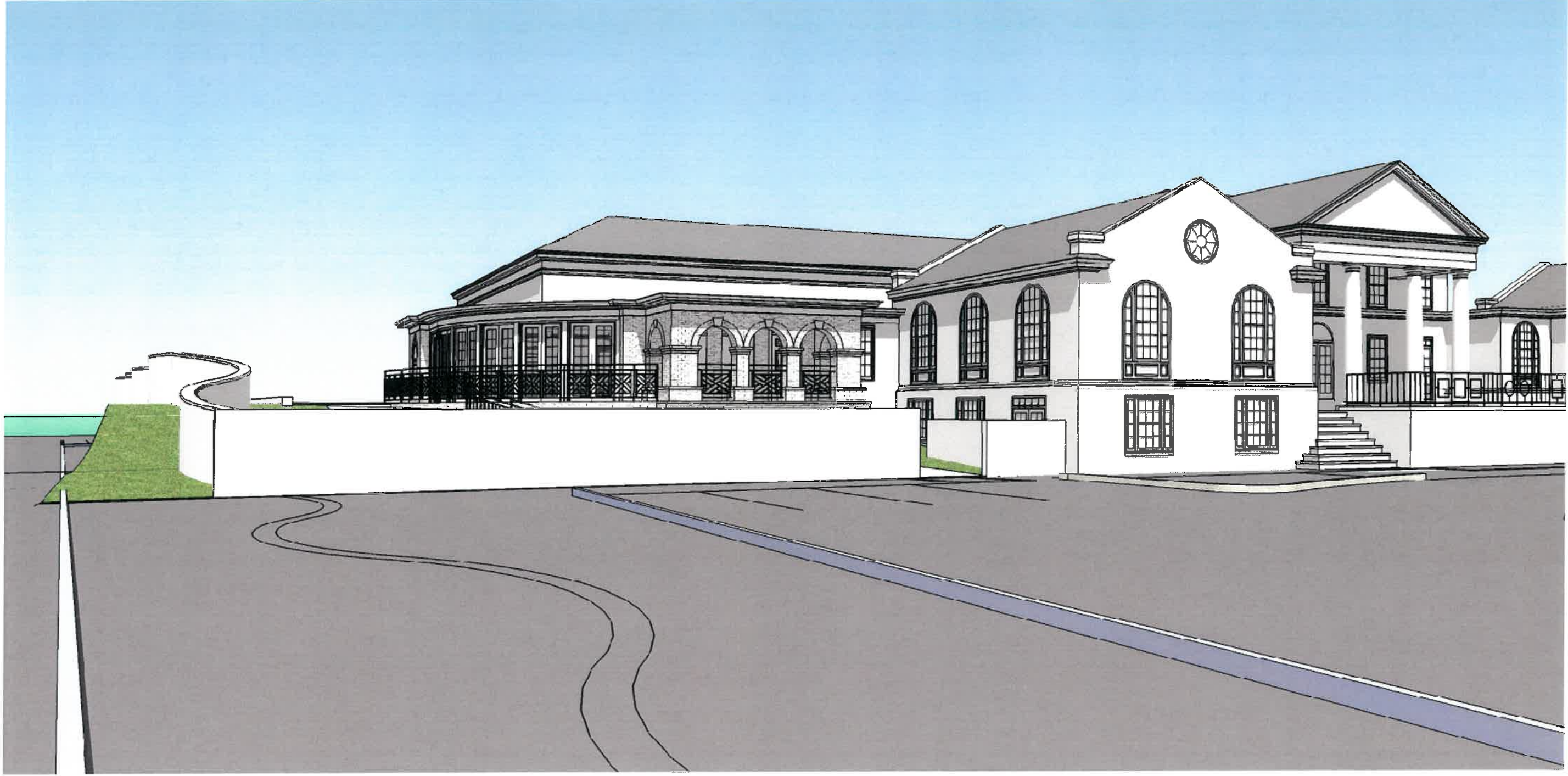
34-157(a)(1) - PERSPECTIVE IMAGE FROM EMMET STREET  
ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION



34-157(a)(1) - PERSPECTIVE IMAGE FROM CORNER OF LEWIS MOUNTAIN ROAD & EMMET STREET

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

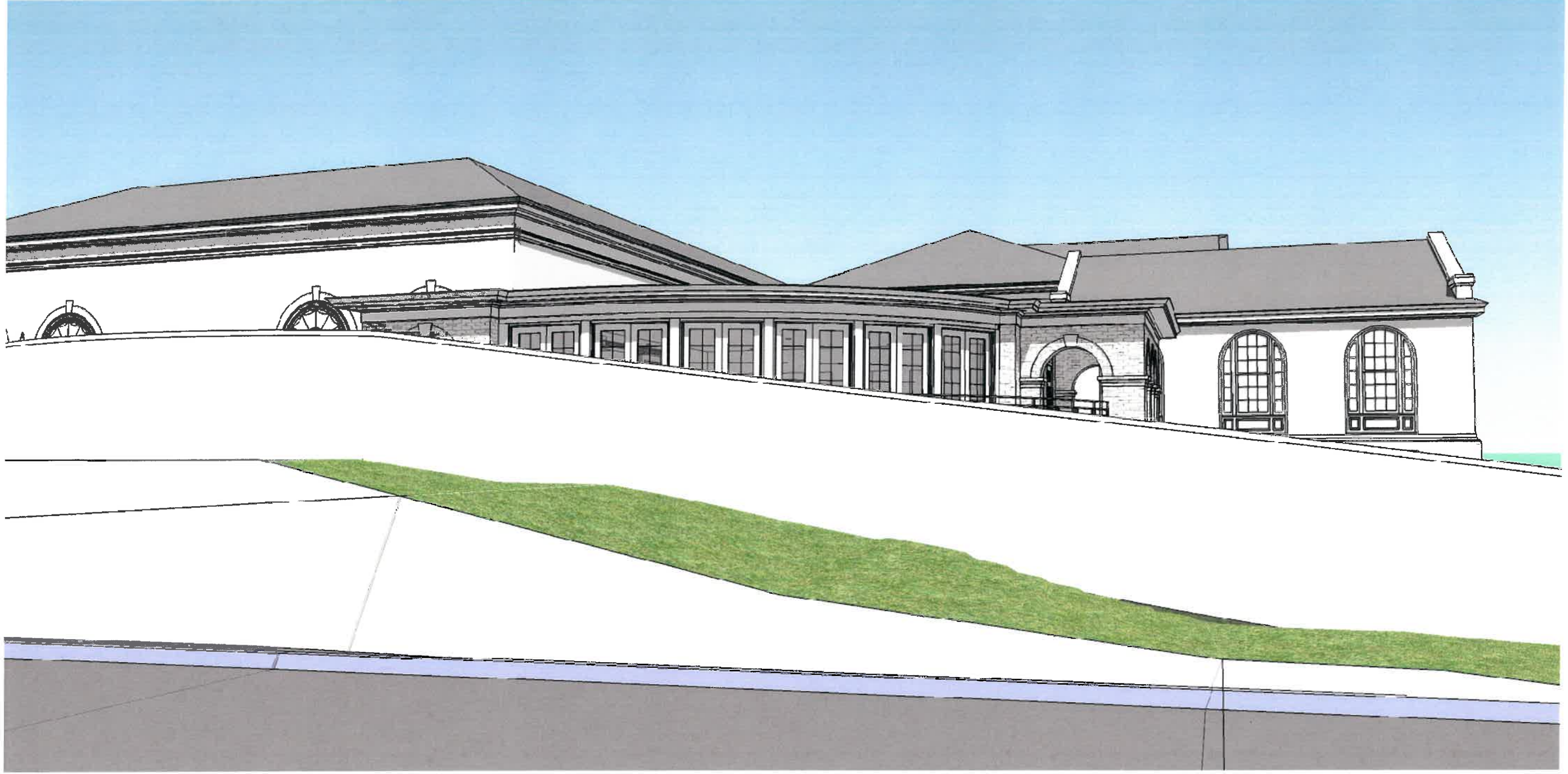




34-157(a)(1) - PERSPECTIVE IMAGE FROM CORNER OF LEWIS MOUNTAIN ROAD

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION





34-157(a)(1) - PERSPECTIVE IMAGE FROM CORNER OF LEWIS MOUNTAIN ROAD

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

4.26.2016



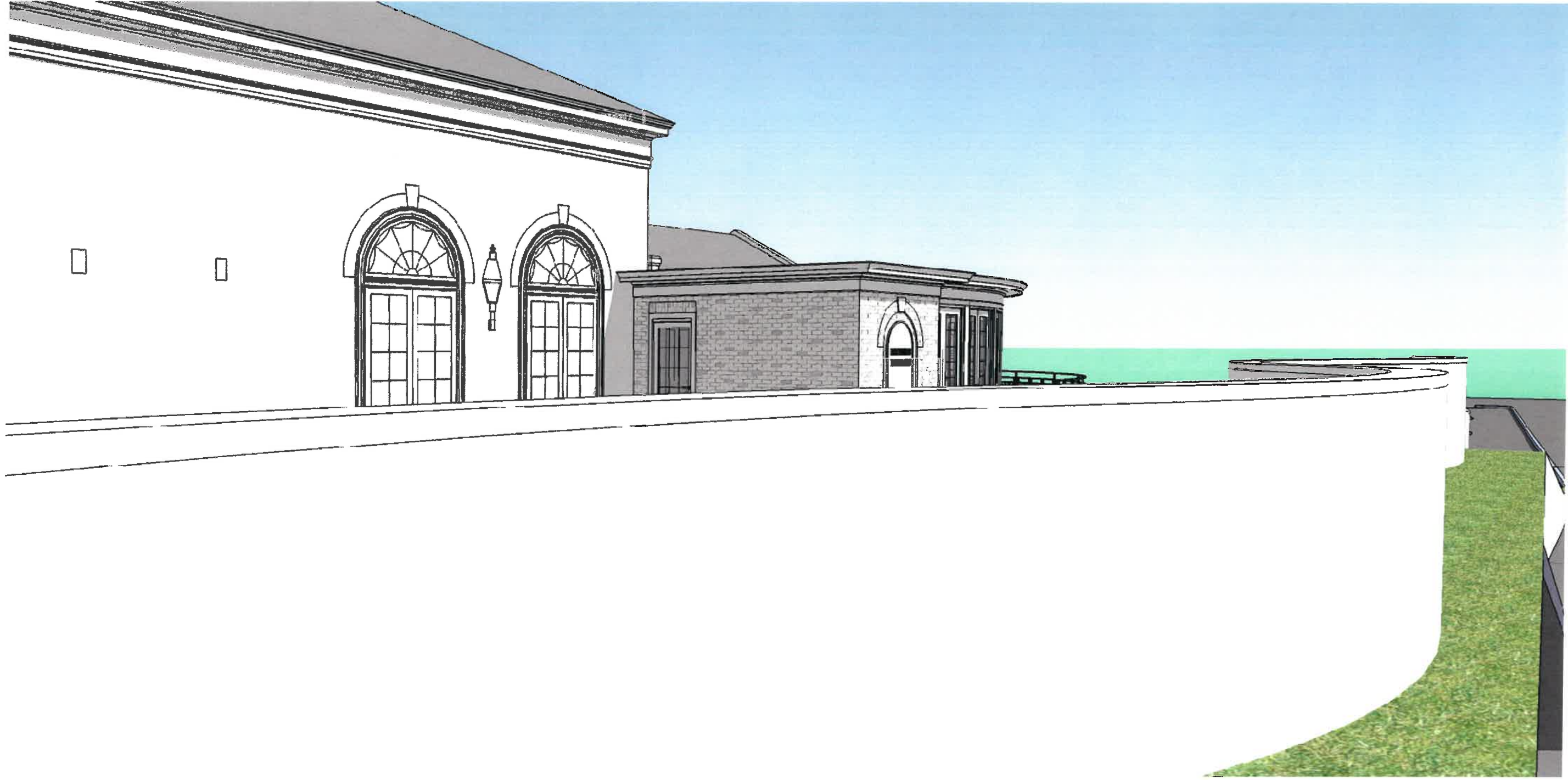


34-157(a)(1) - PERSPECTIVE IMAGE FROM CORNER OF LEWIS MOUNTAIN ROAD

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

4.26.2016





34-157(a)(1) - PERSPECTIVE IMAGE FROM CORNER OF LEWIS MOUNTAIN ROAD

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

34-157(a)(1)- COMPATIBILITY NARRATIVE

This addition’s massing is designed to be low profile and minimally visible from Emmet Street and Lewis Mountain Road. The serpentine brick wall at the property line hides the majority of the addition from being seen along Lewis Mountain Road. The massing of the addition recedes from view so that the massing of the main building remains undisturbed from Emmet Street.

The openings, fenestration, masonry detailing, and exterior materials at the pavilion addition will match the existing structure.

The addition will provide an new amenity for university student and alumni association staff use. It is accessed and secured separately from the rest of the building and simultaneously ties into the use of the main ballroom. That way, the addition can fold into existing pattern of use of the building and stand alone as desired.

34-157(a)(2) - COMPREHENSIVE PLAN CONFORMITY NARRATIVE

The purpose of the proposed addition to Alumni Hall is to accommodate student (and neighborhood) meetings, which typically occur after Alumni Hall is closed. With regard to the 2013 revision of the City’s Comprehensive Plan, the additional embraces a number of the City’s long term goals.

Alumni Hall is located on Emmett Street in an area designated in the Comprehensive Plan as “Semi Public”. The proposed addition and usage is consistent with this intent. While not officially designated as a “community facility”, Alumni Hall serves a vital community need by hosting numerous community meetings, seminars and catered events for the public. The University of Virginia and the UVA Alumni Association are both important regional employers. The proposed addition will assist The Alumni Association in fulfilling its mission to both the University and the Charlottesville community.

The proposed addition compliments existing usage without increasing parking needs. The proposed addition will not increase the demands for public services. The proposed usage will have zero impact on school enrollment or staffing of social services. Its effects on policing, fire and rescue support and public works are negligible.

