

Agenda

**PLANNING COMMISSION REGULAR DOCKET  
TUESDAY, January 12, 2015 – 5:30 P.M.  
CITY COUNCIL CHAMBERS**

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

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

**A. COMMISSIONERS' REPORTS**

**B. UNIVERSITY REPORT**

**C. CHAIR'S REPORT**

**D. DEPARTMENT OF NDS**

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

**F. CONSENT AGENDA**

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

1. Minutes - December 8, 2015 – Pre meeting

2. Minutes - December 8, 2015 – Regular meeting

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

**G. JOINT PUBLIC HEARINGS**

**1. SP15-00004 - 206 W Market Street** – Pete Caramanis of Royer, Caramanis & McDonough; agent for Biarritz LLC has submitted a Special Use Permit request for property located at 206 West Market Street, Tax Map 33, Parcel 270. The request is to authorize the specific land use of a private club for the property. The property is zoned Downtown Corridor with Architectural Design Control District and Parking Modified Zone Overlays. The parcel is approximately 0.103 acres or 4487 square feet. The Comprehensive Plan designates the land use of the property as Mixed-Use. **Report prepared by Brian Haluska, Principal Planner.**

**REGULAR MEETING (Continued)**

**H. FUTURE MEETING SCHEDULE**

Tuesday, January 26, 2016 – 5:00 PM	Work Session	Small Area Planning, City Council Priorities
Tuesday, February 9, 2016 – 4:30 PM	Pre- Meeting	
Tuesday, February 9, 2016 – 5:30 PM	Regular Meeting	

**Anticipated Items on Future Agendas**

- Harmony Ridge Subdivision Plat
- Grove Street Site Plan
- Water Resources Appeal - Rialto Beach PUD
- ZTA – Height and Grade
- West Main Street Zoning
- Rezoning – Sunrise PUD Amendment
- Entrance Corridor – 1138 & 1170 Emmet Street

**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  
12/1/2015 TO 12/31/2015**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
- 3. Site Plan Amendments**
  - a. 2208 & 2210 Fontaine Ave (building addition to The Breakfast House) – Dec 9, 2015
- 4. Minor Subdivision**

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, December 8, 2015

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, Dan Rosensweig; and; UVA representative Bill Palmer  
Member Absent: Taneia Dowell

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

Chair Santoski asked if there were any questions concerning the minutes. One change was noted and a grammatical review was requested.

Ryan Davidson provided an overview of the question presented on the CIP from Mr. Keesecker relating to public private partnership opportunities.

Mr. Santoski asked if the Commission was interested in moving Market Plaza to the beginning of the agenda. It was noted that it would be left in the current order.

For the West Main Zoning request, the Commission asked questions concerning the interpretation of height and grade.

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

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

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

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

City Councilors – Dede Smith, Bob Fenwick, Mayor Huja, Kristin Szakos, Kathy Galvin

Call to Order: the meeting was called to order by Chairman Santoski at 5:37 p.m.

A. COMMISSIONERS' REPORTS:

Commissioner Lahendro no report

Commissioner Keller no report

Commissioner Keesecker reported he did not attend the BAR meeting. Two items reviewed were the Wm Taylor Plaza hotel at the corner of Cherry and Ridge and the demolition of two historic buildings on West Main were not approved.

Commissioner Rosensweig reported that the Housing Advisory Committee met on November 18<sup>th</sup> to review the 1st draft the Comprehensive Housing Analysis & Policy. The draft is still being looked at by some of the stakeholders. He said one thing of interest to the Planning Commission was that one of the things founded by the data was a reversed barbell effect that we have very little if any inventory for people earning below 50% of area median income but that also high income individuals tend to pay less than they can afford which says there is not enough product for the upper end as well. Some of that seems to be that both segments are pushing into the middle income housing inventory putting a strain on that as well so people who can afford more are pushing out people who are in the middle and people who are at the lower end of the spectrum are paying more than they can afford. He said one out of every two people in Charlottesville is considered cost burdened by housing. Some of the other provisional findings were a huge market for multi-family and also the need for student housing. If everything is built out that is on the books now by 2020 we would still need an additional couple of hundred units of off ground student housing. The Streets That Work Advisory Committee met on December 2<sup>nd</sup> to discuss an initial set of recommendations from that study and focus on guidelines for framework streets, in particular possible ways to retro-fit the various types of framework streets for multi modal transportation. He said members of the committee are in the process of sending comments back to the consultants. There is a survey about a demonstration project that is open to the committee.

Commissioner Green no report

Chairman's Report – Mr. Santoski – reported the MPO Tech committee was postponed and won't meet until January. The Belmont Bridge committee is meeting and has been reviewing the RFP for design consultants. He said he was not at the last meeting and could not report specifically but there has been a flurry of emails going back and forth between the committee members and he is sure we will be hearing more about that.

UNIVERSITY REPORT: Bill Palmer no report

- B. DEPARTMENT OF NDS: Missy Creasy, Planning Manager reported that most of the real estate forms are in. We should start thinking about the Planning Awards. You will be getting information on that in the near future. We do not have a work session during the holiday week.

#### CONSENT AGENDA

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

1. Minutes - November 10, 2015 – Pre meeting
2. Minutes - November 10, 2015 – Regular meeting
3. Minutes - September 22, 2015 – Work Session

#### 4. Minutes - November 24, 2015 – Work Session

Commissioner Green moved to approve the Consent Agenda, seconded by Commissioner Keesecker motion passes 6-0.

Commissioner Keller wanted to look more comprehensively at the land use matrixes and asked the chairman to appoint a sub-committee to work with staff to sort this out and look to see if the uses that are allowed by-right and by Special Use Permit in all of the zoning categories are really compatible with our new Comprehensive Plan and the goals we have for those areas of town. She said this is just a suggestion and something that concerns her.

Commissioner Green asked if we have a work plan for the year. She said we had a parking lot list and she would like to take a look at the items on the list.

Commissioner Rosensweig asked the commission to give consideration to a potential Comprehensive Plan amendment that would look at appending either Mr. Keesecker's drawing or something else as an attachment to the Comp Plan or an amendment to the Comp Plan in the land use section.

Commissioner Lahendro is interested in the small area plans moving forward. We need to prioritize those and deciding which one to do first.

BREAK AT 5:55, convened at 6:02

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

#### G. JOINT PUBLIC HEARINGS

1. Charlottesville Capital Improvement Program FY 2017-2021: Consideration of the proposed 5-year Capital Improvement Program totaling \$80,008,117 in the areas of Education, Economic Development, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, Technology Infrastructure, Stormwater Initiatives and General Government Infrastructure. A copy of the proposed CIP is available for review at <https://www.charlottesville.org/departments-and-services/departments-a-g/budget-and-performance-management/fy-2016-2017-budget-development> **Report prepared by Ryan Davidson, Office of Budget and Performance Management.**

The commission discussed an increase for tree maintenance and affordable housing. A detailed discussion was had on Small Area Planning with many suggestions for Council in the coming months.

