

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, July 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 - June 7, 2012 – Joint PC/CC Work Session
- 2. Minutes - June 12, 2012 – Regular meeting
- 3. Minutes - June 12, 2012 – Pre meeting
- 4. Minutes – June 26, 2012 - Work Session

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

G. JOINT PUBLIC HEARINGS

Order of Hearings on July 10, 2012

- 1. SP-12-05-08 – (218 West Water Street)
- 2. Albemarle Place EAAP, LLC -Appeal of Erosion & Sediment Control Plan violation
- 3. ZM-12-03-04 - (Lochlyn Hill)

- 1. **ZM-12-03-04 - (Lochlyn Hill):** A petition to rezone the property located off of Rio Road and Penn Park Lane from R-2 Residential District to Planned Unit Development (PUD) with proffers for affordable housing and multimodal construction and connections and traffic signal funding. The property is further identified on City Real Property Tax Map #48A as parcels 39 & 40 having no current road frontage, but proposing a road extension from Penn Park Lane for access and containing approximately 1,115,136 square feet of land or 25.6 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a residential development with a mix of housing types and dedicated open space with the full site containing a density of no greater than 5.9 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two-Family Residential. **Report prepared by Michael Smith, Neighborhood Planner.**

- ~~2. **ZM-12-05-07 (1536 Rugby Road)** – A petition to rezone the property located at 1536 Rugby Road from R-1 Residential District to Planned Unit Development (PUD) with proffers. This property is further identified on City Real Property Tax Map #41 as parcel 71 having approximately 1,250 feet of frontage on Rugby Road and containing approximately 220,500 square feet of land (3.66 acres). The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a Bed and Breakfast Inn and single family residential units with dedicated open space, landscaping, and tree canopy. The~~

~~general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi Family Residential. Report prepared by Willy Thompson, Neighborhood Planner. Deferred by Applicant~~

3. **SP-12-05-08 – (218 West Water Street)** - Waterhouse LLC has requested a special use permit for additional building height (from 70 feet to 82.6 feet) at 218 W. Water Street. The property is further identified on City Real Property Tax Map 28 Parcel 84 having road frontage on Water Street and South Street. The site is zoned Water Street Corridor with Architectural Design Control District Overlay and is approximately 0.78 acres or 33,933 square feet. The Land Use Plan generally calls for Mixed Use. **Report prepared by Brian Haluska, Neighborhood Planner.**

4. **Albemarle Place EAAP, LLC -Appeal of Erosion & Sediment Control Plan violation-** Albemarle Place EAAP, LLC has appealed a determination of the Director of Neighborhood Development Services that the firm has failed to comply with its approved Erosion & Sediment Control Plan for the project known as Stonefield a/k/a Albemarle Place. **Report prepared by Jim Tolbert, Director.**

IV. REGULAR MEETING ITEMS (Cont.) – 9:00 P.M.

J. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, July 24, 2012 – 5:00 PM	Work Session	Livability Grant
Tuesday, August 14, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, August 14, 2012 – 5:30 PM	Regular Meeting	LID Guideline Review Rezoning - Stonehenge PUD Site Plan - Burnett Commons II

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
June 2012

June 4, 2012

Consent Agenda

c. RESOLUTION: 1719 Hydraulic Road SUP for utility facility (1st of 1 reading)

This item was approved

Regular Agenda

Eton Road PUD (1st of 2 readings)

This item was recommended for denial and moved to second reading

June 18, 2012

Consent Agenda

p. RESOLUTION: Eton Road PUD (2nd of 2 readings)

This item was denied at second reading.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
6/1/2012 TO 6/30/2012**

1. Final 850 Estes Street
2. Final Wertland Apartments (1308-1310 Wertland Street)
3. Final Emmett/University Road Improvements (TMP 8- 5-7)

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY
6/1/2012 TO 6/30/2012**

1. TMP 10 – 10 & 11 Property Combination
1308 & 1310 Wertland St Key Land Surveyors
File No. 1501 Final
Final Signed: 6/7/12
Signed by: Ebony Walden & Genevieve Keller

**City Council/Planning Commission Joint Work Session
June 7, 2012
Notes**

Councilors Present:

Mr. Huja
Dede Smith
Kathy Galvin
David Norris
Kristin Szakos

Commissioners Present:

Ms. Genevieve Keller
Mr. Kurt Keesecker
Ms. Lisa Green
Mr. John Santoski
Ms. Natasha Sienitsky

Staff Present:

Maurice Jones
Missy Creasy
Richard Harris
Brian Haluska
Mary Joy Scala

Mr. Huja and Ms. Keller called the meeting to order and turned the time to staff. Mr. Haluska explained the mapping exercise and those in attendance spent 40 minutes working on the map. The three groups then presented their work and outlined the following themes:

Group 2 (Kurt, Mr. Huja, Lisa and Dede)

- Organized around bike and travel links to employment
- UVA and Hospital are employment centers
- Some neighborhoods have centers but others do not
- Opportunity to link green spaces in the Fry Spring area

Group 3 (Kathy, Gennie, John)

- Pointed out destinations
- Areas of potential – Monticello road, City yard, East Market Street, Harris Road
- Link the parks and green space at schools
- They used multiple colors at some locations to depict multiple uses

Group 1 (Kristin, Natasha, David)

- They pointed out lots of “green” including what is present and potential for more.
- Bike/ped could be placed along the RR and river areas to link to current systems
- Envision Rivanna River area with entertainment, housing and boat access
- Possible employment expansion at Arlington/Millmont
- River Road – potential for higher density residential and higher utilization of property
- Pointed out areas for discussion – Cherry Ave, East Market

Mr. Haluska then noted the discussion questions and the group discussed.

Items noted include:

- Using “heat map” spots on the Land Use map might work
- Do not include parcels on the Land Use Map
- Include bike and transit somehow on the map
- Show links for greenspace
- The current zoning map has more mixed use areas than the land use map
- Circles of activity make more sense than long lines
- There was interest in placing the green spaces and transportation routes on a base map and looking at connectivity opportunities.
- There was a brief discussion about zoning allowances for convenience commercial in neighborhoods, where that could be located and the mix of community opinions on the topic. It was noted that most neighborhood had asked for this in the past. The vision of this type of commercial use would be very limited in size and impact
- Ms. Galvin noted that a model like the Crozet Masterplan could be looked at for our land use plan.
- It was noted that the plan should be visionary and there was discussion on ways to get input to allow the community to weight in.
- The Riverfront and city/county edges should be used as opportunities.

There was interest in the Land Use Map including aspirational vision as well as reflecting our current zoning map. Radical changes could create concern in the community.

Public Comment

Colette Hall noted there should be discussion about how people gather in an area. Do they move there first and business comes later or the other way around. People chose to live in an area because of its character. Don't change that without consulting the public.

Mark Kavita stated that his experience with business noted that low overhead and volume of sales are important. These are difficult to reach in a small scale neighborhood operation. Will residents pay more for the convenience?

Victoria Dunham noted that when she thinks of neighborhood commercial, she does not think of the scale of “Beer Run” but a much smaller size. There should be lots of buffering between residential and commercial/industrial. Think about lighting, truck traffic and other impacts. She did not want to have additional density in her neighborhood.

Bill Emory read a statement which outlined that some Land Use issues need to have determinations. They have been in discussion for a long time and there needs to be a resolution.

There was acknowledgement of this concern.

Meeting adjourned @ 7:07 pm.

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, June 12, 2012 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Mr. Dan Rosensweig
Ms. Lisa Green
Ms. Natasha Sienitsky

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

Not Present:

Mr. John Santoski
Mr. Kurt Keesecker
Mr. Michael Osteen

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Michael Smith, Planner
Mr. Willie Thompson, AICP

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Sienitsky –Had no report
- Ms. Green –Attended the MPO meeting where there was discussion on options for the 6 year traffic improvement plan and traffic modeling.
- Mr. Rosensweig- Attended the HAC meeting on May 16, 2012 where the committee appointed Joy Johnson as the new Chairperson. He also attended the Parks and Recreation Advisory Board meeting and provided details on the Master plan for McIntire Park. Mr. Daly, Parks Director, will present this item to the Commission later this evening.