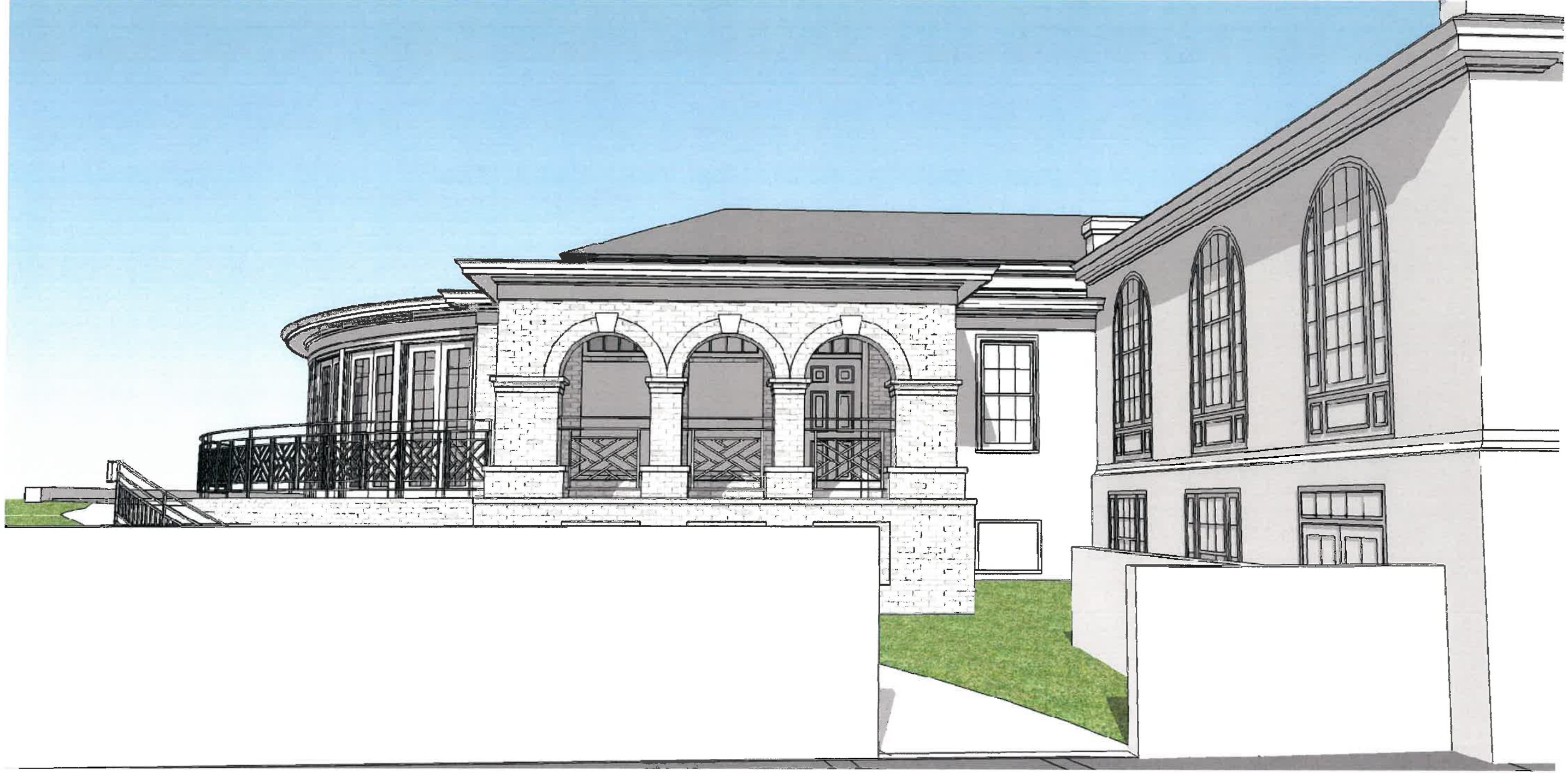
34-157(a)(3) - COMPLIANCE WITH USBC PROVISIONS NARRATIVE

The proposed addition will be developed using current best practice standards and responsible environmental practices. While LEED certification will not be sought for this work, the addition will employ USGBC standards for mitigation of water usage, energy consumption, Construction waste recycling, and reduction of neighborhood environmental impact.

34-157(a)(4) - POTENTIAL ADVERSE IMPACT NARRATIVE

We do not anticipate that this addition will generate any adverse effects on the neighborhood. The intended use of this new space is for students at the University who will be arriving either by foot or bicycle. We do not anticipate an increase in vehicular traffic due to this addition. The exterior materials and detailing will match that of the existing building. The footprint of the building will increase minimally as the addition will be built in place of an existing loggia. This will also mean there will be a negligible impact on stormwater runoff at the site.

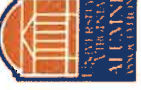




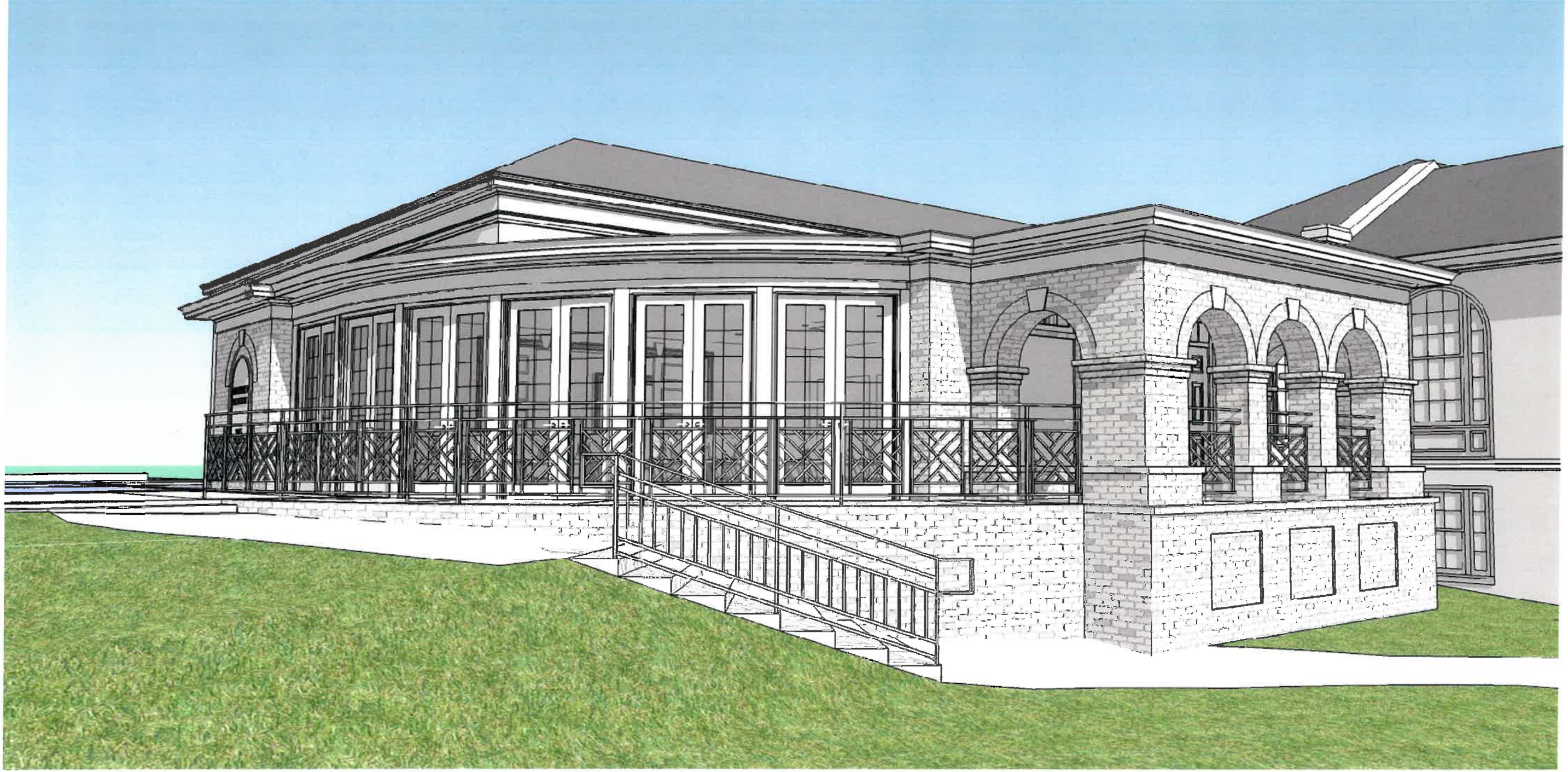
34-158(a)(4) - PERSPECTIVE IMAGE FROM FRONT PARKING LOT

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

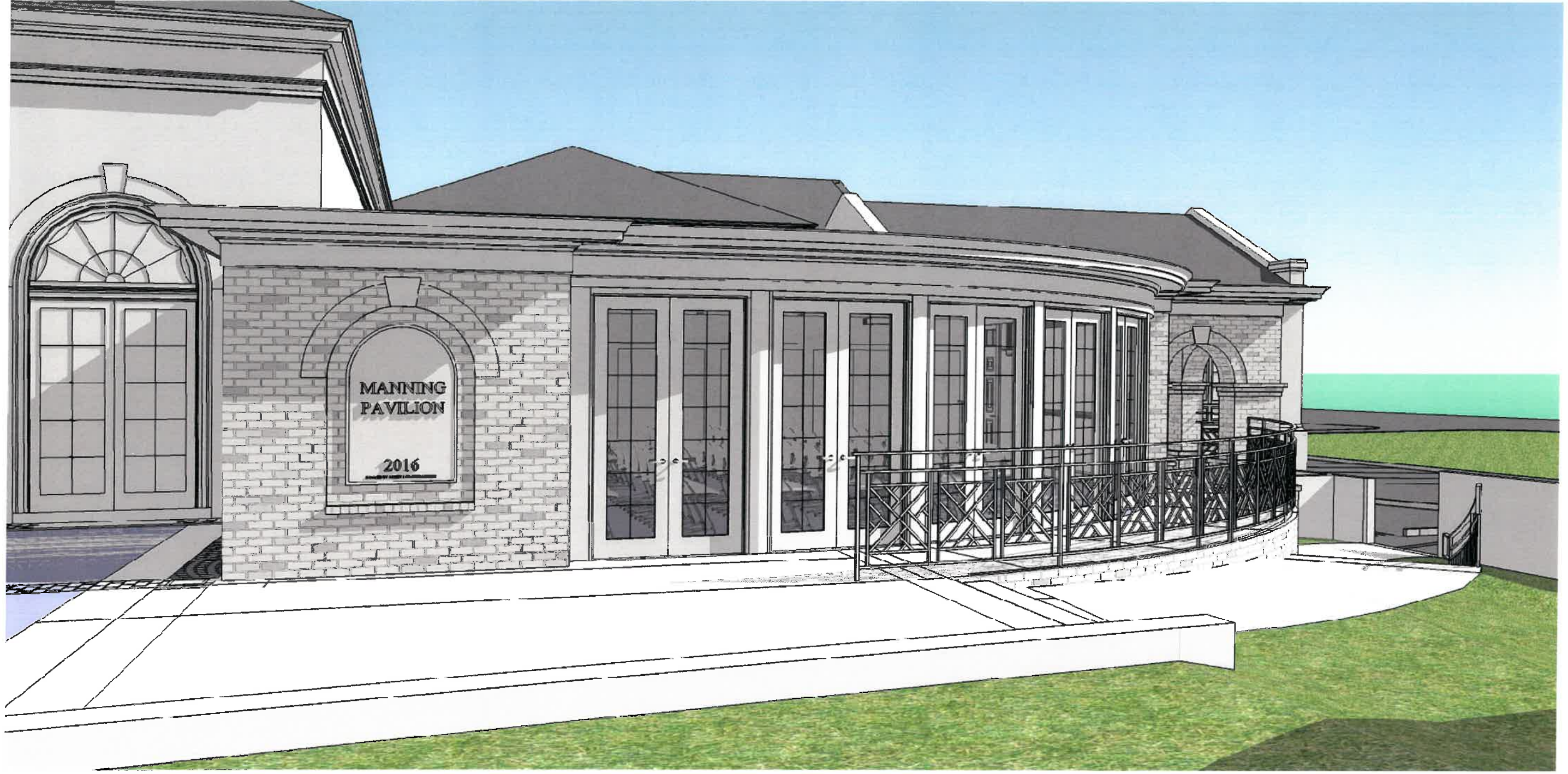
4.26.2016



GRIMM AND PARKER



34-158(a)(4) - PERSPECTIVE IMAGE FROM FRONT LAWN  
ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION  
SPECIAL USE PERMIT APPLICATION

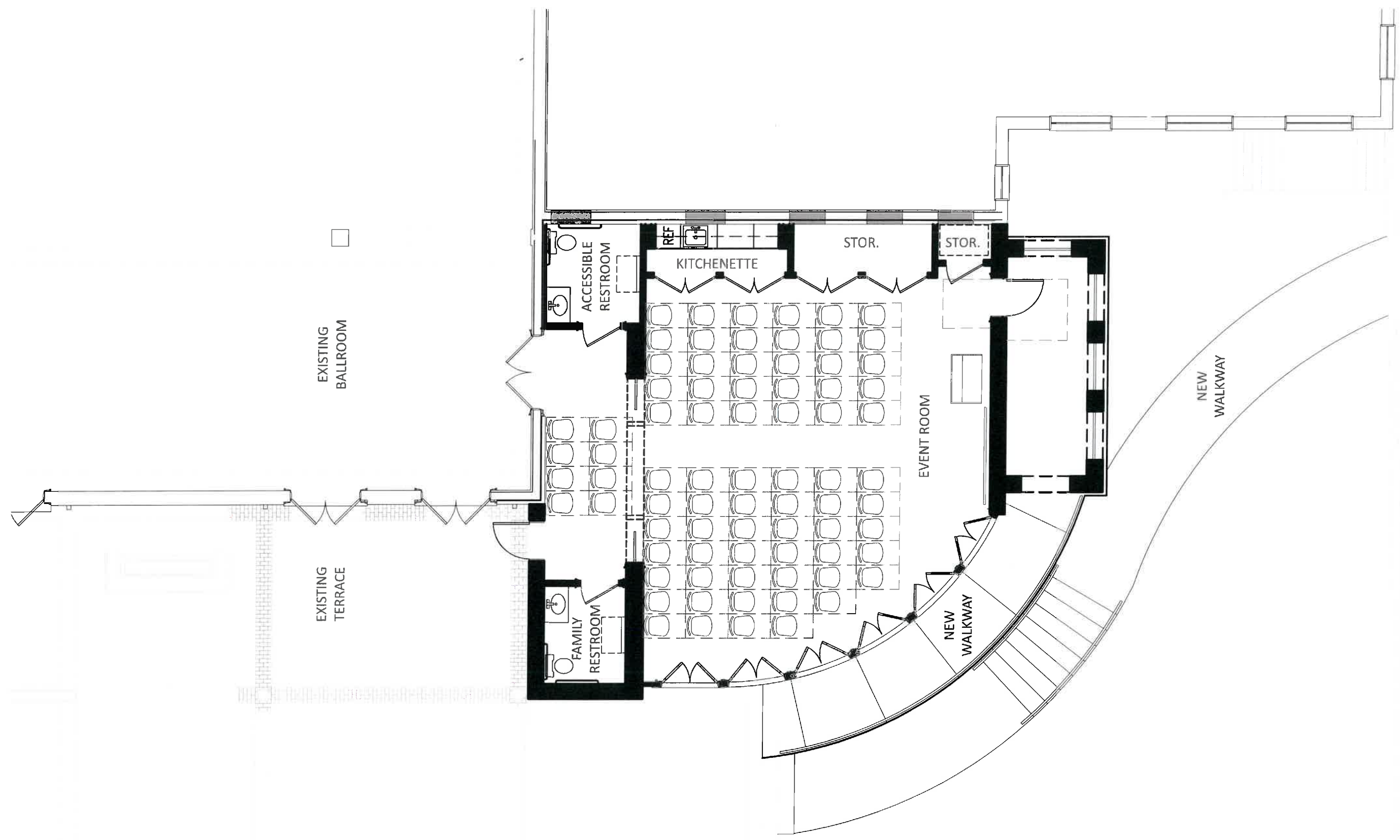


34-158(a)(4) - PERSPECTIVE IMAGE FROM FRONT LAWN

ALUMNI ASSOCIATION OF THE UNIVERSITY OF VIRGINIA  
MANNING PAVILION

SPECIAL USE PERMIT APPLICATION





## Alumni Hall Sign-in

| name                      | address               |
|---------------------------|-----------------------|
| Charm Mayer               | 2014 Lewis Mtn        |
| Ed STRAWDERMAN            | 132 Cameron Ln.       |
| Cheryl Hoess              | 1949 Lewis Mtn.       |
| Ann & Henry R. Shelton    | 2007 L M R            |
| Anna Ankaunis             | 100 Lewis Mtn. Circle |
| Marianne Capone           | 2107 Wokers Rd.       |
| Ann Sudwin                | 2115 Morris Rd.       |
| <del>Ann Shelton</del>    |                       |
| Tom & Judy Boyd           | 321 AZDERMAN RD       |
| Peggy Smith/Andy Warner   | 1962 Thomson Rd.      |
| Ken Durnells              | 301 Kent Rd.          |
| John Griner               | 125 Cameron La.       |
| Susan & George Overstreet | 1934 Thomson Rd.      |
| Bob HEARICK               | 135 BOLLINGWOOD Rd.   |
| Patricia Shields          | 122 Bollingwood Rd.   |
| Flip Bowers               | 107 Bollingwood Rd.   |
| Elizabeth Katchai         | 126 Bollingwood Road  |
| STEVE KIRK SAGIK          | 2001 MINOR RD #B      |

# Alumni Hall Sign In

Attachment B

Name XNA Meeting 5/12

Address

Judith Ryznar 131 Cameron Lane

Sydney Tenkoff 106 Minor Rd

Audrey Dannenberg 103 Minor Rd

Susan Gainer 125 Cameron

Joe & Kate Monaghan 1956 Thomson Rd

Charles Holt 1921 Lewis Mt. Rd.