Motion made by Commissioner Rosensweig, seconded by Commissioner Lahendro,

1. Charlottesville Housing Funding – Provide funding in each year of the 5 year CIP for CAHF consistent with the Housing Advisory’s 2025 Housing Report recommendations outlined in Table 8 of the report. This year’s funding level should be \$1,699,602 as outlined in the report.
2. Tree Planting Funding – The Planning Commission recommends that the Urban Tree Preservation and Planting project be funded at \$75,000.
3. Small Area Plans – Funding is recommended to be \$100,000. The commission supports using these funds for Rivanna River planning if the multijurisdictional effort moves forward.
4. Strategic Investment Area – Funding is recommended to be \$750,000. It is recommended that these funds be focused towards priorities outlined in the SIA report which may be reviewed at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/strategic-investment-area>

The motion passed 6-0.

2. ZT15-00007 - Amendment of the City’s zoning map and of zoning ordinance text - Proposed amendments to the text of City Code sections 34-541(4) and (5), 34-616 through 34-655, 34-796, 34-881, 34- 1100, 34-1101 and 34-1200, and proposed zoning map amendments changing the zoning district classifications of parcels of land within the West Main Street Corridor. The rezoning stems from a study of the West Main streetscape that has been underway since 2013. The changes would reconfigure the street’s two zoning districts into eastern and western ends rather than northern and southern ones.

The Planning Commission recommended moving forward with this request at its meeting in October. However, City Council referred it back to the Commission in early November to consider whether the Midway Manor property at 100 Ridge St. should be included in the new West Main East zoning district. That zone limits the maximum height to 52 feet, and representatives of Midway Manor wanted to retain the ability to go higher on the property.

At the November 2nd, 2015 meeting, City Council directed staff to present the proposed zoning amendment back to the Planning Commission with the following direction:

1. Review the proposed zoning text amendment and zoning map amendments,
2. Consider West Main Street East, as well as Water Street District, Downtown District, or Downtown Extended District as possible zoning district classifications for 100 Ridge Street,
3. Consider the comments received by staff after October 13th, 2015, and
4. Hold an additional joint public hearing on December 8th, 2015 and immediately report its findings and recommendations back to City Council.

Carrie Rainey, City Urban Designer, said this recommendation for the Amtrak properties was given in order to allow additional height and potential density in one of the few remaining un-built out sites in the corridor.

She stated the West Main Street and Ridge Street intersection is surrounded by a variety of different districts and the owners of the Midway Manor site feel they should be allowed to have a

building height that is much greater than West Main East or it could become a disjointed streetscape.

### Public Hearing

Neil Williamson, The Free Enterprise Forum, said four days ago he learned about definitional changes regarding average grade and building heights. He has some examples to show why we believe this item will not work. The corner average is how you come up with your building height from there. The Murray High School site has eleven corners; average elevation 414, existing building first floor elevation is 464. Washington Park has nine corners, average elevation 466, corner elevation is 494, and how tall can the building be...17 feet. Fry Springs neighborhood, McElroy Drive, four corners, average elevation is 445, zoning allows a 45 foot house height or 480 in elevation in this case, so currently a house here could only be 20 feet tall including the roof. If I give the back half to my neighbor the four corner average is 450; can my house be 11 feet taller? Greenbrier, Yorktown Drive, four corners and average elevation 425, the street elevation is 474 feet the house can be a maximum 35 feet or maximum roof elevation 460. Does the entire house need to be covered with 14 feet of dirt over the roof. The street is 14 feet above my roof elevation; clearly this is not ready for prime time.

John Cruickshank and Randy Salzmann: 324 Parkway Street, we are in favor of supporting the staff recommendation. Speaking for himself and John, we would like for Charlottesville to retain the wonderful charm and beauty that we all love and we think the staff recommendations are a pretty good start in that direction.

Page Williams, who represents Union Station Partners, the owner of the land, said our client objects to the downzoning of this property through what they feel is an arbitrary method. It is understood that there is a development or two that are on West Main that may not have turned out how they were expected to turn out, but the city has long promoted development of the West Main Street corridor.

Jean Hiatt 1534 Rugby Ave, as a member of the Preservation Piedmont Board, I would like to point out that in 1996 Preservation Piedmont was instrumental in the designation of West Main Street as an Architectural Design Control District. I have newspaper articles from that time period documenting the concerns of residents in adjacent neighborhoods about threatened changes to the historic nature of West Main Street and of their wish that the area be protected. Certainly our organization continues to be a strong advocate for preserving the historic character of Charlottesville's Main Street. And so, we support zoning ordinance amendments that would reduce maximum building heights and do away with special use permits that allow increased heights. The Daily Progress ran an editorial 2 weeks ago in favor of the protection of the historic fabric of West Main Street, reflecting a widespread interest in this goal. Preservation Piedmont is in support of City staff's recommendations to change the designation of West Main Street South to West Main Street West, and West Main Street North to West Main Street East. This new designation will be more compatible with the historic character of the West Main Street ADC District and it will eliminate some of the current incentives for developers to demolish properties. We also ask that you keep the Midway Manor site in the West Main East section as proposed because it is an important part of West Main Street and should remain in a West Main



Street zoning category. A much larger building at that significant site, 100 Ridge Street, a gateway to historic Ridge Street, would also have a negative impact on the Ridge Street ADC District, which is primarily residential. Thank you for your efforts to protect our historic resources on West Main Street.

Mark Rinaldi, 4029 Iron Bridge, Williamsburg, Virginia stated the application of the West Main East rezoning to 100 Ridge St. will not further the objectives of the zoning to protect the character of West Main Street but will instead unfairly and without broad community benefit limit this property.

Scott Payton, owner of the Hampton Inn & Suites, said there is a unique opportunity for the city to step in and not further compound what he thinks were unfortunate misjudgments in allowing those special-use permits. He said he realizes this is in essence a downzoning but is in full favor of it.

Valerie Long – 321 E Main Street, 100 Ridge Street is not part of the west main addressed, it is part of the downtown neighborhood. We ask that you consider what the staff report identified.

- West Main East changes were crafted to advance the very specific goals for West Main Street, but Midway Manor does not front on West Main Street. It fronts on Ridge Street and has a Ridge Street address.
- Midway Manor is physically separated from the West Main corridor by the dividing line formed by the Ridge/McIntire roadway
- The property has been included in the West Main East zoning district even through it has no direct relationship to the goals of that district, nor does it further the intent of the proposed West Main East district.
- Of the properties that would be affected by the proposed rezoning, Midway Manor is the only one located DOWNTOWN and the only one to previously be zoned B-4 which for decades allowed heights up to 101’.
- Midway Manor is part of the North Downtown neighborhood, and has historically been grouped with other downtown properties in planning studies, including the Torti Gallas corridor study
- Although there are no immediate plans for redevelopment of Midway Manor, NOW is the time to make certain that the zoning for the property is reasonable and appropriate.
- Midway Manor currently measures 46 feet tall –less than half the height of many of the neighboring buildings, such Waterhouse, Lewis and Clark and Market Plaza.
- Adjacent parcels allow building up to 101 feet by-right. It would be unreasonable and inequitable to subject this property to a maximum height of 52 feet under the circumstances. If this property is rezoned to West Main East, not even a single story could be added to the building, making any redevelopment of the property unlikely.

