

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, April 10, 2012 – 5:30 P.M. CITY COUNCIL CHAMBERS

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

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

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

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

- 1. Minutes - March 13, 2012 – Regular meeting
- 2. Minutes - March 13, 2012 – Pre meeting
- 3. Minutes – January 24, 2012 – Work Session
- 4. Minutes – March 27, 2012 – Work Session
- 5. Major Subdivision – 850 Estes Street

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

G. JOINT PUBLIC HEARINGS

1. SP-12-02-02 – (2211 Hydraulic Road) An application from BHE, LLC for a special use permit to locate a research and testing laboratory. The property is further identified on City Real Property Tax Map 40C Parcel 64 having frontage on Hydraulic Road. The site is zoned B-1 Business with Entrance Corridor Overlay and is approximately 2.933 acres or 127,761 square feet. The Land Use Plan generally calls for Office. **Report prepared by Michael Smith, Neighborhood Planner.**

2. Closing of Laurel Street: A petition to close Laurel Street, a distance of approximately 198 feet long x 30 feet wide and vacate a portion of the plat dated January, 1957, of record in Charlottesville Clerk's Office Deed Book 198 page 139. This street is located between City Real Estate Tax Map 19 Parcel 58 and Tax Map 20, Parcel 106, running south from Old Lynchburg Road to Monte Vista Avenue. **Report prepared by Jim Tolbert, NDS Director.**

IV. **REGULAR MEETING ITEMS (Cont.)** – 7:00 P.M.

I. Preliminary Discussion

- 1. Lochlyn PUD

J. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, April 17, 2012 – 6:00 PM	Work Session	Joint with Albemarle County

		Planning Commission
Tuesday, April 23, 2012 – 5:00 PM	Work Session	Zoning Text Amendments
Tuesday May 8, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, May 8, 2012 – 5:30 PM	Regular Meeting	SUP - 1719 Hydraulic Road – Dominion Power site Rezoning – Lochlyn PUD Entrance Corridor – McDonalds at Barracks Road

**Anticipated Items on Future Agendas**

- Entrance Corridor – Belmont Cottages PUD,
- Preliminary Site Plan and Critical Slopes – Willoughby Place

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

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



City Council Action on Items with  
Planning Commission Recommendation  
March 2012

March 5, 2012

h. RESOLUTION: Arlington & Millmont Apartments SUP for Increased Density & Height (1<sup>st</sup> of 1 reading)

This item was approved

March 19, 2012

No Commission items

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, March 13, 2012 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)  
Mr. Dan Rosensweig  
Ms. Lisa Green  
Ms. Natasha Sienitsky  
Mr. John Santoski  
Mr. Kurt Keesecker

Mr. David Neuman, Ex-officio, UVA Office of the Architect

Not Present:

Mr. Michael Osteen

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager

Also Present

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Keller convened the meeting.

**A. COMMISSIONERS' REPORT**

- Ms. Sienitsky noted that she will give her report during the CDBG public hearing.
- Ms. Green –There will be a Bike Safety meeting this Thursday at 5:00 p.m. and the agenda will include discussion on allocation of funds.
- Mr. Rosensweig –Housing Advisory Committee did not meet last month but they will meet next Wednesday March 21, 2012 at 12:00 p.m. in the NDS Conference room. Parks and Recreation Advisory Board has been very active. One item is the master planning process for the east side of McIntire Park. A community meeting was held February 28 at the Martin Luther King performing Arts Center where three land concepts were revealed. A public hearing will be held March 26<sup>th</sup> at the Buford Middle School Auditorium and a month after that the Parks and Recreation Advisory Board will discuss the input gathered at the hearing and decide what to present to the Planning Commission.
- Mr. Keesecker –Nothing to report
- Mr. Santoski-Nothing to report

**B. UNIVERSITY REPORT**

Mr. Neuman – announced that the American Council on Renewable Energy will have a seminar on Sustainable Ways for Community Prosperity. It will be held at the University Of Virginia Darden School Of Business March 29, 2012 from 9:00 a.m.-5:00 p.m.

**C. CHAIR'S REPORT**

Ms. Keller also attended the Master Planning Council meeting two weeks ago and felt it was very informative. The major presentation was on a bike share proposal that is being

presented to VDOT. She wishes them great success and hope that the City of Charlottesville will be a part of this in the future. Ms. Keller made a formal apology to Latitude 38 and the team behind the Lankford home for the misrepresentation during the award for “Outstanding Sustainable Development”.

**D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN**

Ms. Creasy gave an overview of upcoming meetings. March 27, 2012 there will be a joint meeting between City Council and the Planning Commission on Land Use projects. There will be another Community meeting March 29, 2012 from 4-7 pm at the Water Street Center and the topic will be Historic Preservation. There will also be a joint work session with the county planning commission April 17, 2012 and the county will be the host.

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

There were none.

**F. CONSENT AGENDA**

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

1. Minutes - February 14, 2012 – Regular meeting
2. Minutes - February 14, 2012 – Pre meeting
3. Minutes – January 24, 2012 – Work Session
4. Site Plan – 850 Estes Street

The Consent Agenda was approved with the deferral of the January 24, 2012 Work Session minutes to be voted on at a later date.

**III. JOINT PUBLIC HEARINGS**

**G. JOINT PUBLIC HEARING**

**1. Community Development Block Grant and HOME Funding—5th Year Action Plan, 12-13:** The Planning Commission and City Council are considering the 5th year Action Plan of the multi-year Consolidated Plan which sets forth projects to be undertaken utilizing CDBG & HOME funds for the City of Charlottesville. In fiscal year 12-13 it is expected that the City of Charlottesville will receive \$425,318 for Housing and Community Development needs and \$76,831 in HOME funds for affordable housing from HUD. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate income homebuyers, and pedestrian improvements to the Fifeville Neighborhood, as well as to fund several programs that benefit low and moderate income citizens and the homeless population. HOME funds will be used to support Tenant Based Rental Assistance through Charlottesville Redevelopment and Housing Authority. **Report prepared by Melissa Thackston, Grants Coordinator.**

Ms. Green and Mr. Rosensweig recused themselves.

Ms. Creasy presented the staff report due to Ms. Thackston’s absence.

Ms. Sienitsky, the Planning Commission representative on the CDBG Task Force, added that there has been a 40% decrease in funds since last year. Would like let the community know that this is not an sustainable funding source. In the past they have been able to spread funds to a number of different projects and now they are unable to do this.

**Questions from Council members**

- Would like to see a more detail list of amounts requested and amounts funded in next year's report.

**Public Hearing opened**

No one was present to speak and the public hearing was closed

**Questions or Comments from the Commission**

- The amount of money allocated to the SRO voucher program, is that a fixed amount?

Ms. Creasy stated that it only reflects allocations for this year.

Ms. Sienitsky moved to recommend approval of the CDBG and HOME funding allocation as noted in the staff report.

Mr. Santoski seconded the motion.

Ms. Creasy called the question

Sienitsky	Yes
Santoski	Yes
Keesecker	Yes
Keller	Yes

Motion Carries.

Ms. Sienitsky made a motion for Adjournment at 6:40 pm until the second Tuesday of April.

**CITY OF CHARLOTTESVILLE**  
**PLANNING COMMISSION PRE MEETING**  
**TUESDAY, March 13, 2012 -- 4:30 P.M.**  
**NDS CONFERENCE ROOM**

**Planning Commissioners present**

Ms. Genevieve Keller

Mr. Dan Rosensweig

Mr. Kurt Keesecker

Ms. Lisa Green

Ms. Natasha Sienitsky

Mr. John Santoski

**Staff Present:**

Mr. Jim Tolbert, NDS Director

Ms. Missy Creasy, Planning Manager

Ms. Brian Haluska, Neighborhood Planner

Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 5:20. Ms. Keller noted that the hearing for Zoning Waivers was deferred as well as the January 24, 2012 work session minutes. Commissioners were interested in scheduling a work session to discuss the zoning text amendments once more details were confirmed. Mr. Keller also noted she will provide clarification on the award for outstanding sustainable project as part of her report in the meeting.

The discussion adjourned at 5:27pm.



**Planning Commission Work session  
January 24, 2012  
Minutes**

**Commissioners Present:**

Ms. Genevieve Keller (Chairperson)  
Mr. Kurt Keesecker  
Ms. Lisa Green  
Mr. Dan Rosensweig  
Mr. Michael Osteen  
Mr. John Santoski  
Ms. Natasha Sienitsky

**Staff Present:**

Jim Tolbert  
Missy Creasy  
Brian Haluska  
Richard Harris  
Michael Smith  
Willy Thompson  
Ebony Walden

Ms. Keller convened the meeting at 5:00 p.m. and turned the time to Jim Tolbert. Mr. Tolbert informed the Planning Commission of the Supreme Court ruling which does not allow the Planning Commission to grant waivers. Staff will be reviewing both Chapter 34 and 29 to find all waivers occurrences and recommend updates to comply with the legal interpretation. A Public Hearing on the text changes is anticipated for March.

**Discussion on Housing and Transportation Survey**

The Planning Commission and City Council would like a copy of the 60 pages of comments from Survey Monkey in order to review the raw data. One highlight of the survey was that most who responded were happy with where they currently lived. It is anticipated that this data will be linked to the build out analysis.

**Upcoming Events**

Ms. Creasy informed the Planning Commission of the Livability project community meeting on Thursday February 23 on “Long Range Transportation” to be held at the Water Street Center. The City and County are in the process of scheduling a joint Planning Commission meeting for April.

**Build out Analysis**

Brian Haluska presented a report on the Build out Analysis. This is part 6 of the Land Use Project. He noted the process used to construction the data and gave an overview of the report.

Mr. Rosensweig would like to focus on historical housing data analysis and review data from different periods of time. He would also like to look at HUD standards for housing in relation to this data. He noted that CEDA funding is available but feels that it is hard to find properties where the financing makes sense. Even when lots are available, there are issues with financing. He feels that the University zoning needs to be looked at as a model of success as well as the Standards and Design Manuel and subdivision regulations.

Mr. Osteen felt that some “non-vacant” sites are being redeveloped. He feels that if there is pressure from the community, then change will come incrementally and that some things should not be rushed.

Mr. Santoski mentioned that the development of city owned properties could be explored. Ms. Keller also mentioned the precedent of development at McGuffey School in the past and the possible potential for similar types of development on school properties today.

Ms. Green would like the community to be balanced as a whole. She would also like to look at certain areas and to rethink community infrastructure needs.

Ms. Keller feels that more people might be living in R-1 areas today because of the economy with adult children and aging family members creating more multi-generational households than in the recent past. She wondered if we may have too many mixed used areas that are diluting the kind of vitality we were intending to create through mixed use zoning, and that some of those areas could be looked to for change

Mr. Keesecker feels that potential redevelopment areas could be mapped. He feels the City should help more with funding when able and cited the Oakhurst project as an example of one with funding issues. He would like to map community density based on census tract data.

Ms. Sienitsky noted that it appeared that some Planning Commission members felt zoning changes were needed while others did not.

**The following questions are pending based on the discussion:**

Mr. Osteen wanted to know how we identify families looking for larger units. He also wanted to know if critical slopes maps could be overlaid to refine numbers.

Mr. Rosensweig asked how many sites took advantage when new SUP regulations were put into place.

Mr. Santoski would like to know what amount of growth is realistic and where things are really going based on the data?

Mr. Keesecker would like to know the current density in certain areas of the City.

Mr. Haluska summarized the discussion, including the following which need to be addressed:

- Modify the build-out analysis projections to use a “typical density used” in multi-family projects.
- Incorporate HUD data on families seeking 3-4 bedroom units.
- Map areas of the City that might be subject to large amounts of development.
- Map opportunities for development – and redevelopment
- Create a visual representation of density, including density by building for larger projects.

Mr. Haluska also highlighted the following:

- The build-out analysis does not consider absorption rates.
- The analysis does not take into account unit types. Further research may be able to yield more information on the unit makeup of new construction.
- The analysis raises the issue of the changing face of single-family residential development – family size, accessory units, etc.
- It raises the issue of City investment in infrastructure to serve the future needs. (roads, utilities, etc.)
- Financing is a potential hurdle for all development, although mixed-use developments can face some unique challenges. It could present an opportunity for partnerships.
- Changes since 2007 (Martha Jefferson Hospital relocation, West Main St construction) have impacts that may not have been fully realized or understood.
- The analysis does not speak to whether the units will be owner or renter occupied.
- R-1 Density. Do the current regulations serve the greater interests of the community?

Kristin Szakos complemented the commission on the discussion.

**Public Comment**

Bill Emory was interested in viewing the map showing vacant land in the city. He noted that the City could be broken in to quadrants to see where density is located.

Jack Marshall of ASAP noted that he was impressed with the discussion and feels that good information was given. He would like the commission to discuss whether the population number is appropriate and to clarify what the community wants to look like in the future.

Meeting adjourned at 6:55 pm.

**Planning Commission Joint Work session with City Council**  
**March 27, 2012**  
**Minutes**

**Commissioners Present:**

Ms. Genevieve Keller (Chairperson)  
Mr. Kurt Keesecker  
Ms. Lisa Green  
Mr. Dan Rosensweig  
Mr. Michael Osteen  
Ms. Natasha Sienitsky

**City Council Present**

Mr. Huja (Mayor)  
Ms. Deedee Smith  
Ms. Kathy Galvin

**Staff Present:**

Jim Tolbert  
Missy Creasy  
Brian Haluska  
Richard Harris  
Michael Smith  
Willy Thompson  
Ebony Walden

Ms. Keller convened the meeting at 5:00 p.m. and turned the time to Mr. Tolbert who gave a presentation on the history of the Comprehensive Planning process since 2001.