Bonnie Burns 1943 Lewis Mtn. Rd.

Donna Sy 108 Lewis Mtn. Cir.

Lisa & Joe Wayand 1955 Thomson Rd.

David & Bitsy Water 1935 Thomson Rd

Chris + Sara Whiffen 118 Alderman Rd

Lucy Pemberton 1947 Thomson Rd

George Snyder 1941 Lewis Mountain Rd

Attachment C

RESOLUTION  
GRANTING A SPECIAL PERMIT FOR A  
PRIVATE RECREATIONAL FACILITY ON  
PROPERTY LYING ON THE WEST SIDE OF EMMETT STREET  
BETWEEN LEWIS MOUNTAIN ROAD AND SPRIGG LANE.

WHEREAS, the Alumni Association of the University of Virginia has applied for a special permit for use of its property lying west of Emmett Street, between Lewis Mountain Road and Sprigg Lane, comprised of Tax Map Parcels 8-43, 8-44, 8-45, 8-46 and 8-47, as a private, non-commercial recreational facility for group use pursuant to Section 31-14(c) of the City Code; and

WHEREAS, such application was accompanied by a site plan for the proposed expansion of the applicant's existing facility known as Alumni Hall; and

WHEREAS, the effect of such special permit would be to convert the present use of the property from a conforming to a non-conforming use, and thereafter to permit such expansion in conformity with an approved site plan; and

WHEREAS, this special permit application was the subject of duly advertised joint public hearings before the City Planning Commission and this Council on January 8, 1980 and February 12, 1980, at which comments were received from adjacent property owners and other interested citizens; and

WHEREAS, the granting of the requested special permit subject to certain conditions has been recommended by the city planning staff in a report dated December 12, 1979, and by the City Planning Commission by majority vote recorded on February 12, 1980; now, therefore, be it

RESOLVED by the Council of the City of Charlottesville, Virginia, that:

- (1) The City Council finds and declares that the primary existing and proposed uses of the subject property have been and will be as a private, non-commercial recreation facility for group use, and that office, retail and other activities which have occurred and will occur thereon are secondary and incidental to such primary use.
- (2) The City Council further finds and declares that the requested special permit:

Attachment C

- (a) Would not alter the character of the R-1 District in which the property is located through excessive increases in traffic, vehicular parking, dust, odor, fumes or vibrations, or incompatible lighting, noise or visual effects;
  - (b) when exercised in accordance with the conditions hereinafter imposed, would be in harmony with the purposes of the R-1 District in which it is located;
  - (c) would conform generally to the land use element of the city's comprehensive plan and the policies thereof;
  - (d) would have no undue adverse impact on the public health, safety or general welfare of the surrounding neighborhood.
- (3) There is hereby granted a special permit for the use of Parcels 8-43, 8-44, 8-45, 8-46 and 8-47 for a private, non-commercial recreation facility for group use. Such special permit is expressly conditioned upon:
- (a) Approval and recordation of a proper subdivision plat combining the five subject parcels into a single parcel, prior to final approval of any site plan for expansion of the existing facilities on the property.
  - (b) Future development of the property only in conformity with a site plan to be approved administratively by the director of planning. Such site plan shall, at the minimum, provide for:
    - (i) Elimination of the western most entrance to the parking lot from Sprigg Lane, and connection for internal circulation between the northern and western portions of the parking area.
    - (ii) Outdoor lighting of a residential character, not more than fifteen feet in height, and shielded from adjacent residential areas.

SP-05-9-05

**RESOLUTION  
APPROVING AN AMENDMENT TO THE SPECIAL USE PERMIT  
GRANTED MARCH 17, 1980 TO THE ALUMNI ASSOCIATION  
OF THE UNIVERSITY OF VIRGINIA  
TO EXPAND THE PRIVATE CLUB FACILITIES LOCATED AT  
221 EMMET STREET (ALUMNI HALL)**

**WHEREAS**, the Alumni Association of the University of Virginia (“Applicant”) has requested an amendment to the special use permit previously granted by City Council on March 17, 1980, with respect to property identified on City Tax Map 8 as Parcel 45 (221 Emmet Street), consisting of approximately 3.28 acres (“Subject Property”), to expand the private club facilities known as Alumni Hall by an addition to the existing building (1,600 square feet addition); and

**WHEREAS**, the subject parcel is zoned “R-IU” (Residential-University District), where, pursuant to §34-420 of the City Code, private clubs are allowed by Special Permit; and

**WHEREAS**, a joint public hearing on this application was held before the City Council and Planning Commission on December 13, 2005, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on December 13, 2005, based on the information presented by Neighborhood Development Services staff as well as by the Applicant, the Planning Commission recommended that the application be approved subject to certain conditions; and

**WHEREAS**, this City Council finds and determines that granting an amendment to the the Special Use Permit would be consistent with City Code §34-420 and the criteria generally applicable to special use permits under Chapter 34 of the City Code; now, therefore,

**BE IT RESOLVED** by the Charlottesville City Council that the special use permit granted on March 17, 1980 to the Alumni Association of the University of Virginia, is hereby amended to allow an addition to the building at 221 Emmet Street (Alumni Hall), subject to the following conditions:

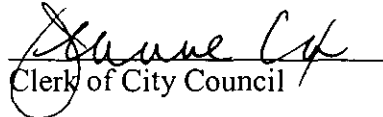
1. Except to the extent modified by a new condition set forth, below, within this resolution, the conditions set forth within the resolution previously adopted by City Council on March 17, 1980 (“1980 Resolution”), approving the original Special Use Permit for this property, shall be and remain in full force and effect.
2. The existing approved Site Plan for the facility shall be updated to reflect the building addition that is the subject of this Special Use Permit amendment. In addition to the site plan requirements set forth within the 1980 Resolution, the updated site plan shall reflect and require the following:
  - a. Installation of measures to control noise emanating from the air handling units on the western side of the building.
  - b. Installation of a brick wall approximately 100 feet in length (similar in appearance to the existing wall) and installation of landscape screening consistent with the requirements of §§34-871 through 34-873 of the City Code, as may be applicable, along western side of the parking lot.
  - c. Construction of curb designed to discourage right-hand turns onto Lewis Mountain Road, and installation of a permanent sign informing persons leaving the parking lot that “No Right Hand Turn” is allowed onto Lewis Mountain Road.
  - d. Erection of a gate that can be closed to preclude use of the Lewis Mountain Road entrance. The gate shall be kept closed at all times, except during the hours of a special event. The design of the

Attachment D

gate shall be substantially similar to the design shown within the application materials submitted in connection with SP-05-9-05.

- e. All existing outdoor lighting shall be updated to conform with current City zoning ordinance requirements for outdoor lighting (§§34-1000 through 34-1004 of the City Code).

Approved by Council  
January 3, 2006

  
Clerk of City Council

Attachment C

- (iii) Installation of an underground drainage line to convey storm drainage from the the property to the existing 48 inch line east of Emmett Street.
- (iv) Designation of trees greater than 8" in caliper and provision to preserve those not being removed for building or parking expansion.
- (v) Designation of proposed landscaping, including that along the Emmett Street and Sprigg Lane frontages.
- (vi) Designation of location, size and type of any proposed sign, which shall not be out of character with a residential area.
- (vii) Designation of adequate screening by planting, fencing or extension of the serpentine wall along the Lewis Mountain Road frontage and the western property line.
- (viii) Erection of control devices to limit use of the Lewis Mountain Road entrance only for special events.
- (ix) Realignment of the Lewis Mountain Road entrance to discourage traffic leaving the parking lot from turning right onto Lewis Mountain Road.

Adopted by the Council  
March 17, 1980

Copy Teste:

  
Clerk of the Council





## Attachment E

|               | <b>STAFF'S RECOMMENDATIONS FOR UPDATED SUP CONDITIONS (2016)</b>   | <b>Notes:</b>                       |
|---------------|--|-------------------------------------|
| 1980-(a)      | <del>Approval and recordation of a proper subdivision plat combining the five subject parcels into a single parcel, prior to final approval of any site plan for expansion of the existing facilities on the property.</del>   |                                     |
| 1980-(b)(i)   | <del>There shall be no approved final site plan will provide for elimination of the western most entrance to the parking lot from Sprigg Lane. The amended final site plan shall demonstrate connections ; and connection for internal circulation between the northern and western portions of the parking area</del>   |                                     |
| 1980(b)(ii)   | <del>The approved final site plan will provide for outdoor lighting of a residential character, not more than 15 feet in height, and shielded from adjacent residential areas.</del>   | Inc. into revised 2006(e), below    |
| 1980(b)(iii)  | <del>The amended approved final site plan will demonstrate that provide for installation of an underground drainage line has been installed to convey storm drainage from the Subject Property property to the existing 48 inch line east of Emmett Street, and shall identify the size and as-built location of the storm drain, as well as the limits of the setback required by City Code 31-3(a).</del>                                      |                                     |
| 1980(b)(iv)   | <del>The approved final site plan will provide for designation of trees greater than 8" in caliper and provision to preserve those not being removed for building or parking expansion.</del>  | Inc. into new 2016(1), below        |
| 1980(b)(v)    | <del>The amended The approved final site plan will demonstrate that, provide , for designation of proposed landscaping, including that along the Lewis Mountain Road, Emmett Street and Sprigg Lane frontages, landscaping and screening is provided.</del>  |                                     |
| 1980(b)(vi)   | <del>The amended approved final site plan will show the provide for designation of location, size and type of all existing signs, and shall demonstrate that all signs are compliance with City Code Chapter 34, Article IX (sign regulations). All signs must be of a size and appearance consistent with the any proposed sign, which shall not be out of character of the low-density residential neighborhood with a residential area.</del> |                                     |
| 1980(b)(vii)  | <del>The approved final site plan will provide for designation of adequate screening by planting, fencing or extension of the serpentine wall along the Lewis Mountain Road frontage and the western property line.</del>  | Inc. into revised 1980(b)(v), above |
| 1980(b)(viii) | <del>The approved final site plan amendment will provide for erection of control devices to limit use of the Lewis Mountain Road entrance only for special events.</del>   | Inc. into revised 2006(d), below    |
| 1980(b)(ix)   | <del>The approved final site plan will provide for realignment of the Lewis Mountain Road entrance to discourage traffic leaving the parking lot from turning right onto Lewis Mountain Road.</del>  | Inc. into revised 2006(c), below    |
| 2006(a)       | The <b>amended final</b> updated site plan shall <b>show the location of</b> reflect and require installation of measures to control noise emanating from the air handling units on the western side of the building, <b>and shall provide the location and a description of features designed and installed to mitigate noise from those units.</b>   |                                     |

## Attachment E

|                 |  |  |
|-----------------|--|--|
| 2006(b)         | The <b>amended final</b> updated site plan shall <b>demonstrate the type and location of existing</b> reflect and require Installation of a brick wall approximately 100 feet in length (similar in appearance to the existing wall) and installation of screening <b>compliant</b> consistent with the <b>applicable</b> requirements along western side of the parking lot   |  |
| 2006(c)         | The <b>amended final</b> updated site plan shall <b>provide an entrance designed and constructed in a manner that effectively discourages traffic leaving the Subject Property from making</b> reflect and require Construction of curb designed to discourage right-hand <b>vehicular</b> turns onto Lewis Mountain Road, and <b>shall show the location and wording of sign(s) prohibiting right turns</b> installation of a permanent sign informing persons leaving the parking lot that “no Right Hand Turn” is allowed onto Lewis Mountain Road <b>from the Subject Property</b>   |  |
| 2006(d)         | The <b>amended final</b> updated site plan shall <b>identify the location, type and design of the gated</b> reflect and require Erection of a gate that can be closed to preclude use of the <b>at the</b> Lewis Mountain Road entrance. The gate <b>at the Lewis Mountain Road entrance</b> shall be kept closed at all times, except during hours of a special event. The design of the gate shall be substantially similar to the design shown within the application materials submitted in connection with SP-05-9-05.  |  |
| 2006(e)         | The updated <b>amended final</b> site plan shall <b>demonstrate that</b> reflect and require all existing <b>and new</b> outdoor lighting shall be updated to conforms to with current City zoning ordinance requirements for outdoor lighting (§§34-1000 through 34-1004 of the City Code). <b>Additionally, all new outdoor lighting shall be designed and installed to include downshielding of light fixtures. Outdoor lighting shall be of a nature and type consistent with the residential character of adjacent properties. No outdoor light fixture shall be mounted more than 15 feet above the ground surface.</b>                                |  |
| New<br>2016 (1) | <b>The proposed building addition will require submission and approval of an amended final site plan for the Property. The amended final site plan shall demonstrate that all improvements required by the 1980 and 2006 SUP Conditions have been constructed or installed, and it shall show the location of all existing buildings and improvements on the Subject Property.</b><br>a) <b>Improvements previously constructed or installed shall be identified on the amended site plan, an improvements not previously installed shall be provided for and installed simultaneously with construction of the building addition authorized by this SUP</b> |  |
| New<br>2016(2)  | <b>The Property Owner shall preserve all existing trees along the Lewis Mountain Road frontage. The location and caliper of each existing tree shall be shown on the amended final site plan. The amended final site plan shall include a tree protection plan designed by a certified arborist, to effectively protect the trees from damage resulting from construction activities.</b>  |  |

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**REQUEST FOR A ZONING TEXT AMENDMENT**

**WEST MAIN STREET MIXED-USE CORRIDORS DENSITY and  
WATER STREET CORRIDOR AMENDMENTS**

**JOINT PUBLIC HEARING**

**DATE OF PLANNING COMMISSION MEETING: JUNE 14, 2016**

**Author of Staff Report:** Brian Haluska

**Date of Staff Report:** June 2, 2016

**Applicable City Code Provisions:** Chapter 34 (Zoning Ordinance) Sections 621 and 641

**Executive Summary**

An ordinance to revise the density regulations in the West Main East and West Main West Corridors.