B. UNIVERSITY REPORT

Mr. Neuman – UVA has been very active Post- Commencement with utility tunnel work on Grounds. VDOT completed some repairs on the McCormick Road Bridge. Additional projects include Newcomb Hall roof repairs, fire protection upgrades, Lawn student room fireplace repairs and replacement of the ADA ramp at Cabell Hall. These projects should be complete by the end of summer.

C. CHAIR'S REPORT

Ms. Keller attended the TJPDC regular meeting and noted that 40th anniversary activities for the agency are being planned. As part of that, the PDC board meetings will be held in different jurisdictions to allow each to show everyone what projects are occurring. She also attended the Parks and Recreation board meeting to become better informed.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy informed the Commission of upcoming focus groups that will be taking place in the NDS Conference Room. The first will be Woolen Mills business owners on June 13th from 6-8pm and the next one will be the Venable neighborhood celebration. Staff attended Movies in the Park this past week which had a great turnout. The next work session will be June 26th and it will start at 4pm to allow staff from the TJPDC to facilitate the discussion on the Comprehensive Plan. The CIP process will be discussed also.

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

David Repass, 227 E Jefferson St - Feels like a sleeping giant has been awoken with Lochlyn Hill. He feels a task force should be formed by the City of Charlottesville and the County of Albemarle to identify a connector alignment.

John Pfaltz - feels that the Rugby Road development is very dense. He welcomes a Bed and Breakfast but feels this development is out of character with the neighborhood. He also feels that we need to look hard at this change and make sure this is what is needed. He noted a connector is needed between the City of Charlottesville and the County of Albemarle.

Pat Napoleon, 700 Lyons Ave noted that an Eastern connector is needed. She expressed concern about reaching Martha Jefferson Hospital with the traffic. She feels this development will create more traffic.

F. CONSENT AGENDA

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

1. Minutes - May 8, 2012 – Regular meeting
2. Minutes - May 8, 2012 – Pre meeting

Mr. Rosensweig made a motion to approve the Consent Agenda

Ms. Sienitsky seconded the motion

All in favor

Consent Agenda passes

I. Preliminary Discussion-moved up on the Agenda

1. 1536 Rugby Road PUD

Willy Thompson presented the staff report.

Discussion

Mr. Rosensweig wanted to know why the applicant wanted a PUD when there could be another way to get the use on site.

Mr. Thompson stated that they wanted a very specific use.

Ms. Creasy also stated that the special events that they would like to have would not be allowed in the manner they propose in an existing zoning classification.

Ms. Sienitsky wanted to know how the special events would be addressed.

Mr. Thompson stated that they would only be allowed 12 events in a year.

Ms. Green wanted to know if they would need a Special Use Permit to have these events. She also wanted to know about the shuttle service they are proposing to have and where will the cars be stored. She also asked if there was something to keep the applicant in the future from selling to multiple owners

Mr. Thompson stated that the code does not allow the applicant to sell to multiple buyers.

Summary

The Commissioner's would like the applicant to address traffic and noise concerns and outline why another zoning classification would not meet their request.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. **ZM-12-03-04 - (Lochlyn Hill PUD):** A petition to rezone the property located off of Rio Road and Penn Park Lane from R-2 Residential District to Planned Unit Development (PUD) with proffers for affordable housing and multimodal construction and connections. The property is further identified on City Real Property Tax Map #48A as parcels 39 & 40 having no current road frontage, but proposing a road extension from Penn Park Lane for access and containing approximately 1,115,136 square feet of land or 25.6 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a residential development with a mix of housing types and dedicated open space with the full site containing a density of no greater than 5.9 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two-Family Residential. **Report prepared by Michael Smith, Neighborhood Planner.**

Mr. Smith presented the staff report

The applicant LJ Lopez presented a PowerPoint presentation.

Questions from the Commissioners

- Ms. Green wanted to know if there is a way to guarantee that the home owner will rent out the basement unit for affordable housing?

Mr. Smith stated that there is no way to enforce or hold the applicant or home owner accountable to rent the basement out.

Questions from City Council

- Ms. Szakos wanted to know if there was any flexibility in the layout to not include the two multi-family buildings. She also wanted to know if the developer has envisioned the school buses that will be in and out the development.
- Ms. Smith wanted to know if there had been any issues with cleaning up the old treatment plant.

The applicant stated that the water treatment plant has been cleaned and cleared for development. He also stated that they are looking into the amount of traffic that will use the development.

Questions from the Commissioners

- Mr. Rosensweig wanted to know the intent of the developer to include a pedestrian crossing over Meadow Creek and could that be a part of the site plan.

Ms. Creasy said that it could be a part of the site plan.

- Ms. Green asked if any details have been worked out as to which locality will handle clearing the road during bad weather. She also wanted to know if the Police or Fire department had any issues with the width of the road.

The applicant stated that things are being worked out and it is actually being looked at in the City Manager's office. If nothing is worked out it will be left up to the HOA.

Mr. Smith stated that plans were submitted to both the police and fire department and they have no issues with the width of the road.

Mr. Frank Stoner, the applicant presented a PowerPoint presentation on affordable housing for Lochlyn Hill. He introduced a new housing trust program.

Discussion

The Commission felt that nothing has really changed from the first presentation except the addition of the trust proposal.

Ms. Keller opened the public hearing.

Morris Reynolds, 503 Woodmont Drive read a letter from residents of Rio Heights. They are pleased with the development but concerned about the impact it may have on Rio Heights pertaining to traffic, construction, and buffering.

Byronn Harris, 1160 Pen Park Lane, noted concern that both entrances are in the county. The developer doesn't maintain rental property that he owns in the area and the road is currently private with no maintenance occurring.

Garnett Mellon, 1107 Calhoun Street, has been looking for this development for years. She likes the open space and the greenery and would like to see the pedestrian bridge built now and consideration for conservation easements on site.

Mark Kavit, 400 Altamont Street, would like the Eastern Connector restudied.

Marsha Pence, 1113 Vegas Court, would like the access road through Vegas Court reconsidered.

Ms. Keller closed the public hearing.

Discussion

Would like the construction timing of the pedestrian bridge mandated. If not a bridge then some other alternative route.

Ms. Green would like the only way in and out on Penn Park Lane looked at and a connector into the City of Charlottesville.

Ms. Keller feels that there is a variety of housing and a void in the market the applicant described. She has some concerns with connectivity but is otherwise supportive.

Mr. Rosensweig also has concerns with connectivity. He feels this development is in the City of Charlottesville's best school district and doesn't address affordable housing. He loves the concept but feels it needs some tweaking.

Ms. Sienitsky needs more clarification on affordable housing, but likes the creative scheme.

Ms. Keller called for a motion.

Ms. Green said, I recommend denial of the application the property from R1-S and R-2 to PUD.

Mr. Smith stated that the property is only zoned R-2 now.

Mr. Harris stated that if the Commissioners are going to recommend denial then reasons of the denial should be stated in the motion.

Ms. Green said, I move to recommend denial of the application to rezone the subject properties from R-2 to PUD based on that it does not fully address aspects of the following 3 objects contained in the PUD ordinance; to promote a variety of housing types developments containing only a single housing type. To promote inclusions of houses of various sizes to ensure that a development would be harmonious with the existing uses and character of adjacent properties and or consistent with the pattern of the development noted with respect to the adjacent properties. Public transportation that is consistent but not limited to pedestrian transportation.

Ms. Keller asked for a second, Mr. Rosensweig seconded and the Commission moved to discussion.