**Discussion on Presentation**

- Mr. Rosensweig wanted to know how many units are in the UHD and UMD areas. He also asked about other areas where nodes may exist. Will other areas such as West Main Street, the MJH area and areas south of the tracks be addressed during the comprehensive plan? He feels the UHD and UMD areas were a great success, but maybe we are focusing too much on corridors. He feels things are headed in the right direction, but also feels that other areas could be looked at including Elliott Ave, Harris St, and the Woolen Mills area.
- Ms. Galvin would like the presentation posted on line for viewing. She would also like to know the priority areas and feel this would be great conversation for future discussion.

Mr. Tolbert felt that the MJH area and the area south of the tracks would be great areas to look at.

Mr. Haluska gave an overview of the packet presented to the Planning Commission and City Council. He opened discussion of the three questions proposed in the packet.

**Question 1**

What should the City's vision for the future be with regards to the land use policy?

### **Discussion of question 1**

Ms. Galvin felt that Land Use could not be discussed without talking about building form, density and height. She also felt that other areas may evolve as nodes and confirmed that the corridors are still the main growth areas. She feels that quality in some places is an afterthought. There should be more integration with Parks and Recreation plans and more trails.

Mr. Huja feels that the Comprehensive Plan is a general documentation. He feels that corridors could be strengthened and there is no need to remove industrial areas. There remains a need for location for current industrial needs.

Ms. Green would like to see if the corridors that are being looked at are the ones we would like to continue to look at. She also feels that the area south of downtown would be a good area to look at. Focusing on the Rivanna is an idea she does not want to get lost.

Ms. Keller feels that B1 and B2 areas should be looked at. Additional form based elements should also be considered. She also felt that there should be more talk with UVA concerning transportation.

Mr. Osteen feels that there is a need for more people to use the transit system.

Mr. Haluska summed up the discussion by saying things are going in a good direction and there are other opportunities to look at as we proceed forward.

### **Question 2**

What should the City's vision for the future be with regards to economic development and its impact on zoning?

### **Discussion of question 2**

Mr. Haluska gave an overview and highlighted aspects of the "new industrial" industries which are very different than the factories of the past.

Ms. Smith felt that hazardous materials need to be addressed. How do Land Use changes alter demographics and the people sites are being building for should be kept in mind.

Mr. Osteen feels that delivery of the product and logistics should be evaluated. He also feels that transition takes time and should not be rushed.

Ms. Keller would like performance management evaluated. She feels there are many businesses that can be complimentary to the community.

Mr. Rosensweig wanted to go back to question one to clarify if a conclusion was made. He would like for residents to say what they want in their neighborhoods. Some people would like to live and work in their neighborhoods.

Ms. Sienitsky would like nodes introduced in some areas and see how they evolve. She feels that the reason some areas do not have businesses is due to zoning. This may be hindering the incubation of new businesses.

Ms. Galvin would like to see more discussion on form base and transitional zoning. McIntire Plaza is an example of an area where residents and businesses in a single area is compatible. She also felt that MJH is a transitional area. She would also like to see a decrease in the unemployment rate and would not like to lose land that could be developed to increase jobs.

Mr. Huja feels that habits are hard to change. He noted that the Belmont area needs transition.

Mr. Keesecker would like to know whether one big employer who hires 500 people is better than having fewer employers hiring smaller numbers. He feels a visual (map) would be helpful for indicating areas where people are okay with commercial development.

### **Question 3**

How should public outreach be completed for the Comprehensive Plan?

### **Discussion of question 3**

Mr. Haluska outlined the staff proposal for public outreach and asked for feedback.

Ms. Galvin would like to know what density looks like and what does it do for you. Density is needed for transportation alternative vitality and to increase community amenities. She also encourages streetscaping and a plan for the future.

Mr. Osteen would like to see neighborhoods get more education on the process.

Mr. Rosensweig would like to focus on larger areas of the city.

Ms. Green would like to know if the city would be looked at as a whole

Ms. Keller would like to see a parent and family focus group.

Mr. Keesecker would like the land use reformatted so it is easier to understand.

### **Summary of Meeting**

Planning Commission and City Council felt it was a very productive and informative meeting. They would like a future joint work session to include mapping exercises to allow for visual representation of the conversations.

### **Public Comment**

Ellen Wagner, 841 Locust Avenue, invited City Council and members of the Planning Commission to attend their annual cookout on May 6th. They will be devoting the first hour as a brainstorming session on what residents see for the future of their community.

Brian Carr, 100 Ridge St, he is not against the development of the proposed hotel on Main Street, but would like City Council and the Planning Commission to look at other related facts to the area such as; Main Street having a community center and the only one of its kind in the area.

The meeting adjourned at 6:50.

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



**APPLICATION FOR APPROVAL OF A SUBDIVISION**

**PLANNING COMMISSION REVIEW**

**DATE OF PLANNING COMMISSION MEETING: APRIL 10, 2012**

**Author of Staff Report:** Brian Haluska

**Date of Staff Report:** March 30, 2012

**Project Name:** 850 Estes Street

**Applicant:** Michael Bickers

**Applicant's Representative:** Justin Shimp, Shimp Engineering

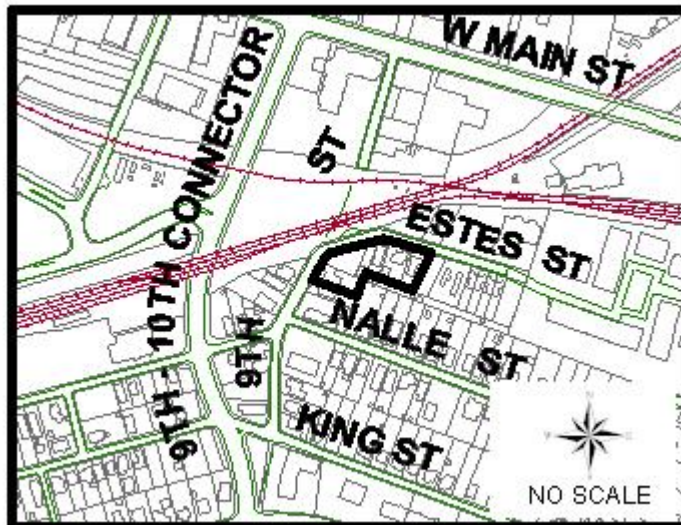
**Applicable City Code Provisions:** 29-1 through 29-126 (Subdivision)  
34-831 through 34-910 (Site Plans)

**Zoning District:** Cherry Avenue Corridor

**Date of Preliminary Site Plan Conference:** April 21, 2010

**Date Final Major Subdivision was Submitted:** February 21, 2012

**Site Map**





## **Legal Standard of Review**

Approval of a major subdivision is a *ministerial* function, as to which the Planning Commission has little or no discretion. When an applicant has submitted a subdivision that complies with the requirements of the City's Subdivision Ordinance, then approval of the plan *must* be granted. In the event the Planning Commission determines there are grounds upon which to deny approval of a subdivision, the motion must clearly identify the deficiencies in the plan that are the basis for the denial by reference to *specific* City Code sections and requirements. Further, upon disapproval of a subdivision, the Planning Commission must identify the modifications or corrections that would permit approval of the plan.

## **Executive Summary**

The applicant, Michael A. Bickers, has submitted a major subdivision for a townhouse development located on Estes Street. The plan contains 17 townhouse lots, and an residual lot dedicated for common space for a total of 18 lots.

## **Staff Checklist**

- A. Compliance with design standards and improvements (*per Subdivision Ordinance §§29-36 - 29-60*):
  - a. Blocks: This subdivision does not change any block lengths or widths.
  - b. Lots: The applicant proposes subdividing an existing 31,262 square foot (0.71 acres) lot into 17 townhouse lots with an 11,602 square foot (0.27 acres) area dedicated to common area. The 17 residential lots average 1,156 square feet in size. The lots conform to the approved preliminary site plan.
  - c. Parks, Schools, and other Public Land: The plat does not include any dedication of public land.
  - d. Preservation of natural features and amenities: The applicant is replacing trees in accordance with the previously approved preliminary site plan.
  - e. Soil Erosion and Sediment Control: The applicant has submitted an erosion and sediment control plan. The plan is under review, and the applicant will have to comply with any staff comments before final site plan approval.
  - f. Monuments: Monuments will be used in the subdivision as needed.
- B. Compliance with Street Standards for Subdivisions (*per Subdivision Ordinance §§29-61 - 29-80*): No new streets are proposed as a part of this subdivision.
- C. Compliance with Utility Standards for Subdivisions (*per Subdivision Ordinance §§29-81 -29-115*): The utility layout and configurations have been reviewed by staff as a part of the preliminary site plan. Further review of the storm sewer, sanitary sewer and water systems will come during the final site plan stage, and the applicant will be required to comply with staff comments.

- D. Compliance with applicable Zoning District Regulations (*per Zoning Ordinance §34-490-519*): The Cherry Avenue Corridor regulations have been addressed as required, and the plat layout conforms to the preliminary site plan approved by the Planning Commission on March 13, 2012.
  
- E. Compliance with the City's Erosion and Sediment Control Ordinance, City Code, Chapter 10: As noted above, the applicant has submitted an erosion and sediment control plan. The plan is under review, and the applicant will have to comply with any staff comments before site plan approval.

### **Public Comments Received**

No public comments specifically related to the subdivision plat have been received as of this date. Public notice is not required for a plat. The public was sent notices for the preliminary site plan conference held on April 21, 2010.

### **Recommendation**

Staff recommends approval of the preliminary and final subdivision plat.

SUBDIVISION PLAT SHOWING  
LOTS 1 THROUGH 17  
850 ESTES STREET  
BEING A DIVISION OF  
TAX MAP 30 PARCELS 55 AND 59 THROUGH 62  
LOCATED AT THE INTERSECTION OF  
ESTES STREET AND 9TH STREET SW  
CHARLOTTESVILLE, VIRGINIA  
FEBRUARY 15, 2012

TITLE REFERENCES  
FOR TMP 30-55, 59, 60:  
MICHAEL A. BICKERS  
2300 WAKEFIELD ROAD  
CHARLOTTESVILLE, VA 22901  
D.B. 1073 P. 584, 588 PLAT  
D.B. 642 P. 251

TITLE REFERENCES  
FOR TMP 30-61:  
MICHAEL A. BICKERS  
2300 WAKEFIELD ROAD  
CHARLOTTESVILLE, VA 22901  
D.B. 791 P. 687, 690 PLAT  
D.B. 34 P. 154  
HWPB 3 P. 254

TITLE REFERENCES  
FOR TMP 30-62:  
MICHAEL A. BICKERS  
2300 WAKEFIELD ROAD  
CHARLOTTESVILLE, VA 22901  
D.B. 1073 P. 584, 588 PLAT  
D.B. 779 P. 618  
D.B. 535 P. 141  
D.B. 524 P. 556 PLAT  
D.B. 524 P. 555 PLAT  
CO. D.B. 84 P. 464

CITY APPROVALS:

SECRETARY OF THE \_\_\_\_\_ DATE  
PLANNING COMMISSION

CHAIRMAN OF THE \_\_\_\_\_ DATE  
PLANNING COMMISSION

OWNER'S APPROVAL:

THE PLATTING OR DEDICATION OF THE FOLLOWING  
DESCRIBED LAND (TAX MAP 30 PARCELS 55 AND 59  
THROUGH 62 ) IS WITH THE FREE CONSENT AND IN  
ACCORDANCE WITH THE DESIRE OF THE UNDER-  
SIGNED OWNERS, PROPRIETORS, AND TRUSTEES  
IF ANY.

\_\_\_\_\_  
MICHAEL A. BICKERS DATE

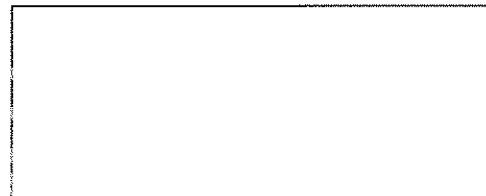
NOTARY PUBLIC:

STATE OF \_\_\_\_\_  
CITY/COUNTY OF \_\_\_\_\_

THE FOREGOING WAS ACKNOWLEDGED  
BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_ BY \_\_\_\_\_

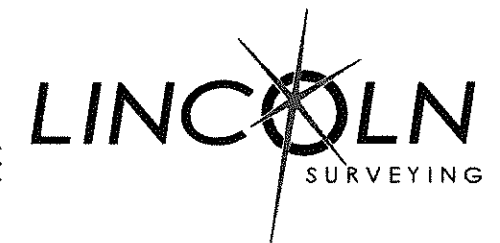
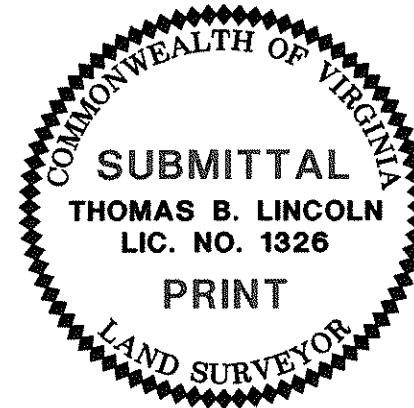
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



THIS AREA RESERVED  
FOR NOTARY STAMP

I HEREBY CERTIFY THAT THIS SUBDIVISION  
PLAT, TO THE BEST OF MY PROFESSIONAL  
KNOWLEDGE AND BELIEF, IS CORRECT AND  
COMPLIES WITH THE MINIMUM PROCEDURES  
AND STANDARDS ESTABLISHED BY THE VIRGINIA  
STATE BOARD OF ARCHITECTS, PROFESSIONAL  
ENGINEERS, LAND SURVEYORS, CERTIFIED  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS.  
I ALSO CERTIFY THAT THE BOUNDARY SHOWN  
HEREON IS BASED ON A CURRENT FIELD SURVEY.