**Background**

At their meeting on March 21, 2016, the City Council referred the West Main Corridor density regulations back to the Planning Commission as a proposed increase in by-right residential density had not been advertised as part of the previous request.

**Standard of Review**

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

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

**Discussion of the Proposed Draft Ordinance**

The full text of the proposed draft ordinance is attached to this report. The specific changes to the ordinance are:

## **Sections 34-621 and 34-641**

These sections regulate the density in the West Main West Corridor (34-621) and the West Main East Corridor (34-641). These zones currently permit up to 43 dwelling units per acre by right, with up to 200 dwelling units per acre allowed by special use permit.

At their May 24 work session, the Planning Commission discussed the possibility of a change to this section. One of the major concerns with this change expressed by the Commission was that by removing the special use permit for residential density, after already removing the possibility of an SUP for additional height, the possibility of specific modifications permitted in Section 34-162 are going to be difficult for applicants on West Main Street to seek.

Additionally, the Commission expressed concern about the inability to attach conditions on a by-right plan. The Commission singled out the Blue Moon Redevelopment SUP request that they reviewed on May 10, 2016, and the condition related to the mixture of units required in the building that would ensure the applicant was meeting the intent of their application.

### **Staff Analysis**

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

The Land Use chapter of the Comprehensive Plan lists the following goals:

- “Revise the zoning ordinance so that zoning classifications are based on intensity of use (as defined by density, height and maximum size of allowable use) as well as the type of use”
- “When considering changes to land use regulations, respect nearby residential areas.”

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

- “Evaluate the effect of reduced transportation costs and improved energy efficiency on housing affordability.”
- “Achieve a mixture of incomes and uses in as many areas of the City as possible.”
- “Promote housing options to accommodate both renters and owners at all price points, including workforce housing.”

The proposal to make the residential density of 200 dwelling units per acre could align with a number of these goals. The proposed changes would give builders additional units without going through a special use permit process. With additional residents on the West Main Corridor, the commercial viability of corridor should be enhanced, and the presence of these residents will increase the amount of activity on the corridor.

The changes to the zoning will also be a step towards the goal of defining the type of developments that can be built on the West Main corridor by the intensity of use. The corridor zoning contemplates intense uses that create activity, and making residential densities of 200 DUA by right could further encourage this activity.

The increased residential density will also be on a transit corridor that would give potential residents the option to use alternative modes of transportation to improve their cost of living. The American Automobile Association estimated that in 2015, the average cost of owning a car was \$8,698. Even if West Main residents choose to own cars, they can keep this cost below average by using these cars less, and residential units along West Main give residents this option.

Raising the by-right density on the West Main corridor could likely result in units with a lower average number of bedrooms. These units would ideally have lower rent costs, and increase the number of rental apartments or condominium ownership opportunities in the West Main Corridor at various price levels.

Many of these gains, however, could be unrealized as the parking requirements for the corridor remain based on a per unit calculation. While a by right density of 43 dwelling units per acre may lead a developer to build a 4-bedroom apartment rather than 4 one-bedroom units to keep the dwelling units per acre down, staff finds that even if the by right density is raised to 200 DUA, the developer would still have to contend with parking regulations that require 4 parking spaces for the four one-bedroom units, while the 4-bedroom unit would only require 1 parking space. Many of the ways altering the density in the corridors could match up with the Comprehensive Plan goals above would be undone by the existing parking requirements. Maintaining an SUP process would keep an option for developers to seek reductions in parking requirements, and for the Planning Commission and City Council to strike a balance between meeting the Comprehensive Plan goals for more walkable, vibrant areas that serve a wide group of potential residents with the desire to protect adjacent low-density residential neighborhoods.

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

Section 34-3(3) of the City Code states that a purpose of the zoning ordinance is in part to “To reduce or prevent congestion in the public streets, to facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel”, “To facilitate the creation of a convenient, attractive and harmonious community, to protect against overcrowding of land and undue density of population in relation to the community facilities existing or available, and to protect the natural beauty and special features of the city”, “To protect and enhance the character and stability of neighborhoods”, “To protect against destruction of or encroachment upon historic areas”, and “To provide a balance of housing opportunities suitable for meeting the current and future needs of residents of the city.”

As a result of these statements the Commission and Council should discuss whether or not the proposed changes to the density on West Main would impact the “convenient vehicular and pedestrian travel” and if the increased density on the corridor would lead to “overcrowding of land and undue density of population in relation to the community facilities”.

Additionally, the increase in potential units created by the changes in residential density regulations should relieve some demand on the surrounding neighborhoods, which will protect the existing neighborhoods, and protect against destruction of historic areas. These impacts, however, are offset by the possibility that additional residential density could lead to increased demands on on-street parking on streets in adjacent neighborhoods. The increased parking demand could be interpreted as a negative impact on the stability of neighborhoods.

Finally, the proposed density changes will remove one of the major issues with measuring developments according to units per acre – that the number of bedrooms are not counted. Currently the West Main Corridor incentivizes larger units with multiple bedrooms, even if the market demands smaller units. In order to build a building with smaller units with an equivalent number of bedrooms, an applicant must obtain a special use permit. The change would remove that hurdle, and potentially put more studio and one-bedroom units on the corridor, which could address a rising demand for units in the City.

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

The proposed changes to the density regulations in the West Main district were considered in order to accomplish one of the key goals of the West Main rezoning process – giving potential developers in the corridor certainty on what could be done within the corridors.

The current regulations, however, give the City and developers greater flexibility in terms of being able to adjust setbacks and parking requirements as a part of an SUP process.

### **Public Comment**

The Planning Commission and City Council held public hearings on the proposed changes in conjunction with the entire proposed changes in the West Main corridors adopted in March 2016.

### **Recommendation**

In the work session held on May 24, 2016, staff briefed the Commission on the interplay between residential density, building height, and parking requirements in regulating the size and character of multi-story structures in the mixed-use development. The residential density regulations are one variable in the equation, and a poor one at best in measuring the impact of the building. As noted in the presentation, a single residential unit can be a studio apartment or a four-bedroom unit. The maximum height of the building plays a role in controlling size by placing a cap on the maximum amount of square footage that a developer can build, which coupled with minimum unit size limits the total number of units that can be constructed within a building. Lastly, the City's parking requirements require a certain number of parking spaces per unit that are typically located on-site, taking up space in the form of a parking structure, or land if surface parking is used. The more parking required, the more likely a developer will need to build structured parking, which can add considerable cost to a project. These factors mean that simply modifying the residential density will not alone alter the type of units seen in the West Main corridors, because those developments will still be constrained by the costs to provide the parking for the additional units gained through the proposed change.

Staff had previously recommended denial of the changes to 34-621 and 34-641 because of concerns about how it would impact the City's ability to get affordable units under section 34-12. One of the major reasons for this objection is that the rules in 34-12 will apply throughout the City, but will be unlikely to be triggered by any future developments on West Main Street if the changes are passed, thus establishing an area of the City where developments would not need to account for the affordable housing requirements in 34-12, while a similar development in another mixed-use corridor would be compelled to meet the requirements of 34-12.

The Commission's concerns about the ability to tie an applicant's stated purpose for their proposed development to a special use permit with conditions is also a well taken reason to maintain the current density regulations. Staff also would remind the Commission and Council that the proposed change cannot be easily undone in the future if concerns arise about undue residential density on the corridor. Staff further notes that the density regulations have been modified on the West Main Street corridors five times in the previous ten years, and the full effect of these changes is difficult to evaluate in the limited timeframe. There are four projects that are either approved or under review currently that have been submitted under older regulations, and the full impact of these projects has yet to be realized.

For these reasons, staff recommends the proposed modifications to the residential density on the West Main Corridors be denied, as presented.

One alternative for consideration in the future that may address the concerns raised in evaluating the density regulations in the West Main Corridors, however, might be to link additional by-right density to the provision of specific features within a development. For example:

**“Bonus.** Additional by-right density will be allowed by right, as follows:

1. Additional X DUA for residential developments in which 50% or more units have fewer than 3 bedrooms
2. Additional X DUA for residential developments that include “affordable dwelling units” on-site, or off-site, where the number of ADUs is calculated using the formula in 34-12
3. Additional X DUA for residential developments in which parking is provided through a combination of on-site and off-site/ cooperative/ shared parking arrangements, with at least 40% of required parking provided on-site.
4. Additional X DUA for mixed-use development that incorporates commercial uses of a nature in which the patronage will not primarily be individuals arriving by motor vehicles.

**Bonus.** Parking requirements will be reduced as follows:

1. Reduction of 0.5 space per unit for residential developments in which 50% or more have fewer than 3 bedrooms
2. Reduction of 0.5 space for residential developments in which parking is provided through a combination of on-site and off-site/ cooperative/ shared parking arrangements, with at least 40% of required parking provided on-site.

A bonus system should be reviewed by the Planning Commission and/or City Council in a work session setting prior to a public hearing, but they offer a possible path forward for the City to

provide the certainty to developers while encouraging the features that the City desires on the major mixed- use corridors in the City.

**Possible Motions**

1. “I move to recommend to City Council that it should amend Sections 34-621, 34-641, of the zoning ordinance, to revise the residential density requirements in the West Main East and West Main West Corridors, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.
  
2. I move to recommend to City Council that it should amend Sections 34-621, 34-641, of the zoning ordinance, to revise the residential density requirements in the West Main East and West Main West Corridors, with the following changes:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

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

3. “I move to recommend to City Council that it should not amend Sections 34-621, 34-641, of the zoning ordinance, to revise the residential density requirements in the West Main East and West Main West Corridors, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

**Attachment**

Proposed amendment to Sections 34-621, 34-641



Density sections are highlighted below:

DIVISION 5. REGULATIONS – WEST MAIN  
STREET NORTH WEST CORRIDOR (“WMN”) (“WMW”)

**Sec. 34-616. Uses.**

The uses allowed within this district are those designated within the matrix set forth within section 34-796.

**Sec. 34-617. Height regulations.**

(a) The height regulations shall apply to buildings within the West Main Street West (“WMW”) Corridor district:

- (1) Minimum height: 35 feet
- (2) Maximum height: 75 feet

(b) Notwithstanding the provisions of Sec. 34-1100(a) or Sec. 34-1200 (definitions of “building height” or “grade”), the height of a building within the WMW district shall mean the vertical distance measured from grade level to the level of the highest point of the roof of the building.

- (1) For the purposes of this provision, the term “grade level” shall refer to the average level of the curb at the primary street frontage. If a lot has frontage on West Main Street and on another primary street, then average level of the curb along the West Main Street frontage shall be used to determine building height.
- (2) For the purposes of this provision, reference to the “highest point of the roof” shall mean: the level of a flat roof; the deck line of a mansard or parapet roof; or, for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge.

(c) The first floor of every building shall have a minimum height, measured floor to floor, of fifteen (15) feet.

**Sec. 34-618. Streetwall regulations.**

(a) Setbacks shall be required, as follows:

- (1) Primary street frontage: Ten (10) feet minimum; twenty (20) feet maximum. At least eighty (80) percent of the building façade width of a building must be in the build-to zone adjacent to a primary street.

- (2) Linking street frontage: Five (5) feet minimum; twelve (12) feet maximum. At least forty (40) percent of the building façade width of a building must be in the build-to zone adjacent to a linking street.
- (3) Side and rear setback, adjacent to any low density residential district: Twenty (20) feet, minimum.
- (4) Side and rear setback, adjacent to any other zoning district: None required.

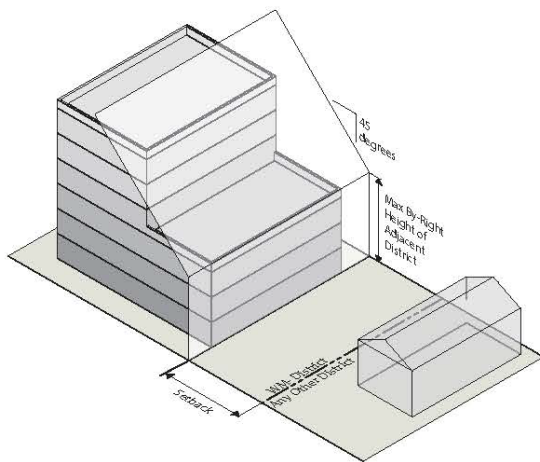
(b) Stepback requirement. The maximum height of the streetwall of any building or structure shall be forty (40) feet. At the top of the streetwall height, there shall be a minimum stepback of ten (10) feet.

(c) Building width requirement. The apparent mass and scale of each building over one-hundred (100) feet wide shall be reduced through the use of building and material modulation and articulation to provide a pedestrian scale and architectural interest, and to ensure the building is compatible with the character of the district. This determination shall be made by the Board of Architectural Review through the Certificate of Appropriateness process.

**Sec. 34-619. Bulk plane and buffer.**

(a) Bulk plane.

- (1) To promote building massing compatible with adjacent districts, a bulk plane shall apply where the rear of a lot in the West Main West district abuts any other zoning district, and where any side of a lot in the West Main West district abuts a low density residential zoning district. No building may extend into a 45 degree angular plane projecting above the lot measured at the interior edge of any required setback, starting at a height equal to the maximum allowed height in the adjacent zoning district.
- (2) The bulk plane ends at each lot line adjacent to a street right-of-way.



(b) Buffer. Along the frontage with any low density residential district, side and rear buffers shall be required, ten (10) feet, minimum, consisting of an S-1 type buffer (refer to section 34-871).

**Sec. 34-620. Mixed-use developments—Additional regulations.**

No parking garage, other than ingress and egress to the garage, may front on a primary street. No ground floor residential uses shall front on West Main Street.

**Sec. 34-621. Density.**

Residential density shall not exceed forty-three (43) DUA; however, up to two hundred (200) DUA may be allowed by special use permit.

**Sec. 34-622. Additional regulations.**

(a) Developments that occupy an entire city block shall provide courtyards and plazas accessible from adjacent public rights-of-way.

(b) No ground floor residential uses shall front on West Main Street.

