



CITY COUNCIL AGENDA
June 15, 2015

6:00 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
Second Floor Conference Room (City Manager's annual performance evaluation)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

Council Chambers

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

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

- a. Minutes for June 1
- b. APPROPRIATION:
- c. APPROPRIATION:

Domestic Violence Services Coordinator Grant – \$44,876 (2nd of 2 readings)
Revenue Sharing for Sidewalk Construction – Appropriate & Transfer \$350,000
(1st of 2 readings)

- d. RESOLUTION:
- e. RESOLUTION:
- f. RESOLUTION:

Longwood Drive PUD Recommendation (1st of 1 reading)
Naylor St. Sidewalk Waiver (1st of 1 reading)
Affordable Dwelling Unit Ordinance Standard Operating Procedures/Regulations Revision
(1st of 1 reading)

- g. RESOLUTION:
- h. ORDINANCE:
- i. ORDINANCE:

Funds Transfer to Smith Aquatic & Fitness Center Account – \$150,000 (1st of 1 reading)
Sidewalk Provision (VA Code update) (2nd of 2 readings)
Affordable Dwelling Unit Revised Definition (2nd of 2 readings)

**2. PUBLIC HEARING /
RESOLUTION***

Four Party Agreement (1st of 1 reading)

**3. PUBLIC HEARING /
RESOLUTION***

CACVB/Transit Lease Renewals (1st of 1 reading)

4. RESOLUTION*

West Main Street Zoning Initiation (1st of 1 reading)

5. ORDINANCE*

William Taylor Plaza Planned Unit Development Amendment (1st of 2 readings)

6. ORDINANCE*

Development Code Changes for Application Review Process (1st of 2 readings)

7. REPORT*

Funding for CRHA Positions (1st of 1 reading)

OTHER BUSINESS

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: May 18, 2015

Action Required: Report only

Staff Contacts: Missy Creasy, Interim Director, NDS
Carrie Rainey, Urban Designer, NDS

Subject: West Main Street Zoning Initiation Report

Background

West Main Street is a dynamic corridor that is experiencing an influx of new development and redevelopment/revitalization of existing structures. Over the past few years, there have been a number of development projects both proposed and constructed along West Main Street, particularly west of the Bridge. Many of these developments have been designed to maximize height and bulk. Of the developments constructed along the corridor, many have been perceived by the public as too large, too tall, lacking in open spaces and character, and not compatible with adjacent streets and neighborhoods.

Zoning is a tool often used by communities to help guide and manage development. The proposed Form Based Code (FBC) seeks to alleviate the concerns revolved around development in the West Main corridor by establishing clear building envelopes, reducing allowable heights, specifying transparency and minimum access points, and discouraging monolithic facades with blank wall requirements.

The West Main Street corridor is currently comprised of two zoning districts-- the north side of West Main Street falls within the "West Main Street North Corridor" (WMN) and the south side falls within the "West Main Street South Corridor" (WMS). Both districts include minimum heights of 40' for new development but the districts vary in maximum height allowance. The maximum height of buildings is taller on the south side of the street at 70', and up to 101' with a Special Use Permit (SUP). The north side of the street includes a minimum height of 40' with a maximum height of 60', and up to 70' with a SUP.

West Main Street is comprised of an eclectic mix of buildings, where the pattern of development occurring east of the bridge is of smaller scale than the pattern of development on the west side. West of the bridge, newer buildings, such as the University of Virginia Children's Hospital and The Flats

residential building, are taller and larger in scale compared to their historic and contributing neighbors. East of the bridge, more historic and contributing buildings, comprised of 1-2 story businesses and restaurants, have survived, creating a lower skyline. Buildings provide an important “structure” to the public realm of the street. The built edge along West Main Street is uneven, with gaps and openings along the entire corridor. These gaps are typically comprised of driveways and parking lots. Buildings located close to the street create a rhythm of storefronts, porches, and outdoor cafes, all of which activate the street. Buildings such as the First Baptist Church and Amtrak Train Station are notable buildings on West Main and are important landmarks. Many older structures are set back from the street and a number of large parcels along West Main Street are undeveloped or paved as parking lots, creating a number of potential future development sites. The topography of the street also contributes to the diversity of the street.

West Main Street is an Architectural Design Control District (ADC) due to its unique architectural and historic value. All properties are subject to review by the Board of Architectural Review (BAR) for any exterior construction, reconstruction, alteration, or restoration (see Section 34-275- *Certificates of appropriateness; construction and alterations* of the City Code of Ordinances for more information). In addition, no contributing structure may be demolished without BAR approval (see West Main Street Zoning Map). The ADC Guidelines, last amended on December 2, 2013, assist applicants with creating appropriate designs for projects in the corridor. The BAR utilizes the guidelines and discretion to determine if proposed projects are appropriate in context and detail. The following standards are considered (per Section 34-267- *Standards for review of construction and alterations* of the City Code of Ordinances):

1. *Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
2. *The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
3. *The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
4. *The effect of the proposed change on the historic district neighborhood;*
5. *The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
6. *Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
7. *When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and*
8. *Any applicable provisions of the city's design guidelines (see section 34-288(6)).*

Discussion

FBCs use physical form as the organizing principle and strive to foster predictable built results and high-quality urban form. To put it simply, a FBC designates the box a building may occupy, as well as requires certain building elements to encourage a vibrant street adjacent to development. The proposed FBC for West Main Street does not propose significant changes to the existing allowable uses in the corridor, but does propose slight modifications to the Use Matrix, in order to compliment the reorientation of zoning districts from north-to-south to east-to-west, as well as some slight modification of required improvements for new development (see *Article VIII of Chapter 34 of the existing City Code of Ordinances: Improvements Required for Development*). However, several zoning provisions will be greatly altered and are discussed below.

Zoning Districts

As a practical matter, the development character along West Main Street changes along the corridor between east and west, and not north to south, as suggested by our current zoning district classifications. The street today comprises a mix of building styles including a mix of historic and modern structures, various building shapes and sizes including modest, two-story single family houses, large, multi-family residences, and institutional structures. The railroad bridge at the mid-point between downtown and The University of Virginia demarcates an approximate dividing line between larger and smaller scale structures on West Main Street: the tallest and newest buildings (i.e. 6-10 stories) are generally west of the bridge, while shorter and narrower buildings (i.e. 2-4 stories) are to the east. The FBC proposes to re-define and re-name the zoning district boundaries, to reflect existing and anticipated patterns of development.

Height and Stepbacks

Height--The FBC proposes to establish maximum allowable heights that are lower than the existing heights allowed by current zoning regulations. An economic analysis was performed by Robert Charles Lessors & Company (RCLCO) Real Estate Advisors. The RCLCO analysis found that the reduction in height would not generate a net adverse fiscal impact. This analysis was performed on three sites in the corridor (see Economic Impact Site Selection), chosen for both their redevelopment potential and location on West Main Street (locations of varying topography).

Yard/ Stepback Issues--In addition to traditional stepbacks, the FBC for West Main Street also proposes a stepback of 45 degrees (known as a bulk plane) adjacent to any other district. The bulk plane starts at the maximum allowable height of the adjacent district and then steps back at 45 degrees to the height of the new building. The bulk plane is intended to protect lower scale uses in adjacent zoning districts and create more of a seamless transition between dissimilar uses, thus, promoting physical compatibility between the two districts.

Street Activity

The FBC for West Main Street proposes to establish new requirements, intended to activate streets adjacent to new developments. Requirements include minimum transparencies, blank wall maximum heights, and pedestrian access points. Under our existing zoning ordinance, the presence or absence of these elements is reviewed by the BAR in its evaluation of whether a certificate of appropriateness should be granted for a proposed development (see the following section).

Board and Commission Review

Adoption of the FBC for West Main Street would alter the role of the BAR in the review of development projects. Typically, enabling legislation authorizing BARs provides that they may review architectural/design features to determine the compatibility of a proposed development with historic landmarks, buildings and structures (Va. Code 15.2-2306(A)). However, this does not authorize the BAR to modify or amend requirements of the zoning ordinance (such as minimum or maximum required setbacks; minimum or maximum required heights, etc.). As a result, to the extent that a FBC zoning ordinance establishes mandatory standards or requirements for a building or development, the BAR could not override those specific standards during the certificate of appropriateness review process.

Under Virginia law, zoning ordinances may regulate, restrict, permit, prohibit and determine: the size, height, area, bulk, and location of buildings and structures; and the areas and dimensions of land, water and air space to be occupied, or to be left unoccupied, by buildings and structures. However, some of these issues may also be regarded as architectural/ design issues that could affect the compatibility of a particular proposed development with the historic character at a specific location.

While the BAR would continue to exercise jurisdiction over most architectural features and material choices, the FBC regulations would govern several matters currently only reviewed by the BAR as architectural/ design issues:

1. **Transparency requirements** (*Article 2.1.M Transparency* of proposed FBC): The BAR currently determines the compatibility of proposed windows in transparency, proportion, placement, and size. However, the FBC proposes the regulation of windows through transparency requirements that designate percentage of building story as well transparency of the window itself.
2. **Blank wall requirements** (*Article 2.1.N Blank Wall Area* of proposed FBC): The BAR currently determines the compatibility of proposed façade elements in proportion, placement, and size. However, the FBC proposes regulating these elements by imposing maximum areas of a single material before there is a substantial change of material.
3. **Building element requirements** (*Article 2.1.P Building Elements* of proposed FBC): The BAR currently determines the compatibility of proposed elements such as awnings, balconies, porches and forecourts in proportion, placement, and size. However, the FBC proposes regulating these elements by regulating allowable dimensions and locations.

In addition to altering the BAR's role in development review on the corridor, the FBC would limit the influence of the Planning Commission and City Council, because SUPs will no longer be issued for

additional height. SUPs will still be required for certain uses on the corridor, as in the current City Code of Ordinances (see *Article 3.1 Table of Permitted Uses* of proposed FBC). However, the removal of SUPs for height will limit the projects on which the Planning Commission or Council can request additional amenities or impose conditions to reduce impacts as these projects will no longer be under their purview. The FBC also does not include any density requirements or restrictions, removing the need for SUPs for increased density (i.e., so long as a proposed building fits within the “envelope” required by the FBC, the zoning regulations would no longer be concerned with the number of residential dwelling units in that building) . However, parking requirements are still in effect in the FBC, limiting the achievable density, as a practical matter.

Community Engagement

West Main Street Steering Committee

The West Main Street project has been guided by a Steering Committee comprised of local business owners, residents of the adjacent neighborhoods, and representatives from various advisory groups. The Steering Committee produced a memo regarding the West Main Street project on March 3rd, 2015 outlining their support of zoning changes for the corridor (see Steering Committee Memo to Council). The memo includes the following excerpt: *We all believe the potential new zoning framework is crucial for the preservation of the corridor’s historic character and for its sensitive redevelopment. Moving forward with the required legal process is an essential first step in addressing a shared community vision for West Main.*

Public Meetings

Three (3) public meetings were held to gather input on what the corridor is to the various stakeholders that live, work, travel, and play on West Main Street. Each meeting had close to or over 100 citizens in attendance. Several themes developed from these discussions:

1. Celebrate history
2. Accommodate people who walk, bike, drive, and ride transit
3. Increase public green space and tree canopy along the street
4. Encourage a mix of land uses that support local residents and students

Through the public engagement process, many participants noted that the “eclectic mix” of buildings and “small town” character of West Main Street should be retained. Factors that contribute to this characteristic include the height and mass of existing buildings, as well as the relationship between buildings and the street. The relationship between existing development and larger proposed, new development should be compatible to ensure that the community vision of West Main Street is retained.

Form Based Code Work Sessions

On March 17th, 2015, three (3) work sessions were held with the consultant drafting the FBC and various stakeholder groups, including Council, the Planning Commission, the BAR, the West Main Street Steering Committee, and the Midtown Business Owners Association. In addition, a public meeting was held the same evening to provide citizens a chance to provide input and ask questions. Additional comments were collected in the following weeks for consideration during the creation of the final draft of the FBC.

2014 Council Vision Areas

Economic Sustainability

The West Main Street FBC is likely to encourage redevelopment on West Main Street by providing clear and understandable limits for building envelopes, facades, and access. The FBC replaces much of the BAR's discretionary review, potentially reducing the application process and time required. These factors may reduce the associated costs of redevelopment and encourage such activities.

Quality Housing Opportunities for All

The West Main Street FBC is likely to encourage redevelopment on West Main Street by providing clear and understandable limits for building envelopes, facades, and access. The FBC replaces much of the BAR's discretionary review, potentially reducing the application process and time required. These factors may reduce the associated costs of redevelopment and result in more affordable housing options. However, affordable housing is also a requirement of SUPs, which will no longer be allowed for additional height with the proposed FBC.

Strategic Plan Goals

Goal 2: Be a safe, equitable, thriving and beautiful community

2.6. Engage in robust and context sensitive urban planning: The West Main Street FBC is the result of extensive analysis of the existing urban form, as well as community input on the desired urban form for the corridor. The FBC sets standards to maintain the unique fabric of West Main Street while encouraging development along the corridor by providing clear standards and requirements.

Goal 3: Have a strong diversified economy

3.2. Attract and cultivate a variety of new businesses: The West Main Street FBC provides clear requirements for developers. The reduced control of the BAR may encourage development by local or smaller developers, as less time and expense is typically required to develop under a FBC.

3.3. Grow and retain viable businesses: The West Main Street FBC encourages development of all sizes due to easy to understand requirements and the removal of the uncertainty typically perceived in a BAR review process.

Budgetary Impact

The West Main Street FBC or other zoning ordinance changes will have no direct impact on the City budget. Staff time will be required during the study, drafting, and potential adoption of the ordinances.

Recommendations

Council has asked for this item to be on the agenda in the form of a report. Staff has developed recommendations for review and welcomes any feedback to assisting in refining information which will come back in the future.

While there may be several benefits to the implementation of a FBC on West Main Street, as outlined in this report, staff does not recommend adopting a FBC on West Main Street due to the prevalence of contributing properties and the existing ADC district and associated BAR review. With the adoption of the FBC, the discretion of the BAR will be reduced to mostly materials selection.

Staff does recommend incorporating several key components from the proposed FBC for West Main Street into the existing zoning ordinance:

1. Reorientation of zoning to be categorized by east-west instead of north-south differentiations and associated modifications to uses categories. (see *Article 2.2: Districts, Article 3: Land Use*)
2. Reduced building height of 75-feet west of the bridge, and 52-feet east of the bridge with no additional heights allowed through Special Use Permit. (see *Article 2.2: Districts*)
3. Bulk plane requirements to step down large buildings to the same scale as adjacent residential districts along shared property lines. (see *Article 2.1.K.1: Rules Applicable to All Districts, Neighborhood Compatibility, Bulk Plane*)
4. Removal of density requirements for residential uses.
5. No parking required for new or existing retail under 5,000 square feet in floor area. (see *Article 4.2.A.2: General Development Standards, Off-Street Parking and Loading*)
6. New bike parking regulations for short- and long-term parking based on enclosed floor area. (see *Article 4.3.A-B: General Development Standards, Bicycle Parking*)

It is important to note that these recommended additions will limit SUPs and the related Council and Planning Commission review to certain uses, and will remove SUP review for height and density. Please see the *Discussion: Board and Commission Review* section above for more information. Review by the BAR will remain as it is today.

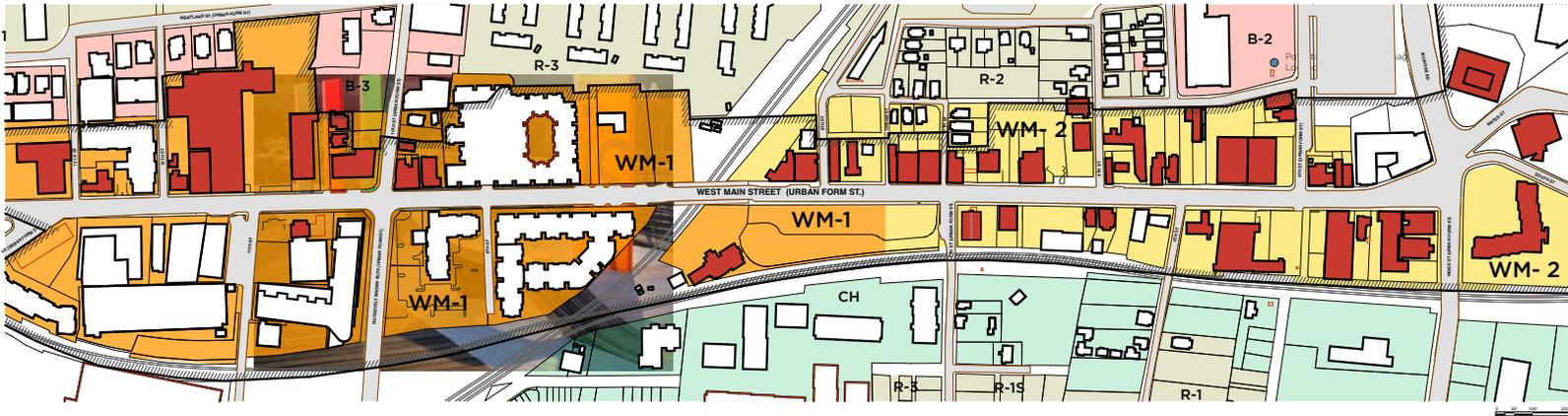
Staff believes the FBC puts forth many valuable concepts that will result in higher quality development in other, less sensitive areas of the City. Staff recommends applying the concepts proposed in the FBC to other areas of the City where they may be more appropriate. One potential location is the Strategic

Investment Area (SIA), approximately bounded by the CSX Buckingham Rail Line to the north, Rialto Street to the east, Palatine Avenue to the south, and Ridge Street to the west. The SIA was recently the focus of an area plan approved in December 2013, and is envisioned to undergo extensive revitalization in the future.

Alternatives

1. Council may direct the Planning Commission to study the use of a Form-Based Code for West Main Street, and to either:
 - a. initiate zoning code amendments for West Main Street, or
 - b. report its findings to City Council.
2. Council may direct staff to study the code changes noted in the recommendation section above, and to make recommendations to the Planning Commission for consideration as Code amendments, and to report its findings to City Council for further consideration.
3. Council may take no action, if it chooses, or may defer any decision until a later date.

West Main Street Form Districts



City of Charlottesville, Virginia

Review Draft

May 1, 2015

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ARTICLE 1. GENERAL PROVISIONS

Article 2. General Provisions / Div. 1.1. Purpose-1.4. Districts Established

Div. 1.1. Purpose

The purpose of the West Main districts is to implement the City of Charlottesville Master Plan for West Main Street.

Div. 1.2. Transitional Provisions

A. New Development

On the effective date of the West Main Street Form Districts or any subsequent amendment, any new building or other structure or any use of land must be constructed or developed only in accordance with all applicable provisions of the Form Districts.

B. Existing Development

Any existing use, lot, building or other structure legally established prior to the effective date of the Form Districts that does not comply with any provision of these Form Districts is subject to the provisions of Chapter 34, Division 8. Nonconforming Uses, Lots and Structures, as specifically modified in Sec. 2.1.D.3.

C. Other Applicable Provisions

The following provisions of Chapter 34 also apply in these Form Districts.

1. Article I, Administration.
2. Article II, Overlay Districts (including Historical Preservation and Architectural Design Control Overlay Districts), where such districts are shown on the Official Zoning Map.
3. Article VII, Site Plans, except that review will be conducted by the Director of Neighborhood Development Services.
4. Article VIII, Improvements Required for Developments.
5. Article IX, Generally Applicable Regulations.
6. Article X, Definitions.

Div. 1.3. Interpretation

The graphics, illustrations and photographs used to visually explain certain provisions of these Form Districts are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text, the text controls.

Div. 1.4. Districts Established

The following West Main districts are established and are part of the Official Zoning Map.

- A. WM-1: West Main 1 District
- B. WM-2: West Main 2 District

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

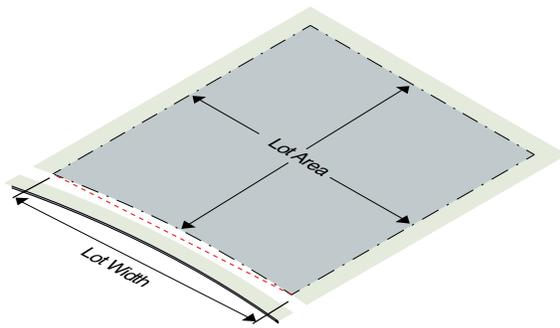
Div. 2.1. Rules Applicable to All Districts

The following general rules apply to all WM- Districts unless expressly stated otherwise.