Travis Pietila Southern Environmental Law Center –said we believe this rezoning will strike a better balance between encouraging redevelopment and vibrancy downtown and SELC supports. Making sure this is done in a way that it compliments rather than eclipses the character of West Main and surrounding neighborhood is important. New development plans continue to pour in on West Main and one by one they are shaping the future character of this corridor. We cannot do anything about some of the problematic projects that have already been approved under the

current zoning. We urge you to seize this opportunity to set a better course for those who come next. We strongly support staff's recommendation to reintroduce a minimum setback, at the very least, to ensure ample room for street trees. We believe trees and other public amenities along the sidewalk are important to the vitality of West Main. On the Amtrak site we understand the challenges posed by the site's unique topography. We are not necessarily against the more intensive West Main West zoning for the lowest parts of the site near the bridge. If you consider moving forward with both of the changes and the new building height definition we ask that you split the site at 8<sup>th</sup> Street, one block west of the proposed division at Cream Street. It appears to us that the steep parts to this site are West of 8<sup>th</sup> and by the time you hit Cream a building of 80 feet or taller which seems possible under the new zoning and building height definition may no longer be harmonious with the shorter building heights allowed across the street. For Midway Manor, we support keeping the original West Main East zoning proposed for this site and believe it would be appropriate with its surroundings. If you do consider moving it into another category we have significant concerns with the downtown extended and Water's street districts. Downtown extended zoning would allow 101 feet by-right. This would be a significant up-zoning at a time where you are considering lower heights for many surrounding properties including those directly across the street. Water Street zoning would not set any street wall height limit or require any setbacks. For a building that could potentially go up to 101 feet on an elevated site is a big concern. Thanks to staff for all of their hard work on this and once again move this re-zoning forward tonight.

Ashley Davies – Williams Mullen Law Firm, 321 E. Main Street, said she fully supports the goals to protect historic properties on West Main Street, but she suggests a more targeted approach in defining building height that achieves that goal without unintended consequences which will result from the current proposal. The building height change will affect every parcel in the city not just parcels along West Main Street. The vertical distance measured from average finished grade to the highest point of the building, except that:

Height of Building.

- Gable or hip roof. In the case of a gable or hip roof, height shall be measured to the midpoint between the eaves and the ridge.
- Gambrel roof. In the case of a gambrel roof, height shall be measured to the midpoint of the upper slope of the roof.
- Mansard roof. In the case of a mansard roof, height shall be measured to the roof line.
- In the case of a flat roof with a parapet wall which is three feet in height or less, the highest point shall be the roof line;
- In the case of a building with ten feet or less horizontal distance between the building setback line and the right-of-way line, height shall be measured from the average finished grade or the curb grade, whichever is less.

Average finished grade. The elevation obtained by averaging the finished ground surface elevation at intervals of 20 feet at the perimeter of a building.

Average pre-construction grade. The elevation obtained by averaging the ground surface elevation at intervals of 20 feet at the perimeter of a proposed building prior to construction.

Keith Woodard 100 West South street –addressed the matter of appurtenances allowing for mechanical needs. Sometimes these systems are more efficient and more hidden than some systems that are on the ground. He said there is a need and a trend for roof top garden in areas

on buildings and in order to have those, two stairways and an elevator are required to meet the fair housing act. He said having a rooftop available for easy development is a consideration when thinking about the appurtenances. He asked the commission to consider that it doesn't really compromise the massing or the scale on the ground when you add an appurtenance to a building. He suggests to consider having an appurtenance 10-15 feet setback from any street wall but still allow it up to 25% of the roof area as it is currently done.

Greg Powe, Architect, said a roof should not be viewed as only a functional cap to the building. He thinks it's a valuable real estate that can become a wonderful usable amenity like roof gardens. He encourages that you not discourage using this valuable real estate for the community good. This will help it to become a community gathering place that helps to build a community within itself. The trend toward green roof gets further discouraged if you do not encourage people to enter act with the roof. He thinks you will see more green roofs that are interesting assets.

Jeff Levine 2093 North Garden, Virginia talked about building height change and how it will affect every parcel in the city not just parcels along West Main Street.

Lena Seville 808 Altavista Avenue, is speaking on the pedestrian prospective, the set back is proposed to be 10 feet or other setback minimally necessary to allow for the planting of street trees. She likes street trees but that should not be the only consideration for setbacks. She said pedestrians also enjoy setbacks. She said things she likes on West Main are 10 foot porches which are inviting spaces on historic buildings. The setbacks are part of the character of West Main and Charlottesville. She read into the record what was passed at the bike/ped advisory board meeting: The Bicycle and Pedestrian Advisory Committee recommends as a 10 foot minimum setback as originally proposed by staff and the consultants, and requested language be created that allows accommodation for a reduced setback in exchange for enhanced pedestrian amenities in public space. She said the 10 foot setback really leaves enough space to work with and ask that you consider the 10 foot setback and if you really think a smaller setback is necessary, maybe give that in exchange for something instead of having it be the starting point.

Maynard Sipe, Land Use Attorney, representing Mr. Levine, said the concerns are understandable about the height of buildings on the West Main Street corridor and how the SUP process has been utilized in the past. He said much of what we are seeing is an emotional reaction in this ordinance and I don't think it is quite ready. A more thoughtful analysis is needed. Regarding the definition of height, he thinks the commission should defer. The existing structures on West Main vary as was discussed at your last meeting from a zero setback to a 10 or 20 feet. There is a certain variety in rhythm along the street that is part of the character of the street and a range is good. He said he understands the issue about the street trees. Another option would be to illuminate that waiver and find another mechanism for people to contribute street trees or contribute funds for street trees. He said the SUP process can be a very powerful tool for our city and the fact that the city has utilized it in one sense in the past doesn't mean it can't be applicable in the future and used well. He said there is demonstrated proof that a height greater than 52 feet will maintain the character of particular West Main Street. There are two tall existing buildings, the Albemarle Hotel building and the Century Link office building that are probably exceeding the height that you all are setting as a maximum height. He said there was a

project approved earlier this year by the BAR at 60 feet plus an appurtenance which is the Atlantic. The BAR thought it was suitable.

Maria Chapel 1029 Hazel Street said she applauds our zoning laws and whatever guys can do to preserve the quality of Charlottesville for all citizens who live here.

### Closed the Public Hearing

Commissioner Keller said this (100 Ridge Street) has been part of a comprehensive process that's gone on for almost two years now and there's no reason at this time to take it out of West Main.

The ability to ask for a special-use permit for additional height also would be removed as part of the rezoning. Currently, developers can build as high as 101 feet with a special-use permit on the southern side of West Main. Such permits were granted for the Flats at West Village, the Uncommon and the proposed Sycamore Hotel at 1106 W. Main. The commission also discussed whether the Amtrak station and adjacent property should be included in the new West Main West district, which would allow heights up to 75 feet. The commission had agreed in October to include it in the eastern side, but City Council asked the commission to reexamine the inclusion after the property owner complained. The commission also debated how far back buildings should be set from the street, whether to change the rules for rooftop appurtenances and whether to change the way building heights are calculated city-wide.

In the end, the commission agreed to support a compromise that would allow the West Main West district on a portion of the property but with the lower zoning east of Cream Street to protect First Baptist Church. The council is expected to take a final vote on the zoning at its meeting Dec. 21.