Discussion

The Commissioners gave the applicant some things they would like to see come back to them with more detail such as a pedestrian walkway, affordable housing, and study done by the Fire and Police department on the one way entrance.

The applicant requested a deferral.

The Commission accepted the applicant request for a deferral and there was no further discussion.

ZM-12-04-05 – (Rose Hill/Cynthianna Rezoning) - A petition to rezone the property located at the corner of Cynthianna Avenue and Rose Hill Drive from R-1 Residential District to R-3 Residential District. The property is further identified on City Real Property Tax Map #35 as parcel 6 having approximately 125 feet of road frontage on Rose Hill Drive and containing approximately 12,502 square feet of land or 0.287 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single-Family Residential. **Report prepared by Michael Smith, Neighborhood Planner.**

Mr. Smith presented the staff report.

Questions from the Commission

- Clarification of the 1st proffer was needed
- What uses will be allowed on the site under the proposal?

They will have a similar massing in scale and this use will be an R-3 use.

The applicant, Mark Green, 109 Robertson Woods, stated that the way the site exists, an R-3 use would be more appropriate.

Questions or Comments from the Commission

- Any idea of conditions for pedestrian along the sidewalk adjacent to the site?
- Was there a tree survey done and will any trees be saved?

The applicant stated that there will be a large curb cut and the building will sit far back allowing for pedestrians to pass. He also stated that a full tree survey has not been done, but he will work with the City's arborist and would be happy to replant trees that are removed.

Ms. Keller opened the public hearing. With no one speaking, she closed the public hearing.

Discussion

This would be a very reasonable rezoning in an area that is walkable to the Downtown mall and other areas in the City of Charlottesville.

Mr. Rosensweig said, I move to recommend the approval of the application to rezone from R1-S to R-3 on the basis that the proposal would serve the interest of the general public welfare and good zoning practice.

Ms. Green seconded the motion.

Ms. Creasy called the question.

Sienitsky	Yes
Green	Yes
Rosensweig	Yes
Keller	Yes

Motion Carries.

3. ZT-12-01-01 Zoning Waiver Provisions - An ordinance to amend and reordain Chapter 34 Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise provisions governing waivers, exceptions and modifications. **Report prepared by Missy Creasy, Planning Manager.**

Ms. Creasy presented the staff report.

Ms. Keller opened the public hearing with no one to speak she closed the public hearing.

Discussion

The Commissioners wanted to thank Ms. Creasy and all parties involved for a great job that they had done.

Mr. Rosensweig would like the wording replaced on page 15 section 34-986(2) changed back to “or” as noted in the current text.

Mr. Rosensweig said,

“I move to recommend approval of this zoning text amendment to amend and re-ordain Chapter 34 Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise provisions governing waivers, exceptions and modifications with the change in Section 34-986 (2) replacing “and” with “or” on the basis that the changes would serve the interests of public necessity and good zoning practice.”

Mr. Sienitsky seconded the motion.

No further discussion

Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Rosensweig	Yes
Keller	Yes

Motion Passes

III. REGULAR MEETING ITEMS

H. McIntire Park East Side Master Plan Presentation

Mr. Daly and Mr. Gensic presented a PowerPoint presentation on the final plan for the East Side of McIntire Park.

Preliminary Discussion

The Commission would like to see more multiuse areas. They would also like the wading pool to be saved. They feel that more research should be done on the historic areas of the park and would like to see that done. The golf course is one of the remaining few pastured golf areas in the US and they would like to see that saved. They like passive use and would like to thank the Parks and Recreation department for including the public in the design process.

Mr. Sienitsky made a motion to adjourn until the second Tuesday in July.

Meeting adjourned at 10:41 pm

CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, June 12, 2012 -- 4:30 P.M.
NDS CONFERENCE ROOM

Planning Commissioners present

Ms. Genevieve Keller
Mr. Dan Rosensweig
Ms. Lisa Green
Ms. Natasha Sienitsky

Staff Present:

Ms. Missy Creasy, Planning Manager
Mr. Brian Haluska, Neighborhood Planner
Mr. Michael Smith, Neighborhood Planner
Ms. Ebony Walden, Neighborhood Planner
Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 5:05. Ms. Keller reviewed the agenda. The preliminary discussion for Rugby Road will occur prior to the public hearings if time permits. Commissioners asked questions concerning the Lochlyn application on the topics of connectivity and responses to comments from the preliminary discussion. There was also mention of the Eastern connectors due to citizen comments. Commissioners asked for further explanation on the meaning of proffer #1 as well as why the access was located on Rosehill Drive. Mr. Rosensweig asked for commissioners thoughts on further refining critical slopes regulations.

The discussion adjourned at 5:30pm.

**Planning Commission Work Session
June 26, 2012
Minutes**

Commissioners Present:

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

Staff Present:

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

Ms. Keller convened the meeting at 4:00 p.m. and turned the meeting over to Ms. Creasy

Ms. Creasy gave an overview of the next three work sessions. She gave an outline of each item which will be discussed and noted that the County and City Planning Commission would be coming together following separate work sessions to talk about areas where joint goals may be possible. She then turned the meeting to Summer Frederick from TJPDC to facilitate.

Ms. Frederick provided an overview of the areas for discussion and outlined questions pertaining to each of the topic areas for this evening. Three categories were discussed and areas for potential collaboration of goals noted below.

Discussion

Historic preservation

- There are a lot of historic districts in the City of Charlottesville and the County of Albemarle, but each locality has different approaches to their programs.
- Would like to see acknowledgement of the two world heritage sites, UVA and Monticello, and look at potential corridor links to these sites.
- Feel that there is not adequate protection of the heritage historic sites.
- Historic information interpretation needed
- Feel that all City of Charlottesville ideas about historic preservation can pertain to the County of Albemarle except for regulation.
- Economics, viewsheds and access to sites are important
- There should be additional acknowledgement of the heritage industry in our two communities.

Entrance Corridor

Ms. Frederick presented slides of three of the entrance corridors that the city and county share which included 250 East, 250 West and 5th St extended as visuals for this part of the conversation.

Discussion

- Consideration of a goal to link/coordinate design standards would be valuable. This should look at both structures and streetscape.
- Standards should be consistent with the guidelines.
- The approaches both communities take should be similar and appropriate.
- Coordinate standards related to the intensity of use.

Environment

Discussion

Water

- How will TMDL affect water issues? We don't currently know what those regulations will be.
- Look at improving water quality
- City of Charlottesville does not have water conservation as a stated goal and that can be clarified.

Air Quality

- City actions affect the county
- Look into efficient buses and trolleys for better air quality
- Is there a measure of air quality improvement with cars being taken off the road
- Look for walksheds/centers that can cross the boundaries to encourage multimodal behavior.

That portion of the meeting ended and Ryan Davidson, Budget Analyst, presented the CIP item.

Capital Improvement Projects

Mr. Davidson presented the new process and timeline for Capital Improvement Program submission. He explained which projects would automatically go to the top of the list and how they are prioritized. The commission discussed the proposal and provided the following comments on the process to be forwarded to City Council for their review:

- The Economic Development Criteria should be added back in (it was confirmed that this had been done.)
- The Planning Commission priorities should be added back in but scored at a different weight. The current priorities will be used for this CIP and in June 2013, the Commission will use their work session to provide narrower priorities for the next CIP.

The meeting ended at 6:15pm.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: July 10, 2012

APPLICATION NUMBER: ZM-12-03-04

Project Planner: Michael Smith
Date of Staff Report: July 2, 2012
Applicant: Milestone Partners, LLC
Applicants Representative: L.J. Lopez

Application Information

Property Street Address: Penn Park Lane
Tax Map/Parcel #: 48A/ 39, 40
Total Acreage Site: 25.6 Acres
Comprehensive Plan (Land Use Plan) Designation: Two Family Residential
Current Zoning Classification: R-2(Two-family)
Tax Status: All taxes have been paid on this property.