A. Lot

1. Lot Width

Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.



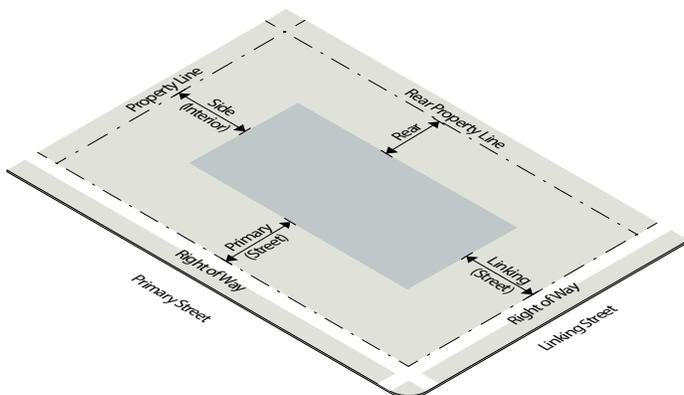
2. Lot Area

Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

B. Building Setbacks

1. Generally

There are 4 types of setbacks – primary street, linking street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where explicitly stated otherwise.



2. Measurement of Building Setbacks

- a. The primary street setback is measured at a right angle from the primary street right-of-way line.
- b. On corner lots, the linking street setback is measured at a right angle from the linking street right-of-way line.
- c. The rear setback is measured at a right angle from the rear property line or the rear right-of-way. The rear property line is the property line opposite the primary street property line.
- d. All lot lines which are not primary street, linking street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

3. Use of Setback Area

The primary or linking street setback area may be used for extension of the sidewalk, plaza, outdoor dining, seating, landscaping, bioretention or other similar uses. This area may include walls under 30" in height.

C. Primary Street Designation

1. Where only one street abuts a lot, that street is considered the primary street.
2. Where more than one street abuts a lot, the following are considered primary streets:
 - a. West Main Street;
 - b. Roosevelt Brown Boulevard;
 - c. Commerce Street;
 - d. South Street;
 - e. Jefferson Park Avenue;
 - f. Wertland Street;
 - g. 10th Street NW;
 - h. 7th Street SW;
 - i. 4th Street NW; and
 - j. Ridge Street.

ARTICLE 2. DISTRICTS

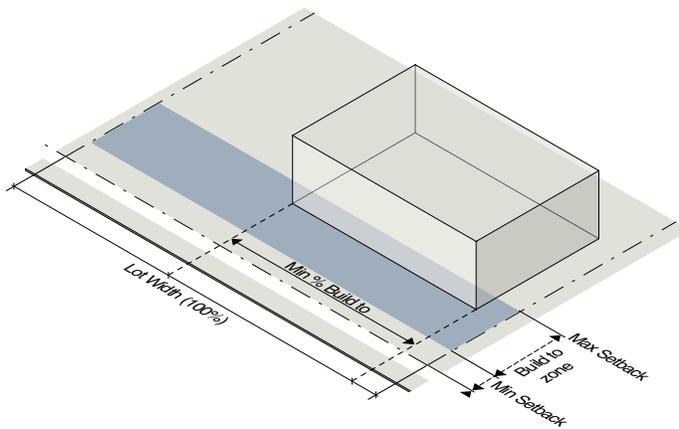
Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

- Where a double frontage lot exists, each frontage is considered a primary street.

D. Building Facade Width

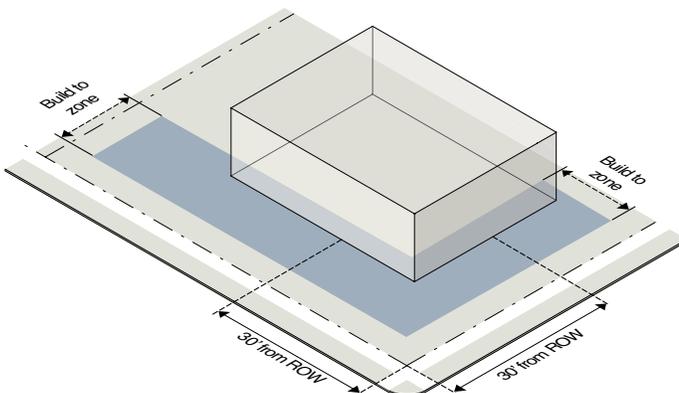
1. Generally

- A certain percentage of the front building facade must be located in the build-to zone, measured as a minimum and maximum setback from the edge of the right-of-way.
- The required percentage specifies the width of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.



2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines. In addition to this corner lot requirement, the minimum building facade width requirement for the district applies.

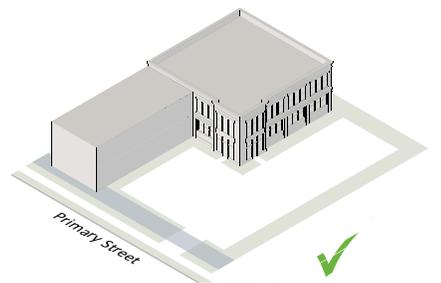


3. Additions to Nonconforming Buildings

Nonconforming buildings are subject to the requirement of Chapter 34, Division 8, Nonconforming Uses, Lots and Structures. Expansion of an existing building which is unable to meet the building facade width requirement must also comply with the following provisions.

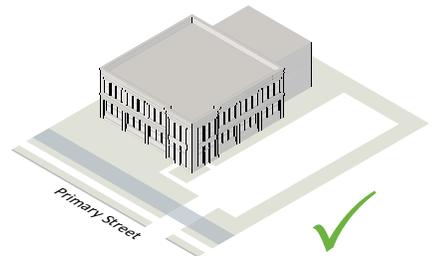
a. Front: Addition

Any addition to the front must be placed so that its facade is located in the build-to zone. The addition does not have to meet the build-to percentage for the lot. Front additions to contributing buildings are not allowed.



b. Rear: Addition

Rear additions are allowed because the extension does not increase the degree of the nonconformity.

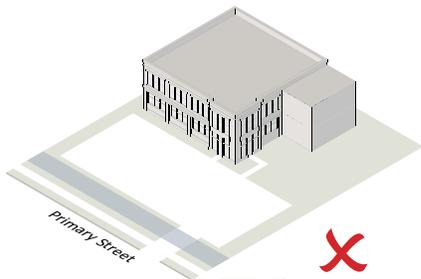


ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

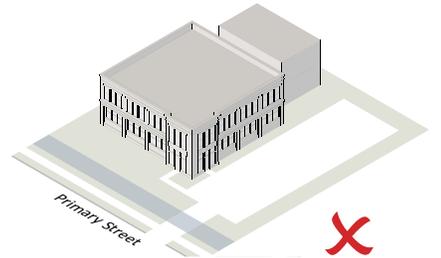
c. Side: Addition

Side additions are not allowed where the extension increases the width of the building not located in the build-to zone. A side addition that extends into the build-to zone is allowed (see Front: Addition above). A side addition to a contributing building must match or exceed the existing building setback.



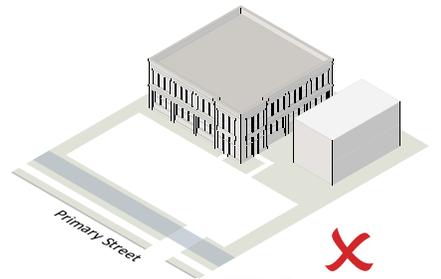
b. Rear: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



c. Side: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

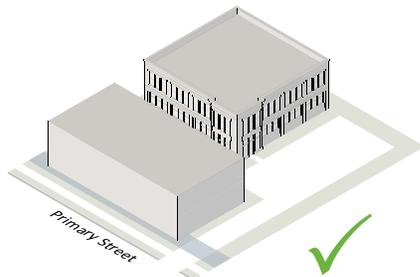


4. New Buildings

Where a new building is being constructed on a lot or site with an existing building that doesn't meet the building facade width requirement, the following provisions apply. Where the location of a new building on the same site as a contributing structure conflicts with historic character, the Board of Architectural Review may modify the provisions of this paragraph.

a. Front: New Building

All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met. Front additions to contributing buildings are not allowed.



E. Parking Location

Where parking is allowed to the side of a building, it must be located at least 15 feet from the back of sidewalk, and the area between sidewalk and the parking must be used for landscaping, pedestrian plaza or other similar purposes (including street furniture and outdoor dining).

F. Setback Encroachments

All buildings and structures must be located at or behind the required setbacks, except as listed below. Unless specifically stated, no building or structure may extend into a required easement or public right-of-way.

1. Building Features

- a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required yard as stated in Sec. 2.2.P.

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

- b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide and cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 1 foot into a required yard, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- c. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- d. Unenclosed patios, decks, terraces or fire escapes may encroach into a side interior or rear required yard, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- e. Handicap ramps may encroach to the extent necessary to perform their proper function.
- f. Structures below and covered by the ground may encroach into a required yard.

2. Low Impact Stormwater Features

- a. Low impact stormwater management features may encroach up to 1 foot into a primary street required yard, including, but not limited to:
 - i. Rain barrels or cisterns, 6 feet or less in height;
 - ii. Planter boxes;
 - iii. Bio-retention areas; and
 - iv. Similar features.
- b. Low impact stormwater management features listed above may encroach into a side interior or rear required yard, provided such extension is at least 2 feet from the vertical plane of any lot line.

3. Mechanical Equipment and Utility Lines

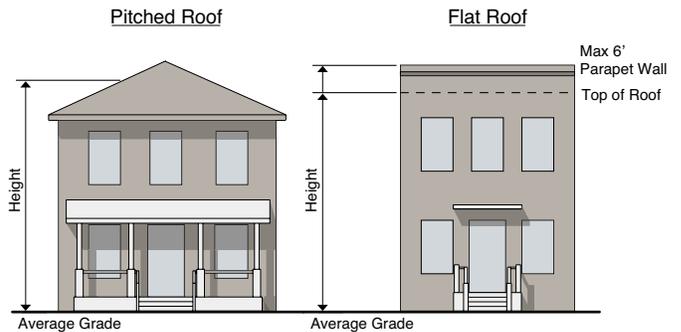
- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side required yard, provided that such

extension is at least 5 feet from the vertical plane of any lot line.

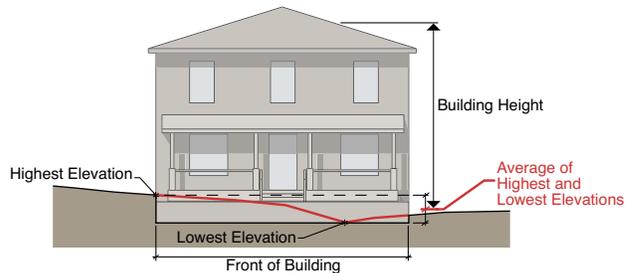
- b. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear or side yard.

G. Building Height

1. Building height is regulated in both number of stories and feet and is measured from the level of the grade of the building footprint to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.



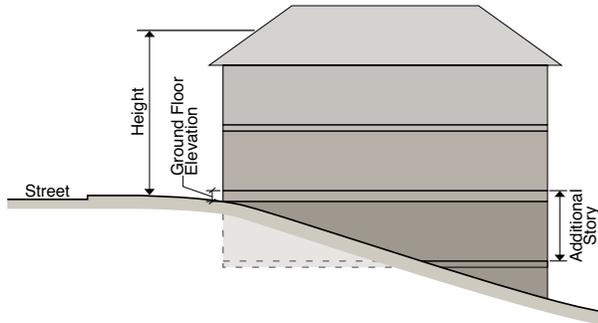
2. Grade is determined by calculating the average of the highest and lowest elevation along existing or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



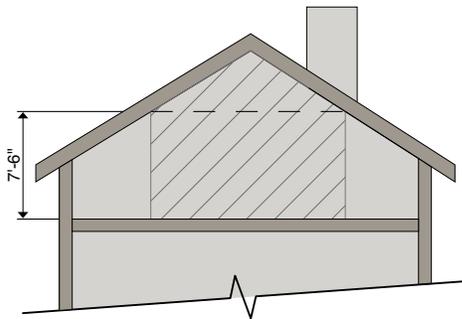
ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

- Where a lot slopes downward from the front property line, one story in addition to the specified maximum number of stories may be built on the lower, rear portion of the lot.



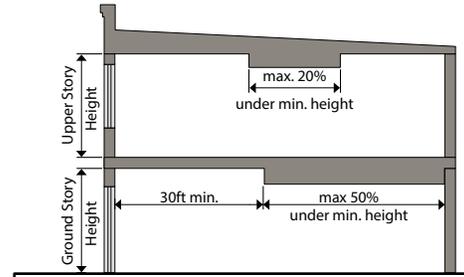
- A basement with 50% or more of its perimeter wall area surrounded by existing grade is not considered a story.
- An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



H. Story Height

- Story height is measured from the top of the finished floor to the ceiling above.

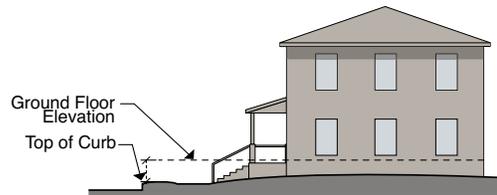
- Minimum ground story height applies to the first 30 feet of the building measured inward from the primary street facade of the building. At least 50% of the ground story must meet the minimum height provisions.



- At least 80% of each upper story must meet the minimum upper story height provisions.

I. Ground Floor Elevation

- Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.



- Minimum ground floor elevation applies to the first 30 feet of the building measured from the back of curb.

J. Building Stepback

- Building stepback is measured as the horizontal distance a building facade is stepped back, on a horizontal plane, from the building facade immediately below it, along a line running parallel with the adjacent street centerline.
- A stepback is required across a minimum of 70% of the facade. The remaining 30% of the facade may contain vertical elements.
- Stepback areas may be used for any purpose allowed in the district, including private outdoor space for tenants or owners.

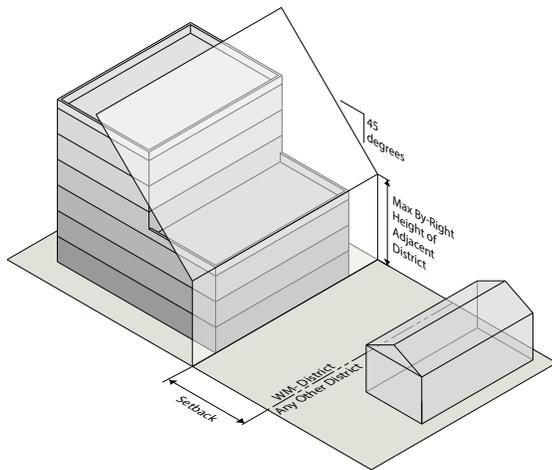
ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

K. Neighborhood Compatibility

1. Bulk Plane

- a. A neighborhood compatibility bulk plane applies where a WM- District abuts any other district. No building may extend into a 45° angular plane projecting above the subject property measured at the interior edge of any required setback, starting at a height equal to the maximum by-right height in the adjacent district.



- b. The bulk plane ends at any public street or other right-of-way (not including an alley).

2. Property Line Buffer

A property line buffer meeting the standards for Screen 2 in Sec. 34-871 is required where a WM- District abuts any other district. No encroachments are allowed within this required property line buffer.

L. Screening

All outdoor storage and loading areas, mechanical equipment and refuse areas must be screened in accordance with Sec. 34-872 (b).

M. Transparency

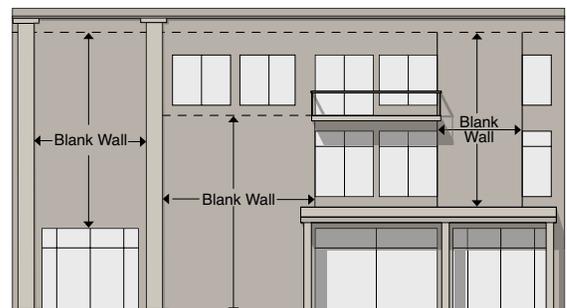
- 1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 2 and 12 feet above the adjacent sidewalk.



- 2. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
- 3. Transparency applies to primary and linking street-facing facades only.
- 4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

N. Blank Wall Area

- 1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).



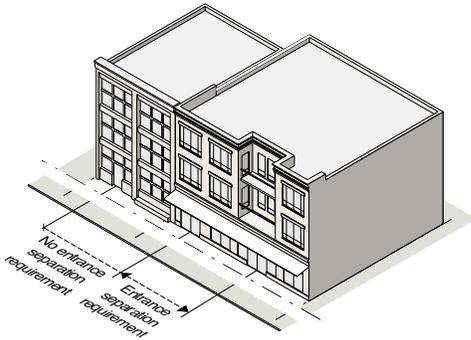
ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies to ground and upper story primary and linking street facades.

O. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.



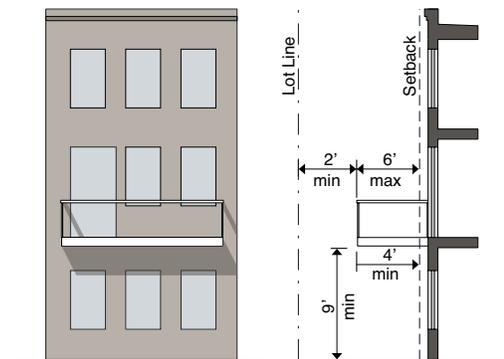
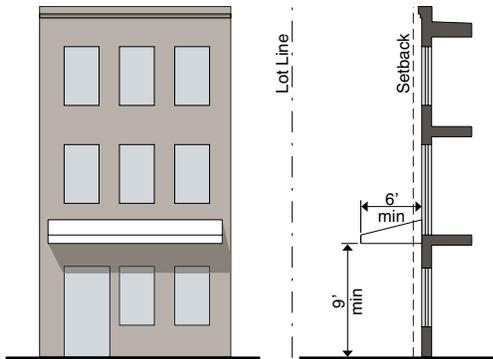
3. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts

P. Building Elements

Individual building elements are allowed in each district.



1. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

- a. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
- b. An awning/canopy may extend into a required setback.
- c. An awning/canopy may encroach up to 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

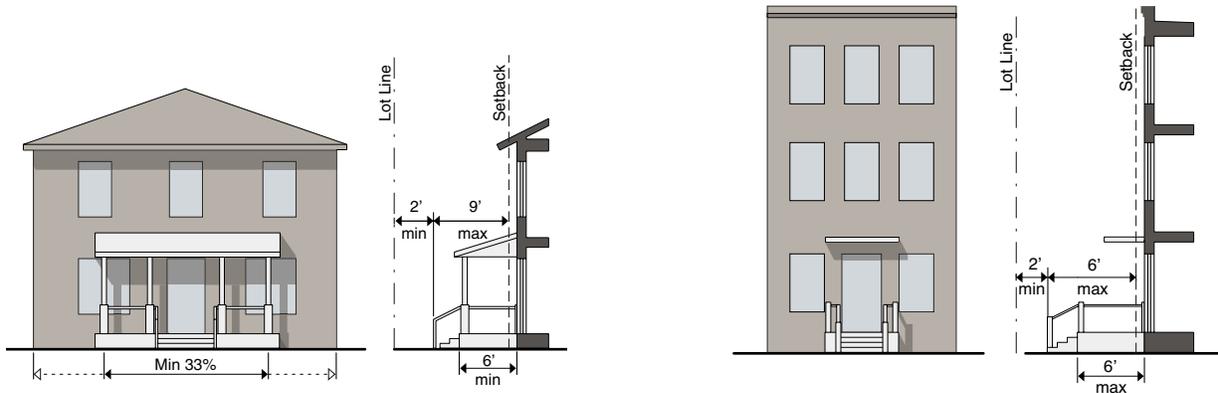
2. Balcony

A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

- a. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- b. A balcony must have a clear height above the sidewalk of at least 9 feet.
- c. A balcony may be covered and screened to protect from insects, but cannot be fully enclosed.
- d. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts



3. Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

- a. A front porch must be at least 6 feet deep (not including the steps).
- b. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.
- c. A front porch must be roofed and may be screened to protect from insects, but cannot be fully enclosed.
- d. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- e. A front porch may not encroach into the public right-of-way.