The Commission passed a motion on each item listed under "Discussion" above separately:

1. Commissioner Keller moved to recommend 100 Ridge Street, known as Midway Manor, remain in the proposed West Main Street East (WME) district. Commissioner Keesecker seconded the motion. The Commission voted 4-2 to pass the motion.
2. Commissioner Keesecker moved to recommend the Amtrak site, including parcel 2.C north of West Main Street, be placed in the following districts.
  - a. Tax Map 30, Parcel 2 to be placed in West Main Street West (WMW) district,
  - b. Tax Map 30, Parcel 2.A to be placed in the West Main Street West (WMW) district west of a line parallel with the centerline of the Cream Street right-of-way and placed in the West Main Street East (WME) district east of the line,
  - c. Tax Map 30 Parcel 2.B to be placed in the West Main Street East (WME) district,
  - d. Tax Map 30 Parcel 2.C to be placed in the West Main Street East (WME) district.Commissioner Lahendro seconded. The Commission voted 6-0 to pass the motion.
3. Commissioner Rosensweig moved to recommend a setback requirement of zero (0) feet minimum to twenty (20) feet maximum for both the West Main Street East (WME) district and

the West Main Street West (WMW) district, and to recommend Council direct the Board of Architectural Review and the Tree Commission to work in consultation to develop updated guidelines (for the West Main Street Architectural Design Control District regarding appropriate setback placement and design). Commissioner Green seconded. The Commission voted 5-1 to pass the motion.

4. Commissioner Green moved to recommend that the following be added to the West Main Street East (WME) district and the West Main Street West (WMW) district regulations.

a. The term “height,” when applied to a building, shall refer to the distance measured from the grade to the highest point of the building. The highest point of any building shall be: the level of a flat roof; the deck line of a mansard roof; the deck line of the roof on a building with a parapet; or, for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge.

b. The grade shall be the average ground level at the primary street frontage.

Commissioner Keesecker seconded the motion. The Commission voted 4-2 to pass the motion.

5. Commissioner Rosensweig moved to recommend the approval of the staff proposed modifications for the bicycle parking requirements. Commissioner Keesecker seconded the motion. The Commission voted 6-0 to pass the motion.

6. Commissioner Keller moved to recommend the further modification of the appurtenance section of the ordinance to clarify that open air rooftop use that is incidental to the primary use of the building in addition to well-screened utilitarian equipment, while restricting residential uses. Commissioner Keesecker seconded. The Commission voted 4-2 to pass the motion.

7. Commissioner Keller moved to recommend the approval of the staff proposed modifications for the use matrix in Section 34-796, to allow in the West Main Street East (WME) district and the West Main Street West (WMW) district all uses currently allowed in the West Main Street South (WMS) district. Commissioner Keesecker seconded. The Commission voted 6-0 to pass the motion.

Commissioner Keller then moved to recommend approval of this application to amend West Main Street Mixed Use Corridor districts with the previously passed motions on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. This recommendation is based on Sec. 34-42(2) whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community and Sec. 34-42(3) whether there is a need and justification for the change.

Commissioner Lahendro seconded the motion. The Commission voted 5-1 to recommend approval of the rezoning application to amend the West Main Street Mixed Use Corridor districts, Commissioner Rosensweig voting no.

REGULAR MEETING (Continued)

H. Site Plan

a. Market Plaza

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

Staff Recommendation

Staff recommends that the Planning Commission should grant tentative approval of the preliminary site plan, as revised through November 16, 2015, because the preliminary site plan appears to contain the information specified by City Code 34-827.

This tentative approval should be granted subject to the following condition(s):

1. All of the additions, corrections and modifications set forth in the Comment Letter dated November 27, 2015 must be incorporated into the final site plan.
2. Any later-discovered deficiency in this preliminary site plan that, if left uncorrected, would violate any City, state or federal law, regulation, engineering and safety standards or requirements, shall not be considered, treated or deemed as having been approved.
3. General layout of public infrastructure, Stormwater management facilities, proposed buildings and structures shall be consistent with this tentative approval, subject to adjustment as necessary in accordance with final engineering data and calculations.

Commissioner Rosensweig move to grant tentative approval of this preliminary site plan, subject to all of the conditions recommended by staff, seconded by Commissioner Keesecker, Commissioners Keller and Green abstained. 4-0-2.

Motion by Commissioner Keller to adjourn at 11:07 until the second Tuesday in January.

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

**APPLICATION FOR A SPECIAL USE PERMIT**

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

**DATE OF MEETING: January 11, 2016  
APPLICATION NUMBER: SP15-00004**

**Project Planner:** Brian Haluska, Principal Planner

**Presenter:** Brian Haluska, Principal Planner

**Date of Staff Report:** January 3, 2016

**Applicant:** Pete Caramanis of Royer, Caramanis and McDonough; agent for Biarritz, LLC

**Current Property Owners:** Biarritz, LLC (Real party/ parties in interest are Derek Sieg, Josh Rogers and Ben Pfinsgraff, who are the members of the LLC)

**Application Information**

**Property Tax Map/Parcel # and Street Addresses:**

Tax Map 33, Parcel 270: 206 West Market St.

**Total Square Footage/Acreage Site:** 0.103 acres

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

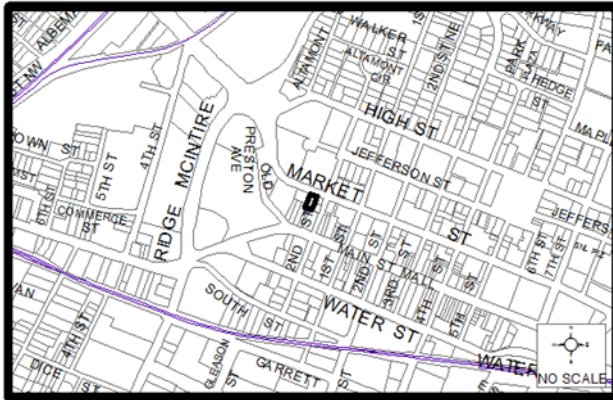
**Current Zoning Classification:** Downtown Corridor with Architectural Design Control District and Urban Core Parking Zone Overlays

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

**Applicant's Request**

The applicant requests a special use permit to operate a private club in the existing building located on the site, as required by Zoning Ordinance Sec. 34-796.

## **Vicinity Map**



## **Background/ Details of Proposal**

The Applicant has submitted an application seeking to operate a private club in a building located at 206 West Market Street. The Applicant states in its application that the club would be social in nature, and “is intended to welcome its members for social interaction, food service and the occasional private function.” The applicant’s supporting materials state specifically that the club as proposed is not a night club or dance club.

**Date of Community Meeting:** January 5, 2016

**Location of Community Meeting:** 206 West Market Street

## **Land Use and Comprehensive Plan**

### **EXISTING LAND USE; ZONING AND LAND USE HISTORY:**

The property is currently used as a commercial building.

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

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



**Zoning History:** In 1949, the property was zoned **B-1 Business**. In 1958, the property was zoned **B-3 Business**. In 1976, the property was zoned **B-4 Business**. In 1991, the property was zoned **B-4 Business**. In 2003, the property was rezoned to **Downtown Corridor**.

## **SURROUNDING LAND USES AND ZONING DISTRICTS**

**North:** Immediately north of the property is the McGuffey Art Center which is zoned Downtown Corridor with ADC District Overlay.

**South:** Immediately south of the property are multi-story structures that house a mix of uses. These properties are zoned Downtown Corridor with ADC District Overlay and front on the Downtown Mall.