Applicant's Request:

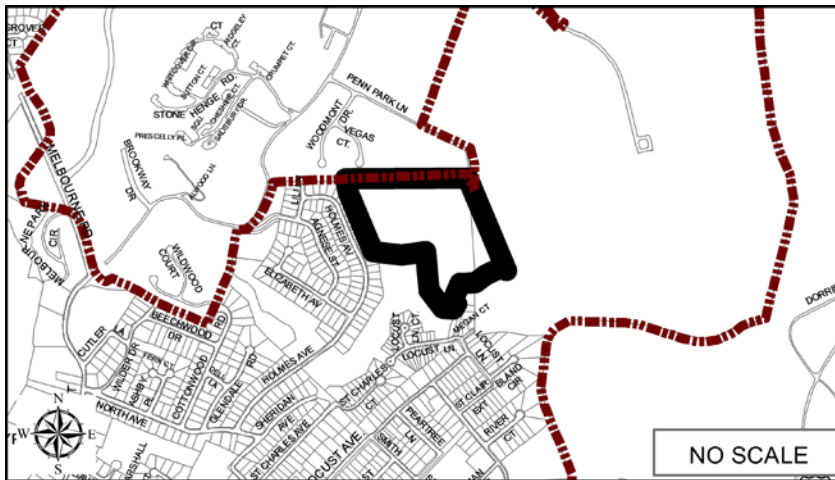
The applicant is requesting to rezone the former Meadow Creek Wastewater Treatment Plant at Penn Park Lane from R-2 Residential to Planned Unit Development (PUD) with proffers. Proffers include the provision of affordable housing, as well as bike and pedestrian improvements. This property is further identified on City Real Property Tax Map #48A as parcels 39 and 40, containing approximately 1,115,136 square feet of land (25.6 acres). This proposal includes a residential development containing a density of up to 5.9 DUA. The general use called for in the Land Use Plan of the Comprehensive Plan is for Two-Family Residential

In accordance with the zoning ordinance, the developer is not required to submit a detailed engineering plan at this point in the PUD approval process, but to submit a concept plan that would show number and types of dwelling units, points of ingress and egress for vehicles and pedestrians as well as describe the street system. The detailed engineering plans will be submitted in the site plan if the project is approved for development.

All site plans for planned unit developments are required to be brought before the Planning Commission in accordance with Section 34-820(d)(1) of the City Code.

The PUD zoning is necessary to allow reduced lot sizes, and reduced front, side, and rear yard setbacks, and amended frontage requirements.

Vicinity Map



Rezoning Standard of Review

The planning commission shall review and study rezonings 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.

Planned Unit Development Standard of Review

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:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- 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;
- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- To provide for developments designed to function as cohesive, unified projects;
- 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;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- 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
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Project Review:

Overall Analysis:

1. Proposed Use of the Property.

The property will primarily be used for residential use, however, the applicant has proposed some non-residential uses be allowed. There are 148 residential units proposed, dispersed throughout the property in various types. The 148 units are divided as such: 62 single-family detached, 48 multi-family, 20 townhome, and 15 cottages.

In addition to the residential uses noted above, the applicant has proposed uses not currently shown on the concept plan. The following uses are proposed by special use permit:

- Houses of worship
- Farmers' Market
- Educational Facilities

The City Code allows “houses of worship” as a by-right use within the R-2 residential district. “Educational facilities” are permitted by special use permit. “Farmers’ market” is not allowed within the R-2 district.

The applicant has proposed the following use by provisional use permit:

- Home Occupation

Home occupation is currently allowed as a provisional use in the R-2 zoning district.

The applicant has proposed the following uses as by-right:

- Stormwater management facilities
- Utility facilities
- Utility lines

“Stormwater management facilities” are uses currently unaddressed in city code. “Utility facilities” are only in R-2 districts by special use permit, while “utility lines” are a by-right use in the R-2 district.

2. Zoning History

This property has been zoned R-2 Residential since annexed into the City.

3. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Vacant Land(Albemarle County)	R-4
South	Vacant	R-2
East	Park(Pen Park)	R-1S
West	Single-Family Residential	R-1S

* Uses allowed in R-4 Residential(Albemarle County) are attached to the staff report.

4. Reasonableness/Appropriateness of Current Zoning

The current zoning is reasonable and appropriate as this area is currently surrounded by low to medium-density residential uses.

5. Reasonableness/Appropriateness of Proposed Zoning

The proposed zoning is reasonable and appropriate for this property. R-2, or medium density residential, is defined in the comprehensive plan as containing a density of 7-12 units an acre. The PUD proposes a density of 4.7 to 5.9 dwelling units per acre (DUA), consistent with the comprehensive plan definition of low-density residential (3-7 units an acre). The proposed density is also consistent with the low-density residential east and south of the property,

6. Consistency with Comprehensive Plan

The proposed PUD is consistent with the following chapters: Housing, Land Use and Urban Design, Community Facilities, and the Locust Grove Neighborhood Plan. The

three comprehensive plan chapters, and neighborhood plan, reflect consistency with this proposal for the following reasons:

Housing Chapter:

Goal I: *Continue to maintain, improve and grow the city's housing stock.*

Land Use Chapter:

Goal III: *Promote land use that maintains and enhances the City's role as a regional market place, without sacrificing the quality of life and environment.*

- Objective D: *Encourage the use of Planned Unit Development for large sites and Infill SUP for smaller areas as a way to protect the natural environment and allow flexibility and variety in development.*

Community Facilities(Parks and Recreation):

Goal IV: *Connect the park system to the community through the development of trails and through the effective and appropriate design of park and recreation facilities.*

- Objective D: *Increase pedestrian and bike connectivity*
- Objective E: *Encourage land acquisition along trail corridors to ensure permanent use as a trail and ability to manage land as park space and green infrastructure resource.*

Locust Grove Neighborhood Plan:

Centers: Pen Park needs a better connection - the only way is an adventurous path along the Rivanna and is not for the weary. It is also informal. Potentially use new development for access to park.

Connectivity: The new development near Pen Park could provide better access to the park.

Housing: There is a need for a greater mix of housing than is currently in the neighborhood.

This rezoning would improve and grow the City's housing stock. The PUD will allow a mix of uses, as opposed to the current R-2 zoning which restricts development to single and two-family residential. The rezoning will also respond appropriately to the other goals noted above by locating density and diverse populations adjacent to parks and natural resources.

7. Potential Uses of the Property

An approved PUD would allow for the uses outlined in an approved PUD development plan. The proposed PUD provides a variety of housing types, including single-family detached, cottages, townhomes, and apartments. In addition, the PUD ordinance allows for flexibility in review procedures and design standards for lots, setbacks, coverage, streets, etc.

8. Access, Circulation, and Traffic:

Automobile access will be dependent upon two Albemarle County roads, Pen Park Lane and Vegas Court. Pen Park Ln will serve as the main access to the PUD, as Pen Park is currently the singular access point to Rio Road East. The internal road network will consist of primary roads and alleys. The specifications for the streets and alleys are noted in the Code of Development. Additionally, the applicant has proposed trail networks that will border the internal road network and connect the PUD to Meadowcreek Golf Course, Penn Park Ln, and existing trails along Meadow Creek.

Traffic will be a concern for a development of this intensity, particularly at the intersection of Rio Road and Penn Park Lane. The applicant submitted a Traffic Impact Analysis (TIA) which concluded the traffic volumes proposed for this rezoning did not warrant signalization at the intersection. The report stated that a traffic signal would relieve the potential delay on Penn Park Ln, however, only in the peak hours.

The findings of the TIA submitted by the applicant were reviewed and analyzed by VDOT staff. VDOT staff summarized that this proposal would impact morning peak period traffic patterns with delays of 3 to 5 minutes. Additionally, VDOT summarized that traffic queuing will extend through Woodmont Drive and potentially create overly aggressive drivers exiting Penn Park. VDOT recommends that a signal be installed at the Rio Road and Penn Park Lane intersections, as well as installation of a right turn lane on Penn Park Lane. An alternative recommendation proposed by VDOT is a proffer from the developer for ROW acquisition.