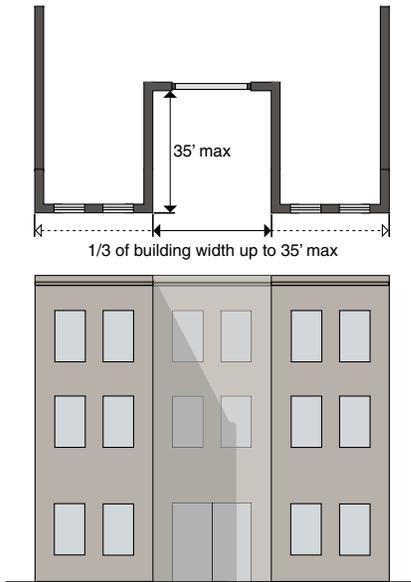
4. Stoop

A small raised platform that serves as an entrance to a building.

- a. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide.
- b. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- c. A stoop may be covered, but cannot be fully enclosed.
- d. A stoop may not encroach into the public right-of-way.

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.1. Rules Applicable to All Districts



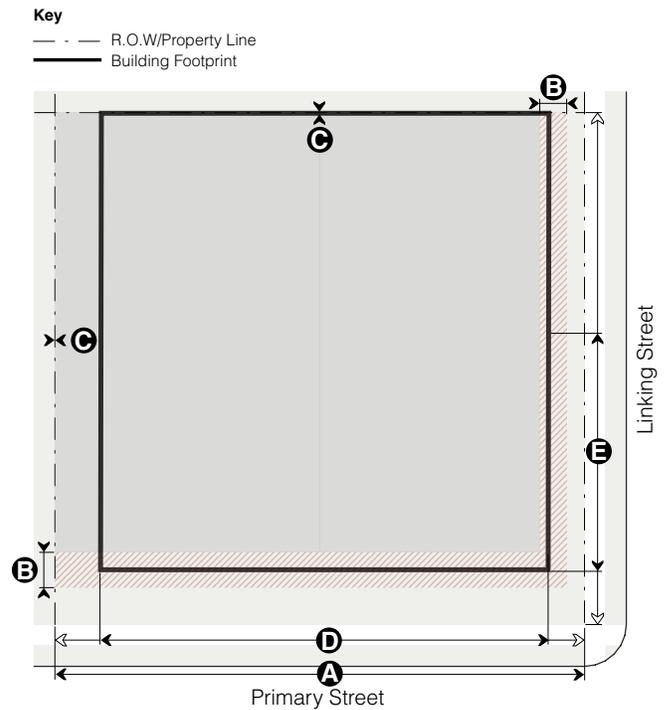
5. Forecourt

An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area that does not extend across the full length of building.

- a. A forecourt must be no more than one-third of the length of the building facade, and in no case longer than 35 feet.
- b. A forecourt may be no more than 35 feet in depth.
- c. A forecourt of at least 10 feet in depth may be counted toward the building setback requirement (where applicable).
- d. A forecourt may also be located internal to the lot, adjacent to one or more sides of the building.
- e. No habitable space may be created above a forecourt. A forecourt may be roofed.
- f. A forecourt is considered as part of the building for the purpose of measuring the build-to zone.

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.2. West Main 1 (WM-1)



A. INTENT

1. The intent of the West Main-1 District is to create a walkable, mixed use "main street" setting that encourages vibrant pedestrian activity.
2. The district is also intended to provide the opportunity for large-scale redevelopment influenced by the location near the University.
3. The district allows a height of 6 stories. Height steps back from Main Street above 60 feet.
4. A tall ground floor encourages retail development.

B. LOT CRITERIA & SITING

Lot

| | |
|----------------------|-----|
| A Width (min) | 25' |
| Area (min) | n/a |

Building Setbacks

| | |
|---|-----------|
| B Build-to zone | |
| Abutting primary street (min/max) | 10' / 20' |
| Abutting linking street (min/max) | 5' / 12' |
| C Side interior and rear setbacks | |
| Abutting any low density residential district (min) | 20' |
| Abutting any other district (min) | 0' |

Building Facade Width

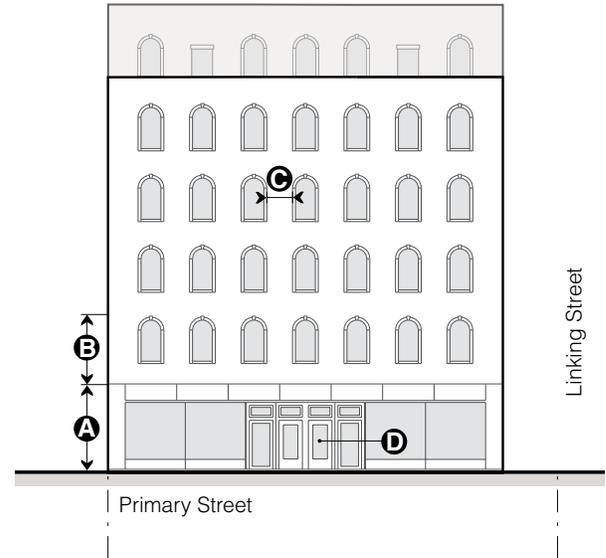
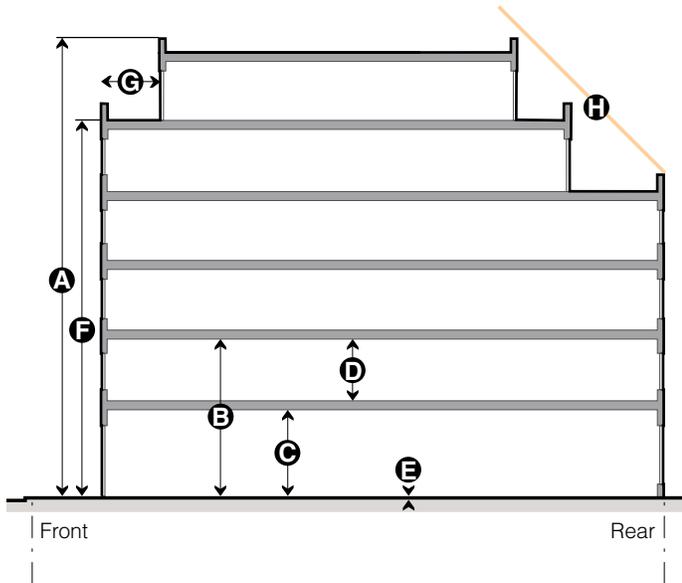
| | |
|--|-----|
| D In primary street build-to zone (min) | 80% |
| E In linking street build-to zone (min) | 40% |

Parking Location

Rear or side yard

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.2. West Main 1 (WM-1)



C. HEIGHT

Building Height

| | | |
|----------|----------------------|-----------------|
| A | Maximum stories/feet | 6 stories / 75' |
| B | Minimum stories/feet | 2 stories / 27' |

Story Height

| | | |
|----------|------------------------|-----|
| C | Ground floor (min) | 15' |
| D | All other floors (min) | 9' |

Ground Floor Elevation

| | | |
|----------|--------------------------|-----------|
| E | Residential (min/max) | 1.5' / 3' |
| E | Nonresidential (min/max) | 0' / 3' |

Building Stepback

| | | |
|----------|-------------------------------|-----|
| F | Height without stepback (max) | 40' |
| G | Primary street setback (min) | 10' |

Neighborhood Compatibility

| | | |
|----------|--|--------------|
| | Abutting WM- District | Not required |
| H | Abutting any other district (see Sec. 2.1.K) | Required |

D. ACTIVATION

Transparency

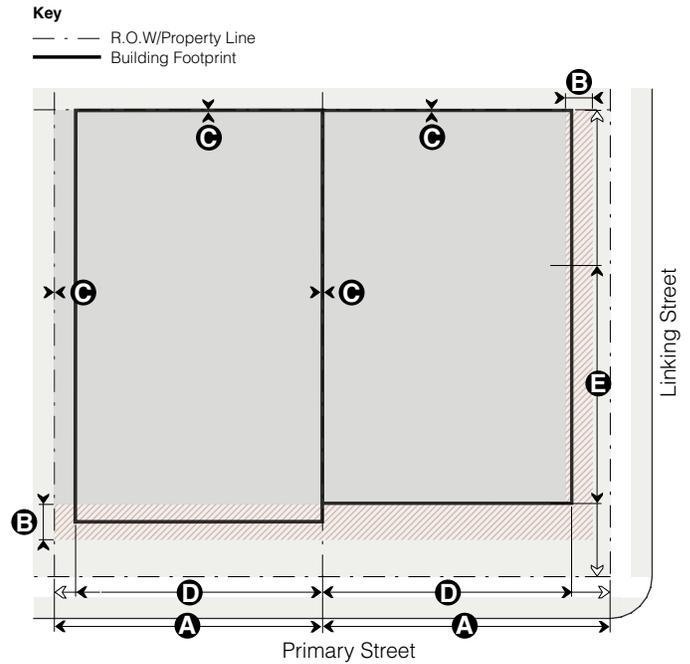
| | | |
|----------|--|-----------|
| A | Ground story (min) | |
| | Residential, primary/linking street | 50% / 30% |
| | Nonresidential, primary/linking street | 60% / 40% |
| B | Upper story (min) | 20% |
| C | Blank wall area length (max) | |
| | Residential | 20' |
| | Nonresidential | 30' |

Pedestrian Access

| | | |
|----------|---|----------|
| D | Entrance facing primary street | Required |
| | Entrance spacing along primary street (max) | 100' |

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.3. West Main 2 (WM-2)



A. INTENT

1. The intent of the West Main-2 District is to create a walkable, mixed use "main street" setting that encourages vibrant pedestrian activity.
2. The district is also intended to retain the fine-grained pattern of existing historic buildings.
3. The district allows a height of 4 stories. Height steps back from West Main Street above 40 feet.
4. Where low-density residential areas abut the district, it is intended to provide a transition in mass as well as a buffer for the surrounding area.
5. A tall ground floor encourages retail development.

B. LOT CRITERIA & SITING

Lot

| | |
|----------------------|-----|
| A Width (min) | 25' |
| Area (min) | n/a |

Building Setbacks

| | |
|---|-----------|
| B Street build-to zone | |
| Abutting primary street (min/max) | 10' / 20' |
| Abutting linking street (min/max) | 5' / 12' |
| C Side interior and rear setbacks | |
| Abutting any low density residential district (min) | 20' |
| Abutting any other district (min) | 0' |

Building Facade Width

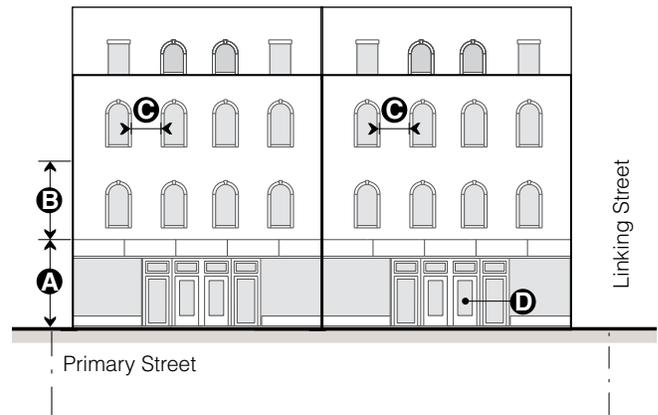
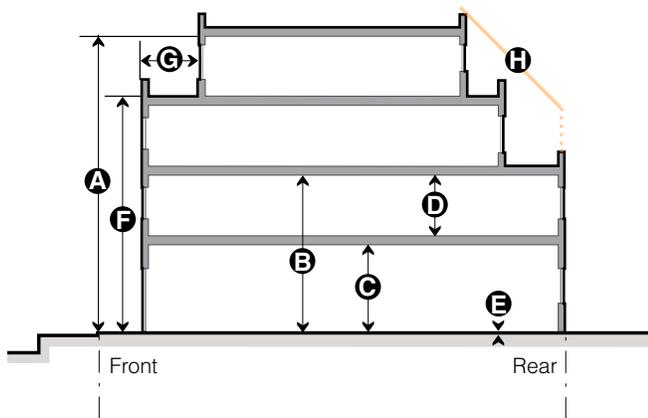
| | |
|--|-----|
| D In primary street build-to zone (min) | 80% |
| E In linking street build-to zone (min) | 40% |

Parking Location

Rear or side yard

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.3. West Main 2 (WM-2)



C. HEIGHT

Building Height

| | | |
|----------|------------------------------|-----------------|
| A | By-right, stories/feet (max) | 4 stories / 52' |
| B | Minimum | 2 stories / 27' |

Story Height

| | | |
|----------|------------------------|-----|
| C | Ground floor (min) | 15' |
| D | All other floors (min) | 9' |

Ground Floor Elevation

| | | |
|----------|--------------------------|-----------|
| E | Residential (min/max) | 1.5' / 3' |
| E | Nonresidential (min/max) | 0' / 3' |

Building Stepback

| | | |
|----------|-------------------------------|-----|
| F | Height without stepback (max) | 40' |
| G | Primary street stepback (min) | 10' |

Neighborhood Compatibility

| | | |
|----------|--|--------------|
| | Abutting WM- District | Not required |
| H | Abutting any other district (see Sec. 2.1.K) | Required |

D. ACTIVATION

Transparency

| | | |
|----------|--|-----------|
| A | Ground story (min) | |
| | Residential, primary/linking street | 50% / 30% |
| | Nonresidential, primary/linking street | 60% / 40% |
| B | Upper story (min) | 20% |
| C | Blank wall area length (max) | |
| | Residential | 20' |
| | Nonresidential | 30' |

Pedestrian Access

| | | |
|----------|---|----------|
| D | Entrance facing primary street | Required |
| E | Entrance spacing along primary street (max) | 50' |

ARTICLE 2. DISTRICTS

Article 2. Districts / Div. 2.4. Design Standards

Div. 2.4. Design Standards

A. Parking Structures

1. Parking structures must meet all the requirements for a principal structure. In no case is structured parking allowed to exceed the height of the principal building.
2. The ground story of a structured parking garage facing a primary street must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) located between the parking structure and the street.
3. Where feasible, parking structure entrance and exit must take place on a linking street.
4. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
5. Architectural and vegetative screens must be used to articulate the facade, hide parked vehicles and shield lighting. In addition, any ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.
6. Parking structure entries must not exceed 16 feet clear height and 25 feet clear width.

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

Div. 3.1. Table of Permitted Uses

This Section establishes the uses allowed. A lot or building must be occupied with only the uses allowed in this section. Multiple uses allowed in the District may be established on a single lot.

| PERMITTED USES | WM-1 | WM-2 |
|---|------|------|
| RESIDENTIAL AND RELATED USES | | |
| Accessory apartment, internal | | |
| Accessory apartment, external | | |
| Accessory buildings, structures and uses (residential) | B | B |
| Adult assisted living: | | |
| 1-8 residents | B | B |
| Greater than 8 residents | | |
| Adult day care | | |
| Amateur radio antennas, to a height of 75 ft. | | |
| Bed-and-breakfasts: | | |
| Homestay | B | B |
| B & B | B | B |
| Inn | B | B |
| Boarding: fraternity and sorority house | | |
| Boarding house (rooming house) | | |
| Convent/monastery | B | B |
| Criminal justice facility | | |
| Dwellings: | | |
| Multifamily | B | B |
| Single-family attached | B | B |
| Single-family detached | B | B |
| Townhouse | | |
| Two-family | | |
| Family day home: | | |
| 1-5 children | B | B |
| 6-12 children | | |
| Home occupation | P | P |
| Manufactured home parks | | |
| Night watchman's dwelling unit, accessory to industrial use | | |
| Nursing homes | | |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|--|------|------|
| Occupancy, residential: | | |
| 3 unrelated persons | | |
| 4 unrelated persons | B | B |
| Residential treatment facility: | | |
| 1-8 residents | B | B |
| 8+ residents | S | S |
| Shelter care facility | S | S |
| Single room occupancy facility | S | S |
| Temporary family health care structure | T | T |
| NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL | | |
| Access to adjacent multifamily, commercial, industrial or mixed-use development or use | | |
| Accessory buildings, structures and uses | B | B |
| Amusement center | S | S |
| Amusement enterprises (circuses, carnivals, etc.) | | |
| Amusement park (putt-putt golf; skateboard parks, etc.) | | |
| Animal boarding/grooming/kennels: | | |
| With outside runs or pens | | |
| Without outside runs or pens | | |
| Animal shelter | | |
| Art gallery: | | |
| GFA 4,000 SF or less | B | B |
| GFA up to 10,000 SF | B | B |
| Art studio, GFA 4,000 SF or less | B | B |
| Art workshop | B | B |
| Assembly (indoor): | | |
| Arena, stadium (enclosed) | | |
| Auditoriums, theaters | | |
| Maximum capacity less than 300 persons | B | B |
| Maximum capacity greater than or equal to 300 persons | S | S |
| House of worship | B | B |
| Assembly (outdoor): | | |
| Amphitheater | S | S |
| Arena, stadium (open) | | |
| Temporary (outdoor church services, etc.) | T | T |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|---|------|------|
| Assembly plant, handcraft | | |
| Assembly plant | | |
| Automobile uses: | | |
| Gas station | | |
| Parts and equipment sales | | |
| Rental/leasing | | |
| Repair/servicing business | | |
| Sales | | |
| Tire sales and recapping | | |
| Bakery, wholesale: | | |
| GFA 4,000 SF or less | B | B |
| GFA up to 10,000 SF | | |
| Banks/ financial institutions | B | B |
| Bowling alleys | | |
| Car wash | | |
| Catering business | B | B |
| Cemetery | | |
| Clinics: | | |
| Health clinic (no GFA limit) | | |
| Health clinic (up to 10,000 SF, GFA) | B | B |
| Health clinic (up to 4,000 SF, GFA) | B | B |
| Public health clinic | B | B |
| Veterinary (with outside pens/runs) | | |
| Veterinary (without outside pens/runs) | | |
| Clubs, private | S | S |
| Communications facilities and towers: | | |
| Antennae or microcells mounted on existing towers established prior to 02/20/01 | B | B |
| Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure | B | B |
| Attached facilities not visible from any adjacent street or property | B | B |
| Attached facilities visible from an adjacent street or property | S | S |
| Alternative tower support structures | | |
| Monopole tower support structures | | |
| Guyed tower support structures | | |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|--|------|------|
| Lattice tower support structures | | |
| Self-supporting tower support structures | | |
| Contractor or tradesman's shop, general | | |
| Crematorium (independent of funeral home) | | |
| Data center: | | |
| >4,000 GFA | S | |
| <4,000 GFA | B | B |
| Daycare facility | B | B |
| Dry cleaning establishments | B | B |
| Educational facilities (non-residential): | | |
| Elementary | B | B |
| High schools | B | B |
| Colleges and universities | | |
| Artistic instruction, up to 4,000 SF, GFA | B | B |
| Artistic instruction, up to 10,000 SF, GFA | B | |
| Vocational, up to 4,000 SF, GFA | B | B |
| Vocational, up to 10,000 SF, GFA | | |
| Electronic gaming café | | |
| Funeral home (without crematory): | | |
| GFA 4,000 SF or less | B | B |
| GFA up to 10,000 SF | S | S |
| Funeral homes (with crematory) | | |
| GFA 4,000 SF or less | | |
| GFA up to 10,000 SF | | |
| Golf course | | |
| Golf driving range | | |
| Helipad | | |
| Hospital | S | S |
| Hotels/motels: | | |
| Up to 100 guest rooms | B | B |
| 100+ guest rooms | B | S |
| Laundromats | B | B |
| Libraries | B | B |
| Manufactured home sales | | |
| Microbrewery | B | B |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|--|------|------|
| Mobile food units | P | P |
| Movie theaters, cineplexes | S | S |
| Municipal/governmental offices, buildings, courts | B | B |
| Museums: | | |
| Up to 4,000 SF, GFA | B | B |
| Up to 10,000 SF, GFA | B | S |
| Music hall | B | B |
| Offices: | | |
| Business and professional | B | B |
| Medical | B | B |
| Philanthropic institutions/agencies | B | B |
| Property management (ancillary to MFD) | A | A |
| Other offices (non-specified) | B | B |
| Outdoor storage, accessory | | |
| Parking: | | |
| Parking garage | A/S | A/S |
| Surface parking lot (19 or less spaces) | B | B |
| Surface parking lot (more than 20 spaces) | A | A |
| Temporary parking facilities | | |
| Photography studio | B | B |
| Photographic processing; blueprinting | | |
| Radio/television broadcast stations | B | B |
| Recreational facilities: | | |
| Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property) | B | B |
| Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property) | | |
| GFA 4,000 SF or less | B | B |
| GFA (4,001—10,000 SF) | B | S |
| GFA more than 10,000 SF | S | S |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city-owned), and related concession stands | B | B |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private) | S | S |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|---|------|------|
| Restaurants: | | |
| All night | S | S |
| Drive-through windows | | |
| Fast food | B | B |
| Full service | B | B |
| 24-hour | | |
| Towing service, automobile | | |
| Technology-based businesses | B | B |
| Taxi stand | S | S |
| Transit facility | B | B |
| Utility facilities | S | S |
| Utility lines | B | B |
| NON-RESIDENTIAL: RETAIL | | |
| Accessory buildings, structures and uses | B | B |
| Consumer service businesses: | | |
| Up to 4,000 SF, GFA | B | B |
| Up to 10,000 SF, GFA | B | B |
| 10,001+ GFA | S | S |
| Farmer's market | S | S |
| Greenhouses/nurseries | | |
| Grocery stores: | | |
| Convenience | B | B |
| General, up to 10,000 SF, GFA | B | S |
| General, 10,001+ SF, GFA | S | S |
| Home improvement center | | |
| Pharmacies: | | |
| 1-1,700 SF, GFA | B | B |
| 1,701-4,000 SF, GFA | B | B |
| 4,001+ SF, GFA | B | B |
| Shopping centers | S | S |
| Shopping malls | S | S |
| Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.) | T | T |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|---|------|------|
| Other retail stores (non-specified): | | |
| Up to 4,000 SF, GFA | B | B |
| Up to 20,000 SF GFA | B | B |
| 20,000+ SF, GFA | S | |
| NON-RESIDENTIAL: INDUSTRIAL | | |
| Accessory buildings, structures and uses | | |
| Assembly, industrial | | |
| Beverage or food processing, packaging and bottling plants | | |
| Brewery and bottling facility | | |
| Compounding of cosmetics, toiletries, drugs and pharmaceutical products | | |
| Construction storage yard | | |
| Contractor or tradesman shop (HAZMAT) | | |
| Frozen food lockers | | |
| Greenhouse/nursery (wholesale) | | |
| Industrial equipment: service and repair | | |
| Janitorial service company | | |
| Kennels | | |
| Laboratory, medical: | | |
| > 4,000 SF GFA | B | B |
| <4,000 SF GFA | B | B |
| Laboratory, pharmaceutical >4,000 sq. ft. | | |
| > 4,000 SF GFA | S | S |
| <4,000 SF GFA | B | B |
| Landscape service company | | |
| Laundries | | |
| Manufactured home sales | | |
| Manufacturing, light | | |
| Moving companies | | |
| Printing/publishing facility | S | S |
| Open storage yard | | |
| Outdoor storage, accessory to industrial use | | |
| Research and testing laboratories | B | B |
| Self-storage companies | | |