**East:** Immediately adjacent to the east are multi-story mixed use buildings that front on West Market Street and 2<sup>nd</sup> Street SW. These properties are zoned Downtown Corridor with ADC district Overlay.

**West:** Immediately adjacent to the west is a one-story structure used for commercial purposes. Further west is the Vinegar Hill shopping center and theater. These properties are zoned Downtown Corridor with ADC district Overlay.

## **NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:**

Natural resources: The site does not have any notable natural resources. The portion of the site not built upon is paved and used for parking.

Cultural features: The applicant notes in their application that the structure was originally built as “Mentor Lodge” a social club serving the African-American residents of the Vinegar Hill neighborhood. According to the applicant, the building provided “a venue for dances, political meetings and music concerts for more than six decades.”

## **COMPREHENSIVE PLAN ANALYSIS:**

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

### **Land Use**

- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential area. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors. (Land Use, 3.2)

### **Economic Sustainability**

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

**Historic Preservation and Urban Design**

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)
- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)

**Public and Other Comments Received**

**PUBLIC COMMENTS**

City staff has received no comments on this matter other than questions for information.

**COMMENTS/RECOMMENDATIONS OF THE BAR**

The Board of Architectural Review considered the Special Use Permit request at their meeting on December 15, 2015, and took the following action:

“Schwarz moved to find that the special use permit to allow a private club will not have an adverse impact of the North Downtown ADC District, and the BAR recommends approval of the special use permit, but the BAR is not making any determination as to the impact of the use. Mohr seconded. Motion passes (7-0).” The BAR approved a COA for additions to the building in November 2015.

**IMPACT ON CITY SERVICES:**

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

**Public Works (Storm Drainage/Sewer):** The proposed modifications would not impact the drainage from the site.

**Staff Analysis and Recommendation**

**ANALYSIS**

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

The property proposed to be used under this request is centrally located within the City, and is adjacent to commercial uses. In staff’s opinion the proposed private club use would not be out of character for the downtown area, and would complement the existing uses adjacent and in proximity to the proposed use.

**Assessment of Specific Potential Impacts of the Proposed Development:**

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

The special use permit, as proposed, would not impact the massing and scale of the building.

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

The proposed use would not impact the traffic or parking in an appreciable manner.

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

The proposed use as described by the applicant would not cause any undue impact from noise, lights, dust, odor or vibration. Staff does, however, have a concern about the potential for a new owner to change the business model for the club in the future, and thus is recommending a condition that was previously imposed on a similar special use permit request for a private club in the downtown area, to address the potential noise impact.

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

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

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

The proposed use would not impact the residential density or commercial traffic in the area.

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

The proposed use would not impact the provision of affordable housing.

**RECOMMENDATION**

Staff feels the private club can be located at 206 West Market Street, and the impacts can be mitigated, and thus recommends the application be approved with the following conditions:

1. There shall be no audible noise, detectable vibration or odor beyond the confines of the building in which the club is located, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m.

## **Attachments**

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

## Attachment 1

### **Sec. 34-157. General standards for issuance.**

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

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

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

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

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

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

and

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

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

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

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

## **Attachment 2**

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

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

*Primary streets:* All streets are primary.

*Linking streets:* None.

### **Attachment 3**

#### **Approval without any conditions:**

I move to recommend approval of the proposed special use permit as requested in SP15-00004, because I find that approval of this request is required by the public necessity, convenience, general welfare or good zoning practice.

OR

#### **Approval with conditions:**

I move to recommend approval of the proposed special use permit as requested in SP15-00004, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the following conditions:

*[List desired conditions]*

#### **Denial Options:**

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





# City of Charlottesville

## Application for Special Use Permit

Project Name: Common House

Address of Property: 206 West Market Street

Tax Map and Parcel Number(s): 330270000

Current Zoning District Classification: DH

Comprehensive Plan Land Use Designation: Mixed Use

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: \_\_\_\_\_

RECEIVED  
NOV 24 2015  
NEIGHBORHOOD  
DEVELOPMENT SERVICES

Applicant: Biarritz, LLC

Address: c/o Pete Caramanis, Esq., Royer, Caramanis & McDonough, 200-C Garrett St., 22902

Phone: 434-260-8767 Email: pcaramanis@rcmplc.com

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

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Biarritz, LLC

Address: 5473 Gordonsville Road, Keswick, VA 22947

Phone: c/o Applicant above Email: c/o Applicant above

Reason for Special Use Permit:

Additional height: \_\_\_\_\_ feet

Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre

Authorize specific land use (identify) Club, private

Other purpose(s) (specify City Code section): \_\_\_\_\_

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

(1) Signature [Signature] Print Ben Rinsgraff Date 11/24/15

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

(2) Signature [Signature] Print Ben Rinsgraff Date 11/24/15

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



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 206 West Market Street

Pre-Application Meeting Date: October 22, 2015

Applicant's Representative: Pete Caramanis

Planner: Brian Haluska

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. Rules and Regulations that club members will be subject to.

2. Potential conditions that the applicant will be willing to place on the club, including hours of operation, maximum occupancy, etc.

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Planner Signature: \_\_\_\_\_

*Brian J Haluska*



# City of Charlottesville


## Application Checklist

Project Name: Common House

### 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))
- 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))
- 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
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

### Applicant

Signature  Print Ben Pfungraf Date 11/24/15

By Its: Manager

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



# City of Charlottesville

## Community Meeting

Project Name: Common House

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: Biarritz, LLC

By:

Signature  Print Ben Pfensgraff Date 11/24/15

Its: Manager (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: Biarritz, LLC Date November 24, 2015

By (sign name):  Print Name: ~~Manatee~~ Ben Pingsgraff

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

By (sign name): \_\_\_\_\_ Print Name: \_\_\_\_\_

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 Derek Sieg Address 206 W. Market St., Charlottesville, VA 22902

Name Josh Rogers Address 206 W. Market St., Charlottesville, VA 22902

Name Ben Pfinsgraff Address 206 W. Market St., Charlottesville, VA 22902

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:** Biarritz, LLC

**By:**

Signature  Print Ben Pfinsgraff Date 11/24/15

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



# City of Charlottesville

## Fee Schedule

Project Name: Common House

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)		\$ 1,500	
Special Use Permit (Mixed Use/Non-Residential)	1	\$ 1,800	\$1,800
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			<b>\$1,800</b>

### 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: Common House

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	
<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.	
<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.	
<b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
<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.	
<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.	
<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.	
<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.	
<b>Green rooftop</b> to treat ≥ 50% of roof area	8 points	
<b>Other LID practices</b> as approved by NDS Engineer.	TBD, not to exceed 8 points	
<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	
<b>Total Points</b>		

### Applicant's Signature

Signature  Print Ben Plinsgraff Date 11/24/15



## **Special Use Permit Application Attachment**

### **Project Name: Common House**

This special use permit application seeks to allow the use of “Club, private” for that property located at 206 W. Main St. in downtown Charlottesville. The type of “club” proposed at the location will be called “Common House” and will be a social club where individual members can meet to dine together or simply for personal connection sometimes lost in the days of online social media. Interestingly, the property at 206 W. Main St. was originally built as “Mentor Lodge,” a thriving social club serving the then largely African-American neighborhood of Vinegar Hill and providing a venue for dances, political meetings and music concerts for more than six decades.