Process

If the rezoning is approved, and before any site development, the applicant will be required to submit for review a preliminary site plan that is in substantial conformance with the approved PUD.

9. Impact Mitigation

The applicant has submitted three (3) proffers in an effort to offset and mitigate certain impacts anticipated as a result of the proposed development.

Proffer 1: Affordable Housing Proffer. Owner/Applicant proffers that no less than fifteen percent (15%) of the total units sold and leased within City portion the Lochlyn Hill project will meet the requirements for an Affordable Dwelling Unit as defined below. Affordable Dwelling Units may include single family detached units, single family attached units, attached or detached accessory dwellings, apartments or condominiums.

Affordable Dwelling Units Definition. Affordable units shall be affordable to households with incomes less than or equal to eighty percent (80%) of the area median family income (the "Affordable Unit Qualifying Income"), such that the housing costs consisting of principal, interest, real estate taxes, and homeowner's insurance (PITI) do not exceed thirty percent (30%) of the Affordable Unit Qualifying Income.

Owner Occupied Affordable Dwelling Unit Proffer. Eleven percent (11%) of the

single family detached and/or single family attached units being offered for sale in Lochlyn Hill shall be sold to income qualified purchasers as Affordable Units under the Affordable Units Definition above. Owner/Applicant will sell no less than three (3) lots or finished units to one or more of the following local non-profit Affordable Housing Providers: The Thomas Jefferson Community Land Trust (TJCLT), Piedmont Housing Alliance (PHA) or Jefferson Area Board for Aging (JABA). Owner/Applicant agrees to sell such lots or units at a fifteen percent (15%) discount to prevailing market rates at the time of sale.

Enforcement of the Owner Occupied Dwelling Unit Proffer. *Prior to the issuance of the fiftieth (50th) building permit within the City portion of the property, the then-current Owner/Applicant shall have obtained certificates of occupancy for five (5) Owner Occupied Affordable Dwelling Units within the Property. Prior to the issuance of the one hundredth (100th) building permit within the Property, the then-current Owner/Applicant shall have obtained certificates of occupancy for a total of eleven (11) Owner Occupied Affordable Dwelling Units. If additional Owner Occupied Dwellings are built in the City portion of Lochlyn Hill, the then Owner/Applicant shall obtain one Owner Occupied Affordable Dwelling Unit Certificate of Occupancy before the 109th , 118th and 127th single family building permit may be issued. Notwithstanding the foregoing, the entire Owner/Applicant funding proffer must be satisfied within 10 years following issuance of the first single family building permit within Lochlyn Hill. Lots sold to other Affordable Housing Providers shall be deemed to have met the certificate of occupancy requirement in this section upon conveyance of the lot or unit to the Affordable Housing Provider.*

Lochlyn Hill Housing Trust Fund (LHHTF) Proffer. *A The Owner/Applicant or its successor in interest proffers to establish a Lochlyn Hill Housing Trust Fund (The Fund) for the purpose of providing down payment assistance in the form of a soft second mortgage to reduce the costs to the homebuyer, so that the resultant first mortgage and housing costs remain at, or below, the parameters described in the Affordable Dwelling Unit Definition. The Owner/Applicant agrees to contribute a minimum of One Hundred Fifty Thousand Dollars (\$150,000) to the Lochlyn Hill Housing Trust Fund. All financial programs or instruments offered by the LHHTF must be acceptable to the primary mortgage lender. Any second mortgage executed by the Owner/Applicant, as part of this affordable housing proffer shall be donated into a Lochlyn Hill Affordable Housing Trust Fund and credited toward the Owner/Applicant funding proffered herein. The Fund shall be structured and managed by the Piedmont Housing Alliance or another qualified organization designated by the Owner/Applicant and approved by the Charlottesville Director of Neighborhood Development Services. Each unit sold to an income qualified purchaser shall count as one (1) affordable unit.*

Upon resale of a property on which Lochlyn Hill Housing Trust Fund Financing has been provided, the full amount of the loan plus optional accrued interest and a proportional share of the property appreciation, shall be repaid into the Lochlyn Hill Housing Trust Fund. A loan servicing fee may be charged by the appointed manager of the Fund. All funds held in the Lochlyn Hill Housing Trust Fund shall be used to promote affordability within the Lochlyn Hill neighborhood only. Loans made by the Fund or conveyed to the fund shall conform to certain general terms and requirements. The initial general

requirements are summarized in a separate document entitled “Lochlyn Hill Housing Trust Fund General Requirements and Program Terms” and may be modified in the future by the fund manager with consent of Owner/Applicant and the Charlottesville Director of Neighborhood Development Services or the equivalent at the time of the change.

Multi-Family Affordable Dwelling Unit Proffer. *The Owner/Applicant proffers that twelve percent (12%) of all multi-family dwelling units constructed on City Property in Lochlyn Hill shall be rented for amounts at or below the then prevailing Fair Market Rents as published annually by the Department of Housing and Urban Development (HUD). Alternatively, Owner/Applicant may, at any time within 5 years following issuance of a construction permit for a multifamily building, elect to pay Seven Thousand Dollars (\$7,000) per affordable multi-family rental unit Owner/Applicant wishes to remove from the terms of this proffer to the Charlottesville Housing Fund or another local non-profit affordable housing initiative approved by the City Director of Neighborhood Development Services.*

Enforcement of the Multi-Family Affordable Dwelling Unit Proffer. *Within 12 months and following completion of construction of any multi-family buildings on The Property, and annually thereafter, then Owner/Applicant or its successor in interest shall provide to the designated authority within the Charlottesville Neighborhood Development Services a complete listing of units within the project and the rental rates for each unit.*

Accessory Dwelling Unit Proffer. *The Owner/Applicant proffers to construct a minimum of fifteen (15) and a maximum of fifty (50) Accessory Dwelling Units (ADU) on the City Property. A minimum of 4 and a maximum of 15, (30%) of the ADU’s constructed shall be credited toward the satisfaction of the Affordable Housing proffer. These dwelling units can be attached or detached and shall be permitted, constructed and sold with the primary dwelling unit. Owners of the primary dwelling may offer the units for lease, but shall not be required to as a condition of this proffer.*

In Proffer #1, the applicant has stated to proffer affordable units in three of the following formats: owner occupied units, multi-family units, and accessory dwelling units.

Owner Occupied Units: The applicant has stated that under the range of owner occupied units proposed to be developed (87-127), 11-14 of those units will be proffered as affordable. This will equate to the project achieving an upwards of 12.6% of all owner occupied units constructed as affordable.

Multi-Family Affordable Units: In addition to the owner occupied units, the applicant has proffered that 6 of the 48(12.5%) multi-family units will be rented at Fair Market value as determined annually by HUD. Once the building permit has been issued for the multi-family structure, the applicant has 5 years to either retain the 6 units as affordable, or pay \$7,000 per unit into the Charlottesville Housing Fund or a local non-profit affordable housing initiative.

Accessory Dwelling Units: The applicant has proffered to construct 15-50 ADUs. 30% of those units will be credited towards the affordable housing proffer. Staff is comfortable with direction, as accessory dwelling units are product types supported in the 2025 Affordable Housing Policy.

During the June 12, 2012 public hearing, some members of the Commission expressed concern with the lack clarity provided towards the affordable housing proffer. Staff believes the applicant has responded to the Commission's concerns by expanding on the operations of the Lochlyn Hill Housing Trust, as well as offering more insight into how the proffered units will function as affordable.

Although staff believes the language of this proffer can still be tightened, particularly in regard to the multi-family affordable units and specific information stated in the supporting documents, staff is confident that proffer #1 addresses PUD Objective #3 and the Comprehensive Plan goal of promoting an assortment of affordable housing initiatives.