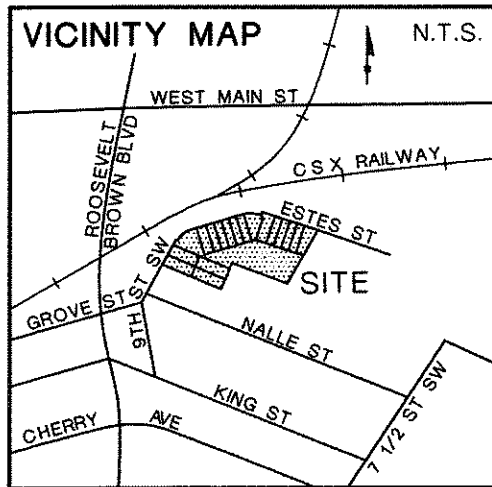
*Innovation. Integrity. Vision.*

632 BERKMAR CIRCLE  
CHARLOTTESVILLE, VIRGINIA 22901  
OFFICE: 434-974-1417

**LOT AREA TABULATION**

	AREA IN S.F.	AREA IN AC.
LOT 1	1348.46	0.031
LOT 2	947.30	0.022
LOT 3	947.30	0.022
LOT 4	947.30	0.022
LOT 5	947.30	0.022
LOT 6	1377.81	0.032
LOT 7	1381.03	0.032
LOT 8	927.99	0.021
LOT 9	928.00	0.021
LOT 10	928.00	0.021
LOT 11	928.00	0.021
LOT 12	928.00	0.021
LOT 13	1218.00	0.028
LOT 14	1433.14	0.033
LOT 15	1383.15	0.032
LOT 16	1602.72	0.037
LOT 17	1486.82	0.034
<b>TOTAL LOTS</b>	<b>19660.32</b>	<b>0.452</b>

THE COMMON AREA WILL BE DEEDED TO THE HOMEOWNERS ASSOCIATION FOR PRIVATE MAINTENANCE/USE OF BOTH THE DETENTION SYSTEM AND THE ACCESS/PARKING AREA.



**SITE AREA TABULATION**

	AREA IN S.F.	AREA IN AC.
LOTS	19660.32	0.452
COMMON OPEN SPACE	11602.67	0.266
<b>EXISTING TOTAL AREA</b>	<b>31262.99</b>	<b>0.718</b>
TMP 30-55,59-62		

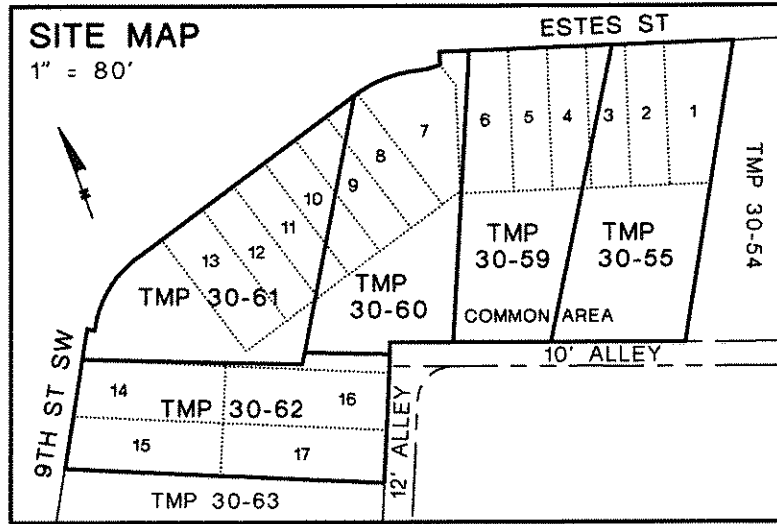
**EXISTING AREA TABULATION**

	AREA IN S.F.	AREA IN AC.
TMP 30-55	6511.08	0.149
TMP 30-59	6065.19	0.139
TMP 30-60	6087.45	0.140
TMP 30-61	6124.41	0.141
TMP 30-62	6474.86	0.149
<b>EXISTING TOTAL AREA</b>	<b>31262.99</b>	<b>0.718</b>
TMP 30-55,59-62		

**TAX MAP-PARCEL#**

**STREET ADDRESS**

TMP 30-55	848 ESTES STREET
TMP 30-59	850 ESTES STREET
TMP 30-60	852-854 ESTES STREET
TMP 30-61	9TH ST SW
TMP 30-62	218 9TH ST SW



TAX MAP 30 PARCELS 55 AND 59 THROUGH 62 ARE ZONED: CH (CHERRY AVENUE CORRIDOR)

EACH PARCEL (LOTS 1 THROUGH 17) CREATED BY THIS SUBDIVISION PLAT CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, WATER PROTECTION AND SUBDIVISION ORDINANCES.

ANY STREAM BUFFER(S) SHOWN HEREON SHALL BE MAINTAINED IN ACCORDANCE WITH CHAPTER 10 OF THE CITY OF CHARLOTTESVILLE'S WATER PROTECTION ORDINANCE.

THE STREETS IN THIS SUBDIVISION ARE NOT ACCEPTED INTO THE CITY'S STREET SYSTEM AND WILL NOT BE MAINTAINED BY THE CITY OF CHARLOTTESVILLE.

NO PUBLIC AGENCY, INCLUDING THE CITY OF CHARLOTTESVILLE, VIRGINIA, WILL BE RESPONSIBLE FOR MAINTAINING THIS IMPROVEMENT (OR FACILITY).

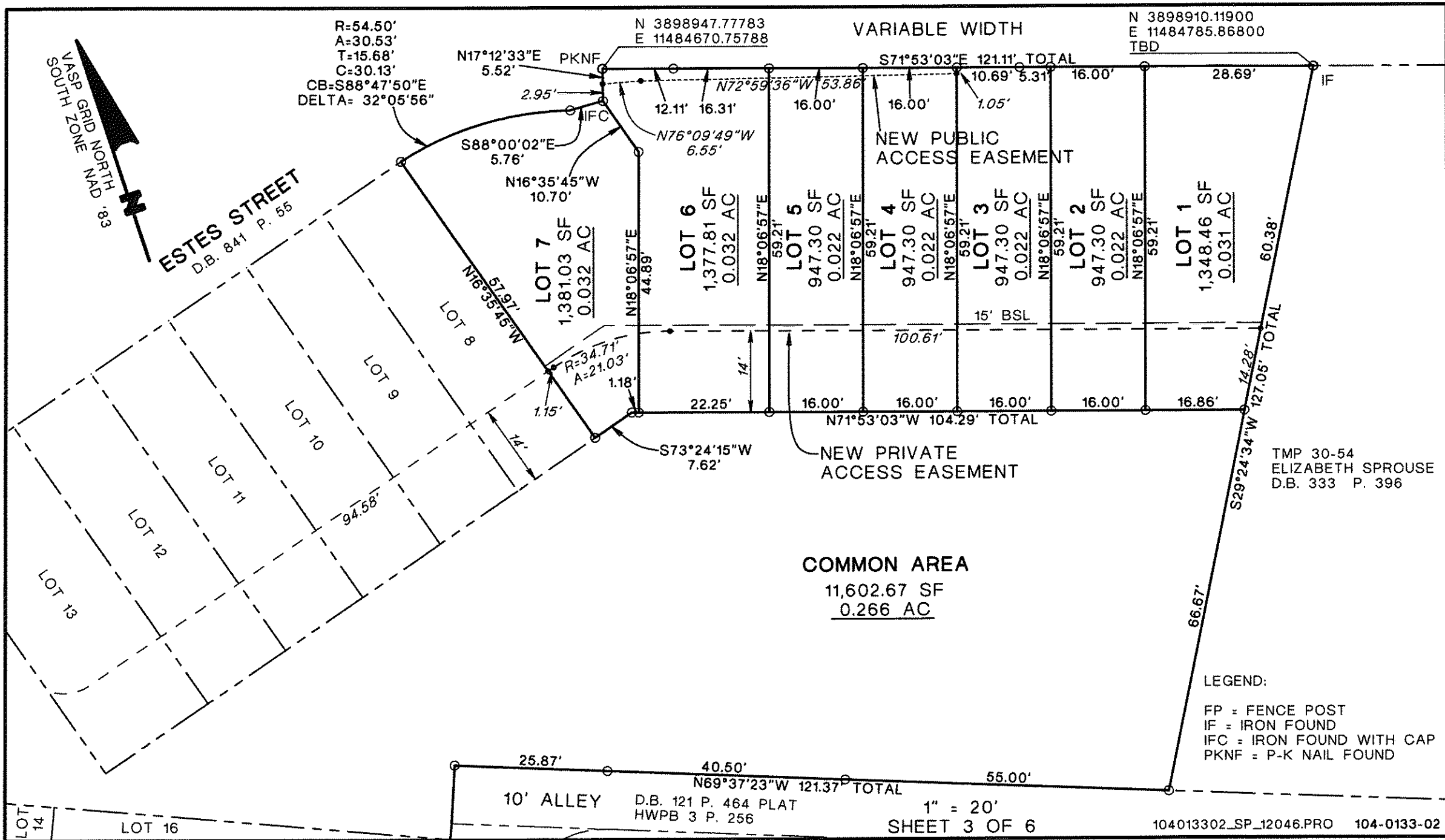
THIS PROPERTY LIES IN AN AREA DESIGNATED AS ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON MAPS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. DATED: FEBRUARY 4, 2005 COMMUNITY PANEL NO. 510033 0288 D

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

SOME EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.

**SETBACKS:**  
FRONT (ESTES ST AND 9TH ST SW)--0-15' BUILD TO LINE  
SIDE--PER APPLICATION PLAN  
REAR--15'

IRONS TO BE SET AT ALL NEW LOT CORNERS BY DECEMBER 31, 2013.



R=54.50'  
A=30.53'  
T=15.68'  
C=30.13'  
CB=S88°47'50"E  
DELTA= 32°05'56"

N 3898947.77783  
E 11484670.75788

N 3898910.11900  
E 11484785.86800  
TBD

N17°12'33"E PKNF 5.52'  
N72°59'36"W 53.86'  
S71°53'03"E 121.11' TOTAL  
N76°09'49"W 6.55'  
S88°00'02"E 5.76'  
N16°35'45"W 10.70'  
N18°06'57"E 44.89'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'  
N18°06'57"E 59.21'

2.95'  
12.11'  
16.31'  
16.00'  
16.00'  
16.00'  
10.69'  
5.31'  
16.00'  
1.05'  
28.69'

IFC  
IF

S73°24'15"W 7.62'  
N71°53'03"W 104.29' TOTAL  
15' BSL  
100.61'

57.97'  
N76°35'45"W  
1.18'  
14'  
14'  
14.28'

51.52'  
1.15'  
22.25'  
16.00'  
16.00'  
16.00'  
16.00'  
16.00'  
16.86'

94.58'  
14'  
14'  
14.28'

60.38'

66.67'

127.05' TOTAL

121.37' TOTAL

55.00'

25.87'

40.50'

121.37' TOTAL

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

10' ALLEY

VARIABLE WIDTH

9TH STREET SW

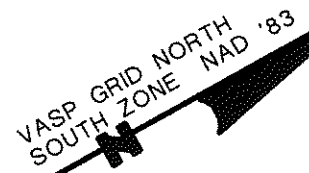
N 3898839.06203  
E 11484466.06677

**LOT 15**  
1,383.15 SF  
0.032 AC

**LOT 14**  
1,433.14 SF  
0.033 AC

**COMMON AREA**  
11,602.67 SF  
0.266 AC

R=44.56'  
A=34.84'  
T=18.37'  
C=33.96'  
CB=N49°37'01"E  
DELTA= 44°48'08"