Common House will be a members-only club and will have rules and regulations internally called the “Common Law,” which, among other things, require members to be good neighbors by “(1) being quiet when leaving the House or when in the surrounding neighborhood, (2) minimizing noise when outside or on any terrace, and (3) avoiding honking, loud music or excessive engine or vehicle noise while arriving or departing the Club.” The Club will not be a “club” in the “nightclub” or “dance club” sense, and, therefore, will not present some of the noise and other concerns that the word “club” may bring to mind.

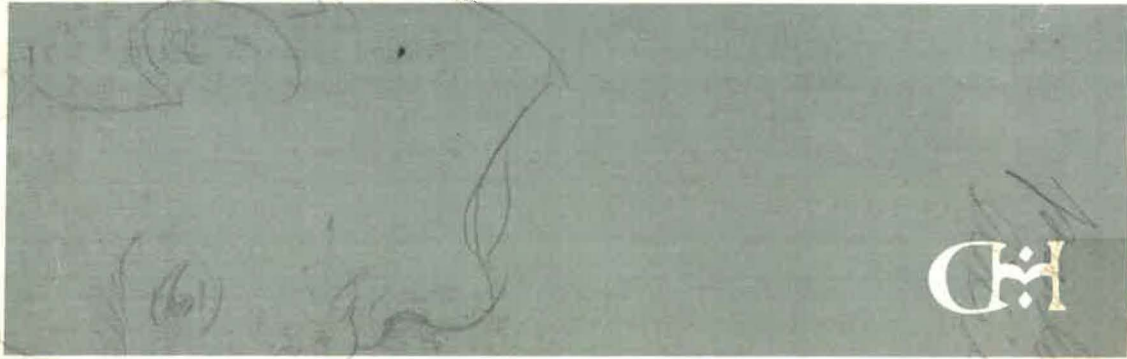
Common House, as planned, will include a banquet hall, lounge, tea room, library, bridge room, billiard room, bars, kitchen, office, rooftop terrace and restrooms. It is intended to welcome its members for social interaction, food service and the occasional private function. Attached to this application are the following documents which provide further information on the proposed operations of the Club:

- An introduction letter from the club to prospective members;
- A booklet with information about the Club and its member benefits;
- A “Common Law” booklet setting forth the Rules and Regulations of the Club; and
- Excerpts from the Club’s prospectus

Also, attached hereto is a copy of the site plan for the Club property. Any and all renovations and construction associated with the Club or on the Club property will conform to USBC and other applicable codes and ordinances. The Comprehensive Plan designation for this property is “Mixed Use,” and the proposed Club would certainly be consistent with that vision. Specifically, the Comprehensive Plan states that the Mixed Use land use is intended to “establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.” The Club is within walking distance of many

Charlottesville neighborhoods and is specifically intended to promote small group interaction in the downtown area.

Common House would be a welcome addition to the historic downtown, reviving the spirit of the social club first established at its proposed location and providing an opportunity for valuable and vibrant social interaction within the City. We believe there will be little concern related to this proposed use, but the Applicant would be willing to accept an approval condition that requires it to always maintain the "Respecting Neighbors" part of its rules and regulations and to restrict its hours to those listed on the attached "Common Law" booklet. The Applicant respectfully requests that the Planning Commission and City Council approve the special use permit allowing a private club use at 206 W. Market St.



An introduction to the concept:

Common House is a real social network.

We are a contemporary social club—not a country club and not a website—built to meet the substantial and growing desire in our culture for true, meaningful connection with like-minded people of all stripes. We are a brick and mortar establishment, highly curated in every respect, organizing a rich palate of social activity and experiences for our members, designed to inspire creativity and promote engagement.

People join Common House because they are passionate about the things they think and do, are committed to making a difference, and want to be members of a community with others who are similarly disposed.

The services we will offer our members and their guests will include a diverse program of workshops and lectures led by leading makers and doers in our community and beyond, a communal workspace, a stripped-down and intimate music series featuring traveling and local acts, organized and unorganized parlor games—particularly bridge and chess leagues—and all-day service of well-crafted food and drink.

We will charge our members an initiation fee followed by monthly dues for unlimited use of the club during regular business hours. Additionally, we will charge fees to host and cater special events for both members and non-members in our signature event space, Vinegar Hall.

We believe bringing the skilled and active people of Charlottesville together more often and in one common place can only make our community stronger and more vibrant, and we will build Common House in an effort to do just that.

Thank you for considering investment in Common House. If you have any questions concerning the prospectus or anything else, please contact Ben Pfinsgraff (ben@commonhouse1.com).

Sincerely,

Ben Pfinsgraff

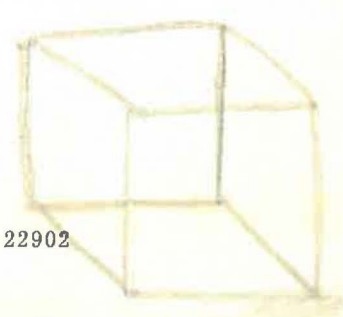
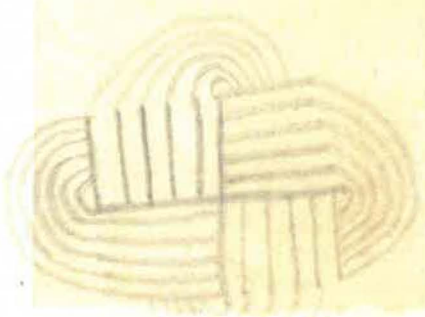
Derek Sieg

Josh Rogers

• COMMON HOUSE •

206 West Market Street Charlottesville, VA 22902

PRINTED IN U.S.A.



Handwritten notes in pencil on the left margin, including the number '54979' at the top and '9/5/26' at the bottom.

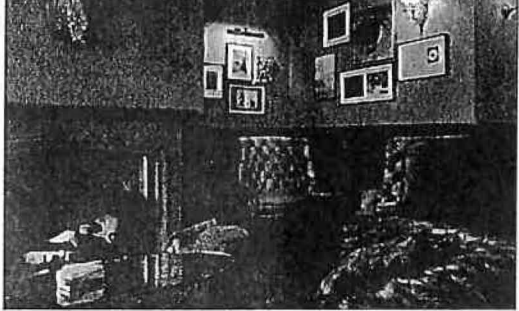
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### 3) BUSINESS OVERVIEW

#### *Business Overview*

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Common House will begin at 206 West Market Street, which was purchased by Derek and Josh in 2013. Coincidentally, 206 West Market Street was originally built in 1913 as Mentor Lodge, a vibrant social club serving the Vinegar Hill community in Charlottesville for decades. Mentor Lodge was one of many social clubs in the city at that time, clubs that offered a place to congregate, socialize, dance, and find inspiration from fellow residents. Common House draws on that historical role of the social club in defining its own place in the community, seeking to create a space where people from the creative classes of art and commerce can come together to eat, drink, and thrive in a stimulating and well-curated environment. Our focus will be to create a comfortable, generous space combining interesting architecture and tasteful, relaxed furnishings that elicit a 'home away from home' atmosphere for our members and their guests.