KEY: B = By-Right P = Provisional use permit
 S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 3. LAND USE

Article 3. Land Use / Div. 3.1. Table of Permitted Uses

| PERMITTED USES | WM-1 | WM-2 |
|--------------------------|------|------|
| Warehouses | | |
| Welding or machine shop | | |
| Wholesale establishments | | |

KEY: B = By-Right P = Provisional use permit
S = Special use permit required T = Temporary Use -- = Not allowed

ARTICLE 4. GENERAL DEVELOPMENT STANDARDS

Article 4. General Development Standards / Div. 4.1. In General

Div. 4.1. In General

The standards in Article VIII, Improvements Required for Developments and Article IX, Generally Applicable Regulations apply, except where expressly modified in this Section 4.

Div. 4.2. Off-Street Parking and Loading

- A. Article VIII, Division 3, Off-Street Parking and Loading, applies, except that:
1. Parking lots buffers along adjacent properties are required only where the parking lot abuts a residential district outside of these Form Districts.
 2. No parking is required for existing or new retail spaces less than 5,000 square feet in floor area.

Div. 4.3. Bicycle Parking

A. Required Spaces

The following bicycle parking spaces are required for new development, the addition of new enclosed floor area, or a change in use.

| Use | Spaces Required | Short-Term/ Long-Term |
|---|--------------------------|--------------------------|
| Residential | 0.5 per unit | 80% / 20% |
| Public/institutional | 1 per 5,000 SF, 2 min | 90% / 10% |
| Food & drink service | 1 per 2,500 SF, 2 min | 80% / 20% |
| Lodging | 0.5 per guest room | 80% / 20% |
| All other commercial or industrial uses | 1 per 2,500 SF, 2 min | 80% / 20% |

B. Location of Required Bike Parking

1. General Requirements

- a. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone or wood chips.

- b. Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 3 feet in width.
- c. Each required bicycle parking space must be accessible without moving another bicycle, and its placement must not result in a bicycle obstructing a required walkway.
- d. Up to 25% of bicycle parking may be structured parking, vertical parking or wall-mount parking, provided there is a 5-foot access aisle for wall mount parking.
- e. All racks must accommodate cable locks and "U" locks, must permit the locking of the bicycle frame and one wheel to the rack, and must support a bicycle in a stable position.

2. Short-Term Bicycle Parking

Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible vehicle parking. Short-term bicycle parking must meet all other applicable design standards of the City.

3. Long-Term Bicycle Parking

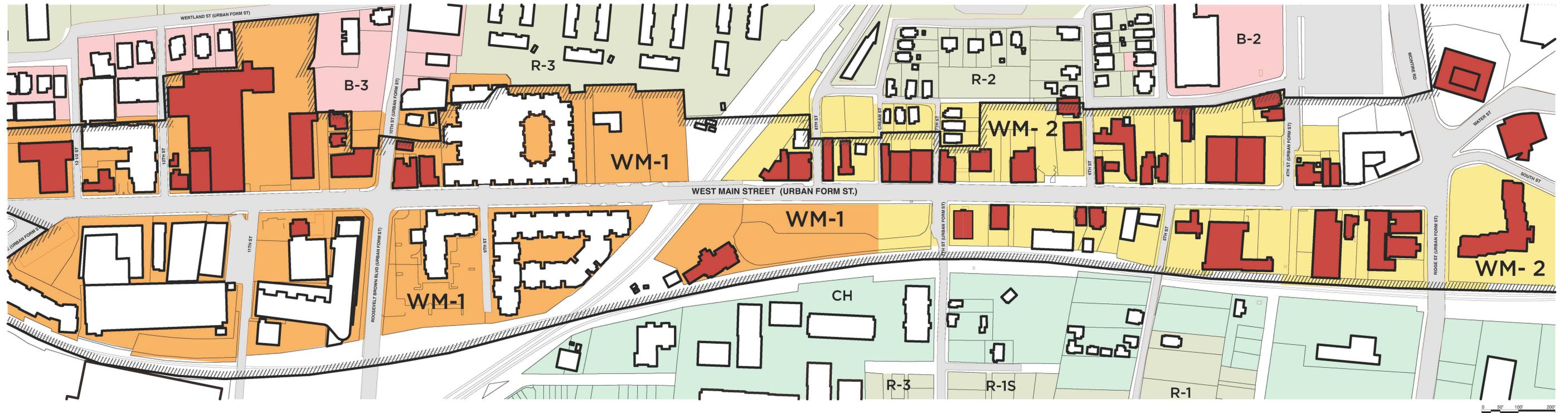
- a. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather, and must be accessible to intended users.
- b. Required long-term bicycle parking for residential uses cannot be located within dwelling units or within deck, patio areas or private storage areas accessory to dwelling units.
- c. With permission of the Director of Neighborhood Development Services, long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet of the site. The off-site parking distance is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

ARTICLE 5. ADMINISTRATION

Article 5. Administration / Div. 5.1. Chapter 34 Procedures Apply

Div. 5.1. Chapter 34 Procedures Apply

- A. The administrative procedures of Chapter 34, Article I, Administration, apply to these Form Districts.
- B. The Director of Neighborhood Development Services will review site plans for compliance with this Article.
- C. The Board of Architectural Review will review development and apply any adopted guidelines; however, that review does not include the review of basic elements of form required by this Article such as building height and setbacks.
- D. The Zoning Administrator will categorize any uses not listed in this Article.



ZONING MAP KEY

- ADC DISTRICT
- ECONOMIC ANALYSIS LOT(S)
- EXISTING STRUCTURES**
- CONTRIBUTING
- OTHER

- PROPOSED DISTRICTS**
- WM-1 WEST MAIN 1
 - WM-2 WEST MAIN 2

- ADJACENT DISTRICTS**
- MIXED USE
 - RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL

ECONOMIC IMPACT

SITE SELECTION

- **Three sites were selected for analysis based on-**
 - » Redevelopment potential (catalyst sites for future development)
 - » Location on West Main Street (varying geography to test zoning conditions)



MEMORANDUM

To: Charlottesville City Council
From: West Main Steering Committee
Re: West Main project
Date: March 3, 2015

Members of the West Main Steering Committee met on February 13th to summarize known local perspectives on the corridor's final concept plan and urban design guidelines. The steering committee includes multiple stakeholders such as neighborhood leaders; bike/ped advocates; businesses; institutions such as the First Baptist Church and the University; and preservation, planning and design professionals. **We all agree that West Main is changing. The community's imperative is to get ahead of future changes and guide that change in beneficial directions.**

The city and many engaged community members have invested much time and significant resources in the development of the West Main project to this point. We urge the city council to capture the excellent ideas that have come forward from that effort and to support the concepts embedded in the plans for West Main. We hope you will take the best of what the community engagement process and the professional consultants have offered, add the best of your wisdom and sense of what is most important to the community, and initiate implementation of a framework for West Main St. that will guide the redevelopment of this corridor over the coming decade.

All present agreed on the following priorities for this important multimodal corridor, and we urge city council to consider the committee's following recommendations to facilitate its expeditious and thoughtful management:

- Decouple the approval process for the urban design guidelines and streetscape plan to minimize delays for corridor improvements, and **initiate essential zoning changes to ensure the survival of the corridor's historic character** and cultural resources
- **Manage our existing parking** to maximize its efficiency and to provide a reality-check for the proposed changes to current on-street parking
- **Manage traffic** to minimize the effects of heavy vehicular use of smaller residential streets adjacent to West Main
- Commit to undertaking the necessary **utility improvements**, including putting overhead utilities underground, and reducing conflicts between utilities, trees, and buildings
- In keeping with the city's Complete Streets Policy, commit to **improved multimodal infrastructure** that
 - Ensures people of all ages and abilities feel safe biking the corridor
 - Provides safer, more commodious and welcoming pedestrian space

The steering committee understands that implementing the ideal plan—in fact, any plan—is expensive and will require prioritization and phasing. We all agree that at this stage in the process it is essential to have a vision and plan to guide beneficial West Main Street improvements. To implement these improvements, the next step is for City Council to endorse a vision for the corridor; adopt necessary legal and policy changes; plan for infrastructure investment proposals; and develop realistic implementation phasing.

We all agreed on the basic design principles for the corridor, and we believe that the interests and concerns of the stakeholder groups are sincere and often well-aligned. Steering committee members share a deep concern about the changing character of the corridor and its potential effect on adjacent neighborhoods and the city in general, believing recent new by-right and SUP developments (both constructed and planned) are changing the character and scale for West Main in ways that many did not anticipate. These changes—and the prospect of further change—have troubled the traditional neighborhoods adjacent to West Main with worries of additional unmanaged traffic, lost views and vistas, and density. Steering committee members also agree that deteriorating conditions in the corridor seem to warrant the city's reinvestment in major public infrastructure such as sidewalks and underground utilities. Furthermore, we share a hope for improved safety in the corridor for all. Such improvements support business retention and current and future economic development.

The steering committee is disappointed that one of the most critical elements of the project—the zoning guidelines—has been the final plan component to be completed. We all believe the potential new zoning framework is crucial for the preservation of the corridor's historic character and for its sensitive redevelopment. Moving forward with the required legal process is an essential first step in addressing a shared community vision for West Main.

While the plan is not transformative for West Main in the same way that the downtown mall was for the eastern portion of Main Street, it satisfies a multitude of unmet needs in the corridor—**the need for safe, functional, accessible, thriving, sustainable, diverse, and comfortable public space that will support a significant mixed-use multimodal corridor.** West Main's limited space requires that we allocate the available land for many uses, and the stakeholder groups each have their own priorities for that land. Some favored additional trees, or safer bike lanes, or on-street parking, or increased sidewalk space. The current streetscape plan represents all of these important elements and helps to solve complex problems for our city.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**

Agenda Date: June 15, 2015

Action Required: Ordinance Adoption

Presenter: Matthew Alfele, City Planner, Neighborhood Development Services

Staff Contacts: Matthew Alfele, City Planner, Neighborhood Development Services

Title: ZM14-00002 William Taylor Plaza Planned Unit Development Amendment

Background:

Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted an application for a rezoning to amend the proffers and concept plan of the William Taylor Plaza Planned Unit Development. Changes include a revised proffer statement that would change structured parking from 90% to 60%, increase the Arboretum from 20% to 25% and outline what can be built within the Arboretum, and adds a new proffer identifying the type of development allowed through a Use Matrix. Additionally, the updated concept plan alters the parking and travelways, phases the development, establishes building envelopes, and creates a Use Matrix.

The applicant has amended the concept plan originally approved November 2, 2009 to create additional surface parking, establish building setbacks, and allow the development to be completed in two (2) phases.

Discussion:

The Planning Commission discussed this matter at their May 12, 2015 meeting

The topics of discussion that the Commission focused on were:

- The Commission received additional information on the day of the Planning Commission meeting. The PC expressed concern that information not in the original packet was being submitted too late. The applicant clarified that it was supplemental information and did not alter what was in the application. The ground floor uses of any building on Cherry Avenue and the proposed Use Matrix were also discussed.
- Present City Councilors discussed the phasing of the development, possible public improvements to Ridge Street, and public access to areas of the development.

Alignment with City Council Vision Areas and Strategic Plan:

The project supports City Council's "Economic Sustainability" vision by providing mixed use and also supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.6, Engage in robust and context sensitive urban planning.

Citizen Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on May 12, 2015. Several members of the public expressed opposition for the project.

- Adjacent property owners do not want people trespassing as they use the Arboretum.
- The site is unbuildable and could house the archeological remains of a cemetery.
- Statement that the project will not have any benefits for the public.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of amending the William Taylor Plaza Planned Unit Development.

Recommendation:

The Commission took the following action:

Ms. Green moved to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice. This denial is based on *Sec. 34-42(3) Whether there is a need and justification for the change,* and *Sec. 34-490(6) To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property.*

Mr. Santoski seconded the motion. The Commission voted 5-0 to recommend denial of the rezoning application to amend the William Taylor Plaza Planned Unit Development.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to deny the attached ordinance for rezoning (as recommended by the Planning Commission);
- (2) by motion, take action to approve the attached ordinance for rezoning; or
- (3) by motion, defer action on the attached ordinance for rezoning.

Attachment:

Staff Report dated April 28, 2015

Supplemental documents submitted by the applicant providing context for the proposed changes (this information only supports the changes suggested and does not alter what is outlined in the Staff Report dated April 28, 2015)

Final signed Proffer Statement dated June 3, 2015

**AN ORDINANCE
APPROVING A REQUEST TO AMEND THE PUD ZONING PLAN AND REGULATIONS
APPLICABLE TO PROPERTY LOCATED WITHIN
THE WILLIAM TAYLOR PLAZA PLANNED UNIT DEVELOPMENT (“PUD”)**

WHEREAS, Cherry Avenue Investments, LLC (“Applicant”), by its agent Southern Development Company has filed application number ZM14-00002, seeking a rezoning of property located at 529 Cherry Avenue and 512-529 Ridge Street (City Tax Map 29, Parcels 145, 146, 147, 149, 150, 151 and 157), consisting, of approximately 125,321.5 square feet of land (2.90 acres) (together, the “Subject Property”), in order to amend the zoning regulations applicable to the Subject Property as a result of the PUD zoning district classification approved by City Council for the Subject Property on November 2, 2009 (hereinafter the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on May 12, 2015, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on May 12, 2015 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, as part of its application the Applicant submitted a Preliminary Proffer Statement dated March 13, 2015, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on May 12, 2015; and

WHEREAS, on June 12, 2012, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council, based on their finding that the rezoning is not required by the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, the Applicant has submitted a Final Amended Proffer Statement dated June 3, 2015, signed by an individual authorized to bind the LLC to the provisions therein stated, as required by City Code Section 34-64(c), and this Final Proffer Statement is made a part of these proceedings; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning PUD zoning classification (subject to approved proffers) and the proposed PUD zoning classification (subject to the proposed amended proffered development conditions dated March 13, 2015) are reasonable; that the Proposed Rezoning is consistent with the Comprehensive Plan; and that the Proposed Rezoning is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia **THAT**: the zoning regulations applicable to the William Taylor Plaza PUD shall be and hereby are amended and reenacted as follows: the zoning regulations applicable within the William Taylor Plaza PUD shall be (i) those generally applicable within Chapter 34 of the City Code, and (ii) those specifically set forth within the amended PUD plan and Amended Final Proffer Statement dated June 3, 2015, set forth within application number ZM14-00002, which, together, are hereby approved and established as the new PUD development plan for the William Taylor Plaza PUD, for purposes of Chapter 34, Article V of the City Code.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

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

Project Planner: Matt Alfele

Date of Staff Report: April 28, 2015

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

Applicant's Representative: Charlie Armstrong

Current Property Owner: Cherry Avenue Investments, LLC

Application Information

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

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

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

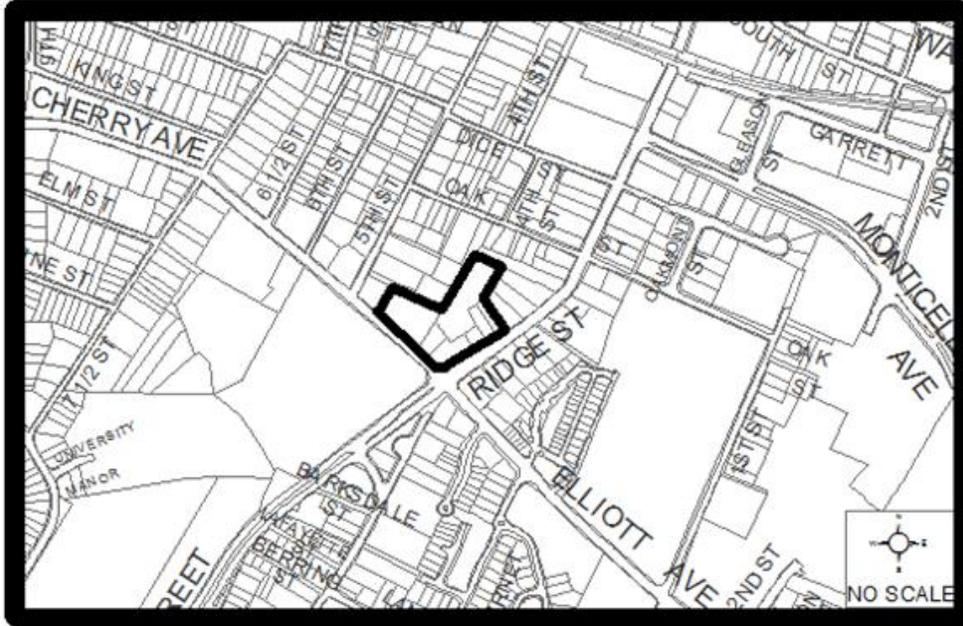
Comprehensive Plan (Land Use Plan): Mixed Use

Current Zoning Classification: Planned Unit Development

Applicant's Request

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

Vicinity Map



Rezoning Standard of Review

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

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

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

Planned Unit Development Standard of Review

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

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

Analysis

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

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

a. Land Use

Goal 2: Mixed Use

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

Goal 3: Public Space

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

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

b. Economic Sustainability

Goal 1: Innovation

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

Goal 3: Partnerships

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

c. Environment

Goal 2: Urban Landscape & Habitat Enhancement

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

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

Goal 5.0: Sustainable Development

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

d. Transportation

Goal 2: Land Use & Community Design

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

2.6: Promote urban design techniques, such as placing parking behind buildings, reducing setbacks, and increasing network connectivity to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways.

e. Historic Preservation & Urban Design

Goal 1: Urban Design

1.3: Facilitate development of nodes of density and vitality in the City's Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City.