*Proffer 2. **Pedestrian Connection to Rio Road** – Where adequate right-of-way is available and necessary approvals can be secured from Albemarle County and the Virginia Department of Transportation, Owner/Applicant will build a sidewalk along one side of Penn Park Lane to its intersection with Rio Road. This proffer shall not require the Owner/Applicant to purchase any additional property or easements to build off-site improvements needed to make this pedestrian connection.*

Staff supports the intent of proffer #2 and believes that this proffer satisfies PUD objectives #9 and #10. Staff recommends accepting this proffer as written.

*Proffer 3. **Bicycle Path and Greenway Dedication** – Owner/Applicant proffers to fund a paved bike trail along its entire Meadowcreek frontage and dedicate the path, together with a parallel greenway of not less than 50 feet and not more than 100 feet to the City of Charlottesville. Owner/Applicant will pay the City of Charlottesville Fifteen Thousand Dollars (\$15,000) cash upon notice from the City to Owner/Applicant that all necessary right-of-way has been acquired to extend the path as described herein and that the necessary funds have been allocated, and that it is prepared to move forward with the construction of the path within 12 months from the date of notice.*

Proffer #3 accurately responds to Objective #7 of the PUD standards and should enhance trail connectivity to public facilities and adjacent communities. Staff recommends accepting the proffer as written.

*Proffer 4. **Funding for Rio/Pen Park Lane Traffic Signal** – The Owner/Applicant proffers two (2) signal warrant studies and a contribution of cash for the design and construction of a traffic signal at the intersection of Rio Road and Pen Park Lane. At the one hundredth (100th) building permit issued in the City portion of the project, the Owner/Application shall provide to the City Traffic Engineer and to VDOT the results of a signal warrant study. In the event,*

that the signal warrant study concludes that the conditions of a signal are met and VDOT accepts the study in writing, a written estimate of final costs, and a firm construction schedule for the signal, the Owner/Applicant will contribute Sixty-Five Thousand Dollars (\$65,000) toward the design and construction of a traffic signal at the intersection of Rio Road and Penn Park Lane to the City, VDOT, or another duly appointed agent charged with constructing the traffic signal, to be determined at the time of funding. If the traffic signal is not constructed within twelve (12) months following the Owner/Applicant's payment for such signal, all funds contributed by the Owner/Applicant shall be promptly returned to the Owner/Applicant, and it shall have no further obligation with respect to this proffer. In the event that the signal warrant study does not conclude that the conditions of a signal have been met and/or VDOT does not accept the first (1st) study, the Owner/Applicant shall be obligated to conduct a second (2nd) signal warrant study at the issuance of the final single family detached building permit in the City, for the project. If the second (2nd) study concludes that a signal is warranted and VDOT accepts the study in writing, the Owner/Applicant will contribute per the terms above. In the event the second (2nd) study does NOT warrant a signal, the Owner/Applicant shall not have any further obligation to provide signal warrant studies to the City or VDOT and shall not have any further obligation with respect to this proffer.

Staff believes the applicant has appropriately addressed the traffic concerns noted by staff. Staff recommends accepting proffer #4 as written.

Public Comments Received:

Roger Davis, Holmes Ave resident, stated that he was not in support of this development, He believes this development will increase noise and traffic. He believes this PUD is not in a good location.

John Blatz, Bill Coburn, Katha Bollfrass, Harriet Resio, and Kim Blatz, residents of River Run in Albemarle County, had general questions regarding processes, critical slopes, and stormwater management/ E&S measures.

Laurie Barrett, property owner on Penn Park Lane, and Julie Harlan, resident of Locust Grove, were curious about any road improvements planned for Penn Park Ln as a measure to support the increased traffic.

Amir Zandinejad, property owner of Penn Park Lane, voiced his support of the project. Believes the proposed mix of housing is appropriate.

Staff Recommendation:

The standard of review for Planned Unit Developments clearly states ten objectives that potential PUDs should aspire to meet. While it is not necessary for a PUD to meet all ten objectives, the development must be evaluated based on those objectives.

Staff finds that the proposed PUD meets aspects of the following ten objectives contained in the PUD ordinance:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- 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;
- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- To provide for developments designed to function as cohesive, unified projects;
- 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;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- 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
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Staff believes the applicant has taken the information provided by the Commission during the June 12th public hearing, as well as advice provided throughout meetings with staff, and produced an application reflective of the PUD objectives. This PUD offers the City a dense, eclectic mix of housing that would not be possible with the strict application of the current R-2 zoning. The adjacency of this property to parks and environmental features will facilitate activity within the PUD, potentially creating a healthy, engaged community that will benefit the overall social health of the City.

Staff recommends approval with proffers.

Attachments

Application materials.

Suggested Motions:

1. “I move to recommend the approval of this application to rezone the subject property from R-2 to PUD, 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 rezone the subject property from R-2 to PUD.”
3. Alternate motion.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. _____)
STATEMENT OF PRELIMINARY PROFFER CONDITIONS
For the LOCHLYN HILL PUD

Dated as of June 29, 2012

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

The undersigned individual 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 May 8, 2012.

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. **Affordable Housing Proffer.** Owner/Applicant proffers that no less than fifteen percent (15%) of the total units sold and leased within City portion the Lochlyn Hill project will meet the requirements for an Affordable Dwelling Unit as defined below. Affordable Dwelling Units may include single family detached units, single family attached units, attached or detached accessory dwellings, apartments or condominiums.

Affordable Dwelling Units Definition. Affordable units shall be affordable to households with incomes less than or equal to eighty percent (80%) of the area median family income (the "Affordable Unit Qualifying Income"), such that the housing costs consisting of principal, interest, real estate taxes, and homeowner's insurance (PITI) do not exceed thirty percent (30%) of the Affordable Unit Qualifying Income.

Owner Occupied Affordable Dwelling Unit Proffer. Eleven percent (11%) of the single family detached and/or single family attached units being offered for sale in Lochlyn Hill shall be sold to income qualified purchasers as Affordable Units under the Affordable Units Definition above. Owner/Applicant will sell no less than three (3) lots or finished units to one or more of the following local non-profit Affordable Housing Providers: The Thomas Jefferson Community Land Trust (TJCLT), Piedmont Housing Alliance (PHA) or Jefferson Area Board for Aging (JABA). Owner/Applicant agrees to sell such lots or units at a fifteen percent (15%) discount to prevailing market rates at the time of sale.

Enforcement of the Owner Occupied Dwelling Unit Proffer. Prior to the issuance of the fiftieth (50th) building permit within the City portion of the property, the then-current Owner/Applicant shall have obtained certificates of occupancy for five (5) Owner Occupied Affordable Dwelling Units within the Property. Prior to the issuance of the one hundredth (100th) building permit within the Property, the then-current Owner/Applicant shall have obtained certificates of occupancy for a total of eleven (11) Owner Occupied Affordable Dwelling Units. If additional Owner Occupied Dwellings are built in the City portion of Lochlyn Hill, the then Owner/Applicant shall obtain one Owner Occupied Affordable Dwelling Unit Certificate of Occupancy before the 109th, 118th and 127th

single family building permit may be issued. Notwithstanding the foregoing, the entire Owner/Applicant funding proffer must be satisfied within 10 years following issuance of the first single family building permit within Lochlyn Hill. Lots sold to other Affordable Housing Providers shall be deemed to have met the certificate of occupancy requirement in this section upon conveyance of the lot or unit to the Affordable Housing Provider.