- The ~7,000 square feet will include a bar, a restaurant, back-of-house services, a roof deck, and a rentable event space (Vinegar Hall) that will double as a co-work space during week days. The restaurant will have capacity for comfortable seating of 80 members on the main level and 40 members on the roof-top terrace. The bar will have capacity of 20 members. The lower level event/co-work space will seat up to 60 guests comfortably.
- 
- The primary membership ("House Member") entails an initiation fee and monthly dues that individuals pay in order to have unlimited use of the club's facilities during regular business hours. Members are permitted to bring up to 3 guests without prior notice. If notification is given in advance, members can bring additional guests to enjoy the club.
  - Common House sells breakfast, lunch, and dinner, all prepared in house by an expertly trained staff. Everything from specialty handmade cocktails to local beer and wine is available from the bar. Meals can be taken anytime and anywhere in the club, as determined by the member.
  - Membership also includes special programming, such as our Common Knowledge Series and Bridge Room Sessions. Common Knowledge is an ongoing series of seminars led by local craftsman and notable persons on topics ranging from "Whole Hog Butchery," with a feast to follow, to "Home Craft Brewing" and accompanying local beer tasting. Bridge Room Sessions are private shows where visiting musicians play pop-up, stripped-down sets for members in our Bridge Room, the smallest venue in town.
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- Common House expects to form a multitude of reciprocal partnerships both in communities in which we operate and elsewhere. This could include discounts at hotels and local businesses, access to athletic facilities, other private clubs, events, etc.

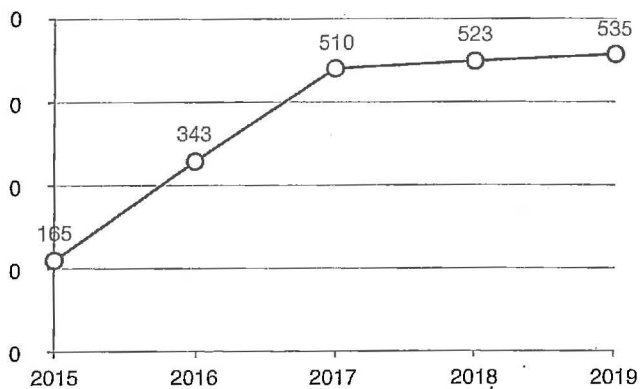
The company will make profits from the following revenue streams:

- Membership dues and initiation fees revenue
- Restaurant food and beverage revenue
- Events food and beverage revenue

#### Common House - Charlottesville

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Projected Charlottesville In-Town Membership



## 6) PROPOSED BUILD-OUT

### *The Building*

Common House is a full-service social club occupying a historic two-story building at 206 West Market Street. The ~7,000 square feet will include a bar, restaurant, roof-top terrace, back-of-house services, and a rentable event space that will double as a co-work space during weekdays.

The building was originally built as Mentor Lodge, a thriving social club serving the then largely African American neighborhood of Vinegar Hill and providing a venue for dances, political meetings and music concerts for more than six decades.

After thirty years of miscellaneous uses, the building is returning to a legacy of shaping social activity in Charlottesville and beyond.



In addition to a rich and relevant past, the building's location at the corner of Market and 2nd streets situates the club close enough to the bustling Downtown Mall retail, restaurant and entertainment activity to be supremely convenient but also just out of the spotlight where members can enjoy a certain amount of privacy while visiting the club. The only notable membership clubs serving the area, Farmington Country Club and Keswick Club, are 13 and 16 minute drives from downtown, respectively. Common House will be the only club

in walking distance to Charlottesville's major downtown attractions.

### *Renovations*

The building will be renovated in such a way as to offer an informal yet utterly stylish environment for our members to use as something of a home-away-from-home, a place where one always feels comfortable and welcome while either relaxing, refreshing or conducting business. The spaces will be designed to please the tastes of a discerning membership and inspire creativity and social activity.

An important reason for us in choosing the building at 206 West Market was its intimate historical relationship with Charlottesville, having been woven into the city's social fabric for more than a century, and its brick walls, tin ceilings, and general sense of scale create a space which is unmistakably authentic. With our renovations we intend to breathe a contemporary vitality into the historical soul of the building, creating something that is both

classic and future-bound, something to give the building the feeling of having always been here yet alive and bright-eyed.

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**GENERAL NOTES**

1. Site plan prepared by Clark Gathright, P.E.  
2. Boundary, property and adjacent information from site plan by Roger Ray & Associates, dated Nov. 12, 2013.  
3. The topographic survey was completed under the direct and responsible charge of Brian E. Day from an actual ground survey made under my supervision on November 12, 2013, and that the said work of said professional date noted.  
4. All work within the City right-of-way will require the following permits:  
a) Street and/or right-of-way obstruction permit provided by Public Works Service Bureau - telephone number 870-3800.  
b) Temporary Street Closure permit provided by City Traffic Engineer - telephone number 870-3182.

5. Plans, by and for, and any construction the contractor shall be responsible for, additions or modifications to the construction of any existing utility structure, shall be the responsibility of the contractor. Required specifications are as follows:  
a) Water lines by Public Works - telephone number 870-3800.  
b) Sewer lines by Public Utilities - telephone number 870-3800.  
c) Stormwater, storm structures etc. by City Engineer - telephone number 870-3182.  
d) Electric measures by Electric Utility Administrator - telephone number 870-3182.  
6. The contractor shall be responsible for obtaining the necessary construction related permits for the work of alterations to existing utility structure throughout the course of the project.

- a) Erection & Scaffolding contractor, EAC Zoning Admin, 970-3182
  - b) Scaffolding contractor, EAC Zoning Admin, 970-3182
  - c) Scaffolding contractor, Public Utilities 970-3800
  - d) Public Works Service Bureau, Public Utilities 970-3800
  - e) Street Closures, Public Services 970-3182
  - f) Other Public Works, City Engineer 970-3182
7. There are no underground utilities, waterlines, or other bodies of water depicted on or near the site.
8. The site is not within a 100-year floodplain.
9. This project will not be phased.
10. No crosses will be detected or removed for public use.
11. No wetlands, wetlands, or substitution requests are anticipated.

**CONTRACT NOTES & SPECIFICATIONS**

1. The contractor shall provide a copy of the subcontractor which is the contractor's sole responsibility for the entire project.
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8. All other notes, notes and the typical agreement/resolution shall be performed by the Contractor.

# COMMON HOUSE

## Charlottesville, Virginia

### SITE PLAN AMENDMENT

**Project Notes**

Owner/Developer: 5427 Commonwealth Rd., New Market, VA 22847  
Title Map # Parcel: T-1, 3A Parcel 270  
Site Area: Project Parcel 4.888 SF (0.102 AC)  
Zoning: D-1H  
Existing Conditions & Demolition: See Sheet C-1.0  
Existing Two-story Building to remain. Existing one-story building to be removed.  
Proposed: Zoning Problem, Showa problem: None  
Electrician: None  
Plumber: None  
Roof: None  
Slope: None

**Site & Utility Notes**

Water: Existing domestic lateral  
Sewer: Existing lateral, remains if in contact with building  
Storm: No detention required  
Site Lighting - None proposed. Existing street lights and utility lighting on adjacent buildings

**Proposed Development**

Year: Existing 2-story building to remain, with new 3-story addition.  
2nd Floor, new 3-story addition - 1,300 SF  
3rd Floor, new 3-story addition - 1,300 SF  
Total: 2,600 SF  
Net floor/total finished: 1,300 SF