(c) For uses requiring more than twenty (20) off-street parking spaces, no more than fifty percent (50%) of such required spaces shall consist of surface parking open to the sky.

(d) No off-street loading areas may face any public right-of-way.

**Sec. 34-623. Parking requirements adjustment.**

Article VIII, Division 3, Off-Street Parking and Loading, applies to development in this district, except that:

(1) Parking lot buffers are required only along the edge(s) of a low density district.

(2) No parking is required for any retail use having less than 5,000 square feet in floor area.

**Secs. 34-624 - 34-635. Reserved.**

**1. Article VI (Mixed Use Districts), Division 6, Sections 34-637 through 34-642 are hereby repealed, and the following provisions are hereby enacted in their place:**

DIVISION 6. REGULATIONS – WEST MAIN  
STREET ~~SOUTH~~EAST CORRIDOR (~~“WMS”~~)(~~“WME”~~)

**Sec. 34-636. Uses.**

The uses allowed within this district are those designated within the matrix set forth within section 34-796.

**Sec. 34-637. Height regulations.**

(a) The height regulations shall apply to buildings within the West Main Street East (WME) Corridor district:

- (1) Minimum height: 35 feet
- (2) Maximum height: 52 feet

(b) Notwithstanding the provisions of Sec. 34-1100(a) or of Sec. 34-1200 (definitions of “building height” or “grade”), the height of a building within the WME district shall mean the vertical distance measured from grade level to the level of the highest point of the roof of the building.

- (1) For the purposes of this provision, the term “grade level” shall refer to the average level of the curb at the primary street frontage. If a lot has frontage on West Main Street and on another primary street, the average level of the curb along the West Main Street frontage shall be used to determine building height.
- (2) For the purposes of this provision, reference to the “highest point of the roof” shall mean: the level of a flat roof; the deck line of a mansard or parapet roof; or, for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge.

(c) The first floor of every building shall have a minimum height, measured floor to floor, of fifteen (15) feet.

**Sec. 34-638. Streetwall regulations.**

(a) Setbacks shall be required, as follows:

- (1) Primary street frontage: Ten (10) feet minimum; twenty (20) feet maximum. At least eighty (80) percent of the building façade width of a building must be in the build-to zone adjacent to a primary street.
- (2) Linking street frontage: Five (5) feet minimum; twelve (12) feet maximum. At least forty (40) percent of the building façade width of a building must be in the build-to zone adjacent to a linking street.
- (3) Side and rear setback, adjacent to any low density residential district: Twenty (20) feet, minimum.
- (4) Side and rear setback, adjacent to any other zoning district: None required.

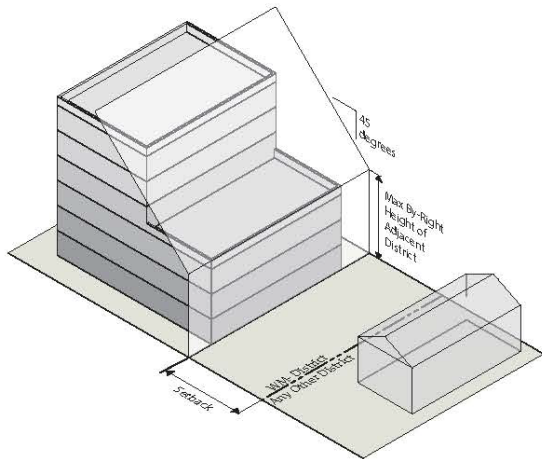
(b) Stepback requirement. The maximum height of the streetwall of any building or structure shall be forty (40) feet. At the top of the streetwall height, there shall be a minimum stepback of ten (10) feet.

(c) Building width requirement. The apparent mass and scale of each building over one-hundred (100) feet wide shall be reduced through the use of building and material modulation and articulation to provide a pedestrian scale and architectural interest, and to ensure the building is compatible with the character of the district. This determination shall be made by the Board of Architectural Review through the Certificate of Appropriateness process.

#### **Sec. 34-639. Bulk plane and buffer.**

(a) Bulk plane.

- (1) To promote building massing compatible with adjacent districts, a bulk plane shall apply where the rear of a lot in the West Main Street East district abuts any other zoning district, and where any side of a lot in the West Main Street East district abuts a low density residential zoning district. No building may extend into a 45 degree angular plane projecting above the lot measured at the interior edge of any required setback, starting at a height equal to the maximum allowed height in the adjacent zoning district.
- (2) The bulk plane ends at each lot line adjacent to a street right-of-way.



(b) Buffer. Along the frontage with any low density residential district, side and rear buffers shall be required, ten (10) feet, minimum, consisting of an S-1 type buffer (refer to section 34-871).

**Sec. 34-640. Mixed-use developments—Additional regulations.**

No parking garage, other than ingress and egress to the garage, may front on a primary street. No ground floor residential uses shall front on West Main Street.

**Sec. 34-641. Density.**

Residential density shall not exceed forty-three (43) DUA; however, up to two hundred (200) DUA may be allowed by special use permit.

**Sec. 34-642. Additional regulations.**

(a) Developments that occupy an entire city block shall provide courtyards and plazas accessible from adjacent public rights-of-way.

(b) No ground floor residential uses shall front on West Main Street.

(c) For uses requiring more than twenty (20) off-street parking spaces, no more than fifty percent (50%) of such required spaces shall consist of surface parking open to the sky.

(d) No off-street loading areas may face any public right-of-way.

**Sec. 34-643. Parking requirements adjustment.**

Article VIII, Division 3, Off-Street Parking and Loading, applies, except that:

(1) Parking lot buffers are required only along the edge(s) of a low density district.

(2) No parking is required for any retail use having less than 5,000 square feet in floor area.

**Secs. 34-644—34-655. Reserved.**

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**REQUEST FOR A ZONING TEXT AMENDMENT**

**WEST MAIN STREET MIXED-USE CORRIDORS DENSITY and  
WATER STREET CORRIDOR AMENDMENTS**

**JOINT PUBLIC HEARING**

**DATE OF PLANNING COMMISSION MEETING: JUNE 14, 2016**

**Author of Staff Report:** Brian Haluska

**Date of Staff Report:** June 2, 2016

**Applicable City Code Provisions:** Chapter 34 (Zoning Ordinance) Sections 743 and 746

**Executive Summary**

An ordinance to revise regulations regarding the permitted setbacks and stepbacks in the Water Street Corridor.

**Background**

At their meeting on March 21, 2016, the City Council directed the Planning Commission to review proposed changes to the Water Street Corridor zoning district that were raised by the placement of the Midway Manor property within the Water Street Corridor.

**Standard of Review**

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

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

**Discussion of the Proposed Draft Ordinance**



The full text of the proposed draft ordinance is attached to this report. The specific changes to the ordinance are:

### **Section 34-743**

This section regulates the setbacks and setoffs within the Water Street Corridor. The proposed changes would require a 10 foot setback along Ridge Street after 45 feet in height and a 10 foot setback adjacent to the South Street Corridor.

The Commission mentioned that they needed additional information on this particular change. One Commissioner expressed a desire to see the front yard of the property at the corner of South Street and Ridge Street maintained as it is, and was concerned that the current regulations in the code would not guarantee this.

Staff has measured the setback on the City's GIS system and finds the minimum setback on Ridge Street currently to be 25 feet. Per the existing Water Street Corridor rules, 75 percent of a building's façade must be on the property line.

The Commission also mentioned that the setback adjacent to the South Street district would play a role in the future design of any potential building on the site, since the distance to the property line dictates the amount of openings a wall may have under the building code. The City Building Official has indicated that a wall that is 30 feet from the property line requires no exterior fire resistance, and allows for maximum openings.

### **Section 34-746**

This section adds additional regulations on properties in the Water Street Corridor. The proposed change would include Ridge Street as a street where no ground floor residential uses may front on the street under any circumstances.

### **Staff Analysis**

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

The Comprehensive Plan does not contain guidance on a revision as proposed here, as it describes the City's vision rather than a prescriptive guidance on administrative details. Staff feels the proposed changes to the Water Street Corridor conform to the general guidance guidelines and policies contained in the Comprehensive Plan.

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

Staff feels the proposed changes to the Water Street Corridor meet the purposes of the Zoning Ordinance by providing clarity regarding how the rules of the corridor are to be applied throughout the district's boundaries.

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

The justification is that the regulations regarding setbacks and ground floor residential units were written with the corridor's previous boundaries in mind. Since the corridor was expanded as a part of the West Main rezoning process, the changes are necessary to provide clarity to all property owners within the corridor.

#### **Public Comment**

Staff has been in contact with the property owner most impacted by the changes to the Water Street Corridor. Staff was unable to meet with the owner, but will review the proposed changes with them prior to the public hearing.

#### **Recommendation**

Staff recommends approval of the changes to the Water Street Corridor, 34-743 and 34-746.

#### **Possible Motions**

1. "I move to recommend to City Council that it should amend Sections 34-743 and 34-746 of the zoning ordinance, to revise the setback and stepback regulations in the Water Street Corridor and to revise the additional regulations in the Water Street Corridor, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.
2. I move to recommend to City Council that it should amend Sections 34-743 and 34-746 of the zoning ordinance to revise the setback and stepback regulations in the Water Street Corridor and to revise the additional regulations in the Water Street Corridor, with the following changes:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

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

3. "I move to recommend to City Council that it should not amend Sections 34-743 and 34-746 of the zoning ordinance, to revise the setback and stepback regulations in the Water Street Corridor and to revise the additional regulations in the Water Street Corridor, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

#### **Attachment**

Proposed amendment to Sections 34-743 and 34-746

DIVISION 11. - REGULATIONS—WATER STREET DISTRICT ("WSD")

Sec. 34-741. - Uses.

The uses allowed within this district are those designated within the matrix set forth within section 34-796.

(5-19-08(3))

Sec. 34-742. - Height regulations

The following height regulations shall apply to buildings and structures within the Water Street district:

- (1) Minimum: Forty (40) feet.
- (2) Maximum: Seventy (70) feet, subject to streetwall regulations.
- (3) With special use permit: One hundred one (101) feet.

(5-19-08(3))

Sec. 34-743. - Streetwall regulations.

- (a) Stepbacks. For properties with frontage on ~~the north side of~~ South Street between Ridge Street and 2nd Street SW, the maximum height of the streetwall of any building or structure shall be forty-five (45) feet. After forty-five (45) feet, there shall be a minimum setback of twenty-five (25) feet along the length of such street wall along South Street, and a minimum setback of ten (10) feet along the length of Ridge Street.
- (b) Setbacks.
  - (1) Primary and linking street frontage. At least seventy-five (75) percent of the streetwall of a building must be built to the property line adjacent to a primary street. For the remaining portion of streetwall (i.e., twenty-five (25) percent), the maximum permitted setback is five (5) feet; however, (i) if streetscape trees are provided to the standards set forth in section 34-870, or (ii) pursuant to a special use permit granted by city council up to fifty (50) percent of the streetwall of a building may be set back twenty (20) feet.
  - (2) Setback, Water Street: A minimum setback of five (5) feet shall be required for all buildings located on Water Street.
  - (3) Abutting South Street Mixed Use District: A minimum setback of 10 feet from any parcel zoned South Street shall be required for all buildings located on South Street and an S-2 buffer shall be provided within the setback.

(5-19-08(3))

Sec. 34-744. - Density regulations.

Residential density shall not exceed forty-three DUA; however, up to two hundred forty (240) DUA may be allowed by special use permit. The minimum density required for multifamily developments (new construction only) shall be twenty-one (21) DUA.

(5-19-08(3); 9-15-08(2))

Sec. 34-745. - Reserved.

**Editor's note**— Ord. of September 15, 2008, repealed § 34-745, which pertained to multifamily developments—bedroom limitations. See also the Code Comparative Table.

Sec. 34-746. - Mixed-use developments—Additional regulations.

(a) [Reserved.]

(b) No ground floor residential uses may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street, Ridge Street or Water Street.

(c) All entrances shall be sheltered from the weather, and lighted.

(d) Where any building or development occupies one (1) or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

(5-19-08(3); 8-16-10(5))

Sec. 34-747. - Off-street loading areas.

Off-street loading areas may not face public right-of-way.

(5-19-08(3))

Secs. 34-748—34-755. - Reserved.

**City of Charlottesville**  
**Department of Neighborhood Development Services**  
**Staff Report**

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

**DATE OF HEARING: JUNE 14, 2015**  
**APPLICATION NUMBER: CP16-00001**  
**RE: STREETS THAT WORK PLAN**

**Project Planner:** Heather Newmyer and Amanda Poncy, AICP

**Date of Staff Report:** May 24, 2016

**Background**

In February 2014, City Council reaffirmed its commitment to creating complete streets for all users and adopted a resolution to consider the context surrounding the streets as part of any future street design process. As part of the resolution, Council directed staff to undertake a **planning process** that reflects the understanding that streets serve a multitude of transportation, economic, social, recreational and ecological needs that must be considered when deciding on the most appropriate design. Council approved approximately \$37,000 to hire Toole Design Group (TDG) to initiate Phase 1 of the project: the initial public/stakeholder engagement, existing conditions review and technical memo. In 2015, Council approved an additional \$95,000 for Toole Design Group to develop the plan and guidelines (including on-going community engagement efforts).

The Streets That Work Initiative is one of the components that form the overall vision for Charlottesville’s streets, as shown in the figure below, where the Streets That Work Plan will serve as a central element of the broader initiative.



**Components of the Streets That Work Initiative**

The purpose of this “**Streets that Work**” initiative is to develop a comprehensive street DESIGN GUIDE for Charlottesville that seeks to improve the transportation network for all modes & create vibrant & sustainable public spaces along city streets. The Streets That Work Plan has two main

components:

- 1) A set of design guidelines with representative street cross sections & a toolkit that can be used to apply the guidelines in different contexts.
- 2) An implementation plan, including a review of the current project delivery process & recommended protocols for ensuring multi-modal mobility.

The Streets That Work Plan focuses on the public right of way. However, the plan informs changes to those elements of the zoning code and other regulatory documents (Standards and Design Manual) that contribute to the experience on the street. Initially, the Code Audit and Streets that Work initiative were on a similar schedule, but the Code Audit was delayed based on recommendation from Council and Planning Commission. Staff will begin regrouping on the Code Audit upon completion of the Streets that Work initiative and with guidance from Council. These linked processes share the same guiding principles to ensure Charlottesville is/has:

- High Quality Public Space
- Vibrant Places of Commerce
- Safe & Accessible
- Healthy, Green & Sustainable
- Connected & Convenient
- Collaborative
- Policy Driven

The **Final Streets That Work Plan** is available at <https://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>.

## **Standard of Review**

All amendments to the Comprehensive Plan shall be recommended, approved and adopted, respectively, in accordance with the requirements set forth within Title 15.2, Chapter 22, Article 3 of the Code of Virginia as amended. In considering any amendments to the plan, the City Council shall act within (90) days of the Planning Commission's recommendation resolution.

## **Proposed Action**

To guide development and investment of public funds, the Streets that Work Plan should be adopted as an appendix to the 2013 Comprehensive Plan. The adoption of the Streets that Work Plan is the adoption of a set of general goals, policies and projects that will implement the city's vision for improved transportation within the City.