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

Goal 7: Comprehensive Approach

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

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

f. Historic Preservation & Urban Design

Goal 1: Urban Design

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

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

Goal 5: Neighborhood Conservation

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

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

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

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

3. Effect on Surrounding Properties and Public Facilities

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

4. Proffers

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

Proffer (4) Original: *A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.*

Proffer (4) New: *A minimum of 60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.*

Proffer (8) Original: *A minimum of 45% of the total site area shall be preserved as Open Space. The "Arboretum" shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.*

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

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

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

5. Development Plan

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

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

6. Questions for the Planning Commission to Discuss

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

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

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

7. Public Comments Received

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

8. Staff Recommendation

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

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

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

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

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

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

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

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

9. **Attachments**

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

10. Suggested Motions

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

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

William Taylor Plaza PUD Amendment
Summary
April 27, 2015

The Property is currently zoned PUD, with 13 proffers and a proffered PUD Development Plan. A Marriott brand hotel has contracted to build a hotel on the primarily commercial portion of the mixed use development along Cherry Avenue, complementing the planned residential scale buildings along Ridge Street shown in the approved plan. The Applicant proposes to amend the proffers and PUD Development Plan to:

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

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

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

~~16~~_____)

STATEMENT OF FINAL PROFFER CONDITIONS

For the William Taylor Plaza PUD

Dated as of September 14, 2009

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

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

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

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

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

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

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

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

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

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of ~~90~~60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.

7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.
8. A minimum of 45% of the total site area shall be ~~preserved as~~ Open Space. Except for utilities, trails and other park amenities, ~~t~~The “Arboretum” shall remain undeveloped and shall occupy a minimum of ~~20~~25% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6” caliper in the “Arboretum” shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.
- ~~13-14.~~ The uses and residential densities allowed within the PUD shall be those identified within the matrix titled “Use Types – William Taylor Plaza PUD.”

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

Respectfully submitted this ~~14~~th day of ~~September~~ _____, 201~~509~~9.

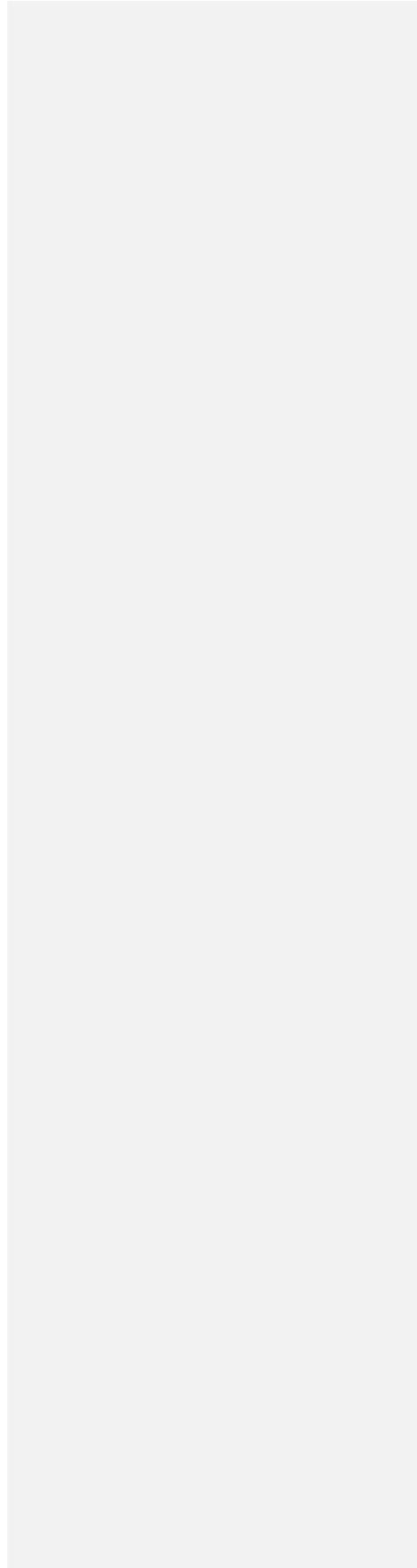
Owner:
Cherry Avenue Investments, LLC

Owner’s Address:
170 South Pantops Drive



Charlottesville, VA 22911

By: _____
Frank Ballif, Manager



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

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

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

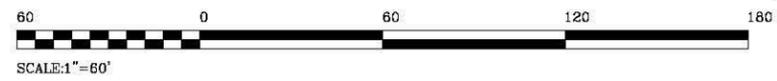
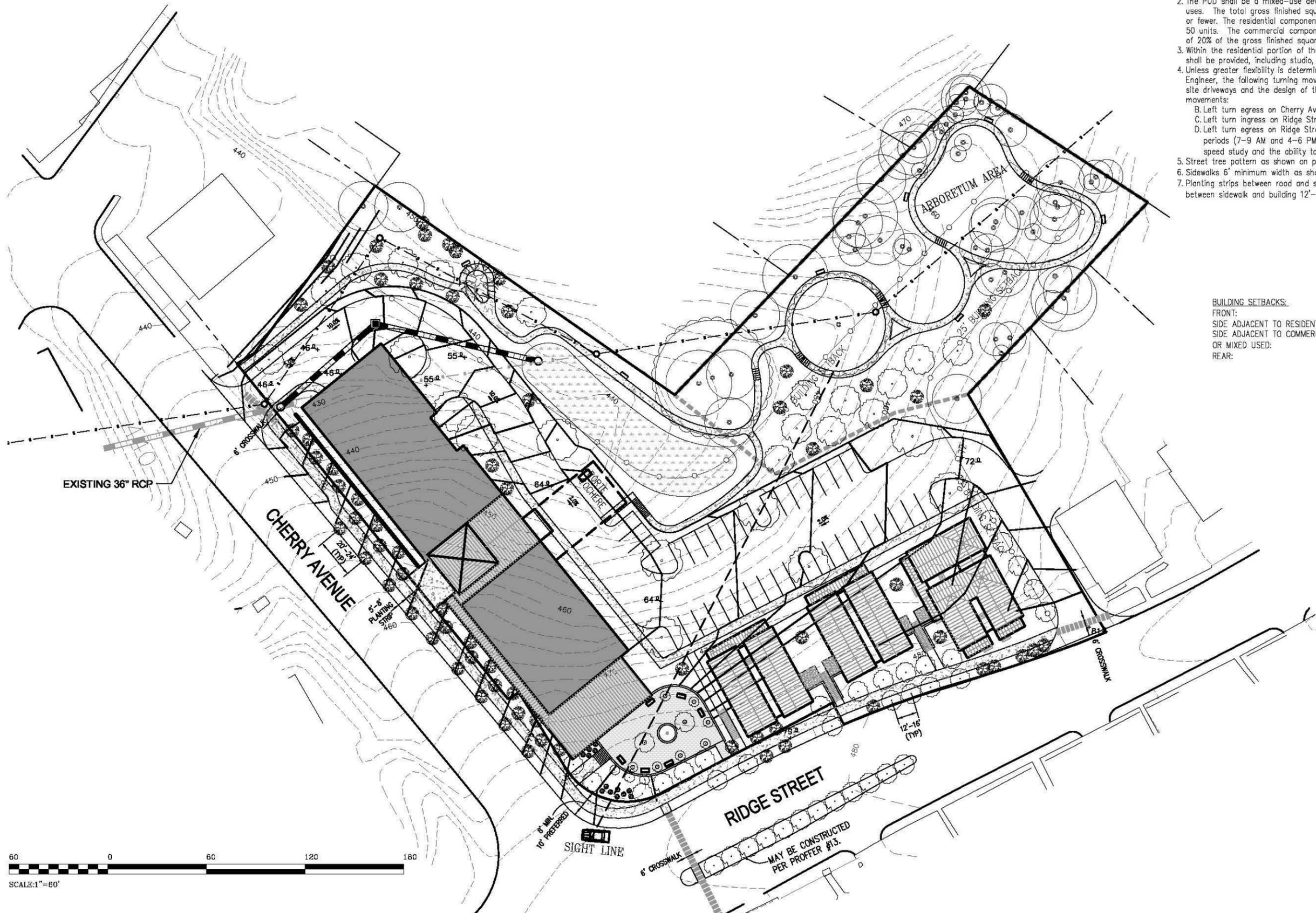
| | | |
|---|---|---|
| General, 10,001+ SF, GFA | B | |
| Home improvement center | B | |
| Pharmacies: | * | * |
| 1—1,700 SF, GFA | B | B |
| 1,701—4,000 SF, GFA | B | B |
| 4,001+ SF, GFA | B | B |
| Shopping centers | B | B |
| Shopping malls | | |
| Temporary sales, outdoor (flea markets, craft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

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

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

BUILDING SETBACKS:

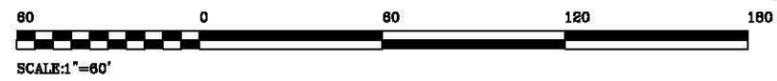
| | |
|--|-----|
| FRONT: | 0' |
| SIDE ADJACENT TO RESIDENTIAL: | 25' |
| SIDE ADJACENT TO COMMERCIAL OR MIXED USED: | 0' |
| REAR: | 50' |



CHERRY AVE PHASE █

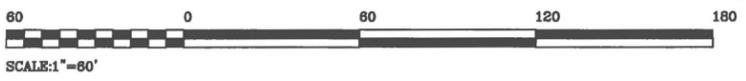
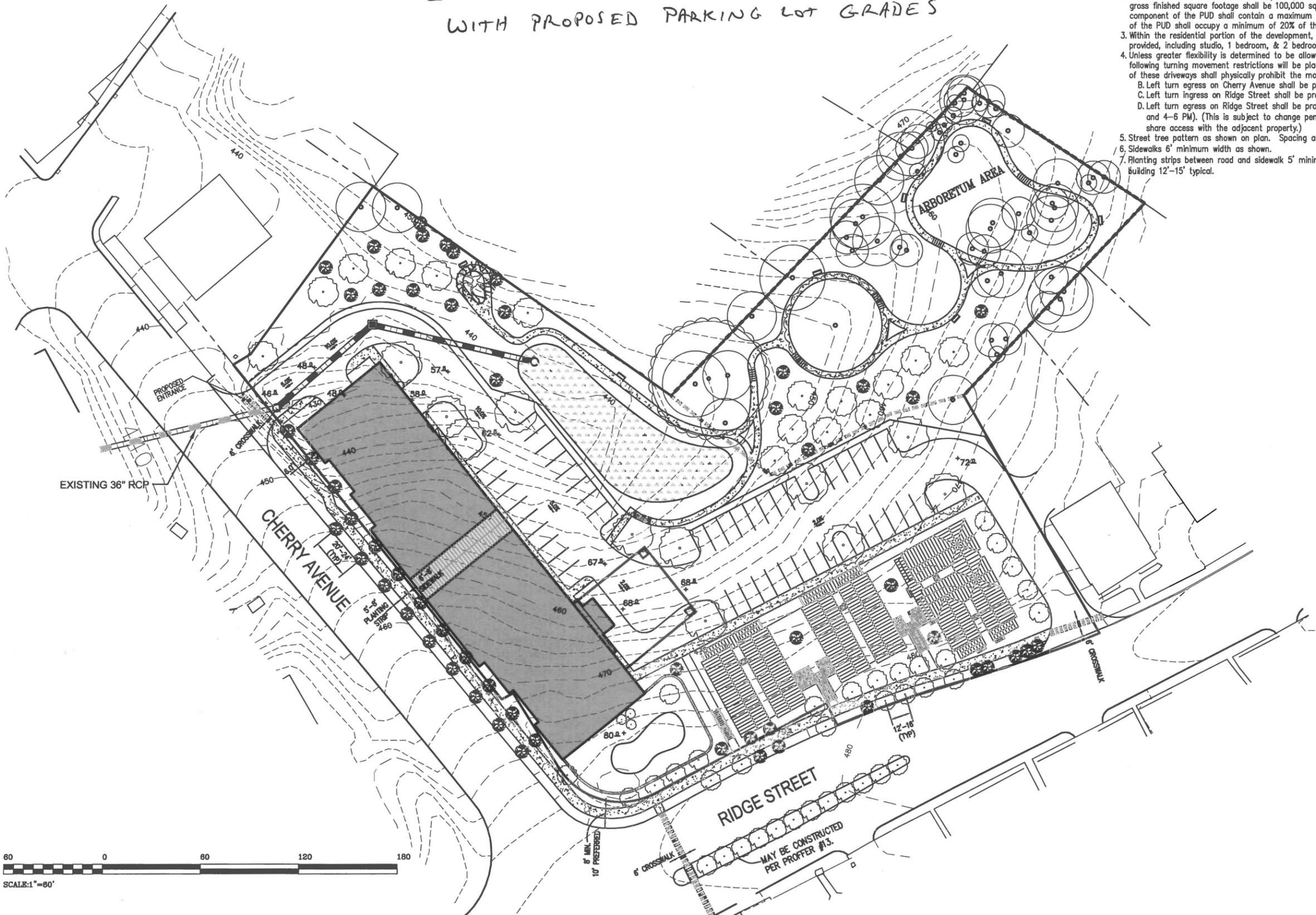
RIDGE STREET PHASE █

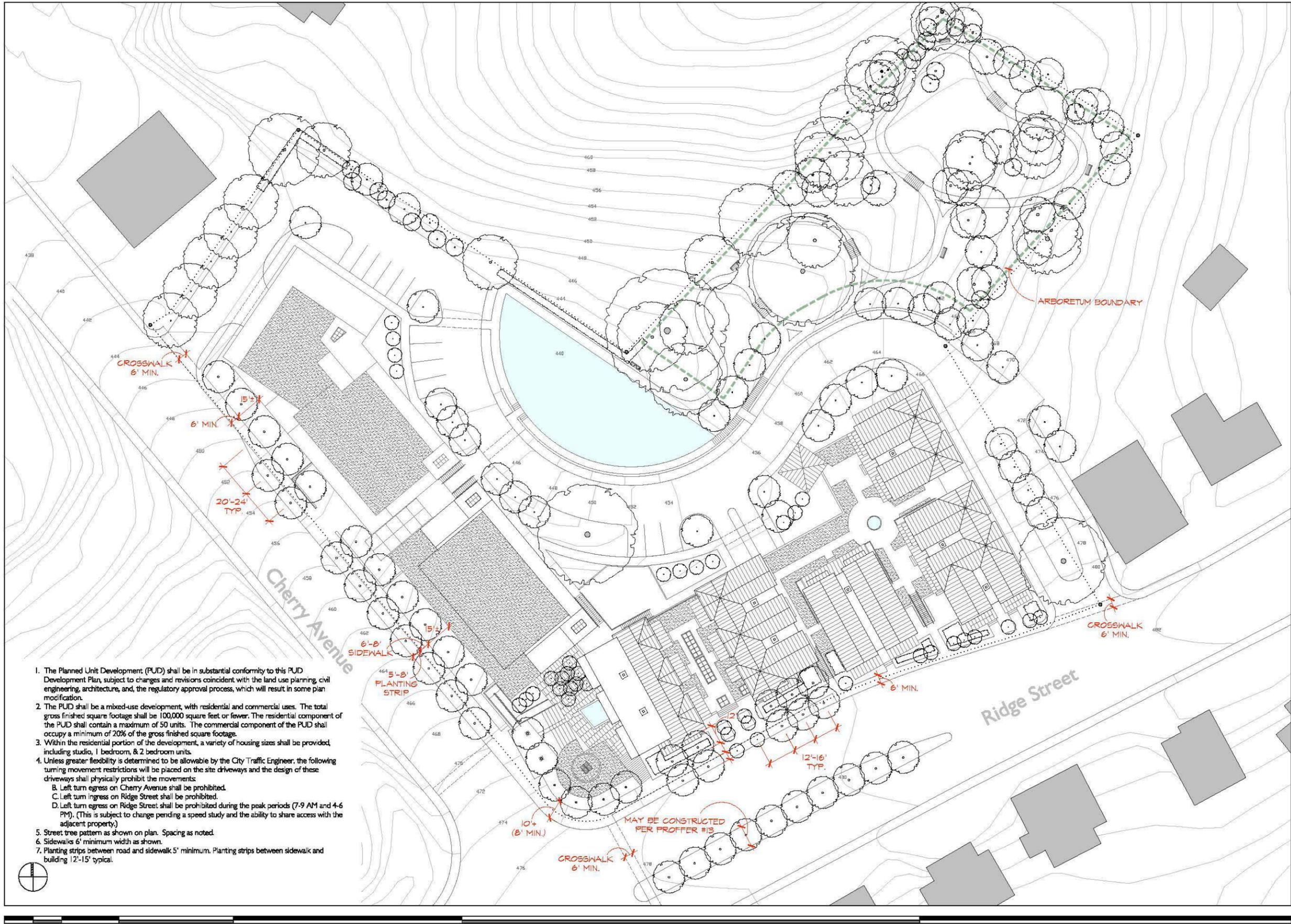
SEQUENCE:
THE OWNER MAY DEVELOP THE ENTIRE SITE SIMULTANEOUSLY UNDER ONE SITE PLAN OR MAY DEVELOP THE CHERRY AVENUE PHASE FIRST. IN THE EVENT THE OWNER ELECTS TO DEVELOP THE CHERRY AVENUE PHASE FIRST, EXISTING TREES IN THE RIDGE STREET PHASE SHALL REMAIN UNDISTURBED UNTIL SITE PLAN APPROVAL HAS BEEN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



EXISTING TOPOGRAPHY WITH PROPOSED PARKING LOT GRADES

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





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



Cherry Avenue Entry Plaza
(at grade, HC accessible)

Cherry Avenue

Ridge Street

** 1. Bicycle storage in garage as shown.



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

William Taylor Plaza
Charlottesville, Virginia

Train & Partners
Architects

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

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

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

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

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

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

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

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

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

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

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.

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

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

Respectfully submitted this 14th day of September, 2009.