Lochlyn Hill Housing Trust Fund (LHHTF) Proffer. A The Owner/Applicant or its successor in interest proffers to establish a Lochlyn Hill Housing Trust Fund (The Fund) for the purpose of providing down payment assistance in the form of a soft second mortgage to reduce the costs to the homebuyer, so that the resultant first mortgage and housing costs remain at, or below, the parameters described in the Affordable Dwelling Unit Definition. The Owner/Applicant agrees to contribute a minimum of One Hundred Fifty Thousand Dollars (\$150,000) to the Lochlyn Hill Housing Trust Fund. All financial programs or instruments offered by the LHHTF must be acceptable to the primary mortgage lender. Any second mortgage executed by the Owner/Applicant, as part of this affordable housing proffer shall be donated into a Lochlyn Hill Affordable Housing Trust Fund and credited toward the Owner/Applicant funding proffered herein. The Fund shall be structured and managed by the Piedmont Housing Alliance or another qualified organization designated by the Owner/Applicant and approved by the Charlottesville Director of Neighborhood Development Services. Each unit sold to an income qualified purchaser shall count as one (1) affordable unit.

Upon resale of a property on which Lochlyn Hill Housing Trust Fund Financing has been provided, the full amount of the loan plus optional accrued interest and a proportional share of the property appreciation, shall be repaid into the Lochlyn Hill Housing Trust Fund. A loan servicing fee may be charged by the appointed manager of the Fund. All funds held in the Lochlyn Hill Housing Trust Fund shall be used to promote affordability within the Lochlyn Hill neighborhood only. Loans made by the Fund or conveyed to the fund shall conform to certain general terms and requirements. The initial general requirements are summarized in a separate document entitled “Lochlyn Hill Housing Trust Fund General Requirements and Program Terms” and may be modified in the future by the fund manager with consent of Owner/Applicant and the Charlottesville Director of Neighborhood Development Services or the equivalent at the time of the change.

Multi-Family Affordable Dwelling Unit Proffer. The Owner/Applicant proffers that twelve percent (12%) of all multi-family dwelling units constructed on City Property in Lochlyn Hill shall be rented for amounts at or below the then prevailing Fair Market Rents as published annually by the Department of Housing and Urban Development (HUD). Alternatively, Owner/Applicant may, at any time within 5 years following issuance of a construction permit for a multifamily building, elect to pay Seven Thousand Dollars (\$7,000) per affordable multi-family rental unit Owner/Applicant wishes to remove from the terms of this proffer to the Charlottesville Housing Fund or another local non-profit affordable housing initiative approved by the City Director of Neighborhood Development Services.

Enforcement of the Multi-Family Affordable Dwelling Unit Proffer. Within 12 months and following completion of construction of any multi-family buildings on The Property, and annually thereafter, then Owner/Applicant or its successor in interest shall provide to the designated authority within the Charlottesville Neighborhood

Development Services a complete listing of units within the project and the rental rates for each unit.

Accessory Dwelling Unit Proffer. The Owner/Applicant proffers to construct a minimum of fifteen (15) and a maximum of fifty (50) Accessory Dwelling Units (ADU) on the City Property. A minimum of 4 and a maximum of 15, (30%) of the ADU's constructed shall be credited toward the satisfaction of the Affordable Housing proffer. These dwelling units can be attached or detached and shall be permitted, constructed and sold with the primary dwelling unit. Owners of the primary dwelling may offer the units for lease, but shall not be required to as a condition of this proffer.

2. **Pedestrian Connection to Rio Road** – Where adequate right-of-way is available and necessary approvals can be secured from Albemarle County and the Virginia Department of Transportation, the Owner/Applicant will build a sidewalk along one side of Pen Park Lane to its intersection with Rio Road. This proffer shall not require the Owner/Applicant to purchase any additional property or easements to build off-site improvements needed to make this pedestrian connection.
3. **Bicycle Path and Greenway Dedication** – The Owner/Applicant proffers to fund a paved bike trail along its entire Meadowcreek frontage and dedicate the path, together with a parallel greenway of not less than 50 feet and not more than 100 feet, to the City of Charlottesville. The Owner/Applicant will pay the City of Charlottesville Fifteen Thousand Dollars (\$15,000) cash upon notice from the City to the Owner/Applicant that all necessary right-of-way has been acquired to extend the path as described herein, that the necessary funds have been allocated, and that it is prepared to move forward with the construction of the path within 12 months from the date of notice.
4. **Funding for Rio/Pen Park Lane Traffic Signal** – The Owner/Applicant proffers two (2) signal warrant studies and a contribution of cash for the design and construction of a traffic signal at the intersection of Rio Road and Pen Park Lane. At the one hundredth (100th) building permit issued in the City portion of the project, the Owner/Application shall provide to the City Traffic Engineer and to VDOT the results of a signal warrant study. In the event, that the signal warrant study concludes that the conditions of a signal are met and VDOT accepts the study in writing, a written estimate of final costs, and a firm construction schedule for the signal, the Owner/Applicant will contribute Sixty-Five Thousand Dollars (\$65,000) toward the design and construction of a traffic signal at the intersection of Rio Road and Pen Park Lane to the City, VDOT, or another duly appointed agent charged with constructing the traffic signal, to be determined at the time of funding. If the traffic signal is not constructed within twelve (12) months following the Owner/Applicant's payment for such signal, all funds contributed by the Owner/Applicant shall be promptly returned to the Owner/Applicant, and it shall have no further obligation with respect to this proffer. In the event that the signal warrant study does not conclude that the conditions of a signal have been met and/or VDOT does not accept the first (1st) study, the Owner/Application shall be obligated to conduct a second (2nd) signal warrant study at the issuance of the final single family detached building permit in the City, for the project. If the second (2nd) study concludes that a signal is warranted and VDOT accepts the study in writing, the Owner/Applicant will contribute per the terms above. In the event the second (2nd) study does NOT warrant a signal, the Owner/Applicant shall not have any further obligation to provide signal warrant studies to the City or VDOT and shall not have any further obligation with respect to this proffer.

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 29th day of June, 2012.

Owner/Applicant: Meadowcreek Development, LLC

By: _____
Frank R. Stoner, IV
Managing Member

By: _____
John N. Stoner
Managing Member

Owner/Applicant's Address: 300 Second Street NE
Charlottesville, VA 22902



LOCHLYN HILL

CODE OF DEVELOPMENT

MEADOWCREEK DEVELOPMENT, LLC



May 8, 2012
as revised June 4, 2012
County of Albemarle
City of Charlottesville

milestone

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- 5 – 5A – Conceptual Site Section
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LOCHLYN HILL -- CODE OF DEVELOPMENT

Purpose and Intent

Pursuant to the City of Charlottesville's Code of Ordinances under the Zoning Code – Planned Unit Development Districts (PUD), this document constitutes Lochlyn Hill's General Development Plan and Code of Development.

The current City Zoning Ordinance and Comprehensive Plan calls for residential development for this property. Currently, Tax Map 48A Parcels 39 and 40 (25.8 acres) are zoned R-2 which allows single family detached and attached housing with a feasible density range of 4-12 units per acre. The Lochlyn Hill project proposes a residential PUD (Planned Unit Development) with 4.7 to 5.9 dwelling units per acre, well within the by-right density under R-2 zoning.

Meadowcreek Development, LLC also owns 7.7 acres of land in Albemarle County that adjoin the subject property. This land (Tax Map 61A Parcels 2, 6, 7, 9, 10, 11, 13, 34A and 34B), together with an additional 3.6 acres owned by others (Tax Map 61A Parcels 3, 3A, 3B, 4, 5 and 12) are all contained within the Lochlyn Hill project and will be developed in accordance with the design principles stated herein. The County property is currently zoned R-4 and allows single family, duplex, triplex, and townhouses. It is the intent of Meadowcreek Development, LLC to unify the neighborhood under one Owners' Association and make the constructed amenities available to all residents.