TMP 30-63  
LEE CLARK ASSOCIATES, LLC  
D.B. 952 P. 496  
D.B. 524 P. 556 PLAT  
D.B. 272 P. 512  
W.B. 45 P. 29

N 3898787.64695  
E 11484587.30516  
Z TBD

12' ALLEY  
D.B. 121 P. 464 PLAT

IF 22.00'  
S22°48'16"W 48.51' TOTAL  
D.B. 67 P. 196 PLAT  
D.B. 17 P. 476  
HWPB 3 P. 256

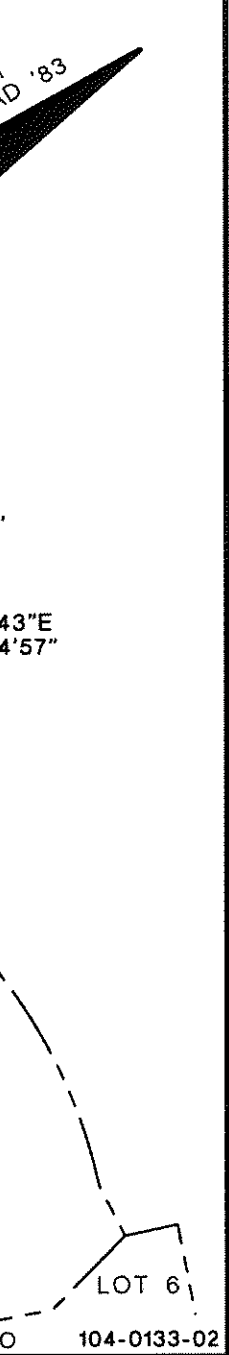
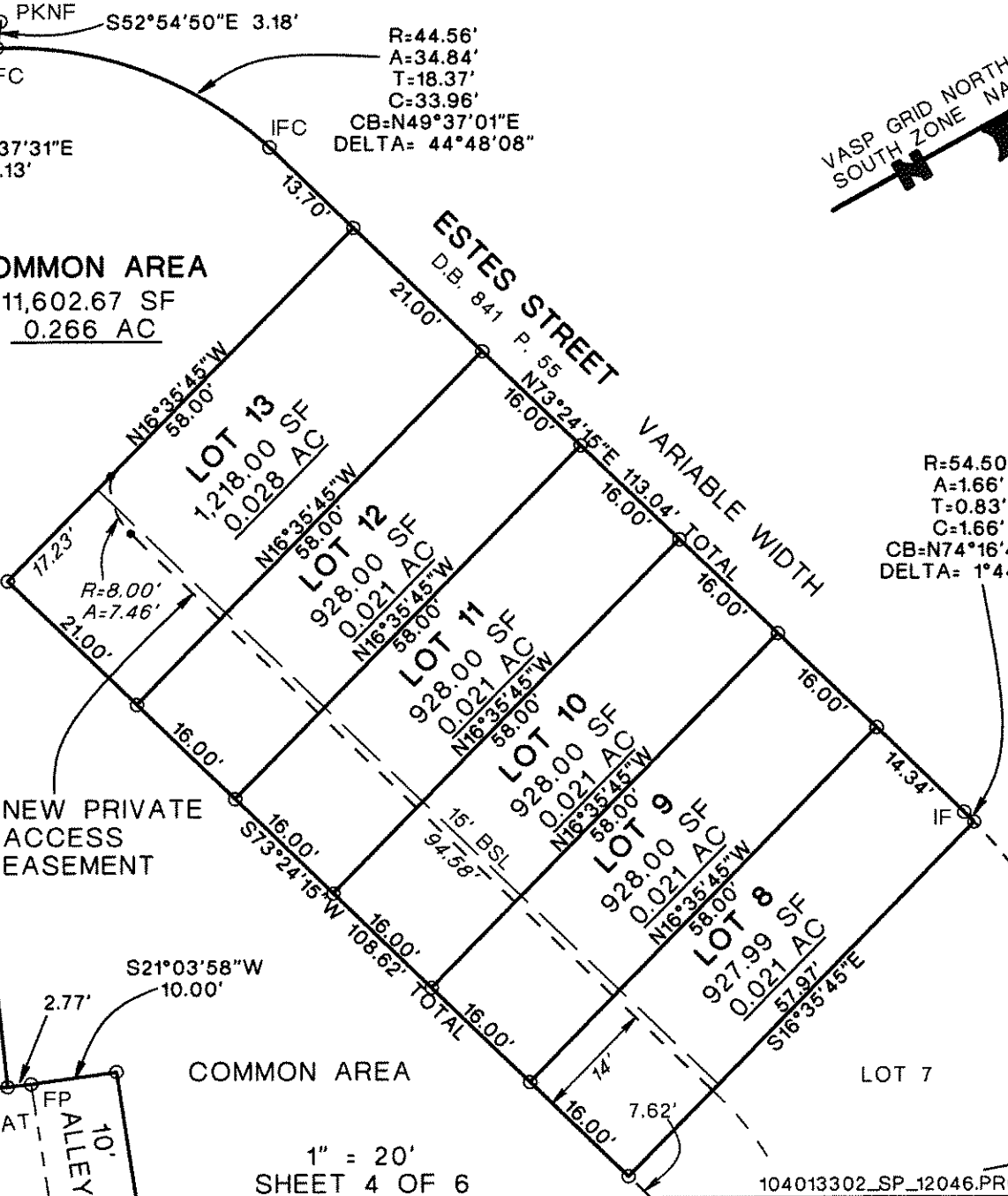
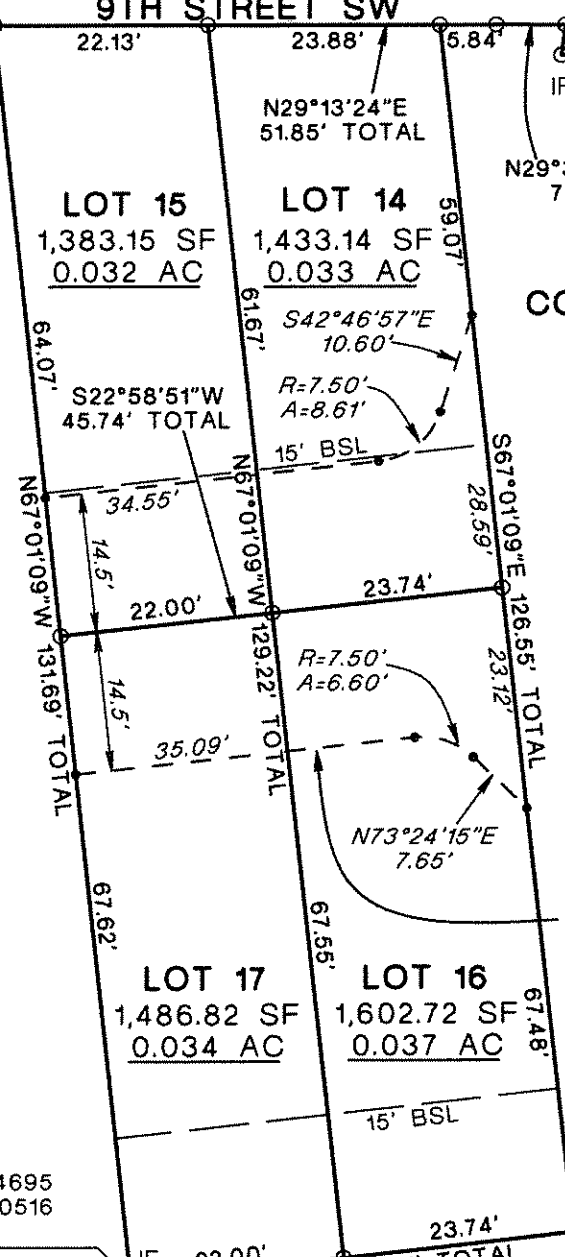
FP ALLEY  
10'

**COMMON AREA**

1" = 20'  
SHEET 4 OF 6

104013302\_SP\_12046.PRO

104-0133-02



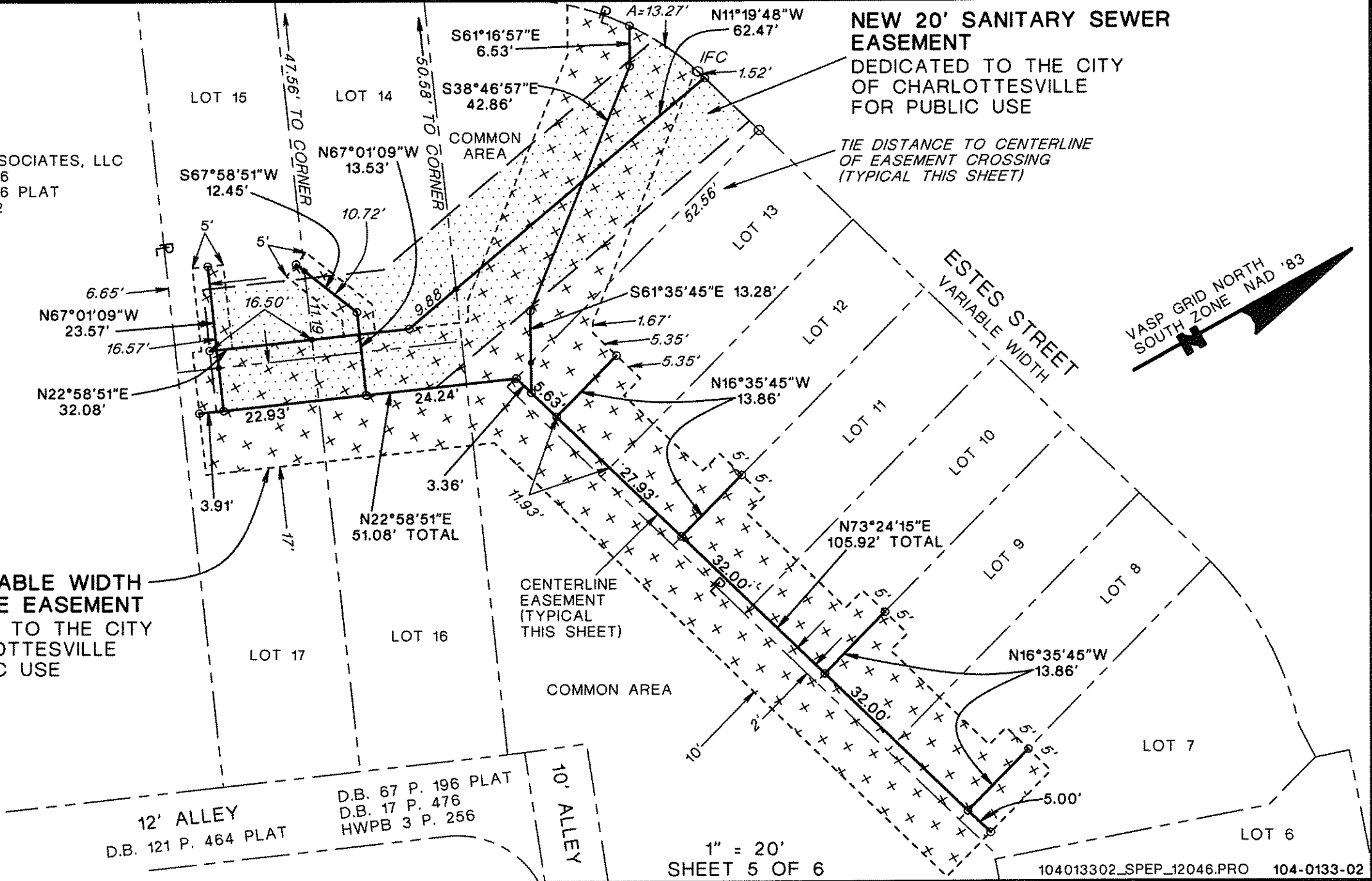
TMP 30-63  
 LEE CLARK ASSOCIATES, LLC  
 D.B. 952 P. 496  
 D.B. 524 P. 556 PLAT  
 D.B. 272 P. 512  
 W.B. 45 P. 29

**NEW VARIABLE WIDTH  
 WATERLINE EASEMENT**  
 DEDICATED TO THE CITY  
 OF CHARLOTTESVILLE  
 FOR PUBLIC USE

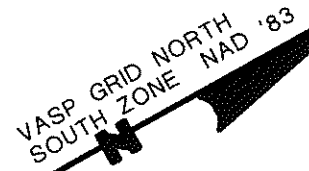
**NEW 20' SANITARY SEWER  
 EASEMENT**  
 DEDICATED TO THE CITY  
 OF CHARLOTTESVILLE  
 FOR PUBLIC USE

TIE DISTANCE TO CENTERLINE  
 OF EASEMENT CROSSING  
 (TYPICAL THIS SHEET)

CENTERLINE  
 EASEMENT  
 (TYPICAL  
 THIS SHEET)



VARIABLE WIDTH 9TH STREET SW



TMP 30-63  
LEE CLARK ASSOCIATES, LLC  
D.B. 952 P. 496  
D.B. 524 P. 556 PLAT  
D.B. 272 P. 512  
W.B. 45 P. 29

LOT 15

LOT 14

COMMON AREA

LOT 13

ESTES STREET  
VARIABLE WIDTH

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 61

N25°38'46"E  
2.71'

N64°21'14"W  
52.85'  
69.71'

TIE DISTANCE TO  
EASEMENT CROSSING  
(TYPICAL THIS SHEET)

47.24'

S64°21'14"E  
13.03'

S82°36'47"E  
4.92'

10.76'

14.75'

37.95'

LOT 17

N82°36'47"W  
22.12'

LOT 16

NEW PRIVATE  
STORM DRAINAGE  
EASEMENT

COMMON AREA

D.B. 121 P. 464 PLAT  
12' ALLEY

D.B. 67 P. 196 PLAT  
D.B. 17 P. 476  
HWPB 3 P. 256

10'  
ALLEY

1" = 20'  
SHEET 6 OF 6



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



**APPLICATION FOR A SPECIAL USE PERMIT**

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

**DATE OF HEARING:** April 10, 2012  
**APPLICATION NUMBER:** SP-12-02-02

**Project Information**

**Project Planner:** Michael Smith, Neighborhood Planner

**Applicant:** BHE, LLC

**Applicants Representative:** Robert Dittmar, BHE, LLC

**Applicable City Code Provisions:** 34-156 through 34-164 (Special Use Permits), Section 34-480 Use Matrix

**Application Information**

**Property Street Address:** 2211 Hydraulic Rd. Charlottesville

**Tax Map/Parcel #:** TM 40C, Parcel 64

**Total Square Footage/Acreage Site:** 127,761 square feet/ 2.933 acres

**Comprehensive Plan (Land Use Plan) Designation:** Office

**Current Zoning Classification:** B-1

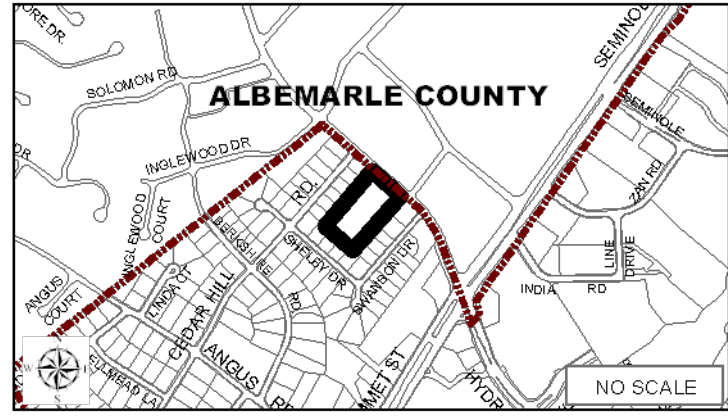
**Tax Status:** The City Treasurer's office indicates that there are no delinquent taxes owed on the subject property at the time of the public hearing.

**Applicant's Request:**

BHE, LLC, current owner of 2211 Hydraulic Road, is requesting a special use permit to allow HemoShear, a biotech testing lab, to operate as a tenant within their structure. Under City Code, HemoShear would be classified as a "research and testing facility," which is only allowed by SUP in the B-1 zone.

*Research and testing facility* means a facility for conducting scientific or engineering tests on materials, parts, and products, not involving sales directly to the public.

**Vicinity Map:**



**Standard of Review:** The Planning Commission must make an advisory recommendation to the City Council concerning approval or disapproval of a special permit or special use permit for the proposed development based upon review of the site plan for the proposed development and upon the criteria set forth.

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

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

- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations.