## **Public and Other Comments Received**

### **PUBLIC COMMENTS**

Beginning with the initial charrette in May 2014, the City of Charlottesville and Toole Design Group have worked consistently to engage the public in the Streets That Work Initiative through the following outreach and events listed below. Note: A full account of the public engagement process is available at [www.charlottesville.org/streetsthatwork](http://www.charlottesville.org/streetsthatwork) under the Streets That Work Community Process tab.

#### **Multi-Day Charrette | May 27-30, 2014**

The City hosted a multi-day charrette to establish a vision for citywide street design guidelines that balance the needs of all street users, with a particular focus on the pedestrian environment and how streets can be used as a public space. Participants were tasked with clarifying their values for street design. Focus groups, city staff and the general public vetted the ideas throughout the event.

#### **Neighborhood Meeting Series | November-December 2014**

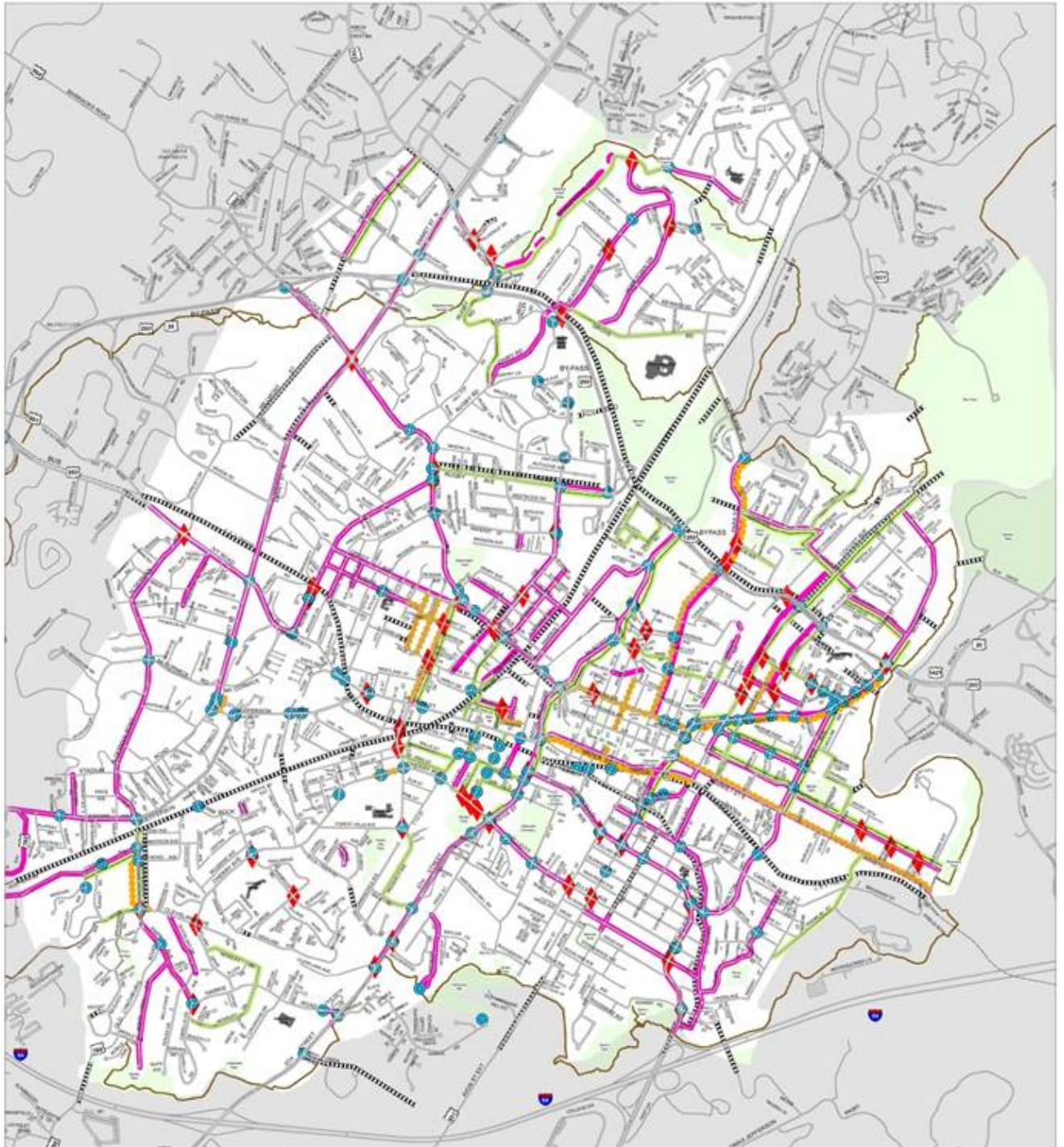
City staff met with residents in neighborhoods throughout the city and held an open neighborhood meeting at City Hall during the months of November and December 2014. The feedback was used to create the following map of street design concerns and opportunities. This map was used as one of the six criteria in the prioritization process to identify and rank priority intersections and corridors in the City (See Chapter 5: Implementation of the Charlottesville Streets That Work Design Guidelines).



# Town Hall Meetings / Neighborhood Design Day

- Bike Ped Hotspots
- ◆ Intersection Problem
- Traffic Problem
- Lighting
- Sidewalk and Street Design
- Bike Ped Connection
- RTF Trails
- Parks

UPDATED: 1/13/2015  
0 0.25 0.5 1 Miles



## **Streets That Work Public Input Meeting | December 13, 2014**

On December 13, 2014, the City hosted a public input meeting at Carver Recreation Center. Meeting participants worked together in small groups to provide feedback on the:

- First draft of the Guiding Principles for the Streets That Work/Code Audit initiative
- Town Hall Map of issues and opportunities (above)
- Which elements make for great streets (Photo exercise)

The groups expressed concerns about inadequate lighting, the desire for more street trees, the need to protect the city's unique neighborhood character and the importance of filling in gaps in the city's bicycle and pedestrian networks.

## **Streets That Work at Local Community Events | Summer 2015**

The City hosted a Streets That Work booth at the following local community events to introduce the public to the vision for the City's streets and promote the first public Open House in September 2015. Visitors at the booth received information on the planning process, and were given the chance to try fun games, prioritize street elements, and participate in activities such as creating a temporary street mural or demonstrating temporary pedestrian and bicycle improvements.

- 26<sup>th</sup> Annual African American Cultural Arts Festival | July 25, 2015
- Westhaven Community Day | August 1, 2015
- Back to School Bash | August 15, 2015

## **Streets That Work Open House | September 15, 2015**

On September 15, 2015, 40 people, including members of the public, fire department personnel, planners and engineers from Neighborhood Development Services, members of the Streets That Work/Code Audit (STWCA) Advisory Committee, and TDG staff gathered at City Space for a public open house. Attendees visited a variety of activity stations, one of which asked participants to vote on their top five (5) street elements. The results are in the table below and echo feedback from the neighborhood meeting series in November-December 2014 and community event series in Summer 2015.

| <b>Streetscape element</b> | <b>No. of votes</b> |
|----------------------------|---------------------|
| Canopy trees               | 32                  |
| Wider sidewalks            | 17                  |
| Pedestrian scale lighting  | 15                  |
| Separated bicycle facility | 9                   |
| Narrow travel lanes        | 9                   |
| Slow speed limit           | 9                   |
| Bike lanes                 | 8                   |
| Bus stops/shelters         | 6                   |
| Planted buffers            | 5                   |
| Wide lanes                 | 0                   |

After visiting stations, attendees participated in a group break out activity, where each group was assigned a street typology and asked to rank their top five elements specific to the street typology assigned.

## **Streets That Work Final Open House | March 24, 2016**

On March 24, 2016 members of the public, fire department personnel, planners and engineers from Neighborhood Development Services, members of the Streets That Work/Code Audit (STWCA) Advisory Committee, and TDG staff gathered at City Space for a second public open house. Attendees were asked to fill out a feedback form, where the results of the feedback form would be displayed at the upcoming Demonstration Project in April. TDG presented the final draft of the Streets That Work Plan. After the presentation, attendees were invited to learn more and provide comments on the different elements of the plan by visiting stations set up around the room.

## **Streets That Work LIVE Demonstration Project | April 16, 2016**

On Saturday, April 16, 2<sup>nd</sup> St south of Downtown was temporarily transformed by over ten different street demonstration projects designed to show Streets That Work principles as they applied to a real Charlottesville context. City Staff, Toole Design Group, TJPDC, University of Virginia urban planning students, the Charlottesville Tree Stewards and the TomTom Founders Festival were just a few of the partners involved.

Hundreds of people visited the various demonstration projects. Of the visitors that completed a survey:

- **98%** said adding permanent bike lanes on 2<sup>nd</sup> street would make them feel comfortable riding their bike there.
- **84%** said that adding sharrows on 2<sup>nd</sup> street would make them feel comfortable riding their bike there.
- **93%** said city streetscapes would be improved by creating more outdoor seating areas and public plazas.
- **85%** said city streetscapes would be improved by adding more retail frontage.
- **96%** said they support strategies encouraging sidewalk cafes and/or retail frontage in our street design guidelines and zoning code.

\*Over 50 detailed surveys were completed at the Streets That Work LIVE Demonstration Project on April 16, 2016.

## **COMMENTS AT WORK SESSION**

A Joint Work Session of the Charlottesville City Council, Planning Commission and the Streets That Work Code Audit Advisory Committee was held on April 26, 2016 to discuss the following topics regarding the Draft Streets That Work Plan dated April 2016:

- Street Tree Recommended Soil Volumes and Planting Widths

Mr. Paul Josey of the Tree Commission said that from the standpoint of ensuring tree health, the commission supports the soil volumes and planting strip widths recommended in the Streets That Work Plan. However, the commission has concerns that the expense of these high soil volumes will be cost-prohibitive, motivating both developers and the City to opt for smaller street trees. In addition, there is limited right-of-way in the City. Therefore, the Tree Commission favors a narrower planting strip and lower soil volume standards for large trees.

In discussion with Mr. Josey, the Councilors and Commissioners expressed support for a required soil volume that aligns with localities in Virginia: 400 ft<sup>3</sup> per large tree. They proposed setting a preferred (rather than required) minimum planting strip width, with variation based on the street typology. Finally, they agreed on the need for a list of recommended street tree species, to minimize shallow root systems and sidewalk buckling.

- Shared Streets

Shared streets, or narrow, low-speed streets without pavement markings or curbs to separate vehicles and pedestrians, are presented in the Streets that Work Plan as a possible design strategy for local streets. City planning and engineering staff asked for guidance in deciding when shared streets are appropriate, given such contingencies as topography and emergency vehicle access.

Councilors, Commissioners, and members of the Advisory Committee suggested making a clearer distinction between shared and yield streets in the Plan, looking for ways to build design freedom into the Standards and Design Manual, and adding a clause that requires local streets to be designed with dimensions no greater than those of Neighborhood B framework streets.

- Prioritization

The Plan uses a formula to decide which streets and intersections should be prioritized for improvement. Criteria include traffic accidents; public input on problem points; pedestrian and bicycle demand and accessibility; and employment density, among others. The Councilors and Commissioners were asked to share their thoughts on the criteria and how they are weighted.

The Commissioners applauded the idea of having a prioritization equation that can be recalculated as new data are acquired and suggested that it could also serve as a means for measuring the success of Streets that Work in the future. There was discussion of having criteria in the future added to the prioritization process including things such as: streets with potential to filter large volumes of stormwater through green infrastructure, existing travel speeds of roadways.

### **Suggested Motions for Amendment of Comprehensive Plan Text and Map**

1. I move to approve the amendment to the City's Comprehensive Plan to append the Streets that Work Plan, dated May 2016, along with the applicable goals, objectives, guidelines and maps
2. I move to deny the amendment to the City's Comprehensive Plan to append the Streets that Work Plan, dated May 2016, along with the applicable goals, objectives, guidelines and maps

### **Project Website**

[www.charlottesville.org/streetsthatwork](http://www.charlottesville.org/streetsthatwork)

### **Attachments**

Resolution

**RESOLUTION  
OF THE CHARLOTTESVILLE PLANNING COMMISSION  
RECOMMENDING AMENDMENT OF THE CITY’S COMPREHENSIVE  
PLAN  
TO INCORPORATE THE 2016 STREETS THAT WORK PLAN**

Whereas, this Planning Commission and City Council jointly held a public hearing on the proposed 2016 Streets that Work Plan, after notice given as required by law, NOW THEREFORE,

BE IT RESOLVED that this Planning Commission recommends to City Council the approval of the 2016 Streets that Work Plan, as an amendment to the City’s Comprehensive Plan. A copy of this Update is attached to this Resolution and is hereby certified to City Council for its consideration in accordance with City Code Section 34-27(b).

Adopted by the Charlottesville Planning Commission, the 14<sup>th</sup> day of June 2016.

Attest: \_\_\_\_\_  
Secretary, Charlottesville Planning Commission

Attachment: 2016 Streets That Work Plan (**Link:** <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>)

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**APPEAL OF E&S DETERMINATION**

**PLANNING COMMISSION HEARING DATE: May 10, 2016**

**Staff Contact(s):** David Frazier (E&S/VSMP Administrator); Marty Silman (City Engineer)

**Date of Staff Report:** April 29, 2016

**Appeal Taken By:** Neighborhood Investments, LLC (Richard Spurzem)

**Appellant's Representative:** Frederick Payne, Esq.

**Current Property Owner:** Neighborhood Investments-RH, LLC (Richard Spurzem)

**Appeal Information**

**Lot/ Property Street Address:** 624 Booker Street

**Tax Map/Parcel #:** 360087000

**Total Square Footage/ Acreage Site:** 0.1430 acre (approx. 6,229 SF)

**Tax Status:** Delinquent (\$165.00 due for 2015)

**Background**

*Building Permit*—In 2013 the Building Official issued a permit authorizing construction of a 2-family dwelling unit (USBC “R-3” Use Classification). A copy of the permit plan sheet showing the site layout/footprint for the proposed construction is attached as **Exhibit A** to this Report. The total area of the lot on which this building has been constructed is approximately 0.1430 acre (approx. 6,229 SF).

*Stop Work Order*—On March 21, 2006, City staff issued a Stop Work Order (SWO) to the current owner of the property (attached as **Exhibit B** with associated correspondence), to provide notice of the E&S violation, and to put the owner on notice that proper permits are required in accordance with Chapter 10 of the City Code (Water Protection Ordinance, which contains the City’s Virginia Erosion and Sediment Control Program (VESCP) regulations). The SWO was issued by the City’s VESCP staff, after reviewing the condition of the site and, based on their observations and calculations, concluding that a land area of 6,000 SF or more has been disturbed during the construction process.

The following conditions observed by staff are evidence that land disturbing activity over 6,000 SF had occurred: (i) footprint of newly-constructed building and installed shed, newly-constructed patios, porches and sidewalks; (ii) site grading such as grass removal, changing soil grades around the building,

including backfilling of footing excavations and gravel placement; (iii) Material storage including wood, sand, gravel, etc. used for construction of the building, sidewalks, underground utilities, etc.