**Lot Usage**

Building	Area (SF)	Area (Ac)
Building	2,370 SF	0.054 AC
Driveway	1,815 SF	0.042 AC
Garage	1,425 SF	0.033 AC
Other	3,285 SF	0.075 AC
<b>Total</b>	<b>8,900 SF</b>	<b>0.204 AC</b>



Existing street name  
Two Owner Residences  
100% canopy required  
Building footprint one canopy covers area of a building  
from the green the area shown the site is located within a  
canopy (except area)

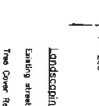
Site  
- Canopy  
- Driveway Access  
- Sidewalk  
1,450 SF  
3,200 SF  
0 SF  
1,247 SF  
125 SF  
570 SF

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- 7. General Information
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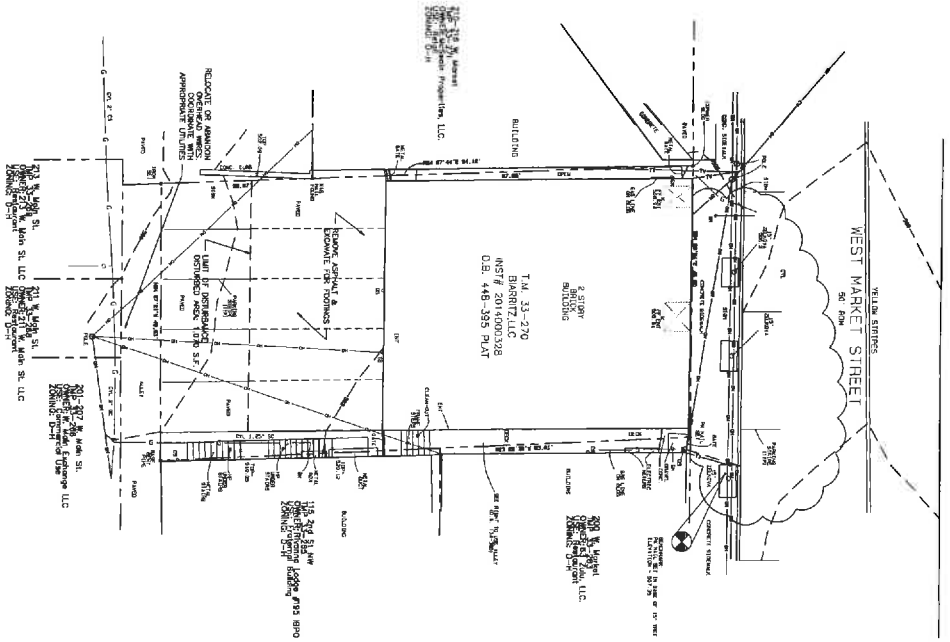
**Signature**

DRAWING INDEX  
1 T-1.0 TITLE SHEET  
2 C-1.0 EXISTING CONDITIONS & DEMOLITION PLAN & SITE PLAN

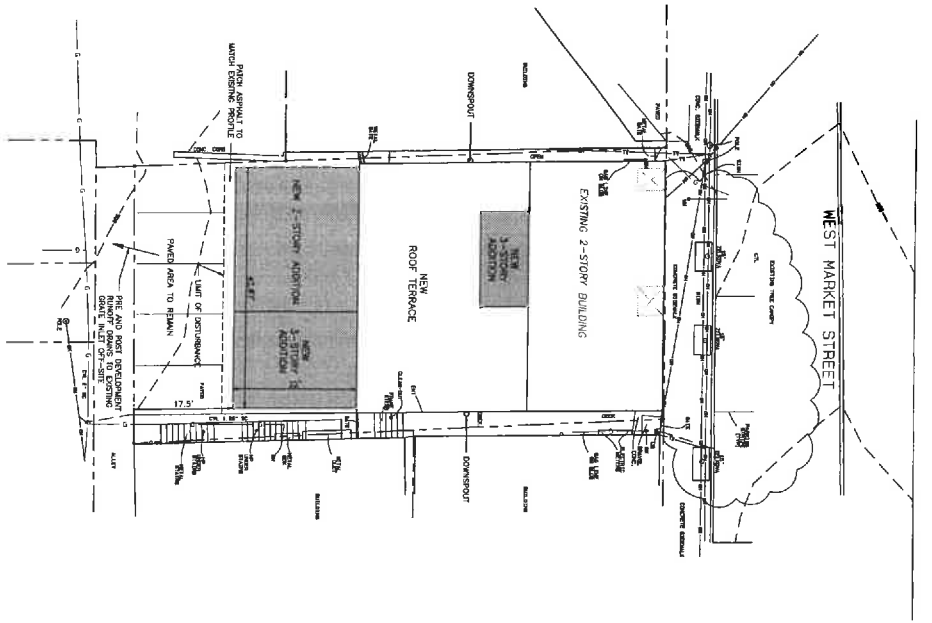


**B. Clark Gathright, LLC**  
100 10th St. NE Suite 200  
CHARLOTTESVILLE, VIRGINIA 22902






1. EXISTING CONDITIONS & DEMOLITION PLAN



2. SITE PLAN



	<b>B. Clark Gathright, LLC</b> 100 10th St. NE Suite 200 CHARLOTTESVILLE, VIRGINIA 22802	
	<b>COMMON HOUSE</b> T.M. 33 Parcel 270 206 W. Market St., Charlottesville, VA <b>EXISTING CONDITIONS &amp; DEMOLITION PLAN &amp; SITE PLAN</b>	
REVISIONS DATE 11-24-15 DRAWING NUMBER <b>C-1.0</b> SHEET 2 OF 2		

**Base Information**

<b>Parcel Number:</b>	330270000	<b>Current Owner:</b>	BIARRITZ, LLC
<b>State Code:</b>	4.0 Comm. & Ind.	<b>Attention:</b>	DEREK SIEG
<b>Tax Type:</b>	Taxable	<b>Owner Address:</b>	5473 GORDONSVILLE RD
<b>Zone:</b>	DH	<b>Owner City State:</b>	KESWICK VA
<b>Appraiser:</b>	JD	<b>Owner Zip Code:</b>	22947
<b>Acreage:</b>	0.1030		
<b>Asmt Reason:</b>	General Reassessment		
<b>Legal:</b>	LOT		

**Additional Data**

<b>Elementary School Zone:</b>	330270000
<b>Voting Precinct:</b>	4.0 Comm. & Ind.
<b>Neighborhood:</b>	Taxable

**Stormwater Utility Information**

<b>Impervious Area:</b>	9
<b>Billing Units:</b>	4,441 sq. ft.
<b>Projected Stormwater Utility Annual Fee:</b>	\$129.60

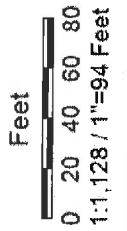
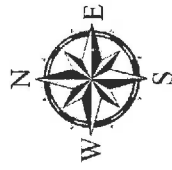


**Commercial Details**

<b>Use Code:</b>	Office Building
<b>Year Built:</b>	1913
<b>Gross Area:</b>	4772
<b>Story Height:</b>	12.00
<b>No. of Stories:</b>	2.00

**Legend**

- Parcels
- Addresses
- City Limits



**Title: Parcels**

*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 Charlottesville is not responsible for its accuracy or how current it may be.*