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

In reviewing an application for a special use permit, the City Council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided: (1) Such modification or exception will be in harmony with the purposes and intent of the zoning district regulations under which such special use permit is being sought; (2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and (3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this ordinance within the zoning district in which the subject property is situated. The Planning Commission may include comments or recommendations regarding the advisability or effect of the modifications or exceptions. The resolution adopted by Council shall set forth the approved modifications or exceptions.

## **Background:**

### **Research and Testing Lab**

- Section 34-480 Commercial Use Matrix allows research and testing labs by special use permit in the B-1 commercial district.

### **Brief Overview of HemoShear:**

HemoShear is a biotech lab that works with human cells that come from the aorta (blood vessels) of cadaver tissue. The cells are acquired through a third party vendor, Lonza or Invitrogen, that sources the tissue through very strict mechanisms of procurement. All methods of procurement are regulated by the vendor. Through isolation, the cells undergo testing for viruses and infectious diseases before coming to HemoShear.

HemoShear are experts in the area of biological responses in the human cellular system and support the needs of research and development efforts of the pharmaceutical industry. HemoShear runs experimental studies for their partners/clients and provide detailed explanations and interpretations of the data in a report format.

HemoShear is currently located at 1115 5<sup>th</sup> Street SW in an 8,000 square feet facility. Representatives from HemoShear claim they are expanding at a rate that their current facility cannot accommodate. They believe the vacant 10,000 square feet at 2211 Hydraulic will adequately address their growth. HemoShear currently employs 23 people, all of whom typically work an 8AM-6PM shift.

## **Overall Analysis:**

### **1. Proposed Use of the Property**

HemoShear is attempting to relocate their business from 1115 5<sup>th</sup> Street SW to 2211 Hydraulic Road. The existing structure currently has three 20,000 sq. ft. floors of equal size. HemoShear intends to occupy 10,000 sf vacant space on the 3<sup>rd</sup> floor. The other 10,000 sq.feet of the third floor is currently occupied by the University of Virginia student financial services department.

**2. Zoning History**

This property was annexed into the City in 1963 and designated in the 1976 zoning map as B-1 business. No zoning changes have occurred on this property.

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

Direction	Use	Zoning
North	Albemarle County	
South	Single Family Residential	R-1
East	Multi-Family Residential	B-1
West	Office Use(State Farm)	B-1

**Project Review**

**1. Harmonious with existing patterns of use and development within the neighborhood.**

Staff believes the proposed use will be harmonious with existing uses within the neighborhood considering a majority of the activity adjacent to this property is currently commercial use.

**2. Conformity with the city’s comprehensive plan.**

Under the Economic Sustainability chapter in the 2007 comprehensive plan, Goal II and III expresses a desire to “capture entrepreneurial startup activity with the City” and “Generate and sustain successful small businesses.” This use will satisfy the intent of both goals.

**3. Compliance with building code**

The Building Code Official for the City states that the proposed use will be reviewed as a “B” business use under the Virginia Construction Code. Other uses within this category include: post offices, outpatient clinics, banks, and dry cleaning services. The business will be required to adhere to all required building codes.

**4. Impact on the Neighborhood**

**a. Traffic or parking congestion**

- Traffic congestion: Although vehicle trips to this property will increase with this use, staff doesn't believe this use will have a significant impact on congestion.
- Parking: Under City Code, the property is required to have 127 parking spaces. Currently, the property has 230 spaces. Utilizing the parking requirements within City Code for Office Use (1 space/500 sq.foot), this use will require 20 spaces. No additional parking will be necessary on the site.

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

The quality of life of the surrounding community will not be adversely impacted by this use.

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

This use will not displace any existing residents or businesses.

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

This use does not discourage economic development activities.

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

This use will not directly increase the density of population in the area or intensify the use of community facilities.

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

This use will not reduce the availability of affordable housing.

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

This use will not impact school population or facilities.

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

This site is not within a historic district and the applicant does not propose any demolition or enlargement of buildings.

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

Staff has informed the City Building Code Official, Fire Marshal, and Hazmat Officer of this proposed use. Additionally, staff contacted the Department of Health to seek input on

this proposed use. All parties questioned believe the proposed use will be able to conform to all federal, state, and local laws.

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

The proposal does not alter the exterior of the building.

**Attachments:** SUP Narrative, Proposed Building Plans

**Public Comments Received:**

Marilyn Basham, 2203 Shelby Ln, expressed some concern over the proposed use and if the proposed use would open the door for more “invasive and dangerous medical testing facilities.”

**Staff informed Ms. Basham that if this application was successful in obtaining a SUP, that permit would not open the door for more intense research and testing facilities. The SUP would only apply to “research and testing facilities,” as defined currently in city code, at that property.**

Cary Holland, 2206 Shelby Ln, expressed some concern with waste associated with the proposed use and asked how that waste will be managed.

**Regarding waste, staff has been told by the applicant all biohazardous waste is stored according to OSHA standards and removed every other week by a third-party safety support and waste removal company, Stericycle.**

A nearby resident, Ms. Zimmerman, was concerned with how the proposed may affect property values.

**Staff does not believe property values will be negatively affected by the proposed use.**

**Staff Recommendation**

Staff believes 2211 Hydraulic Road is an appropriate and reasonable location for this proposed use. HemoShear is an innovative, small business that works within an industry City Council has expressed a desire to retain and attract within the City.

Staff recommends approval.

**Suggested Motions:**

1. “I move to recommend the approval of this Special Use Permit application for a research and testing facility at 2211 Hydraulic Road on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.”
2. “I move to recommend the approval of this Special Use Permit application for a research and testing facility at 2211 Hydraulic Road with the following conditions:
  - a)
  - b)

On the basis that the proposal would serve the interests of the general public welfare and good zoning practice”

3. I move to recommend denial of this Special Use Permit application for a research and testing facility at 2211 Hydraulic Road on the basis that the proposal would not serve the intent of the general public welfare due to the following:
  - a)



# SPECIAL USE PERMIT APPLICATION

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

**RECEIVED**  
FEB 21 2012  
NEIGHBORHOOD DEVELOPMENT SERVICES

For Non-Residential and Mixed Use projects, please include \$1,500 application fee. For Residential projects, please include \$1,800 application fee; checks payable to the City of Charlottesville. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council for a special permit to use the property located at: 2211 HYDRAULIC RD, Charlottesville (address), zoned: B-1, for: Allowing a Research & Testing LAB.

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

- 260 feet of frontage on HYDRAULIC RD (name of street)
- Approximate property dimensions: 260 feet by 495 feet.
- Property size: 2.933 (square feet or acres)
- Present Owner: BHE, LLC (Name) as evidenced by deed recorded in Deed Book Number 1137 Page 421, with the Clerk of the Circuit Court.
- Mailing Address of Present Owner: PO BOX 100 CHARLOTTESVILLE, VA 22902
- City Real Property Tax Map Number 40C Parcel(s) 64, - , -; Lot(s): - , - , -

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

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

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

Applicant's Name WILLIAM DITMAR  
Mailing Address PO BOX 100, CHARLOTTESVILLE, VA 22902  
Applicant's Phone Numnber(s): 434-817-7249 Work 434 295-7496 Home \_\_\_\_\_  
Applicant's Signature [Signature]

**D. Attachments Submitted by the Applicant**

- A required site plan was previously submitted on NA (Date) with the required fee, for a pre-application review conference on \_\_\_\_\_ (Date). This site plan was prepared by:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
- Other attachments as required by Section 34-158 of the City Code (Office Use: Submitted \_\_\_\_\_).
- The correct application fee (see above).

**For Office Use Only**

I certify that the sign(s) as required by Section 34-44 of the City Code as amended has been posted on the following date: \_\_\_\_\_

Signature: \_\_\_\_\_ (Zoning Administrator)

Amt. Paid \$1,500<sup>00</sup> Date Paid 2/24/12 Cash/Check # 2239 Received by [Signature]



# **BHE, LLC**

P. O Box 100  
Charlottesville, VA 22902  
434-817-7249  
434-817-7245 (fax)

February 20, 2012

Mike Smith  
City of Charlottesville  
Department of Neighborhood Development Services  
610 E. Market St  
Charlottesville, VA 22902

Re 2211 Hydraulic Rd Special Use Permit Request

Dear Mr. Smith,

I am requesting a Special Use Permit, for my property located at 2211 Hydraulic Rd. Charlottesville, VA, to allow a Research and Testing Lab as a tenant in this building. The property is currently zoned B-1 Commercial.

The proposed tenant is HemoShear, LLC, whose offices are currently located at 1115 5<sup>th</sup> St. SW Charlottesville, VA. They are a Biotech Testing lab that does simulated drug interaction testing on the human body. Their current location is similar to my site as there is residential property located nearby. The building currently houses several different offices and I feel that HemoShear will fit in well with the other tenants.

I do not see any adverse impacts by HemoShear as a tenant per section 34-157 of the local zoning ordinance.

- A. The building requires 127 spaces (63,270 GSF/500). The site currently has 230 parking spaces. The average vehicle trip per day = 697 (63.27x11.01).
- B. HemoShear does not add any adverse noise, light, dust odors, fumes vibration or other factors which would adversely affect the natural environment. They operate basically as an office with laboratory functions.
- C. No existing residents or business will be displaced. They will be taking over areas of the building which are currently vacant
- D. They will not discourage economic development activities. By allowing them to be in this building the city will not lose tax revenue that they are currently paying.
- E. They will not cause undue density of population or intensity of use in relation to the community facilities, existing or available.
- F. They will not cause a reduction in the availability of affordable housing in the neighborhood as they will be occupying existing vacant office space.

- G. They will not impact school population or facilities
- H. They will not cause destruction of or encroachment upon conservation or historic districts; as they will be occupying already existing vacant office space.
- I. They will conform with federal, state and local laws.

I feel they will be in harmony with the purpose of the zoning district and meet with applicable standards set forth in the zoning ordinance and other city regulations. HemoShear is currently growing and is looking to relocate to a larger facility. They and I feel that this location will meet their current space requirement and allow them to expand in the future. I would hate to see them relocate outside the city as they are an important member of the Charlottesville business community.

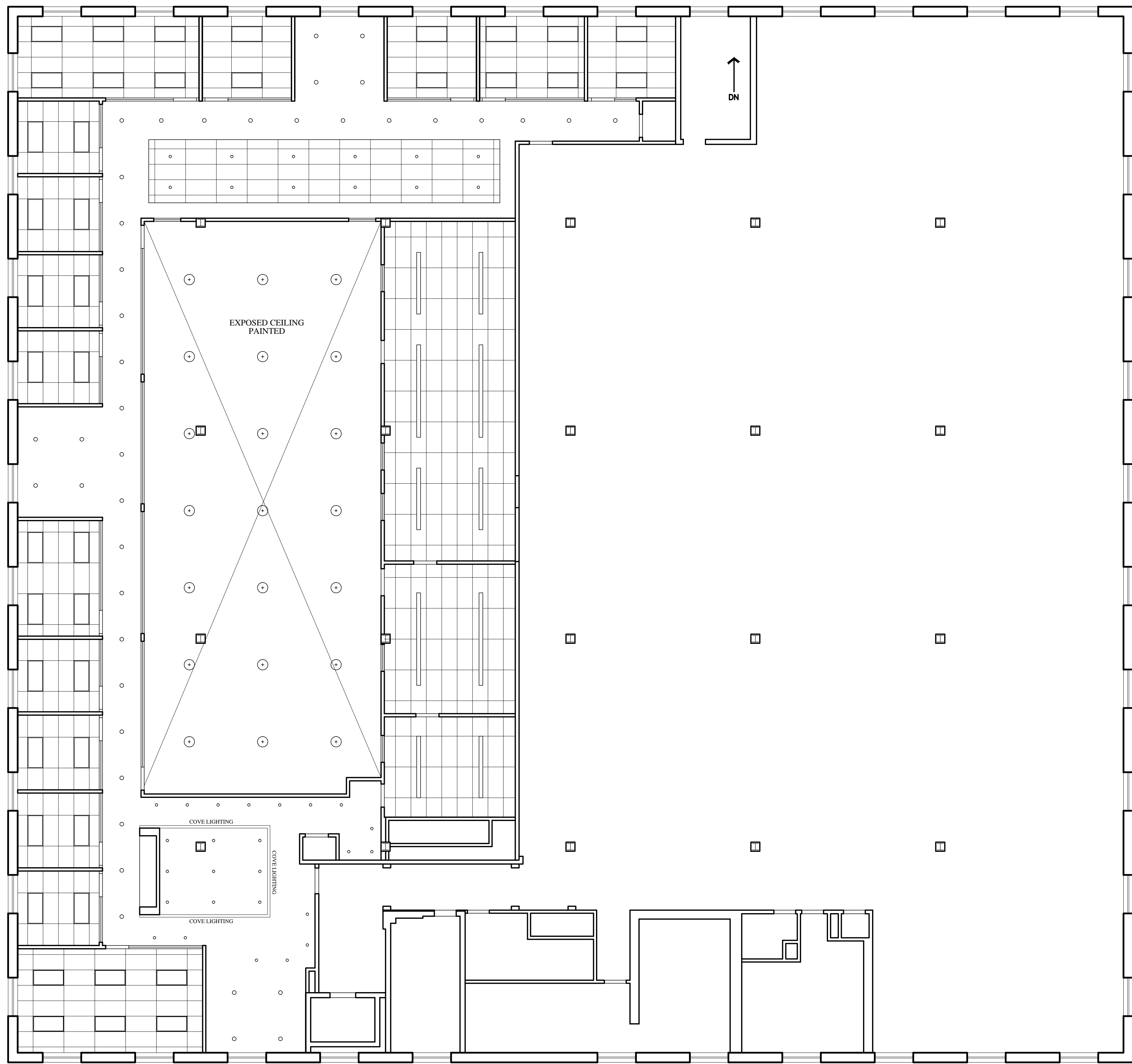
Thank you for your consideration of this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Dittmar".