Owner/Applicant:
Rock Creek Properties, LLC

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

By: 

Frank Ballif, Manager

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

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

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

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

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

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

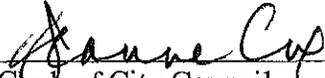
WHEREAS, legal notice of the public hearings held on August 11, 2009 and September 9, 2009 were advertised in accordance with Va. Code Sec. 15.2-2204; and

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

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

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

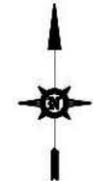
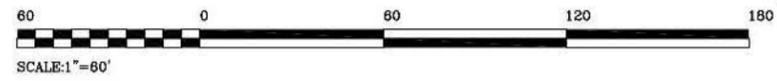
Approved by Council
November 2, 2009


Clerk of City Council

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

BUILDING SETBACKS:

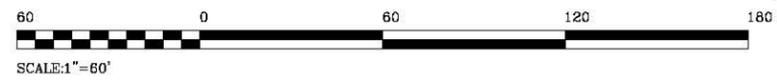
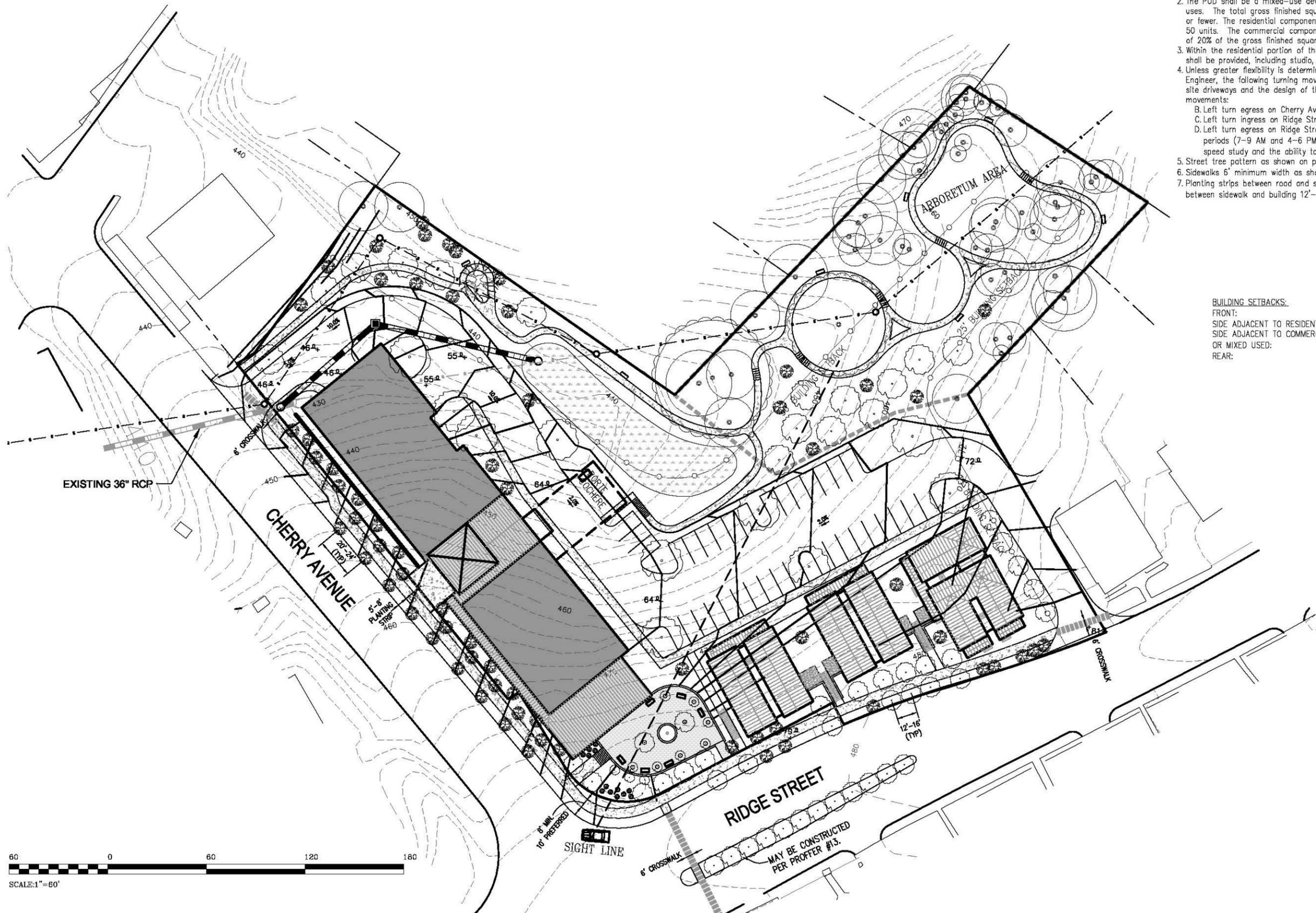
| | |
|--|-----|
| FRONT: | 0' |
| SIDE ADJACENT TO RESIDENTIAL: | 25' |
| SIDE ADJACENT TO COMMERCIAL OR MIXED USED: | 0' |
| REAR: | 50' |



1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
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 - C. Left turn ingress on Ridge Street shall be prohibited.
 - D. Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
5. Street tree pattern as shown on plan. Spacing as noted.
6. Sidewalks 6' minimum width as shown.
7. Planting strips between road and sidewalk 5' minimum. Planting strips between sidewalk and building 12'-15' typical.

BUILDING SETBACKS:

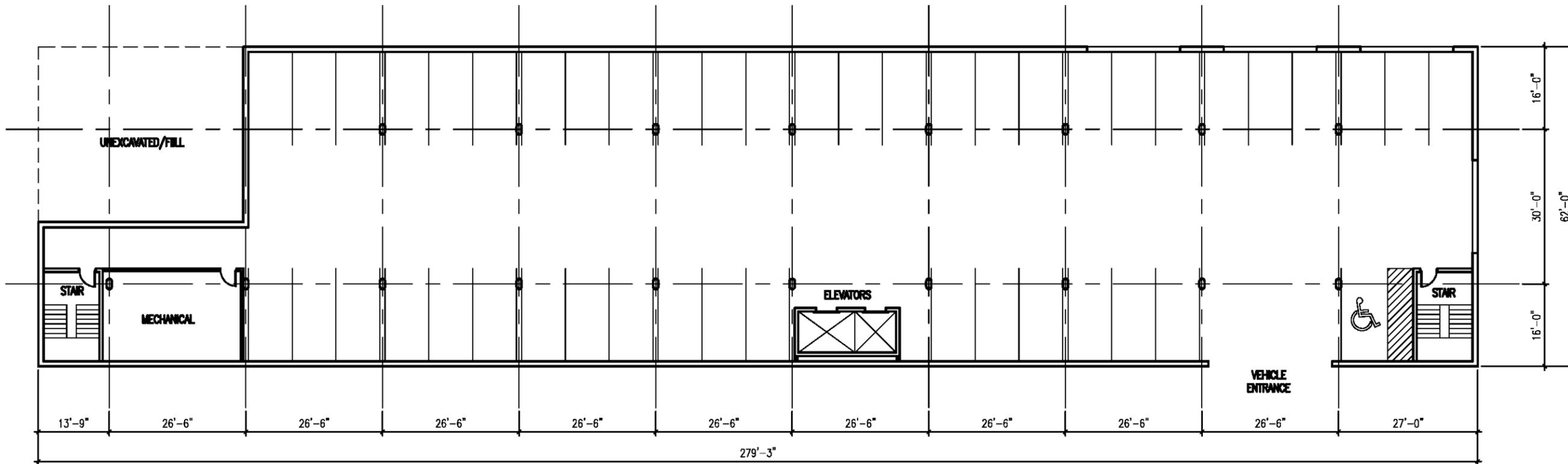
| | |
|--|-----|
| FRONT: | 0' |
| SIDE ADJACENT TO RESIDENTIAL: | 25' |
| SIDE ADJACENT TO COMMERCIAL OR MIXED USED: | 0' |
| REAR: | 50' |





WILLIAM TAYLOR PLAZA – FAIRFIELD HOTEL
BCA ARCHITECTS AND ENGINEERS

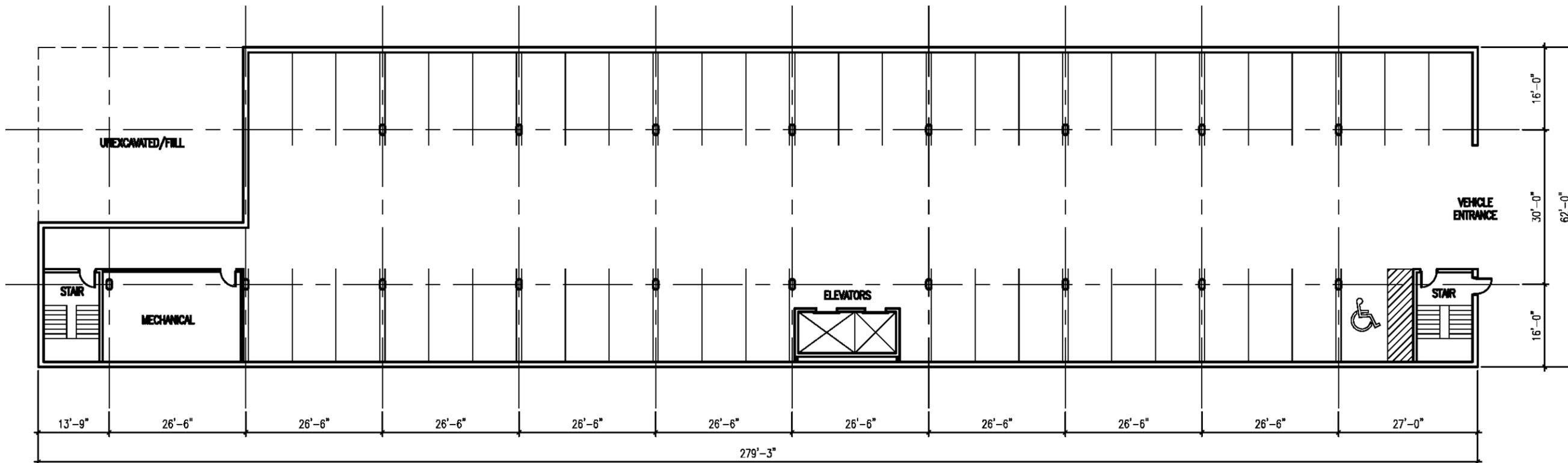




PARKING LEVEL 2
 15,982 SF (GROSS)
 46 PARKING SPACES

PARKING LEVEL 2

SCALE: 3/64" = 1'-0" ELEV - 455'



PARKING LEVEL 1
 15,982 SF (GROSS)
 49 PARKING SPACES

PARKING LEVEL 1

SCALE: 3/64" = 1'-0" ELEV - 446'



William Taylor Plaza PUD Amendment

Characteristics That are the Same as the Current Approved Plan

- Building arrangement and form
- BAR shall review details of all building architecture
- Wide boulevard sidewalks with street trees
- Proffers for pedestrian safety improvements and crosswalk signals
- Semi-public Plaza at the corner of Ridge & Cherry
- 45% of the site is required to be open space
- Hotel use is by right
- 2 levels of structured parking under the building
- LEED construction standards
- LID storm water management
- \$253,000 dedicated to affordable housing or Tonsler Park

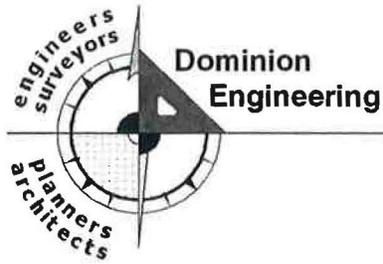
William Taylor Plaza PUD Amendment

Existing PUD Zoning

- 10% max surface parking
- 81,000 sf of impervious area
- Some parking visible from streets
- Arboretum is 20% of the site
- All commercial and residential uses are by right
- No setbacks to adjacent residential properties
- No plan for how to phase construction
- \$9,000 annual City tax revenue

Proposed PUD Zoning

- 40% max surface parking
- 60,700 sf of impervious area
- Parking not visible from streets
- Arboretum is 25% of the site
- Inappropriate commercial and residential uses proffered out
- 25' side and 50' rear setbacks to adjacent residential properties
- Construction Phasing Plan has been proffered
- \$420,000 annual City tax revenue



172 South Pantops Drive
Charlottesville, VA 22911

434.979.8121 (p)
434.979.1681 (f)
DominionEng.com

May 8, 2015

Mr. Charlie Armstrong
Southern Development Group
170 South Pantops Drive
Charlottesville, Virginia 22911

RE: William Taylor Plaza PUD – Impervious Area Analysis

Dear Charlie,

This letter certifies the amount of impervious area proposed for the referenced project:

Original PUD prepared by Train Associates = 81,000 sf

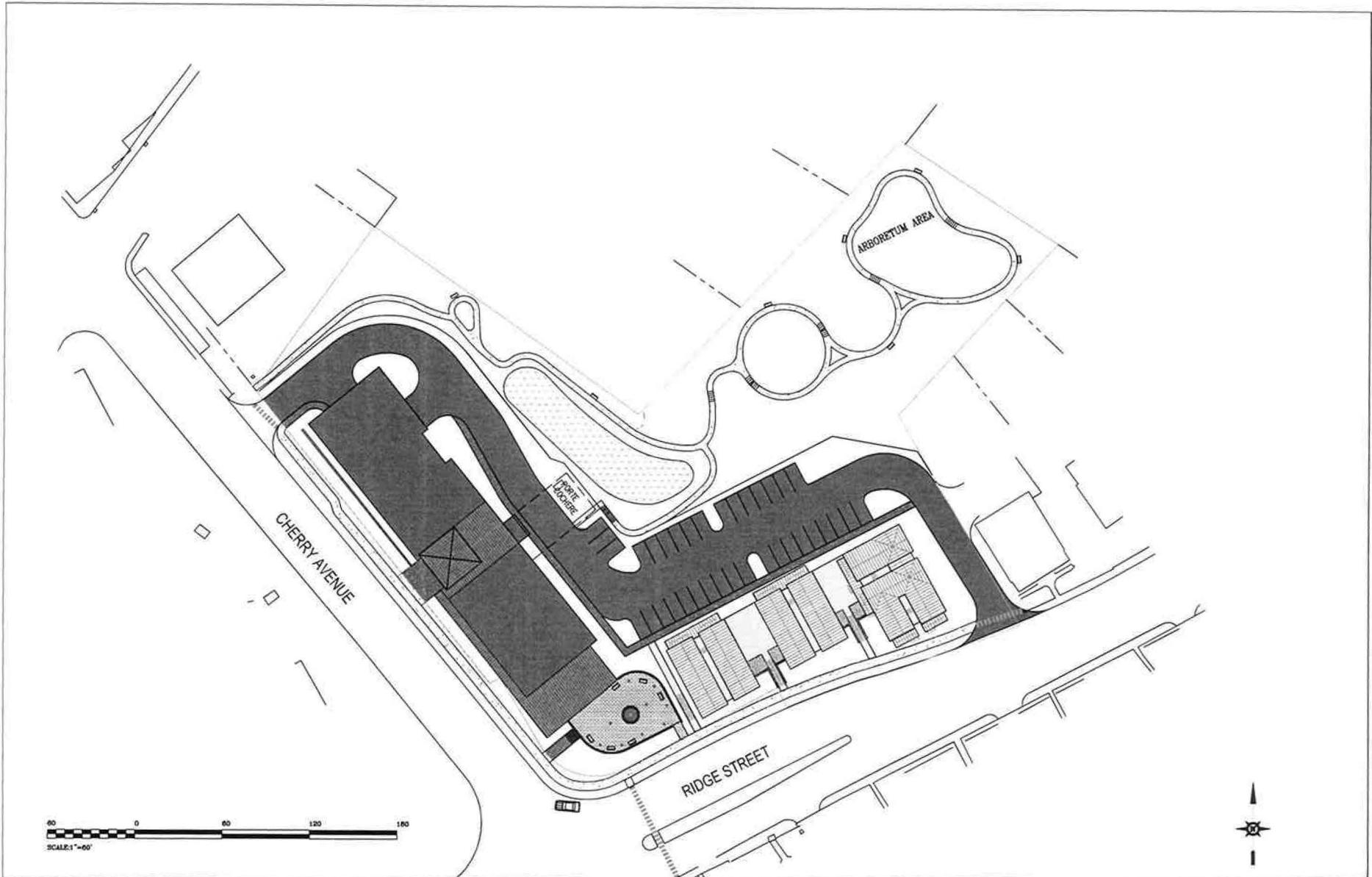
Amended PUD prepared by Dominion Engineering = 60,700 sf

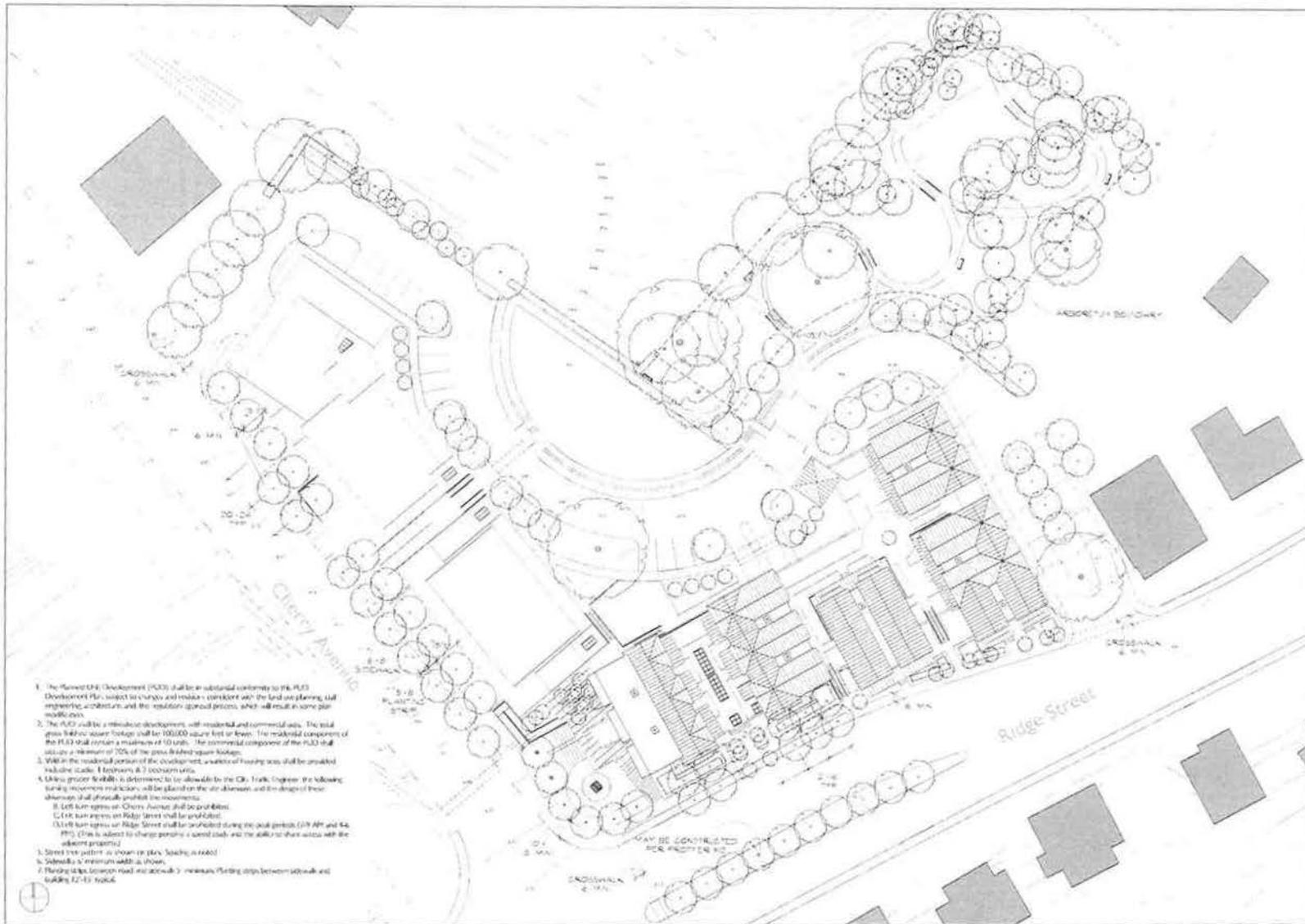
The above impervious areas are exclusive of the sidewalk proposed in the arboretum areas. Please contact me if you have any questions or require additional information.

Sincerely,

Michael F. Myers, P.E.







1. The Planned Unit Development (PUD) shall be in substantial conformity to the PUD Development Plan, subject to change and review, consistent with the land use planning, site engineering, architecture and the regulatory approval process, which will result in some plan modifications.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross floor area (GFA) shall be 100,000 square feet or less. The residential component of the PUD shall contain a maximum of 10 units. The commercial component of the PUD shall occupy a minimum of 70% of the gross floor area (GFA).
3. Within the residential portion of the development, a variety of housing types shall be provided including single, 1 bedroom & 2 bedroom units.
4. Unless greater flexibility is determined to be allowable by the City Traffic Engineer, the following turning movement restrictions will be placed on the street alignment and the design of these alignments shall physically implement the requirements:
 - A. Left turn across Cherry Avenue shall be prohibited.
 - B. Left turn across on Ridge Street shall be prohibited.
 - C. Left turn across on Ridge Street shall be prohibited during the peak periods (15th and 44th PM). (Use is subject to change pending a signal study, and the study is then subject with the urban program.)
5. Street tree pattern as shown on plan. Spacing is noted to Schedule 2, minimum width as shown.
6. Planting (e.g., between road and sidewalk) - minimum planting strip between sidewalk and building 12'-15' typical.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-14-00002)
STATEMENT OF FINAL PROFFER CONDITIONS

For the William Taylor Plaza PUD

Dated as of June 3, 2015

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

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated March 13, 2015.

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

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

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

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

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

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

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.
7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.