City staff used GPS equipment (accurate to within 6 +/- inches) to gather data and determine that the land disturbance area had exceeded the 6,000 SF threshold. The GPS data points were uploaded into GIS to create several illustrative diagrams which outline the limits of disturbance (attached as **Exhibit C**). During the initial visit to determine the land disturbance area, a shed was noticed near the rear of the property. The initial data points collected omitted the shed and the disturbed area around it. This was done to allow staff time to investigate the status of the shed and determine whether the shed was an existing condition or installed as part of the land disturbing activity. Because the disturbed area around the shed was not included in the original data points, the calculated disturbed area fell just under the 6,000 SF limit, but it was obvious that if these points had been collected, the 6,000 SF limit would have been exceeded. Staff returned to the site to collect the remaining data points to accurately determine the total disturbed area, which is 6,125 SF excluding the shed, and 6,225 SF including the shed. A review of satellite imagery revealed that the shed was an addition to the parcel and the condition of the ground around the shed indicated that it was associated with the building construction, therefore, it was staff's final conclusion that the total land disturbance area associated with the construction was 6,225 SF.

Pursuant to City Code §10-31, an erosion and sediment control plan ("E&S Plan"), or an agreement in lieu of an E&S Plan, should have been obtained prior to the disturbance of a land area of 6,000 or more square feet. Neither the property owner, nor any construction contractor, has obtained an approved E&S Plan (or agreement in lieu of) or obtained a land disturbing permit from the City, from 2013 to the present.

*Planned Development:* The property owner has filed an application for a rezoning to complete this construction project (this Lot, together with adjacent Parcel ID 360088000) as a multifamily development (3 or more units) and related parking/amenities.

*Notice of Appeal:* On April 21, 2016, the property owner gave notice of this appeal. A copy of the appeal notification is attached as **Exhibit D**. The notice of appeal does not set forth any facts, or any reference to City Code provisions, that support the appeal.

### **Appeal Procedures**

Appeals from decisions made by staff pursuant to the Water Protection Ordinance are governed by City Code §10-8. Initially, each appeal must be referred to the Planning Commission for review and findings of fact. The **Planning Commission is required to review the appeal at its next regular meeting following the date of the notice of appeal, and report its findings of fact to City Council in timely fashion** (City Council is required to review the appeal itself, within 30 days after the PC Meeting).

Attached as **Exhibit E** are the Findings of Fact that staff requests the Planning Commission to make.

## **Staff's Recommendation**

Staff recommends that, by motion, the Planning Commission should make the following findings of fact:

“I make a motion that this Planning Commission should make the following findings of fact, and refer the findings to City Council:

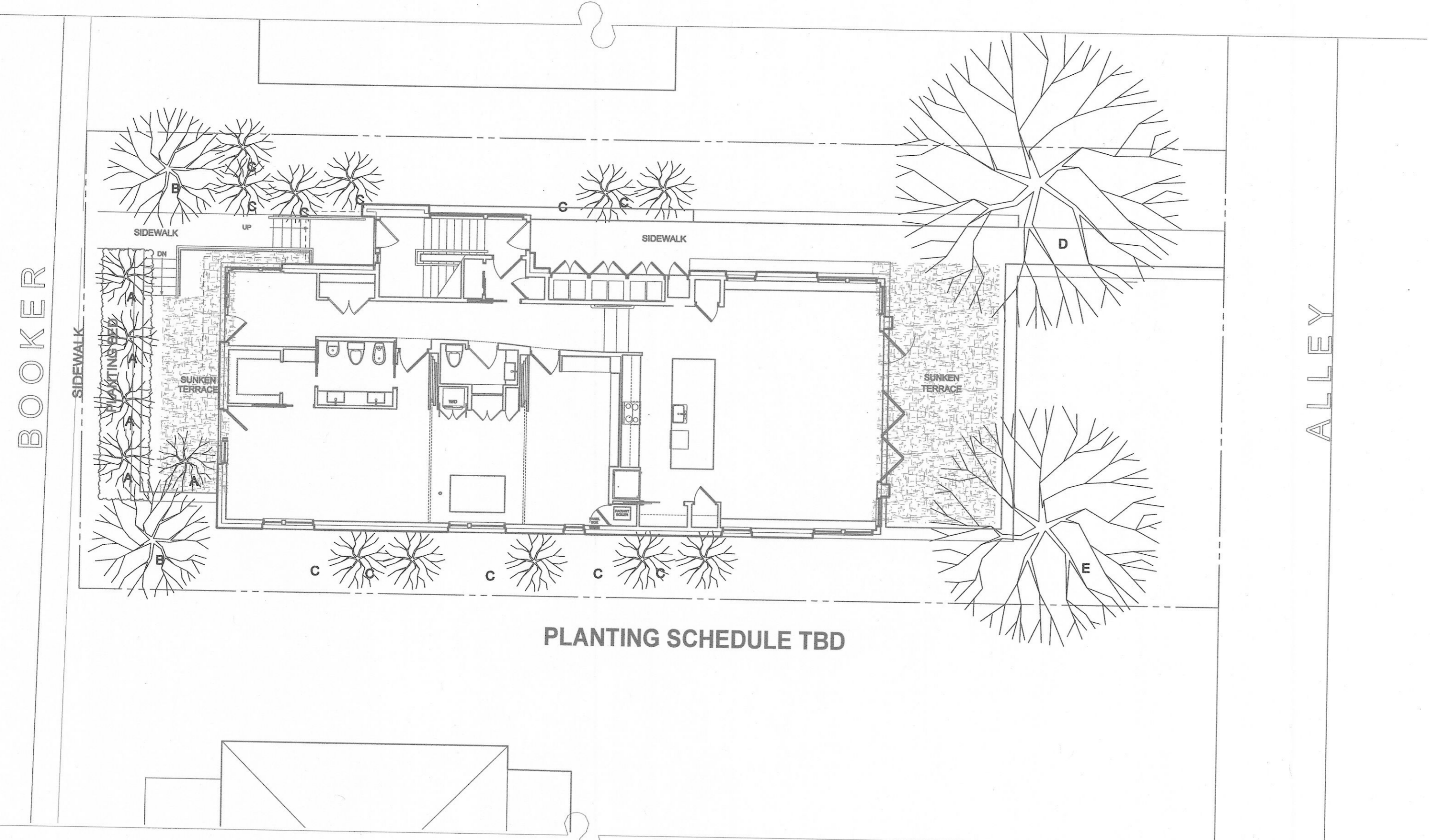
- a. Land disturbing activity has taken place at 624 Booker Street.
- b. The area of land disturbance is 6,000 square feet or more.
- c. The land disturbing activity has been undertaken for or in connection with the construction of a residential building containing two dwelling units, and related site improvements, which construction has not yet been completed; and
- d. The land disturbing activity commenced and has been undertaken without an approved erosion and sediment control plan or any permits required by Chapter 10 of the City Code.”

## **Attachments**

- A. Exhibit A—Construction Plan Sheet Showing Site Layout
- B. Exhibit B—Stop Work Order w/ associated correspondence (March 21, 2016)
- C. Exhibit C—GIS Images Showing area of Disturbance
- D. Exhibit D— Copy of the appeal notification.
- E. Exhibit E—City's Proposed Findings of Fact
- F. Exhibit F—Photos of the project illustrating the construction and land disturbance

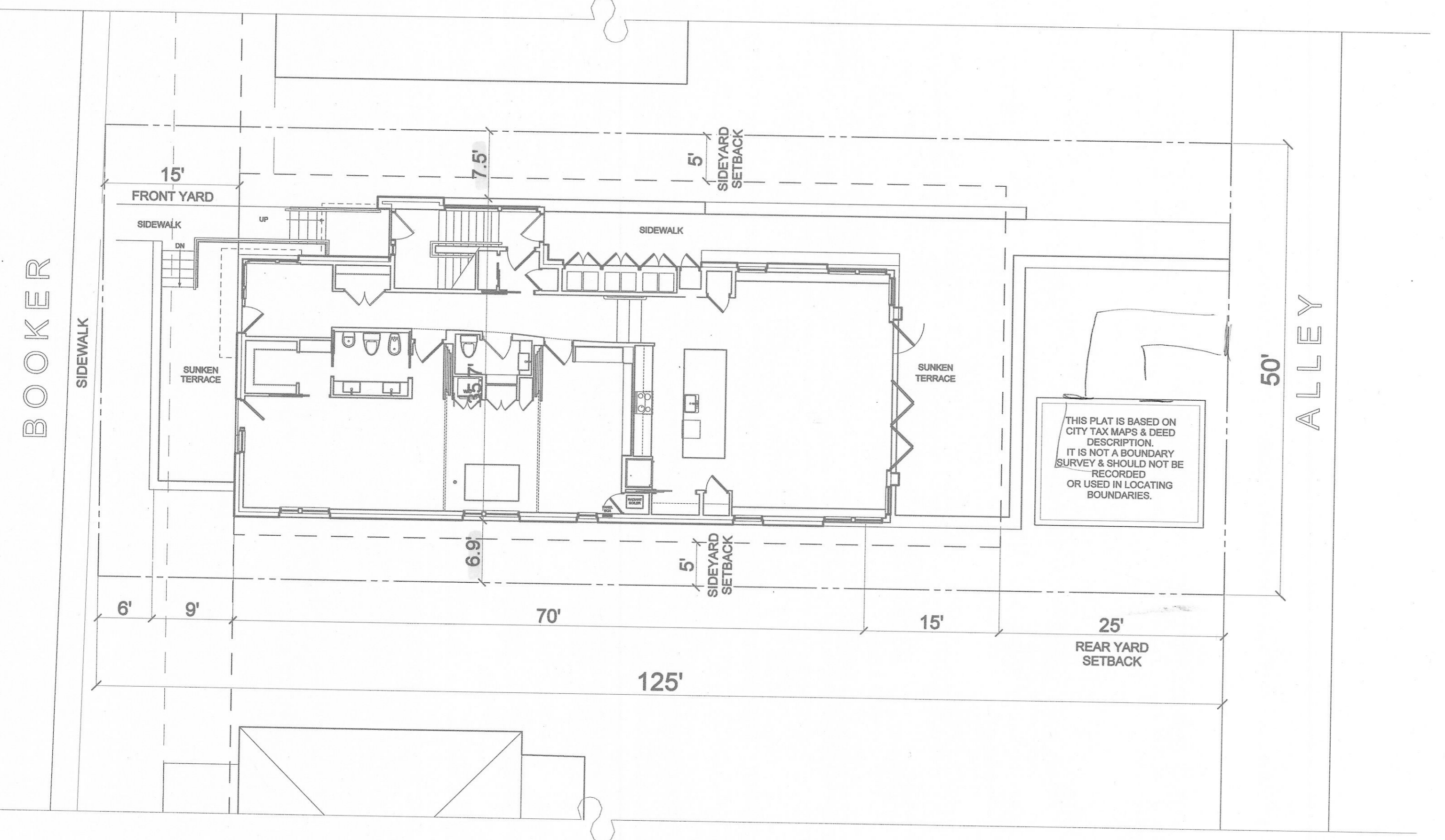


# Exhibit A



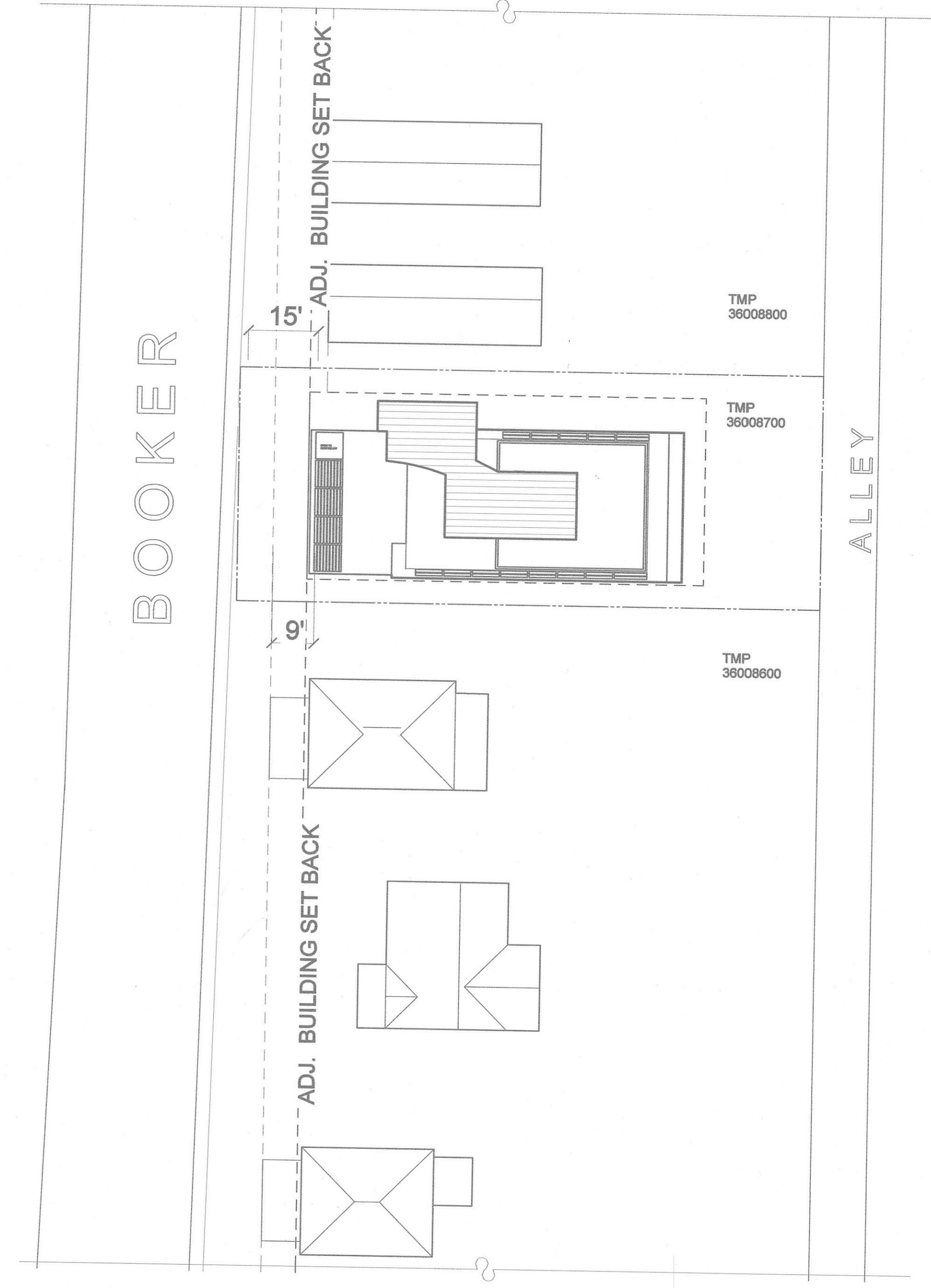
PLANTING SCHEDULE TBD

3 LANDSCAPE PLAN  
SP1 1"=10'



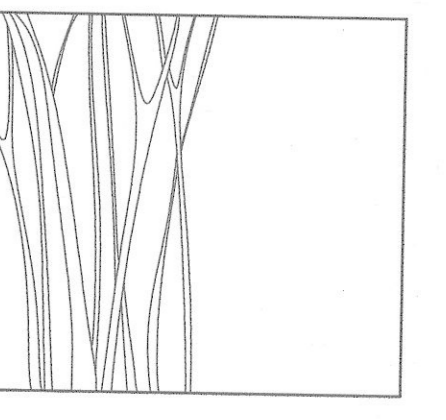
THIS PLAN IS BASED ON CITY TAX MAPS & DEED DESCRIPTION. IT IS NOT A BOUNDARY SURVEY & SHOULD NOT BE RECORDED OR USED IN LOCATING BOUNDARIES.