William Dittmar Jr.  
BHE, LLC  
401 E. Market St.  
Executive Suites  
Charlottesville, VA 22902

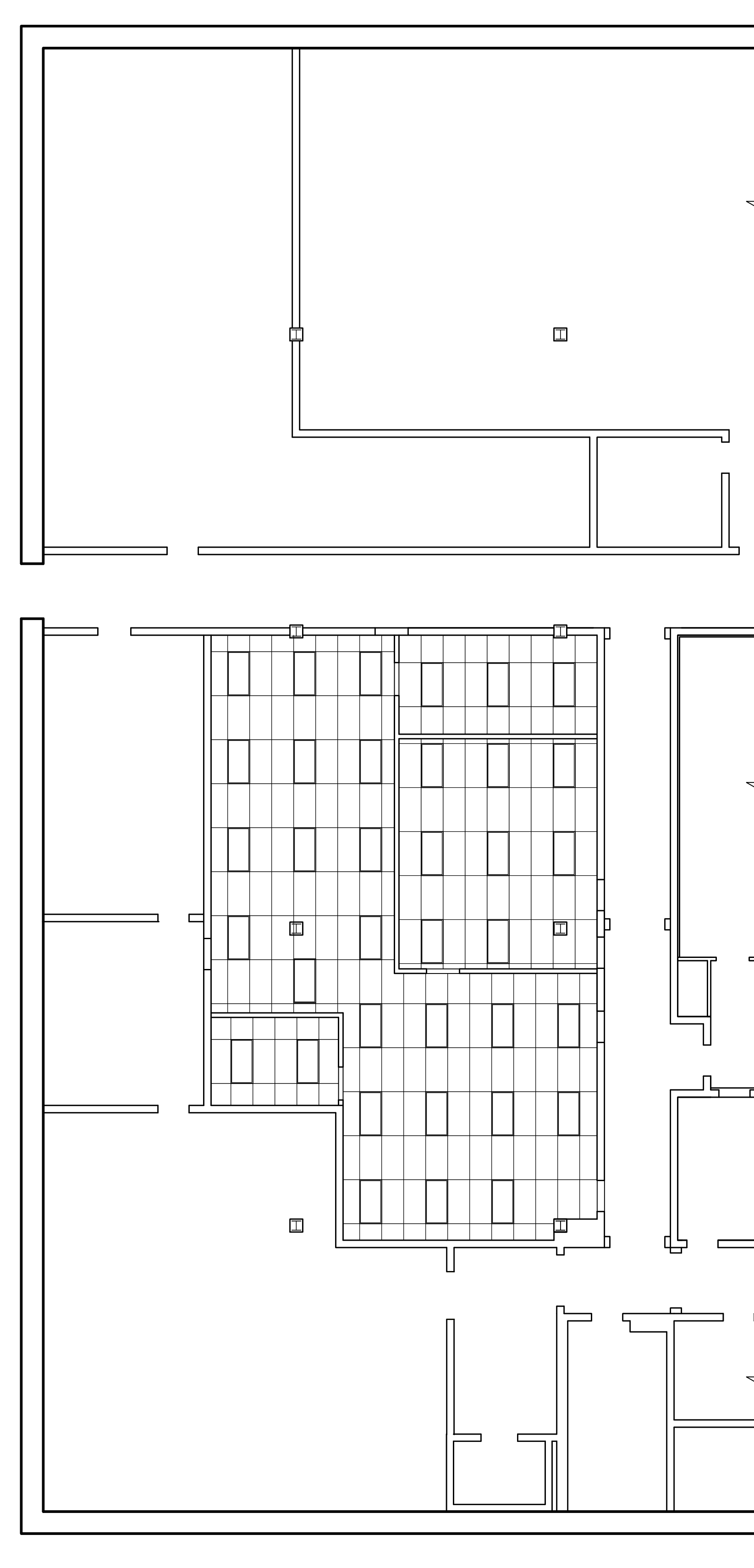




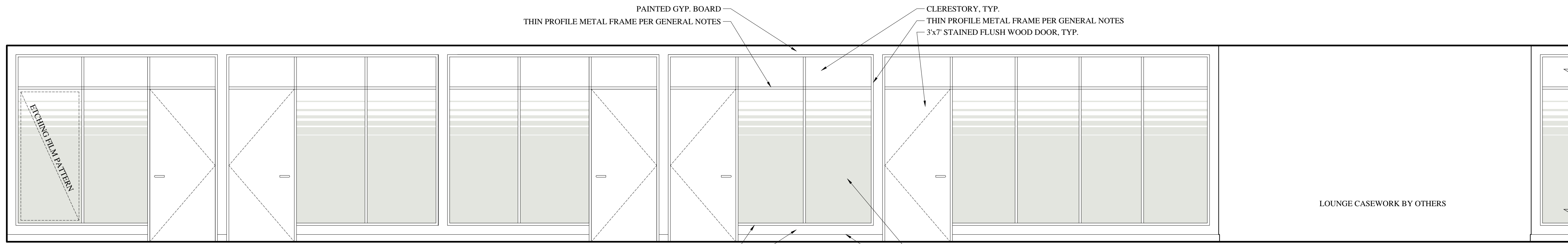
**CEILING PLAN - THIRD FLOOR**  
SCALE: 1/8" = 1'-0"

- GENERAL NOTES:
1. This drawing is for design intent only. Do not scale drawing for construction.
  2. Lighting fixture quantity and location is approximate. Coordinate final quantity and location with electrical sub and Hemoshear.

NORTH

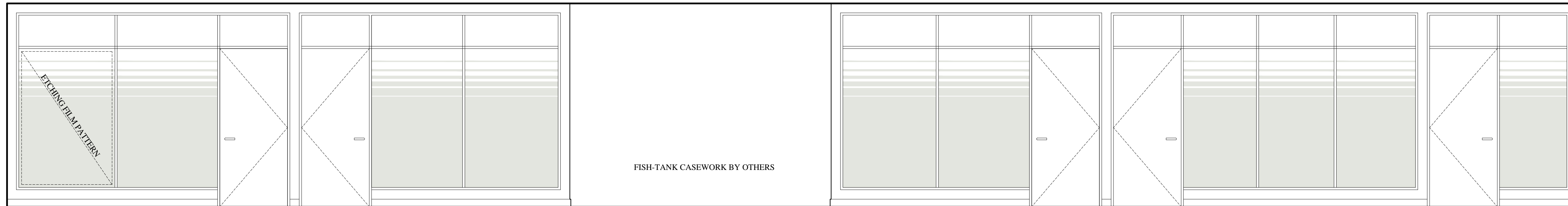
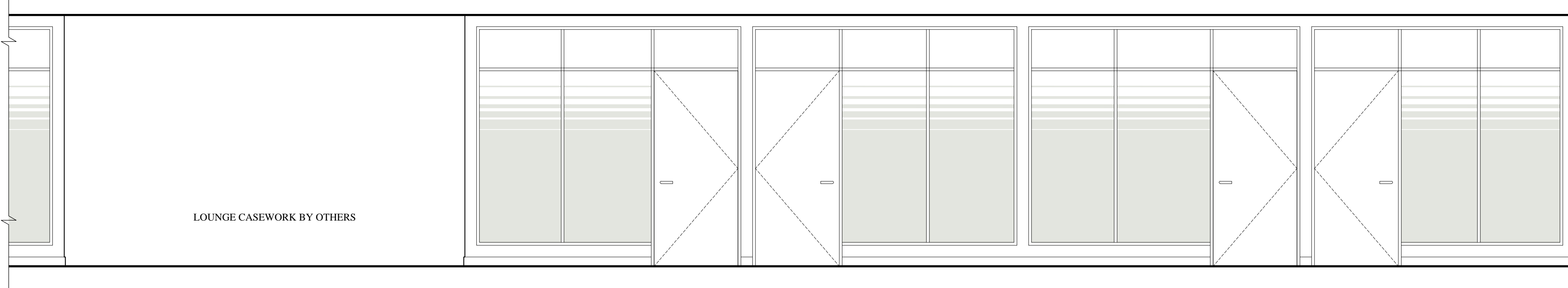


**CEILING PLAN - BASEMENT**  
SCALE: 1/8" = 1'-0"

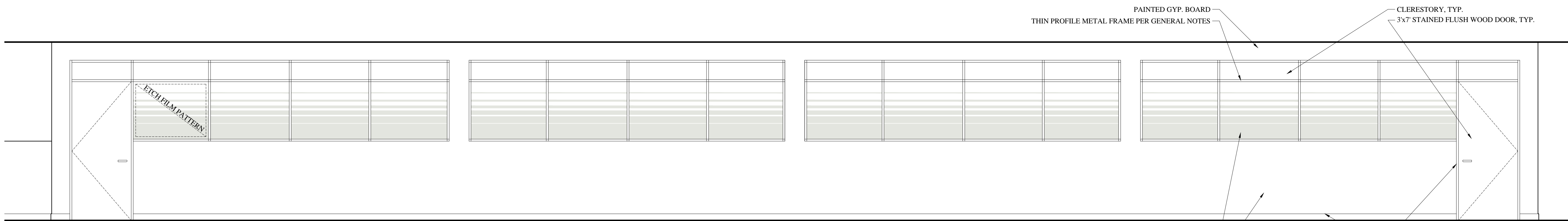


**ELEVATION - PRIVATE OFFICES - SOUTH WALL**  
SCALE: 3/8" = 1'-0"

THIN PROFILE METAL FRAME PER GENERAL NOTES  
PAINTED GYP. BOARD  
ETCHING FILM BY MACTAC, #979802 TYPICAL  
BASE TRIM PER SCHEDULE



**ELEVATION - PRIVATE OFFICES - WEST WALL**  
SCALE: 3/8" = 1'-0"



**ELEVATION - DEVICE ROOM - CORRIDOR SIDE**  
SCALE: 3/8" = 1'-0"

**GENERAL NOTES:**

1. This drawing is for design intent only. Do not scale drawing for construction.
2. All metal frames and door frames have 1-1/2" or less profile with anodized aluminum or black anodized finish.
3. All doors have lever type handles unless required otherwise by code. Handles, hinges, and other hardware accessories to match metal frame finish.
4. Etching film to be purchased and installed by others.



**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**  
**PLANNING COMMISSION AND CITY COUNCIL**  
**JOINT PUBLIC HEARING**

**CLOSING OF STREET/ALLEY**

**Author of Staff Report:** Jim Tolbert, AICP  
**Date of Staff Report:** March 23, 2012  
**Date of Hearing:** April 10, 2012

**Applicant's Name(s):** Charles and Joanna Tolton, Nellysford, Virginia  
**Total Square Footage Proposed to be Closed:** Approximately 5,910 sq. ft.

**Description of Street or Alley:** 197.65 feet long x 30 feet wide area located between Monte Vista Avenue and Old Lynchburg Road is located between City Real Estate Tax Map 19 Parcel 58 and Tax Map 20, Parcel 106. The Street or Alley was originally created by a subdivision plat recorded after 1947.

- Tax Map Attached  
 Subdivision Plat, Attached

**Executive Summary**

Charles and Joanna Tolton request that the City of Charlottesville permanently close an alley referred to as Laurel Street that runs between Monte Vista Avenue and Old Lynchburg Road. The alley was created, it appears in the late 1940's or early 1950's when a prior Laurel Street was moved several hundred feet to the north. The plat does not specifically indicate that the alley was dedicated for public use and there is a great deal of confusion of why it exists and the purpose that it serves.

The alley provides an access to Old Lynchburg Road for adjacent owners and has been used primarily by the two adjacent owners who both agree to this closure. The City of Charlottesville is undertaking improvements to Old Lynchburg Road, needs right-of-way from the adjacent owners and they have requested that the alley be closed as compensation for their providing the needed right-of-way for the Old Lynchburg Road improvement. There are no utilities in the alley so no easements are necessary at this time.

**Procedural Matters:** Because this street or alley was established by recordation of a subdivision plat, the applicant request must be reviewed as a proposed vacation of the plat. Following the recordation of a subdivision plat (after any lot within the subdivision has been sold) the plat may be vacated in either of two ways, see Va. Code §15.2-2272: (1) By written instrument signed by all of the owners of lots shown on the plat and by the City (however, if closing the street/alley will not impede or alter

access to any lot owners other than those immediately adjacent to the area to be vacated, only the adjacent lot owners are required to sign); or (2) By an ordinance enacted by City Council, following notice and a public hearing (the same as for a proposed rezoning). This application seeks an ordinance of City Council.

If this particular street or alley was dedicated for public use (*see note at the end of this staff report*) then the **Planning Commission should review this application to determine whether a termination of the public rights within the street or alley: (1) would result in any public inconvenience, impede any person's access to nearby public streets or adversely affect traffic on nearby public streets, and (2) would be substantially in accordance with the City's Comprehensive Plan. Further, where a proposal requests the City to vacate its rights in public property, the Commission should inquire as to what benefit will accrue to the City/public if the request is granted.**

### **Relevant Information:**

1. Laurel Street was not known to exist by City staff until the planning work began for the Old Lynchburg Road project and it was identified by Mr. Tolton as an issue to him.
2. Vacation of this street would not land lock any adjacent parcels.
3. According to the City Assessor, the average fair market value of adjoining land averages approximately \$4.00 per square foot. Using this dollar figure, the value of the area which is the subject of the application is \$23,640.
4. Vacation of this alley will not result in additional development rights for the property owner.