8. A minimum of 45% of the total site area shall be Open Space. Except for utilities, trails and other park amenities, the "Arboretum" shall remain undeveloped and shall occupy a minimum of 25% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6" caliper in the "Arboretum" shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.
14. The uses and residential densities allowed within the PUD shall be those identified within the matrix titled "Use Types – William Taylor Plaza PUD."

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

Respectfully submitted this 3rd day of June, 2015.

Owner:
Cherry Avenue Investments, LLC

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

By: 
Frank Ballif, Manager

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**

Agenda Date: June 15, 2015

Action Required: Consideration of a Zoning Text Amendment

Presenter: Brian Haluska, Principal Planner, Neighborhood Development Services

Staff Contact: Brian Haluska, Principal Planner, Neighborhood Development Services

Title: ZT15-00002: Application Review Process

Background:

At their meeting on February 2, 2015; City Council initiated a zoning text amendment to modify the way in which the City reviews development applications. Specifically, the proposed changes would not immediately refer complete applications for development (rezoning requests, special use permits, site plans and subdivision plats) to the Planning Commission upon receipt, but would rather give the Director of Neighborhood Development Services and City Council the ability to hold off on referring the item to the Commission. The additional time in the process would be used for potential work sessions on the project with the Planning Commission, a mandatory community meeting arranged by the applicant, and staff review that could result in a request for additional information from the applicant in order to better explain their request.

The proposed changes are modeled on the current procedures in Albemarle County.

Discussion:

The Planning Commission considered this application at a joint public hearing on May 12, 2015. The Commissioners that supported the change to the ordinance felt that it would address the concerns of the public regarding the lack of adequate notification regarding development projects, as well as the frustration over a lack of public input. The Commissioners that opposed the change felt the logistics of the public meetings might become cumbersome and confusing.

Citizen Engagement:

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

The second speaker noted that the site plan conferences the City currently hosts are held during typical work hours, making attendance difficult for some citizens. The speaker also noted that the additional meetings, especially for site plans, would require many more night meetings for staff to attend.

Alignment with City Council’s Vision and Priority Areas:

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities.”

The City Council Vision of Economic Sustainability states that “The City has facilitated significant mixed and infill development within the City.”

The City Council Vision of a Smart, Citizen-Focused Government states that “We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and active citizen involvement. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.”

Budgetary Impact:

Staff anticipates that the amount of additional staff time required to administer the proposed changes would vary depending on the application. New applications subject to the proposed regulations would take more staff time, especially from the city planning staff, than these applications currently take.

The majority of the Albemarle County planning staff are non-exempt employees, meaning that they are limited to 40 hours of work per week before the County is required to provide overtime time or compensatory time at 1.5 times the employee’s normally hourly pay. In practice, this means that the time a planner spends at a night meeting is offset by a reduction in time worked another day that week. City planning staff are exempt employees, and thus additional night meetings are an obligation that is not accompanied by any additional compensation or time off.

Staff compiled the number of applications the City has received that could potentially fall under the mandatory public meeting ordinance as drafted over the 24 month period from May 2013 to April 2015. The numbers are presented in the table below.

| | Prelim. SP | Final SP | Site Plan Amndt. | SUP | Rezoning | Major SD | Total |
|--------------------|------------|----------|------------------|-----|----------|----------|-------|
| 24 month raw count | 35 | 18 | 51 | 16 | 6 | 3 | 129 |
| Likely Meeting | 19 | 0 | 0 | 16 | 6 | 3 | 44 |

While the ordinance does not specifically exclude site plan amendment applications from the required neighborhood meeting, staff would most likely interpret that any amendments to a site plan that meet the definition of a site plan amendment under the City Code would be minor enough that a neighborhood meeting would be unnecessary, or else the application should be a full site plan. Additionally, in projecting the number of neighborhood meetings that would have been required, staff is assuming that all final site plan applications over this time frame previously had a preliminary site plan application that would have been subject to a neighborhood meeting, and all Special Use Permit applications were accompanied by a preliminary site plan, so one neighborhood meeting would fulfill the requirement for both applications. Included in these numbers are the special use permits where an applicant was asking for permission for a particular use in an existing building (ex: Family Day Homes in residential areas that care for greater than 5 children require a special use permit).

The County of Albemarle does not require neighborhood meetings for site plans or subdivisions, only special use permit and rezoning requests. The staff gives the applicant the list of addresses for a mailing, and offers some guidance in terms of potential locations and the process of arranging the

meeting. Otherwise, the applicant is responsible for arranging the meeting and inviting the public. Staff attends the meeting to document the content of the meeting, as well as to serve as a resource for information on the review process.

One of the speakers at the public hearing mentioned a preference for the meetings to be set up entirely by staff. Staff currently holds public meetings for all new site plans. The meetings are held on Wednesdays at 10:00am in City Hall. Surrounding property owners are mailed notice of these meetings and these meetings are also advertised in the local newspaper of record. These tasks are currently handled by administrative staff in NDS.

Staff also notes that the proposal would increase the amount of time staff planners will be required to devote to the management of the applications covered by the proposed code change. Under the current staffing structure, this additional time will most likely mean less time for planning staff to spend on longer range planning efforts. The applications covered by the proposed code changes are submitted by applicants without regard for long range planning workload, and these applications frequently take priority in a planner's work load because of the requirements in the code that they be reviewed in a particular time frame.

Recommendation:

The Planning Commission took the following action:

"Ms. Green moved to recommend to City Council that it should amend sections 34-8, 34-41, 34-42, 34-158, 34-160, 34-515, 34-804 of the zoning ordinance, and section 29-59 of the subdivision ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Mr. Santoski seconded the motion. The Commission voted 3-2 to recommend approval of the zoning text amendment.

After the further research into the topic described in the budget section above, staff's recommendation remains to make the neighborhood meetings an option that can be required by the Director of NDS or City Council, not mandatory. It would be ideal to have neighborhood meetings for most rezonings and special use permits as a means of gathering public input earlier in the process, as well as informing affected residents in advance of public hearings. By making the meetings at the discretion of the Director or Council, staff would have the flexibility to waive the meeting for special use permits for changes of use within existing buildings.

Staff recommends maintaining the existing site plan conferences as required by the current provisions of the zoning ordinance.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached Ordinance,
- (2) by motion, request changes to the attached Ordinance,
- (3) by motion, defer action on the text change, or
- (4) by motion, deny the text change.

Attachment:

Staff Report dated April 29, 2015

Sec. 34-8. - Disclosure of real parties in interest.

An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

(9-15-03(3))

Sec. 34-41. - Amendments to the zoning ordinance.

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
 - (1) Resolution of the city council;
 - (2) Motion of the planning commission; or
 - (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property.
- (b) Petitions shall be made in writing, shall be addressed to the city council, and shall be submitted to the city's department of neighborhood development services at least forty-nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. The director of neighborhood development services shall establish and maintain uniform documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition.
- (c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.
- (d) Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation.

(9-15-03(3); 4-13-04(2), § 1; 1-17-06(3))

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

- (a) All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
 - (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 - (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 - (3) Whether there is a need and justification for the change; and
 - (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
- (b) Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- (c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services. Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

(9-15-03(3))

Sec. 34-158. - Application generally.

- (a) The procedure for filing and consideration of an application for a special use permit is the same as that required for a rezoning petition, except that each application for a special use permit shall also include:
 - (1) A site plan when required by section 34-802 of the City Code;
 - (2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of his status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner;
 - (3) For developments including any non-residential uses, and developments proposing the construction of three (3) or more single- or two-family dwellings, the applicant shall provide a completed low-impact development ("LID") methods worksheet; and
 - (4) For applications proposing the alteration of the footprint or height of an existing building, or the construction of one (1) or more new buildings: (i) a building massing diagram and (ii) elevations;
 - (5) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - (6) Other supporting data sufficient to demonstrate compliance with the purposes and standards of this Zoning Ordinance, including, without limitation, graphic materials that illustrate the context

of the project as well as information and data addressing the factors set forth within section 34-157 above.

- (b) It shall be the responsibility of the applicant for a special use permit to provide information and data addressing the factors referenced in this section and in section 34-157, above.

(9-15-03(3); 2-21-06; 7-17-06; 9-18-06; 4-19-10)

Sec. 34-160. - Review and action on application.

- (a) The department of neighborhood development services shall review every application for a special use permit and shall make a report of its findings and recommendations to the planning commission and city council.
- (b) The planning commission shall review and make recommendations to city council in the same manner as for a rezoning application. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

(9-15-03(3); 1-20-09)

Sec. 34-515. - Pre-application review.

- (a) Prior to the formal submission of an application seeking approval of a proposed PUD, the developer or his representative shall hold a conference with the director of neighborhood development services concerning the proposal, and shall provide the director with unofficial preliminary studies of his development concept and a sketch plan that specifies:
 - (1) The general location and amount of land proposed for residential, office, commercial, industrial, open space/recreation and vehicular and pedestrian access and circulation. This information shall be presented in a format that illustrates how the proposal meets the objectives of section 34-490
 - (2) The numerical range of dwelling units in terms of quantity, and the gross floor area and acreage of each use or land area shown on the sketch plan;
 - (3) A narrative explaining the development plan and if applicable, any proposed deviations or modifications from generally required provisions;
 - (4) Any preliminary proffers.
- (b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting.
- (c) Each application shall be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council.

(9-15-03(3); 4-13-04(2), § 1; 9-16-13)

Sec. 34-804. - Pre-application conference.

The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary

site plan, an applicant for site plan review should meet with the director to determine whether a site plan will be required and what information and materials must be provided in either case.

As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

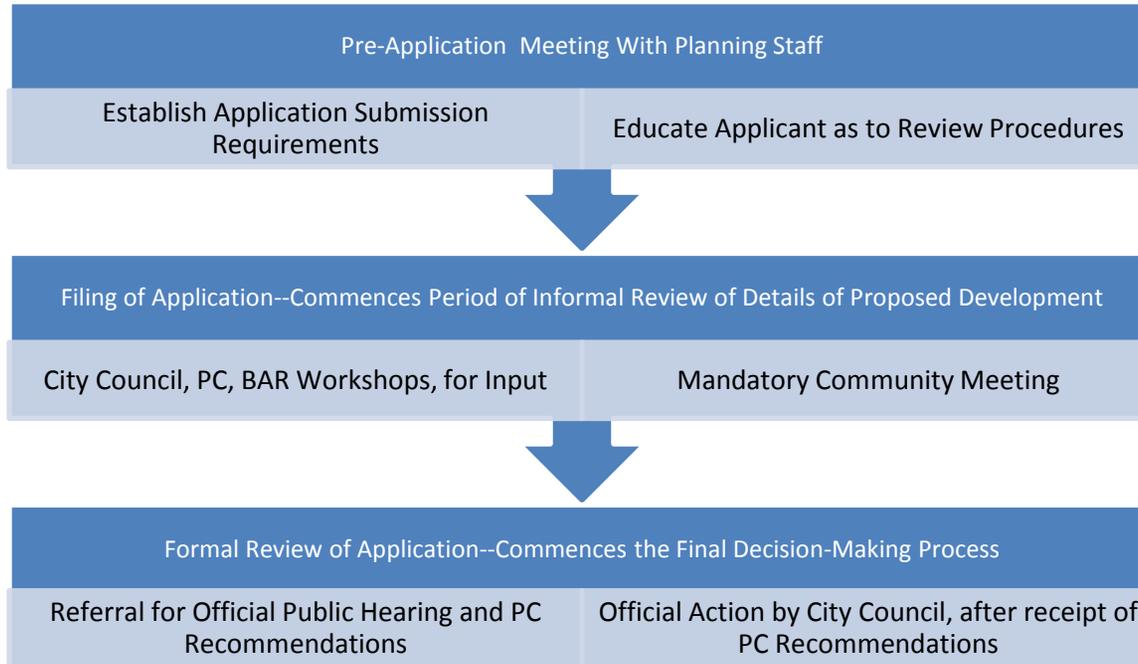
(9-15-03(3))

Sec. 29-59. - Review and approval.

- (a) Within fourteen (14) days of receipt of such plats the agent shall forward copies to the affected city departments for their review and comments.
- (b) Upon completion of this review, the agent shall notify the subdivider in writing of the plat's approval or disapproval and the reasons for disapproval or the conditions necessary for approval.
 - (1) In the event of approval, the director of neighborhood development services or their designee acting ex officio as secretary of the planning commission and the chairperson of the planning commission or their designee shall sign the reproducible original of the plat. The subdivider shall provide the agent with ten (10) copies of the signed final plat for city use.
 - (2) In the event of disapproval, the subdivider in its sole discretion may appeal to the commission at its next regularly scheduled meeting.
- (c) The agent, in its sole discretion, may submit a plat to the commission for review in place of the agent's review.

(4-21-08(1))

**SUMMARY OF PROPOSED PUBLIC INPUT PROCESS:
ZONING APPLICATIONS (REZONINGS, PUDs, SUPs)**



CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | February 2, 2015 |
| Action Required: | Approval of Resolution to Initiate Text Amendments to the Zoning and Subdivision Ordinances |
| Presenter(s): | Lisa Robertson; Missy Creasy |
| Staff Contacts: | Lisa Robertson; Missy Creasy |
| Title: | INITIATION OF CHANGES TO THE PROCEDURES BY WHICH CERTAIN APPLICATIONS REZONING, SPECIAL USE PERMITS AND DEVELOPMENT PLANS ARE SUBMITTED AND PUBLICLY REVIEWED |

Background:

The City Manager and Director of Neighborhood Development Services have requested us to prepare zoning and subdivision text amendments, to provide for community meetings at which the public would have an opportunity to receive information, and to comment on development projects, before applications seeking approval of the projects move forward for formal approval by the planning commission and city council. The purpose of this community meeting would be to enhance and promote public information and participation in the review process.

Discussion:

Attached is a Resolution that would initiate the planning commission's consideration of ordinance amendments to accomplish the requested community meeting procedures. The changes set forth within the Resolution are modeled on procedures found within Section 33 of the Albemarle County Zoning Ordinance. They are lengthy; however, we strongly recommend that consideration of zoning and

subdivision text amendments should be commenced at a broad scope, and then, following a public hearing and receipt of recommendations from the planning commission, City Council could narrow the scope of amendments.

In our opinion, the elements of the Albemarle County ordinance which contribute to a flexible, meaningful public review process are:

(A) Timing—in Albemarle, community meetings take place after application materials are submitted, but before an application is officially referred to the planning commission for public hearing and recommendations. *(By law, a zoning ordinance amendment cannot be adopted by city council unless and until the proposed amendment has been referred to the planning commission for its recommendations. Currently, in sec. 34-41(d) of the City’s zoning ordinance, every application is automatically “deemed” to be referred by council to the planning commission. In Albemarle, the referral is not automatic, but occurs only after the application has been presented at a community meeting and the application is otherwise deemed ready by County officials for consideration in the formal public hearing process).*

(B) Flexibility to allow Council, the Commission and the BAR an opportunity to review the application materials in detail, in advance of being required to act on it-- the County’s ordinance allows its Planning Director to recommend public work sessions for council, the planning commission, BAR, etc., as might be beneficial—again, before an application is ever referred to the Commission for commencement of a formal public hearing process;

(C) Detailed requirements as to application materials—a list of supplemental information requirements that can be required of applicants, as deemed beneficial for adequate consideration and understanding of a particular project *(this list of supplemental requirements provides a selection of items that can be required, or not, depending on the complexity or extent of a proposed development)*, and

(D) Mandatory pre-application staff meetings—the requirement for a pre-application meeting at which, among other things, the required application submission materials will be established and the community meeting requirement will be explained by the Director.

Given the structure of our own City Ordinances, we do not believe that simply adding a pre-application requirement for a community meeting will achieve the desired additional level of public notice and information. Establishing specific details as to information that must be contained within an application is necessary to ensure a meaningful level of information and review by citizens at the community meetings. Additionally, reserving to the Director and City Council the ability to determine when an application is ready for formal consideration within the structure of a public hearing process (instead of the current practice of automatically referring it upon receipt) would add significant flexibility for a better-informed public vetting of proposed developments.

Alignment with Council Vision Areas and Strategic Plan:

This item aligns with the City Council Vision to be a smart citizen-focused government.

Community Engagement:

There has been no community engagement prior to preparation of this Resolution for your consideration; however, the purpose of the proposed text amendments is specifically to provide for enhanced community engagement on an ongoing basis. If you initiate the planning commission's consideration of the Discussion Draft Ordinance, the Discussion Draft will be studied within a public process and then the Planning Commission will return its recommendations for additions or revisions to you, within the next 100 days.

Budgetary Impact:

Not known at this time. The procedures suggested within the text amendment will potentially require a substantial additional amount of staff time to contribute information and support to the scheduling and conduct of community meetings.

Recommendation:

Approved the attached Resolution, to initiate a public hearing process for zoning and subdivision text amendments that would establish enhanced procedures for public review and citizen engagement, in relation to proposed development projects within the City.

Alternatives:

Take no action.

Attachments:

- (1) Resolution to Initiate Public Consideration of Amendments of the Zoning and Subdivision Ordinances, to Provide for Enhanced Citizen Engagement in the Review of Proposed Developments.
- (2) Discussion Draft Ordinance, dated February 2, 2015

FEBRUARY 2, 2015

DISCUSSION DRAFT AMENDMENTS

TO CITY ZONING AND SUBDIVISION ORDINANCES

I. CHANGES TO THE APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AND REZONINGS (INCLUDING PUD AND PUD AMENDMENT)

Sec. 34-8. Disclosure of real parties in interest.

(a) An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

(b) All petitions initiated by property owners or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.¹

Sec. 34-41. Amendments to the zoning ordinance.

(a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:

- (1) Resolution of the city council;
- (2) Motion of the planning commission; or
- (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property ("zoning map amendments"). For purposes of this

¹ [Moved from 34-41(c)]

section, the term zoning map amendment includes, without limitation: petitions seeking to establish or to amend a planned unit development; petitions to amend established proffers; and petitions for approval of a special use permit.

(b) Petitions for zoning map amendments shall be made in writing, shall be addressed to the city council, and shall be filed in the department of neighborhood development services, and shall be submitted to the city's department of neighborhood development services at least forty nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. Each application shall be composed of a completed city-provided application form and supplemental information required in order for the city to review and act on the application. At a minimum, a complete application shall include:

(1) Verification of the applicant's attendance at a pre-application meeting with a City planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;

(2) A city-provided application form, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization;

(3) Written certification of compliance with sec. 34-10(b);

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All information required by any provision of this zoning ordinance (including, without limitation: sec. 34-158 and 34-other applicable city ordinances, or state law;

(6) All required supplemental information.

The director of neighborhood development services shall establish and maintain appropriate uniform application forms for zoning map amendments, documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition. Upon receipt of an application, the director shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision, and the applicant shall be notified in writing of the rejection and the reasons therefor.

(c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or

~~his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships. Following receipt of a complete application for a zoning map amendment:~~

- (1) Either the city council or the director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review (if property is within an historic district), or other public bodies, as the director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow the department of neighborhood development services to present a preliminary scoping of major issues, to seek directions as to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

- (2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The director of neighborhood development services is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. **The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.**

- (3) Unless otherwise directed by city council, upon the director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the director is authorized to refer the matter to the planning commission's for review in accordance with sec. 34-42(c), by written notice given to the planning commission chair.

- (d) ~~Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation reviewed by the director of neighborhood development for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision. For each application for a zoning map amendment, the director may require supplemental information to be submitted along with the~~

application. In determining what supplemental information must be submitted, the director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

- (1) Project Proposal Narrative, consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
- (2) Comprehensive Plan Analysis, consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- (3) Impacts on Public Facilities and Infrastructure. A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.
- (4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.
- (5) Impacts on Environmental Features. A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.
- (6) Project Concept Plan. For any zoning map amendment to establish a conventional zoning district (i.e., a district other than a PUD) or seeking approval of a special use permit, a conceptual plan shall be provided showing, as applicable: (i) street network, including circulation within the project and connections to existing and planned streets within and outside the project; (ii) general location of pedestrian and bicycle facilities; (iii) building envelopes; (iv) parking envelopes; (v) public spaces and amenities; (vi) conceptual stormwater management facility locations and types; (vii) conceptual grading; (viii) conceptual landscape plan, (ix) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (x) general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.