2 SITE PLAN  
SP1 1"=10'

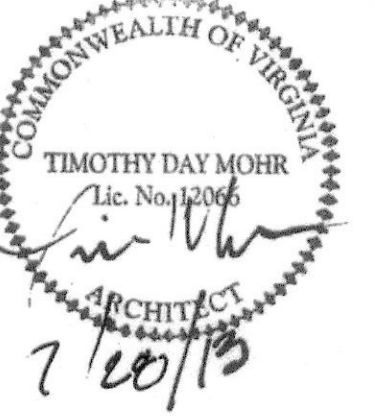


1 FRONT YARD SETBACK  
SP1 1"=20'

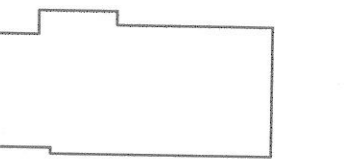
624  
booker



CHARLOTTESVILLE  
VIRGINIA, 22901



PERMIT SET



NORTH JOB NORTH

todd mohr  
DESIGN

1112 PARK STREET  
CHARLOTTESVILLE, VA 22901  
(434) 971-4631

OFFICE@TMDARCH.COM

issued: 1/22/13  
revised: 7/29/13

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\_\_\_\_\_

\_\_\_\_\_

SITE PLAN

SP1

# Exhibit B

## Silman, Martin

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**  
**Attachments:**

Mr. Richard Spurzem,

It has come to our attention that land disturbance greater than 6,000 sf has occurred at 624 Booker St. without an Erosion & Sediment Control Plan, Stormwater Management Plan and subsequent Land Disturbing Permit. Given the nature of the building under construction and the area of land disturbed, this project will be required to submit and obtain approval of the items mentioned above.

Unfortunately, a Stop Work Order (SWO) needs to be issued for this project and will remain in effect until the plans and permitting can be resolved. I have attached a copy of the SWO above for your reference. Please understand that issuance of a SWO is the procedural step we are required to take given the current situation. We understand that you have purchased this property and inherited this undesirable condition, therefore, we will not assess any monetary penalties. The City is looking forward to working with you to obtain the required plans and permits and bring this project into compliance.

Thank you in advance for your cooperation and feel free contact me if you have any questions regarding this SWO.

**David Frazier**

E&S/VSMP Administrator  
City of Charlottesville / NDS  
610 East Market Street, PO Box 911  
Charlottesville, VA 22902  
Phone: 434-970-3091  
Email: [frazierd@charlottesville.org](mailto:frazierd@charlottesville.org)



*"A World Class City"*

# CITY OF CHARLOTTESVILLE STOP WORK ORDER

Issued: March 21, 2016

**SENT BY E-MAIL and CERTIFIED MAIL RETURN RECEIPT REQUESTED**

**TO: NEIGHBORHOOD INVESTMENTS-RH, LLC**  
c/o Richard Spurzem  
810 CATALPA CT  
Charlottesville, Virginia 22903  
Email: [richard@neighborhoodprops.com](mailto:richard@neighborhoodprops.com)

**SUBJECT PROPERTY:** 624 Booker Street

**NOTICE:** An inspection of the above-referenced property on March 21, 2016 revealed the following violations of the City's local VESCP Program requirements:

**Violation:** Engaging in land-disturbing activity, without an approved erosion and sediment control plan and land disturbing permit in violation of Charlottesville City Code Sec. 10-31

**MEASURES REQUIRED:** This STOP WORK ORDER requires you to take the following actions:


1. Immediately cease **all site work related to land disturbing activity (LDA)** and engage in no further LDA at the Subject Property, until you verify that an erosion and sediment control plan has been approved by the and a land disturbing permit has been approved by the City's VSMP and VESCP Administrator for such LDA, in accordance with the requirements of City Code Chapter 10.

PLEASE CONTACT David Frazier (434-970-3091 or [frazierd@charlottesville.org](mailto:frazierd@charlottesville.org)) or Marty Silman (434-970-3991/ [silmanm@charlottesville.org](mailto:silmanm@charlottesville.org)) if you have questions regarding this Stop Work Order.  
**Failure to comply with Stop Work Order; may result in further enforcement action.**

**Please note that in accordance with Charlottesville City Code Sec. 10-43, any person who violates any provision of this article, shall, upon finding of the Charlottesville General District Court, be issued a civil penalty. The civil penalty for any one violation shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per day of violation.**

**Each day a violation continues shall constitute a separate offence. The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.**

**Issued on Behalf of the City's VESCP and VSMP Administrator (Alex Ikefuna, Director of Neighborhood Development Services)**

Signed By:  (David Frazier) City VESCP and VSMP Administrator's Authorized Agent/ Designee

**The following parties will be receiving this notice:**

- Richard Spurzem, NEIGHBORHOOD INVESTMENTS-RH, LLC

# Exhibit C



Initially Surveyed = 5,911 SF

Initially Estimated = 292 SF +/-

Initial Total = 6,203 SF +/-

1 inch = 20 feet



# 624 Booker St. Land Disturbance

6,125 square feet



1 inch = 20 feet



# 624 Booker St. Land Disturbance

6,225 square feet



1 inch = 20 feet

# Exhibit D

**Payne & Hodous, L.L.P.**  
Attorneys at Law  
414 East Jefferson Street  
Charlottesville, Virginia 22902  
[fwpayne@paynehodous.com](mailto:fwpayne@paynehodous.com)

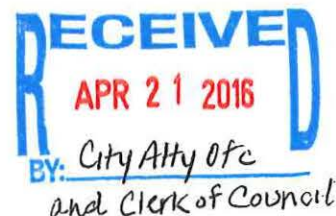
Frederick W. Payne  
Robert P. Hodous  
Donna R. DeLoria  
William W. Tanner  
Kristina M. Hofmann

Telephone: 434-977-4507  
Facsimile: 434-977-6574

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Christina Ashie Guidry

April 13, 2016



Ms. Page B. Rice,  
Clerk of City Council  
City of Charlottesville  
P.O. Box 911  
Charlottesville, Virginia 22902

RE: Richard T. Spurzem/Neighborhood Properties—Appeal of decision—Our file 16-7705

Dear Ms. Rice:

The undersigned represents Mr. Richard T. Spurzem and Neighborhood Properties (collectively “Mr. Spurzem”), the owner of a certain property described by current street numbering as 624 Booker Street.

On Mr. Spurzem’s behalf, I hereby note that he is aggrieved by a certain Stop Work Order issued On March 24, 2016, with respect to 624 Booker Street. Pursuant to City Code Sec. 10-8(a), Mr. Spurzem hereby demands review of such action by City Council and hereby notes his appeal. Please notify the undersigned when the meetings required by the City Code section are scheduled.

Sincerely,

Frederick W. Payne

Ec: Mr. Richard T. Spurzem

in Articles II, III, and IV. Administration and enforcement of Article V shall be as set forth within sections 10-92 and 10-93.

(b) The administrator shall administer and enforce the provisions of this chapter, acting by and through its director. The director may enter into agreements or contracts with the local soil and water conservation district, an adjacent locality, or another public or private entity, to carry out or assist with the responsibilities of this chapter. The director of the department of neighborhood development services shall have authority to assign specific responsibilities or functions of the administrator to authorized agents of such department, such as another city official, employee, or an independent contractor, consistent with requirements of this chapter and applicable state laws and regulations.

(c) The administrator shall establish reasonable regulations and interpretive guidelines for the administration of this chapter, subject to approval of city council. Such regulations and guidelines shall be consistent with this chapter and all applicable federal and state statutes and regulations.

(d) The administrator shall assure that the erosion and sediment control program set forth in Article II is administered by a certified program administrator, a certified plan reviewer, and a certified project inspector. Such positions may be filled by the same person. The administrator shall assure that persons reviewing stormwater management plans and conducting related inspections shall hold a certificate of competence issued by the board.

(e) The administrator shall take appropriate enforcement actions to achieve compliance with this chapter, and shall maintain a record of enforcement actions for all active land-disturbing activities and developments.

(f) The administrator is authorized to cooperate with any federal or state department, agency, or official in connection with plans for erosion and sediment control or stormwater management. The administrator may also recommend to the city manager any proposed agreement with such agency

for such purposes, which agreement shall be executed, if at all, by the city manager on behalf of the city.

(5-5-14, § 1, eff. 7-1-14)

#### **Sec. 10-7. Saving provision.**

The adoption of this chapter shall not abate any pending action, liability, or penalty of any person accruing or about to accrue, nor waive any right of the city under any provision in effect prior to the date of adoption of this chapter, unless expressly provided for in this chapter. As they pertain to land-disturbing activity for development that is the subject of a site plan or subdivision plat approved prior to July 1, 2014, the requirements of this chapter in relation to such development shall be as prescribed within the Regulations, or as otherwise specified by state law.

(5-5-14, § 1, eff. 7-1-14)

#### **Sec. 10-8. Appeals from decisions under this chapter.**

(a) Any person who is aggrieved by a decision of the administrator pursuant to this chapter shall have the right of review of such action by the city council. Any such appeal shall be filed in writing with the clerk of the city council within thirty (30) days of the date of such decision.

(b) An appeal received by the city council pursuant to this section shall be referred to the planning commission for review and findings of fact. The planning commission shall review the appeal at its next regular meeting following the date the notice of appeal is received by the clerk of council, and shall report its findings to city council. The city council shall review the appeal within thirty (30) days after the date of the planning commission meeting, at a regular or a special meeting of city council.

(c) The city council shall consider evidence presented by the owner, the administrator, and any other aggrieved person.

(d) The council shall render its decision in writing and may affirm, reverse or modify the administrator's decision. The council's decision shall constitute the final decision of the city on the matter(s) which are the subject of the appeal.

(e) Any person aggrieved by a final decision of the city council pursuant to this section shall have the right of review of such decision by the circuit court of the city. Any such appeal shall be filed by the aggrieved person in writing with the circuit court within thirty (30) days of the city council's final decision.

(f) For the purposes of this section, "aggrieved person" is limited to the owner, a permittee, owners of adjacent and downstream property and any interested governmental agency or officer thereof.

(5-5-14, § 1, eff. 7-1-14)

**Sec. 10-9. Compliance with chapter required prior to issuance of permits for development involving land-disturbing activities.**

(a) A person shall not commence, conduct or engage in any land-disturbing activity until such person has submitted a permit application to the administrator and has obtained the administrator's approval of a permit authorizing commencement of land-disturbing activity.

- (1) The applicant shall submit with the application for a permit:
  - a. A proposed erosion and sediment control plan;
  - b. A proposed stormwater management plan, if required;
  - c. A state general permit registration statement, if required;
  - d. For the land that is proposed to be disturbed, (i) a valid, approved preliminary site plan that provides a layout, as defined in 9VAC25-870-10, or a valid approved site plan, (ii) a valid, approved preliminary subdivision plat that provides a layout, as defined in 9VAC25-870-10, or a valid, approved final subdivision plat, or (iii) for land use or construction not subject to the requirement of an approved site plan or subdivision plat, the applicant shall submit a written certification of the purpose of the proposed land-disturbing activity to-

gether with a zoning administrator determination stating that the use sought to be established on the land is permitted under applicable zoning district regulations and will comply with applicable requirements of the city's zoning and other local ordinances;

- e. Any request for exception(s) from applicable technical requirements; and
- f. Payment of required application fee(s), pursuant to section 10-10.

The administrator shall not issue any approval(s) for commencement of any land-disturbing activity until all such required submissions and plans have been received and approved.

- (2) The administrator shall act on each plan included within the application, in accordance with the following:
  - a. The administrator, or any duly authorized agent of the administrator, shall promptly review the materials submitted with an application. The administrator or his agent shall determine the completeness of the application within fifteen (15) calendar days of receipt, in accordance with the procedure referenced in 9VAC25-870-108(B).
  - b. The administrator or his agent shall act on a plan within the time period(s) and in accordance with the procedures referenced within 9VAC25-870-108(B). However, when a proposed erosion and sediment control plan is determined to be inadequate, notice of disapproval, stating the specific reasons for disapproval, will be communicated to the applicant within forty-five (45) days.
  - c. Approval or denial of a plan shall be based on compliance with the requirements of this chapter. Any decision shall be communicated in writing to the person responsible for the land-disturbing activity or the person's

# Exhibit E

## CITY VESCP STAFF'S PROPOSED FINDINGS OF FACT

### APPEAL: NOTICE OF E&S VIOLATION, 624 BOOKER STREET

**1. Proposed Finding One: *land disturbing activity* has taken place at 624 Booker Street.**

Code Reference: City Code §10-5; Va. Code §62.1-44.15:51 (definition of land disturbing activity): *land disturbing* activity means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

**Proposed Finding Two: the area of land disturbance is 6,000 square feet or more.**

Code Reference: City Code §10-22(a)(1); 62.1-44.15:51 (disturbed land areas of less than 6,000 square feet are excluded from the term *land disturbing activity*).

**2. Proposed Finding Three: the *land disturbing activity* was undertaken for or in connection with the construction of a residential building containing two dwelling units, and related site improvements, which construction has not yet been completed.**

Code Reference: City Code §10-22(a)(2)-(12); 62.1-44.15:51 (only the following activities are excluded from the term *land disturbing activity*: home gardens; minor home landscaping, repairs and maintenance for an individual home; individual utility service connection; installation, maintenance, repair of underground public utility within an existing hard-surfaced road, street or sidewalk, provided the activity is confined to the hard-surfaced area; septic tank lines or drainage fields; mining activities and oil and gas operations; tilling, planting or harvesting of agricultural, horticultural, or forest crops; agricultural engineering operations; railroad infrastructure; installation of fence and sign posts, utility poles, etc.; shoreline erosion control projects on tidal waters; emergency work to protect life, limb or property.

**3. Proposed Finding Four: the *land disturbing activity* commenced, and has been undertaken, without an approved erosion and sediment control plan or any permit(s) required by Chapter 10 of the City Code.**

Code Reference: City Code 10-40(b)(3); Va. Code 62.1-44.15:58 (stop work order may be issued when land disturbing activities have commenced without an approved E&S Plan or any required permit(s))

# Exhibit F