If City Council ultimately approves the applicant's request, then the property line of the two adjacent properties will move to the center of the alley giving each property owner one half of the vacated right-of-way. Thereafter, the adjacent property will be free and clear of any rights of the public. In rendering its final decision City Council must consider:

1. *Public Inconvenience:* Council will consider whether vacation of the Subject Area will result in any public inconvenience, or would deprive the City of property planned for future public use.
2. *Harm to Public Interests:* Council will consider whether vacation of the Subject Area will impede access by any person to nearby public streets, or will adversely impact traffic on adjacent public streets.
3. *Accommodation of Existing or Proposed Business:* Where the vacation is proposed to accommodate the expansion or development of an existing or proposed business, Council may condition the vacation upon the commencement of the expansion or development within a specified period of time. *Reference Va. Code §15.2-2006.*
4. *Reservation of Utility Easement(s):* Where the existing City utilities or drainage facilities are located within the Subject Area, Council may reserve an easement to itself for those items.
5. *Compensation to the City:* Council may require the fractional portion(s) of the Subject Area to be purchased by abutting property owner(s). The price shall be no greater than : (i) the fair market value of the Subject Area; or (ii) the contributory value of the Subject Area to the abutting property. In the alternative, Council may approve alternate compensation mutually agreeable to it and the applicant. *Reference Va. Code §15.2-2008.*

**Staff Recommendations/Conclusions:**

However because this application is for settlement of a property acquisition, staff believes that the compensation from the applicants should be the provision of the Old Lynchburg Road easements as required for the Old Lynchburg Road project.

1. Staff concludes that the proposed vacation of this portion of the street or alley would be consistent with the City Council’s Policy on Street Closings and would also be consistent with the City’s Comprehensive Plan. Staff found no evidence that the subject area is planned for future use.
2. The majority of the subject area functions as private property. Therefore, staff finds no benefit in it remaining public and no need to condition the vacation on the commencement of future development.
3. Utility easements were not deemed necessary by City Staff.
4. The fair market value of the land is \$23,640. City Council may require compensation if they deem it appropriate. However, because the vacation is proposed as settlement for an acquisition of right-of-way for the Old Lynchburg Road project, staff recommends that there be no charge to the property owners.
5. Staff recommends approval of this application.

**Suggested Motion(s):**

Public street or alley: “I move to certify that the proposed vacation of the 5.91 square feet portion of Laurel Street would not result in public inconvenience or impediments to public access and is consistent with the Comprehensive Plan. I move to recommend to City Council that this street or alley be vacated by ordinance.”

**Note regarding Title**

Prior to 1946 a “dedication by plat” vested in the public only a right of passage over areas shown on the plat as streets. The underlying fee title to the property within these areas remained with the developer and then passed to abutting lot owners as the developer’s grantees. Title to these platted areas did not/does not pass to the City unless and until the City accepts the dedication, either expressly or by implication (through exercise of dominion and control over the area). Thus, where it appears that a pre-1946 paper street was intended to be dedicated for public use, but the City has never accepted the dedication, the abutting property owners retain title as well as the obligation of maintenance. The abutting property owners may utilize the area for private purposes, but only those consistent with the public right of access (so, for example, the City would not approve: (i) a building permit that would locate a building or permanent structure within the easement area, or (ii) a site plan that proposes use of the area within the easement as a private driveway, in a manner that would alter or impede use of the area in the future for public passage).

In 1946 Virginia adopted the modern Land Subdivision Laws. Thereafter, once an approval plat is legally recorded, fee simple title to (i) areas set apart for streets, alleys, or other public uses, and (ii) easements shown for the conveyance of storm water, domestic water, sewerage, gas, etc., is automatically vested in the City. (However, by statute, nothing obligates the City, upon recordation of a plat, to install or maintain any streets or facilities shown on the plat, unless otherwise specifically agreed by the City). Va. Code 15.2-2265.

Nebulous captions and notes on plats may cause uncertainty as to whether particular streets, easements or facilities shown on them were intended to be dedicated to the public by recordation of the plat, or whether they were simply to be reserved by the developer for possible dedication at a later time. And sometimes circumstances may indicate that a particular street (usually an alley) was intended only to serve the abutting lot owners. Staff will do their best to give you the most complete and accurate information as possible, when an application involves areas to which title and intended use may not be clear.



12-0058

# PETITION TO CLOSE A STREET OR ALLEY

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



**FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.**

### A. PETITIONER INFORMATION

Petitioner Name: Charles + Joanna Tolton  
Petitioner Mailing Address: P.O. Box 2, Nellysford, Va. 22958  
Does Petitioner currently own property adjacent to the area requested to be closed? yes If no, please explain \_\_\_\_\_

Petitioner Phone Number(s):  
Work: (434) 962-2935 Fax \_\_\_\_\_  
Home: " 361-1505 Email \_\_\_\_\_

### B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
<u>Charles Tolton</u>	<u>above</u>	_____
<u>Joanna Tolton</u>	<u>above</u>	_____

- There is a lady next door also - she is filing also.

### C. PETITIONER'S REQUEST

- That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below, as follows: (Provide name, right-of-way width and length of streets or alleys being closed) no name, facing a 126 Monte Vista Ave. it is the gravel + dirt alleyway to the right (East of home) that connects off Lynchburg Rd. + Monte Vista - maybe approx 100 - 120 yards
- Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative. All property owners adjacent to the alley agree that there will be no inconvenience to closing the alley.
- That land owners along and adjacent to said street or alley desire and request the street or alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners. Please consider this our letter of approval - other prop. owners is sending approval.
- Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
- Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
- Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested. not the city wants to do this for drainage + safety reasons

cell  
I have some drainage + safety from 115 but

IT will be a very much safer area when closed as it is in a blind. People turning from it onto Old + can not see on coming traffic. The left due to angle + barrier.

Respectfully Submitted,  
Charles Tolton  
Signature of Petitioner(s) Joanna M. Tolton Print Joanna M. Tolton

The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

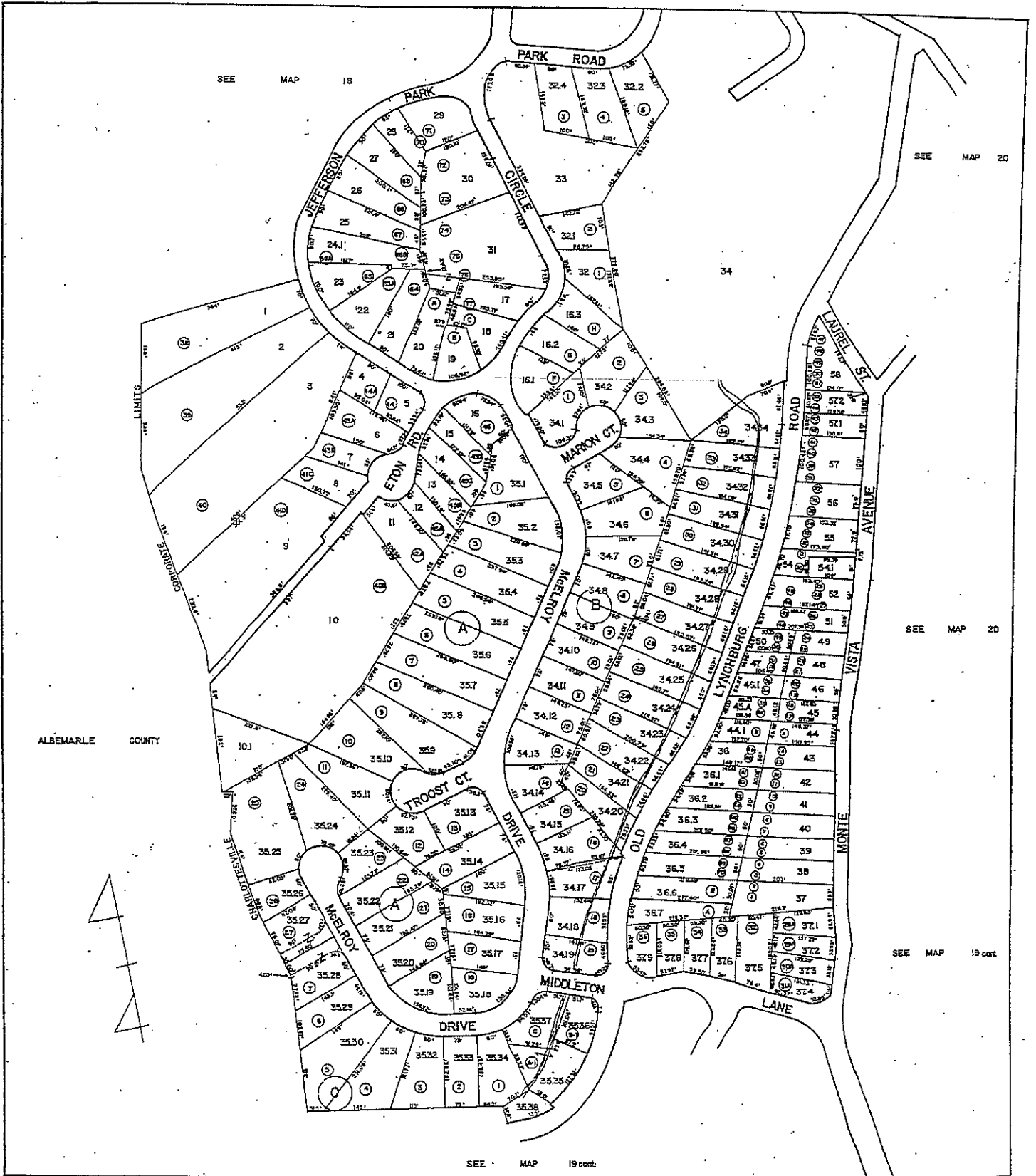
**FOR OFFICE USE ONLY (Sign Posting)**  
I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date: \_\_\_\_\_

Signature \_\_\_\_\_

Date Paid: \_\_\_\_\_ Amt. Paid: 100.00 Check #: 4954 Recorded by: AM

D17 - 0030

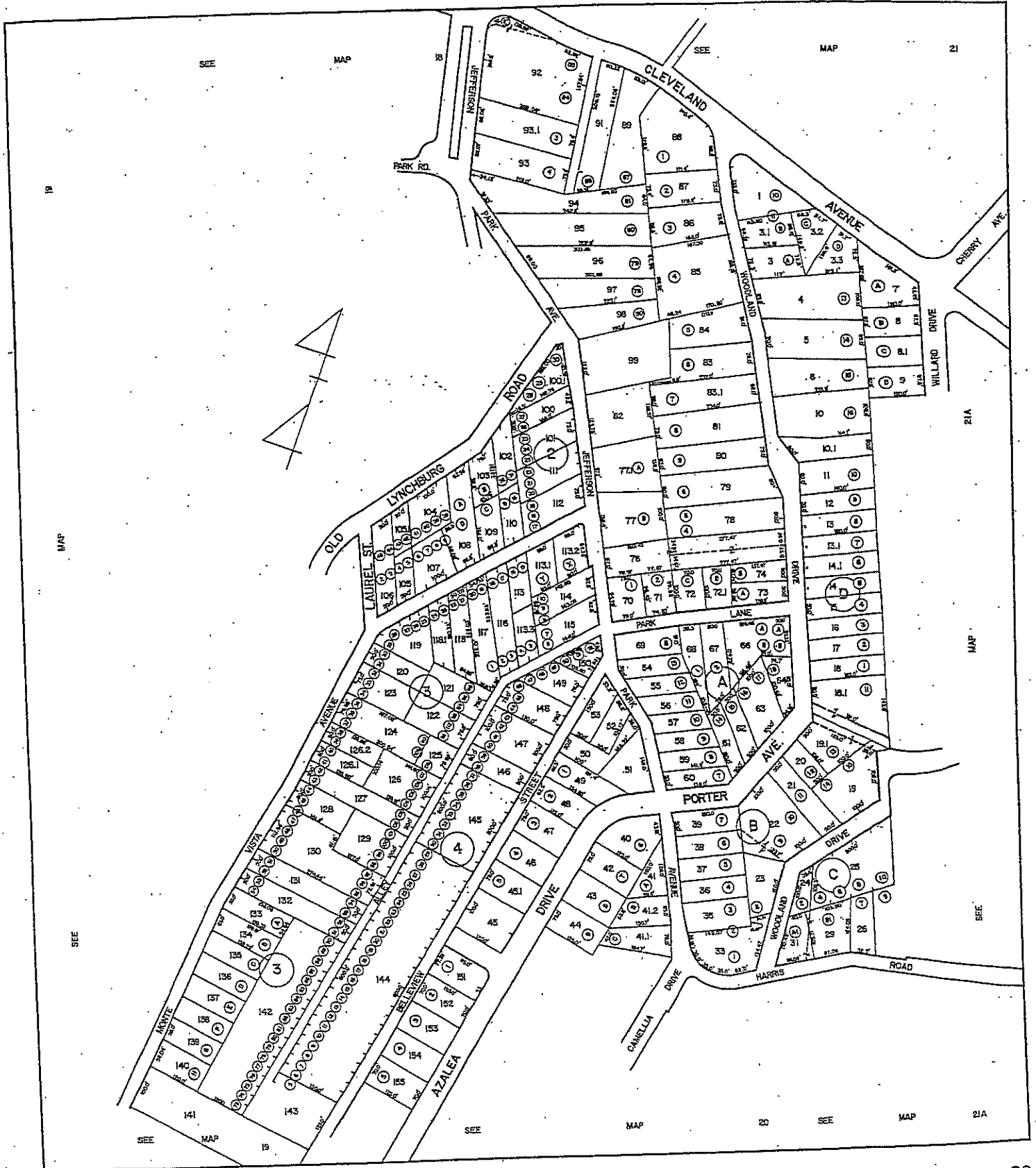
CITY OF CHARLOTTESVILLE



SCALE : 1" = 100'