- (7) PUD Concept Plan. In addition to any information required by city code sec. 34-517, a PUD concept plan shall include: (i) typical cross-sections to show proportions, scale, and streetscape/cross-sections/ circulation; (ii) conceptual stormwater management facility locations and types; (iii) conceptual grading; (iv) a use table listing the specific uses to be included by right, and the number of dwelling units, by type; (v) building envelopes; (vi) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (vii) general layout for water and sewer systems; (viii) the general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities; (viii) a code of development identifying standards for proposed yards, open space characteristics, and any landscape or architectural characteristics relating to scale, proportions, and massing; and (ix) a conceptual lot layout.
- (8) Proposed Proffers to Address Impacts, consisting of a written statement of conditions, limitations, restrictions or amenities that the property owner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project.
- (9) Other Information, including, without limitation, special studies or documentation, identified by the director as being necessary for a full and complete review of the proposed zoning map amendment consistent with good zoning practices.

Sec. 34-42. Commission study and action.

- (a)....[NO CHANGE PROPOSED]
- (b)....[NO CHANGE PROPOSED]
- (c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Owner-initiated petitions for zoning map amendments shall be deemed referred to the commission as of the date on which: (i) city council, by motion or by resolution, refers an amendment to the commission for review, or (ii) the first planning commission meeting following the referral acceptance of the petition by the director of neighborhood development services pursuant to sec. 31-41(c)(3). Failure of the commission to report to city council within the 100 one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

II. CHANGES TO SPECIAL USE PERMIT APPLICATION REQUIREMENTS

Sec. 34-158. Application generally.

- (a) The procedure for filing and consideration of an application for a special use permit is the same as that required by sec. 34-41 for an owner-initiated rezoning petition for a zoning map amendment, except that each a complete application for a special use permit shall also include:
- (b)[NO CHANGE PROPOSED]

Sec. 34-160. Review and action on application.

(a)...[NO CHANGE PROPOSED]

(b) The planning commission shall review and make recommendations to city council in the same manner as provided within sec. 34-41 for an owner-initiated petition for a zoning map amendment ~~rezoning application~~. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

III. CHANGES TO PUD APPLICATION REQUIREMENTS

Sec. 34-515. Pre-application review process.

(a)...

(b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements referenced within paragraph (c), below, in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting application will be reviewed and acted upon in the manner prescribed within sec. 34-41.

(c) Each application shall ~~be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council~~ satisfy the requirements of sec. 34-41 as well as all of the requirements of this article.

IV. CHANGES TO SITE PLAN APPLICATION REQUIREMENTS

Sec. 34-804. Pre-application conference requirements

(a) No application seeking approval of a site plan, preliminary or final, for property that will be used for any commercial or industrial purpose, or that will contain six (6) or more residential dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or petition for a zoning map amendment. The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary site plan, an applicant for site plan review should meet with the

~~director to verify determine whether a site plan will be required and if so, what information and application materials must be provided in either case.~~

- (b) The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. At a pre-application conference, the director will verify whether a site plan will be required for a proposed development and if so, what information and application materials must be provided. As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

V. CHANGES TO SUBDIVISION APPLICATION REQUIREMENTS

Sec. 29-59. Review and approval.

- (a) No application seeking approval of a subdivision, preliminary or final, that would divide any parcel(s) of land into six (6) or more lots, or involving a new street, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development as part of city council's consideration of an application for approval of a special use permit or a petition for approval of a zoning map amendment. Within fourteen (14) days of receipt of such an applicant's official submission of a complete application for approval of a subdivision, ~~plus~~ the agent shall forward copies to the affected city departments for their review and comments.
- (b)[NO CHANGE PROPOSED]
- (c)[NO CHANGE PROPOSED]

ORDINANCE
AMENDING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED, TO MODIFY THE PROCESS BY
WHICH CERTAIN ZONING AND DEVELOPMENT APPLICATIONS ARE
SUBMITTED AND REVIEWED

WHEREAS, this City Council desires to enhance opportunities for citizens to obtain information about proposed developments within the City, and to allow expanded opportunities for public discussions of development applications; and

WHEREAS, Council believes that revising its established application review processes for certain types of applications will have the effect of improving citizens' opportunities to understand, review and comment on applications seeking development approvals, and will assure that Council, the Planning Commission, the BAR and other public bodies can make their decisions based on more detailed application materials and public comments, and

WHEREAS, Council desires to expedite the time frame in which changes to the City's procedures for review of development applications can be implemented; and

WHEREAS, a joint public hearing on the zoning and subdivision ordinance text amendments that are the subject of this Ordinance was held before the City Council and Planning Commission on May 12, 2015, following notice to the public as required by law; and

WHEREAS, legal notice of the public hearing held on May 12, 2012 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on May 12, 2012, the Planning Commission voted to recommend approval of the proposed zoning and subdivision ordinance text amendments, finding that such amendments are required by the public necessity, convenience, general welfare or good zoning practice, and this Council concurs with the Planning Commission's recommendation and hereby adopts the Planning Commission's findings as its own; **NOW THEREFORE**,

BE IT ORDAINED THAT Council hereby adopts, amends and re-ordains the Charlottesville City Code, Chapters 34 (Zoning) and 29 (Subdivisions), to approve and incorporate the amendments set forth following below:

I. THE FOLLOWING ZONING TEXT AMENDMENTS ARE HEREBY ADOPTED, TO CHANGE THE APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AND REZONINGS (INCLUDING PUD AND PUD AMENDMENT)

Sec. 34-8. Disclosure of real parties in interest.

(a) An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a

corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

- (b) All petitions initiated by property owners or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.

Sec. 34-41. Amendments to the zoning ordinance.

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
- (1) Resolution of the city council;
 - (2) Motion of the planning commission; or
 - (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property ("zoning map amendments"). For purposes of this section, the term zoning map amendment includes, without limitation: petitions seeking to establish or to amend a planned unit development; petitions to amend established proffers; and petitions for approval of a special use permit.
- (b) ~~Petitions for zoning map amendments shall be made in writing, shall be addressed to the city council, and shall be filed in the department of neighborhood development services, and shall be submitted to the city's department of neighborhood development services at least forty nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. Each application shall be composed of a completed city-provided application form and supplemental information required in order for the city to review and act on the application. At a minimum, a complete application shall include:~~
- (1) Verification of the applicant's attendance at a pre-application meeting with a City planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
 - (2) A city-provided application form, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization;

(3) Written certification of compliance with sec. 34-10(b);

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All information required by any provision of this zoning ordinance (including, without limitation: sec. 34-158 and 34-other applicable city ordinances, or state law;

(6) All required supplemental information.

The director of neighborhood development services shall establish and maintain appropriate uniform application forms for zoning map amendments, documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition. Upon receipt of an application, the director shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision, and the applicant shall be notified in writing of the rejection and the reasons therefor.

(c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships. Following receipt of a complete application for a zoning map amendment:

(1) Either the city council or the director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review (if property is within an historic district), or other public bodies, as the director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow the department of neighborhood development services to present a preliminary scoping of major issues, to seek directions as to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

- (2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The director of neighborhood development services is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.

- (3) Unless otherwise directed by city council, upon the director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the director is authorized to refer the matter to the planning commission's for review in accordance with sec. 34-42(c), by written notice given to the planning commission chair.

- (d) ~~Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation reviewed by the director of neighborhood development for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision.~~ For each application for a zoning map amendment, the director may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:
 - (1) Project Proposal Narrative, consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
 - (2) Comprehensive Plan Analysis, consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
 - (3) Impacts on Public Facilities and Infrastructure. A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.

- (4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.
- (5) Impacts on Environmental Features. A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.
- (6) Project Concept Plan. For any zoning map amendment to establish a conventional zoning district (i.e., a district other than a PUD) or seeking approval of a special use permit, a conceptual plan shall be provided showing, as applicable: (i) street network, including circulation within the project and connections to existing and planned streets within and outside the project; (ii) general location of pedestrian and bicycle facilities; (iii) building envelopes; (iv) parking envelopes; (v) public spaces and amenities; (vi) conceptual stormwater management facility locations and types; (vii) conceptual grading; (viii) conceptual landscape plan, (ix) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (x) general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
- (7) PUD Concept Plan. In addition to any information required by city code sec. 34-517, a PUD concept plan shall include: (i) typical cross-sections to show proportions, scale, and streetscape/cross-sections/ circulation; (ii) conceptual stormwater management facility locations and types; (iii) conceptual grading; (iv) a use table listing the specific uses to be included by right, and the number of dwelling units, by type; (v) building envelopes; (vi) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (vii) general layout for water and sewer systems; (viii) the general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities; (viii) a code of development identifying standards for proposed yards, open space characteristics, and any landscape or architectural characteristics relating to scale, proportions, and massing; and (ix) a conceptual lot layout.
- (8) Proposed Proffers to Address Impacts, consisting of a written statement of conditions, limitations, restrictions or amenities that the property owner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project.
- (9) Other Information, including, without limitation, special studies or documentation, identified by the director as being necessary for a full and complete review of the proposed zoning map amendment consistent with good zoning practices.

Sec. 34-42. Commission study and action.

(a)...[NO CHANGE PROPOSED]

(b)...[NO CHANGE PROPOSED]

(c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Owner-initiated petitions for zoning map amendments shall be deemed referred to the commission as of the date on which: (i) city council, by motion or by resolution, refers an amendment to the commission for review, or (ii) the first planning commission meeting following ~~the referral acceptance of the petition~~ by the director of neighborhood development services pursuant to sec. 31-41(c)(3). Failure of the commission to report to city council within the ~~100 one hundred~~-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

Sec. 34-158. Application generally.

(a) The procedure for filing and consideration of an application for a special use permit is the same as that required by sec. 34-41 for an owner-initiated rezoning petition for a zoning map amendment, except that ~~each~~ a complete application for a special use permit shall also include:

(b) ...[NO CHANGE PROPOSED]

Sec. 34-160. Review and action on application.

(a)...[NO CHANGE PROPOSED]

(b) The planning commission shall review and make recommendations to city council in the same manner as provided within sec. 34-41 for an owner-initiated petition for a zoning map amendment ~~rezoning application~~. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

II. THE FOLLOWING ZONING TEXT AMENDMENTS ARE HEREBY ADOPTED, TO CHANGE PLANNED UNIT DEVELOPMENT (PUD) APPLICATION REQUIREMENTS

Sec. 34-515. Pre-application review process.

(a)...[NO CHANGE PROPOSED]

- (b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements referenced within paragraph (c), below, in this section, the pre application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting application will be reviewed and acted upon in the manner prescribed within sec. 34-41.
- (c) Each application shall ~~be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council~~ satisfy the requirements of sec. 34-41 as well as all of the requirements of this article.

III. THE FOLLOWING ZONING TEXT AMENDMENTS ARE HEREBY ADOPTED, TO CHANGE THE SUBMISSION REQUIREMENTS FOR SITE PLAN APPLICATIONS:

Sec. 34-804. Pre-application ~~conference~~ requirements

- (a) No application seeking approval of a site plan, preliminary or final, for property that will be used for any commercial or industrial purpose, or that will contain six (6) or more residential dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or petition for a zoning map amendment. The purpose of a pre application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary site plan, an applicant for site plan review should meet with the director to ~~verify~~ determine whether a site plan will be required and if so, what information and application materials must be provided in either case.
- (b) The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. At a pre-application conference, the director will verify whether a site plan will be required for a proposed development and if so, what information and application materials must be provided. As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

IV. THE FOLLOWING SUBDIVISION ORDINANCE TEXT AMENDMENTS ARE HEREBY ADOPTED, TO CHANGE THE

SUBMISSION REQUIREMENTS FOR SITE PLAN APPLICATIONS:

Sec. 29-59. Review and approval.

- (a) No application seeking approval of a subdivision, preliminary or final, that would divide any parcel(s) of land into six (6) or more lots, or involving a new street, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development as part of city council's consideration of an application for approval of a special use permit or a petition for approval of a zoning map amendment. Within fourteen (14) days of receipt of such an applicant's official submission of a complete application for approval of a subdivision, ~~plans~~ the agent shall forward copies to the affected city departments for their review and comments.

- (b)[NO CHANGE PROPOSED]

- (c)[NO CHANGE PROPOSED]

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|------------------|--|
| Agenda Date: | June 15, 2015 |
| Action Required: | Yes |
| Presenter: | Maurice Jones, City Manager Constance Dunn, Executive Director of the Charlottesville Redevelopment and Housing Authority |
| Staff Contacts: | Maurice Jones, City Manager |
| Title: | Charlottesville Redevelopment and Housing Authority Update |

Background:

The Charlottesville Redevelopment and Housing Authority (CRHA) is responsible for the maintenance and repair of 376 units on 11 scattered sites around the City – Westhaven, Crescent Halls, South First Street, Sixth Street, Michie Drive and Riverside Avenue. The interior and exterior building maintenance is handled internally. Landscaping is contracted to a private vendor. In numerous discussions with residents, concerns over the conditions of some of the units, the backlog of capital improvements, and CRHA’s ever reducing levels of staffing have been raised. Council is being asked to consider a significant contribution to assist with funding a position in the Authority to manage its maintenance program.

Additionally, the Housing Authority is taking steps to begin its redevelopment process. One option for moving the process along is establishing a partnership with the Alexandria Redevelopment and Housing Authority (ARHA). Members of the ARHA staff recently met with the City Council, the CRHA Board and public housing residents to discuss the structure of their authority and to review the success they have had in establishing new public housing units on mixed income sites. Soon after the meeting, ARHA developed a proposal (Attachment A) for providing consulting services for CRHA’s redevelopment process.

City Council is **not** being asked to assist in funding the redevelopment proposal this evening. The proposal will be discussed by the CRHA Board at one of its future meetings. City staff recommends that ARHA be invited to present its proposal to the CRHA Board and the Public Housing Association of Residents (PHAR) before any decisions are made about a possible partnership.

Discussion:

CRHA has worked diligently to speed up response times for work orders, but there is room for improvement on the prioritization of calls for service. The Authority does not currently have a maintenance supervisor to coordinate service, and this function is currently covered by both the

Asset Managers and the Executive Director. CRHA is currently relying on a site-based approach to maintenance. This decentralized strategy is a result of decreased funding over the years and does not lend itself to a comprehensive method of tackling the increasing number of calls for service or developing a preventative maintenance plan.

This approach fails to properly prioritize the needs of the entire Housing Authority. After discussions with CRHA staff and residents, the idea of creating a Modernization Coordinator was developed to centralize oversight of everyday maintenance and inventory of the Authority coupled with the management of the agency's capital improvement program. CRHA is authorized to use a portion of its capital dollars allocated by the Department of Housing and Urban Development (HUD) to cover the cost of the position. However, the Authority is about \$35,000 short of what will be needed to attract strong candidates for the position.

Recommendation:

Staff recommends allocating \$35,000 per year for the next three years from the Affordable Housing Fund to assist in paying for the Modernization Coordinator position. The coordinator will supervise the day-to-day maintenance operations of the Authority, thus preserving current low income housing stock, while also working with the City and other partners on the largest capital project on the horizon – the future redevelopment of the public housing sites.

Alignment with City Council's Vision and Strategic Plan:

This aligns with Council's vision for Quality Housing Opportunities for All. It also aligns with the Strategic Plan Goal 1: Enhance the self-sufficiency of our residents, and Goal 2: Be a safe, equitable, thriving and beautiful community.

Budget:

\$35,000 from the Affordable Housing Fund for a period of three years beginning in Fiscal Year 2016.

Alternatives:

Council could reject the proposal.

Community Engagement:

The City has had several meetings with the CRHA staff and public housing residents during the last two years to discuss public housing needs including the modernization coordinator's position.

Attachments:

ARHA proposal for providing consulting services for CRHA's redevelopment process



May 22, 2015

To: Constance Dunn, CRHA Executive Director

From: Roy Priest, ARHA Chief Executive Officer 

Re: Proposal to develop and assist in the implementation of a Corrective Action Plan

Attachments: ARHA Statement of Qualifications
Project Profile Sheets

The Alexandria Redevelopment and Housing Authority (ARHA) is pleased to submit the following proposal to assist CRHA in its efforts to create a plan of correction to be submitted to HUD in order to avoid the potential for receivership. We anticipate further discussion and refinement to ensure the final scope of work meets your needs.

I. ARHA proposes the following scope of work:

Develop Corrective Action Plan (CAP): ARHA will work with CRHA and the City to develop a written, multi-component Corrective Action Plan that outlines the types of actions/activities that need to occur in order for the CRHA to be prepared to execute redevelopment efforts. The CAP will include a planning and community engagement structure that can be adapted for the various CRHA communities. The planning structure will be important so that CRHA, the City and the community all understand the roles and responsibilities (*and limitations*) of each entity, how information will be shared and processed, how decisions are made, and how conflicts are resolved.

The CAP will include a communications plan that outlines the ways in which information will be disseminated to and from all stakeholders. It will also include a proposed timeline and schedule that can be refined once the CAP is completed.

ARHA will facilitate the process to secure CRHA Board, City departments and City Council approval of the CAP.

Once the CAP is approved, ARHA will assist CRHA with oversight and will facilitate the implementation of the approved CAP, working collaboratively with CRHA and the developer teams (when applicable). As part of this effort, ARHA will prepare CAP materials, if needed, and document the outcomes of CAP activities so there is a written record of CRHA's efforts.



The scope of work is based on the following assumptions:

1. There is an August 23, 2010 Charlottesville Redevelopment and Housing Authority Master Plan, prepared by Wallace Roberts & Todd, et. al., that can be relied on by ARHA and used as a reference until such time that it can be updated based on the financing identified and the current market conditions.
2. There is a Residents' Bill of Rights for Redevelopment that has been approved by the CRHA Board of Commissioners and the Charlottesville City Council that governs the relationship with the Public Housing Association of Residents during the redevelopment of public housing sites.
3. There is an August 2005 Pre-Design and Development Feasibility Study for Madison Avenue Neighborhood PUD sponsored by Charlottesville Community Design Center, that can be relied on by ARHA and used as a reference until such time that it can be updated based on the financing identified and the current market conditions..
4. There is a December 13, 2013 City of Charlottesville Strategic Investment Area Plan, that can be relied on by ARHA and used as a reference until such time that it can be updated based on the financing identified and the current market conditions.
5. Both the City and CRHA are committed to meaningful engagement of residents, civic leaders and other stakeholders, but there is not yet consensus on what this might look like and ARHA will be part of that process.
6. The redevelopment will be based in large part on the HUD Mixed-finance development process which has become the public housing development option of choice. It presents CRHA with a variety of options and opportunities to address creatively the affordable housing needs of Charlottesville. This creative approach, spurred by mixed-finance development, points to new funding sources and new possibilities for the continued revitalization of the nation's more distressed communities. The mixed-finance method is an evolving process that has seen a reduction in the level of HUD development appropriations offset by the increased availability of other forms of financing, such as Low Income Housing Tax Credits. The key characteristics of mixed-finance development are the adaptability and significant leveraging of resources, as well as the social benefit of mixed-income communities. There can be significant fees earned through development efforts that can be used to stabilize and sustain CRHA long term.
7. There are certain routine operational functions that require work in order to set the CRHA on a path to redevelopment that ARHA will identify and assist in efforts to correct (e.g., potential realignment of the AMPS and budget discussions).

II. Fee Structure:

The scope related to the drafting of a CAP shall be invoiced on an hourly basis. There may also be some associated work needed post CAP, in order to ready CRHA for implementing the development activities. These services will also be invoiced hourly. The development services, post CAP, shall be based on a negotiated sharing of any earned developer fee, payable after financial closing. We feel that this is the most beneficial to CRHA, PHAR and the City of Charlottesville.



Hourly Rates:

- CEO \$125.00
- Deputy ED \$105.00
- Director of Development \$ 95.00
- Director of Finance and Administration \$ 90.00
- Senior Development Officer \$ 70.00
- HR Manager \$ 65.00
- HCVP Director \$ 60.00
- Procurement Manager \$50.00
- Property Manager \$50.00

Reimbursable Expenses: Direct (out-of-pocket) expenses and sub-consultant fees will be billed at cost with a 10% administrative mark-up. Sub-consultants will not be engaged without prior CRHA approval.

We look forward to sharing our experience with our sister agency, the Charlottesville Redevelopment & Housing Authority.

Respectfully submitted,



Roy Q. Priest, CEO
ARHA and VHDllc



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