SECTION 19

CITY OF CHARLOTTESVILLE

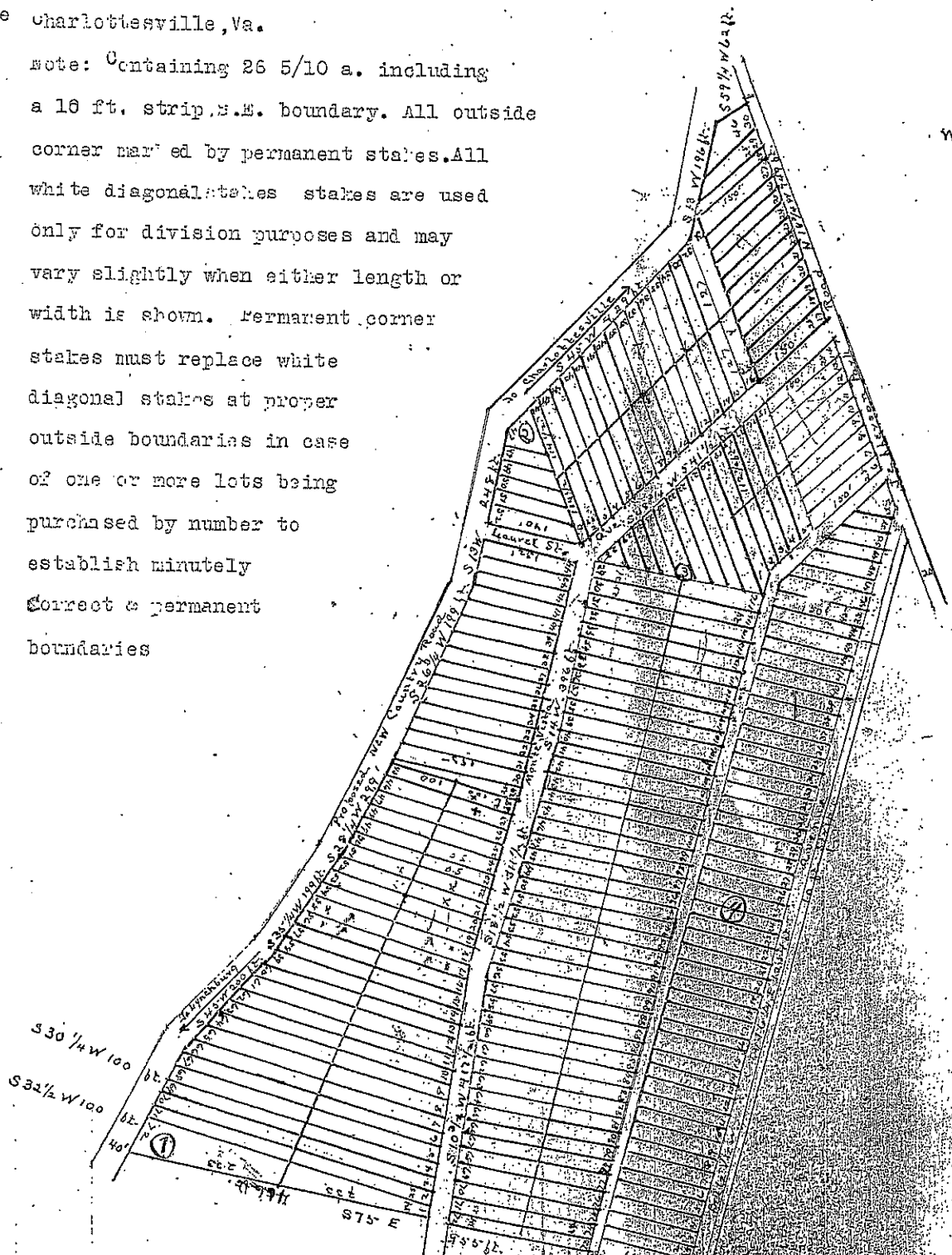


SCALE : 1" = 100'

SECTION 20

Plat of Subdivision of  
Monte Vista near Charlottesville, Va.  
Monte Vista near Charlottesville, Va.

Note: Containing 26 5/10 a. including a 16 ft. strip S.E. boundary. All outside corner marked by permanent stakes. All white diagonal stakes are used only for division purposes and may vary slightly when either length or width is shown. Permanent corner stakes must replace white diagonal stakes at proper outside boundaries in case of one or more lots being purchased by number to establish minutely correct & permanent boundaries

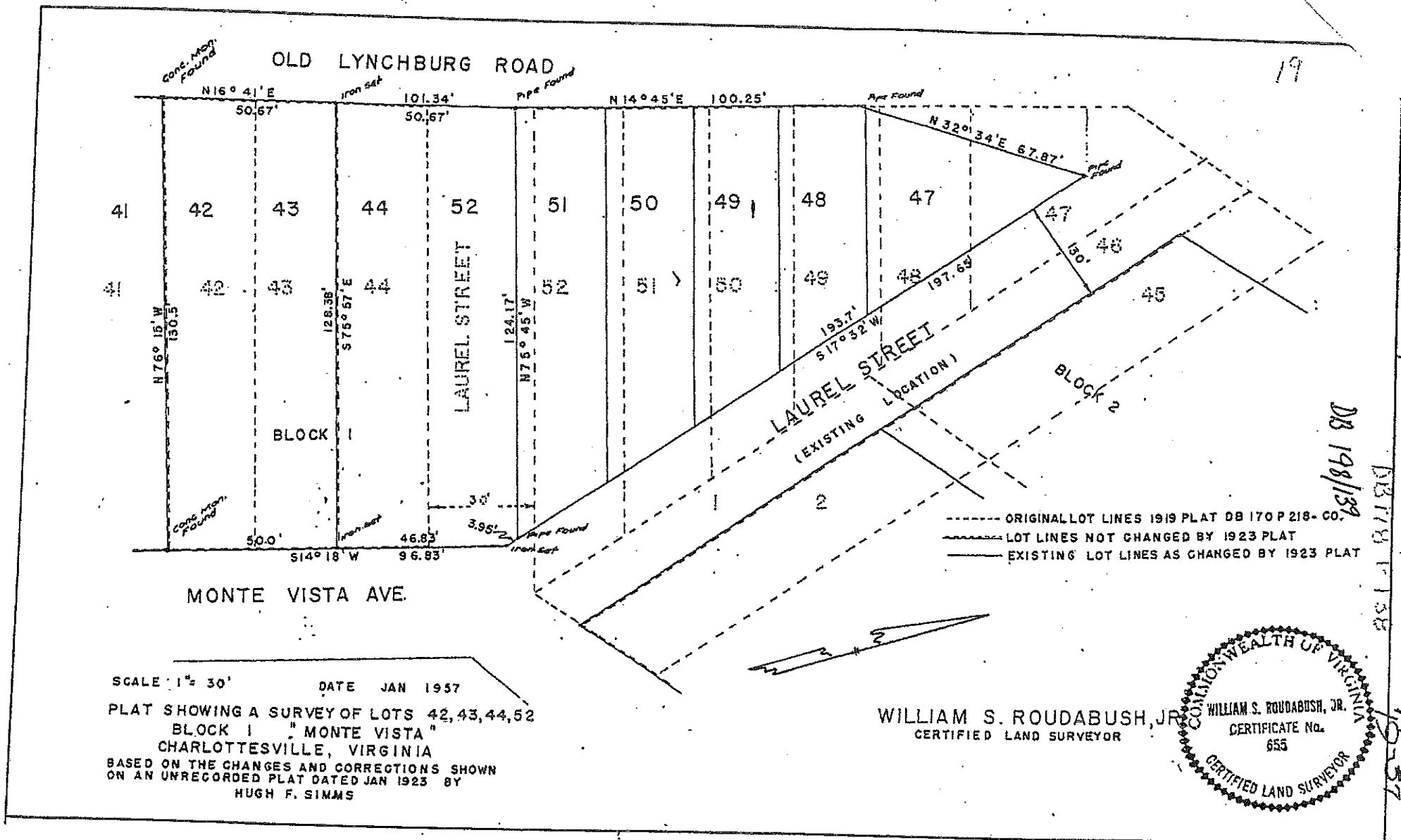


Scale 200 ft. 1 in.

Permanent easement is hereby granted to this property from electric railway most outside lines were run by Franklin all outside lines were run by the same. Sines, S.A.C. may in the Clerk's Office of Albemarle Circuit Court, June 10, 1919. This Plat was presented to me in said Office and approved for record.

Tests:

Clerk



SCALE 1" = 30'      DATE JAN 1957  
 PLAT SHOWING A SURVEY OF LOTS 42, 43, 44, 52  
 BLOCK 1 "MONTE VISTA"  
 CHARLOTTESVILLE, VIRGINIA  
 BASED ON THE CHANGES AND CORRECTIONS SHOWN  
 ON AN UNRECORDED PLAT DATED JAN 1923 BY  
 HUGH F. SIMMS

WILLIAM S. ROUDABUSH, JR.  
 CERTIFIED LAND SURVEYOR



DB 198/39

RECORDED TO 11 15 57

11 15 57

19

**CITY OF CHARLOTTESVILLE  
NEIGHBORHOOD DEVELOPMENT SERVICES**



**MEMORANDUM**

To: James E. Tolbert, AICP, Director  
Missy Creasy, AICP, Planning Manager  
From: Willy Thompson, Neighborhood Planner  
Date: March 28, 2012  
Re: Citizen Comment For Laurel Street Closure

---

I was approached by a citizen on March 27, 2012 who passed along a few concerns and questions regarding the propose Laurel Street closure. The following summarizes her comments and questions:

1. Many people use Laurel Street, both vehicular and pedestrian.
2. The Street is used as a cut-through to Old Lynchburg Road and the Fry's Spring Beach Club.
3. What will happen to the land if the street closure is approved?
4. Why was a proper street sign never installed?
5. Can a pedestrian access remain across the Street?
6. Larger signage is needed when advertising such a proposal.
7. The citizen hopes to present a petition at the Planning Commission hearing.

The Closing of Laurel Road/Street

Charlottesville Planning Commission

April 10, 2012

***Dear Planning Commission Members:***

***I understand that Jim Tolbert will be presenting a proposal on April 10, 2012 to you on the closure of Laurel Road/Street at the second blind curve on OLR...just off of JPA. As you may recall, OLR is a residential street of five blind curves, is narrow, has no shoulders and has a five foot deep drainage ditch. We are working hard with Tony Edwards, Lead Engineer, to finally get, "Safety, Sidewalks, and Drainage," along this residential street and to be completed within this calendar year.***

***It is with this in mind that I whole heartedly support the closure of Laurel Road which runs between Monte Vista and OLR and vice versa at the second blind curve on OLR. In very simple language...this road is quite unsafe for anyone trying to get out onto OLR while either on a bicycle, a motorcycle or in a vehicle. One has to venture a distance out to the double yellow line before one can see and/or be seen.***

***For years we have had to get assistance at the ends of this cut through on the Right of Way to get the leaves and debris picked up due to the tendency at this juncture of Laurel Road and OLR to have such wash out onto OLR and into the drain path and into the five foot deep drainage ditch...thus resulting in the ditch to clog up and the debris then become problematic for the home owners in 201, 203, 205, 207, 209, 211, and 213 in particular as it clogs and also washes over onto the property owners. The extra water from Laurel Road/Street on the roadway also tends to be challenging for the high volume of mostly speeding traffic on this residential street of five blind curves. With the corrected on street drainage on OLR and the sidewalks which will serve two purposes....a safe passageway for pedestrians as well as being diverters of water into the proper drain the closure of this cut through will help the safety at this juncture as well as to tweak/solve the problems of drainage at this juncture.***

***The plans for, "Safety, Sidewalks, and Drainage," will be able to get further safety by the sidewalks and people on the sidewalks and by closing Laurel Road/Street will greatly enhance that safety. I would highly recommend that each of you take a walk down Laurel Road/Street and pretend you are in a vehicle trying to go out onto OLR at the second blind curve. I would like for you to experience how the sightline is not there to exit in a safe manner. I would suggest that you park your vehicle on Monte Vista, walk the walk, and see for yourself.***

***To close Laurel Road/Street is a common sense move. It was needed many years ago.***

*The Closure of Laurel Road/Street*  
*Charlottesville Planning Commission*

*April 10, 2012*

*Page Two of Two*

*Sincerely,*

*Jeanne S. Chase*

*OLR Resident since 1977*

*223 Old Lynchburg Road*

*Charlottesville, Virginia 22903-4124*

*[pdjisc@earthlink.net](mailto:pdjisc@earthlink.net)*

*434-977-1723 with Voice Mail*

*March 27, 2012*



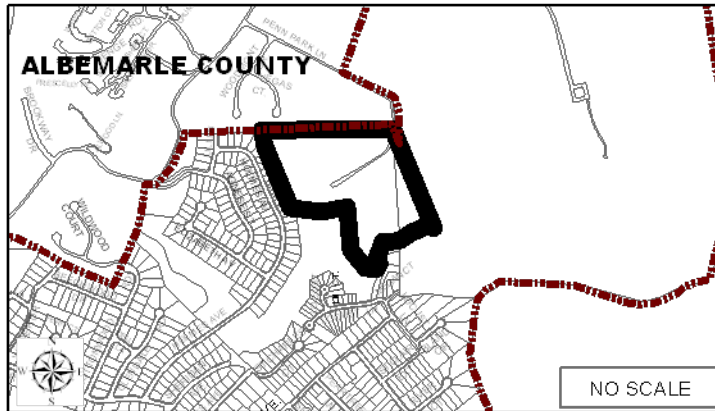
**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**PLANNING COMMISSION**



**PRELIMINARY DISCUSSION:**  
**PLANNED UNIT DEVELOPMENT**

**Author of Memo:** Michael Smith, Neighborhood Planner  
**Date of Meeting:** 4/10/12

RE: Lochlyn Hill PUD



**Background:**

Meadowcreek, LLC has submitted the following application to rezone 25.6 acres comprised of parcels 39, 40, tax map 48A from R2 to PUD, for the purpose of developing the former waste treatment plant into a residential neighborhood. The City property is adjoined to the North by County property, which the applicant is proposing to develop by-right. There are 204 units proposed for the entire Lochlyn Hill development, 148 of those units located in the City. The 148 dwelling units are comprised of four different varieties: 62 single-family detached, 48 multi-family, 20 townhouses, and 15 cottages. The property is only accessible through County roads, Pen Park Ln and Vegas Court.

**Attachments:** Code of Development  
Application