Existing Conditions

The 25.8 acre Lochlyn Hill site is located in the Locust Grove Neighborhood at the end of Penn Park Lane and adjacent to the Meadowcreek Golf Course. It is the site of the former Meadowcreek Treatment Plant property, which was sold by the City of Charlottesville in 1996 to the current owner, Meadowcreek Development, LLC. The two (2) parcels that constitute the project (Tax Map 48A Parcels 39 and 40) contained the Meadowcreek Treatment Plant facilities and infrastructure when purchased but have since been remediated, demolished and removed from the site. The site is currently mixed open space and overgrown weed trees. There is a portion of one remaining structure from the Meadowcreek Treatment Plant remaining on the property; it was formerly an aeration tank during operation of the treatment facility and now exists as a gravel pit. The gravel will be used as temporary lay down material during site construction and the structure will be removed during Phase 2 site construction (Existing Conditions – Exhibit #1).

The existing topography and proximity to Meadowcreek and the Golf Course present minor design challenges but also tremendous opportunities. Starting at 450 feet in elevation, the site gently drops from the entrance off Penn Park Lane until it reaches the floodplain of the Meadowcreek at an elevation of 330 feet. Proximity to the Meadowcreek floodplain will provide access to the City of Charlottesville's planned greenway and the Rivanna Trail Foundation's trail that circumnavigates the City. The adjacency to the Golf Course provides a dramatic view shed and perpetual open space to the east but also allows the RTF trail network, that crosses Meadowcreek, to maintain its natural character as it winds around the eastern border of Lochlyn Hill rather than having to switch to an urban section trail.

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Lochlyn Hill's Location and Context within Locust Grove

The Lochlyn Hill property is bordered to the west by the residential housing on Holmes Avenue. The eastern boundary is adjacent to holes 12 and 13 of the 18-hole public Meadowcreek Golf Course and the 280 acre Penn Park, the largest of the City's Parks. To the south, Lochlyn Hill is bordered by Meadowcreek; which will provide greenway access to Charlottesville High School, the Meadowcreek Parkway trail, Penn Park, and Darden Towe Park. Across Meadowcreek is the Locust Meadow neighborhood. The northern boundary of the property owned by Meadowcreek Development, LLC, is the City/County boundary. Meadowcreek Development, LLC owns additional property in the County which it intends to develop in accord with the development pattern established by the Lochlyn Hill PUD.

The Vision for Lochlyn Hill

Successful neighborhoods and communities are not random, unplanned events. In the past, relatively simple planning and controls over time have produced places of such charm and warmth that they have a place in this nation's collective subconscious. This memory and those places that survive today have in many ways set the standard for what our new neighborhoods and communities should be. The difficulty lies in creating in a few years what in the past took several decades. Lochlyn Hill will be a neighborhood and not a subdivision.

In an effort to work with the existing terrain and be sensitive to existing natural features, Lochlyn Hill's plan responds to the surrounding neighborhoods, Meadowcreek, and the golf course. Pedestrian access will be provided along the Meadowcreek with a bridge connection to support the efforts of the Rivanna Trail Foundation and the City Parks and Recreation department in creating greenway connections throughout the City. The Lochlyn Hill master plan works to protect and enhance the natural resources of the area through careful planning and development and creates designated and perpetual Natural Areas where development can never occur.

Additionally the plan responds to the socio-economic needs and desires of the City. By integrating a variety of housing types (single family, townhouse, cottage, and flats), the Lochlyn Hill plan will promote and support social and economic diversity in a way that homogeneous subdivisions cannot.

Structure of this Document

This document is comprised of both narrative and graphic information pursuant to the information required under the City of Charlottesville's Code of Ordinances – Zoning Code – Planned Unit Development Districts (PUD). The narrative portions of this document are broken into four major categories. The first regulates the location, density and intensity of land uses within Lochlyn Hill. The second regulates the form of these uses. The third section regulates the project's streetscape (e.g., typical street and sidewalk cross sections) and parking. The fourth regulates items that do not fit neatly into the above categories. In support of this narrative section, the Code of Development contains graphical exhibits March 13, 2012. Per City Zoning Section 34-517, only the following documents constitute Lochlyn Hill's General Development Plan:

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1. Illustrative General Development Plan (Exhibit #2)
2. Phasing / Block Plan (Exhibit #6)
3. Conceptual Grading Plan (Exhibit #7)

At the site plan or subdivision stage, the following items shall be located generally as shown on the General Development Plan and other 3 Exhibits above: Lot locations and boundaries; Building footprints; Parking Areas; Landscaping (except as general construed as major elements in the narrative section pertaining to Amenity, Green Space, or specifically identified landscape areas); Grading; Trail alignments; Stormwater management structures; Utilities; Block location, size, and shape; Road, intersection, and sidewalk alignments. However, the exact locations, boundaries, and/ or shapes of these items may be adjusted per the regulations established within the City Ordinance and this Code of Development.

This Code of Development package includes an Illustrative General Development Plan (Exhibit #2), Neighborhood Perspective (Exhibit #3), Typical Mid-Block Street Sections (Exhibits #4), Conceptual Site Sections (Exhibits #5), and other exhibits. The purpose of these exhibits is to indicate how the project's scale, massing, pedestrian orientation and landscape treatment **may** be achieved at the site plan or subdivision stage. Furthermore, these exhibits can be used by the Director of Neighborhood Development Services as a tool to determine a site plan's or subdivision plat's relative conformity with the Application / Illustrative General Development Plan. However, these exhibits do not represent the specific form of the final product nor do they describe final design requirements.

As stated in the introduction, Lochlyn Hill will provide a rational transition between the existing residential neighborhoods to the north and west and the Meadowcreek and Meadow Creek Golf Course to the south and east. The site's existing topography, road network, and phasing strategy serve as the basis in determining the breaks between the individual blocks. The Illustrative General Development Plan (Exhibit #2) delineates the block's location and shape (Blocks 1, a portion of 3 & 5, and 6 contained within the jurisdiction of the County of Albemarle).

Description of Land Use by Block

This section identifies the most important features and structures within each block. The features in this section must be provided to meet the requirements of the Ordinance.

Block 1

Block 1 is situated solely in Albemarle County and is the primary point of access. This block will serve as the gateway to the Lochlyn Hill neighborhood. When entering the neighborhood, the first element experienced will be a pocket park and entrance signage. These elements are important as they will demonstrate the significance of public open space and set the character of design for the neighborhood. Additionally, the main street cross section will also provide the basis for design of the remainder of the neighborhood, with residential housing close to the street, sidewalks, and street trees combining to create a very inviting and pedestrian friendly streetscape. The entry sequence of Block 1 will terminate at the neighborhood Village Green. This will serve as a visual focal point on the entry drive and also the central public amenity to include programmable green space for active recreation and a possible swim feature. The residential character of this block will be indicative of the

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balance of the neighborhood, as it will offer single family detached and townhouses in both a front loaded and rear alley loaded condition.

Block 2A

Block 2A is situated solely in the City of Charlottesville and will be a continuation of the development pattern established in Block 1. Small set backs, street trees, and pedestrian friendly streets will continue in this block and throughout the neighborhood. Larger, front loaded, single family detached lots will comprise the majority of the product type in this block with a few smaller, rear loaded, single family detached.

Block 2B

A sub-block, 2B, will support a third residential use, Cottages. The Cottages will be small foot print and small square footage single family detached homes centralized around a common green space. Parking will be relegated from the primary street as much as possible.

Block 3

Block 3 is situated with a majority of the block in the City and a portion in the County. The Albemarle County portion of the block is comprised of the remainder of the Village Green. Again, this will provide for central green space that is flexible and programmable for both passive and active recreation. This is anticipated to be a central meeting place for residents. The City of Charlottesville portion of Block 3 continues the already established pattern of development with mid-sized single family detached lots and townhouses. The units in this block are all anticipated to be rear loaded.

Block 4A

Block 4A includes single family detached and townhouses, both rear and front loaded. Block 4 is located entirely within the City and will have direct access to the Meadowcreek and pedestrian access to the Rivanna Trail will be made possible by the installation of a bridge to cross the Meadowcreek. A pocket park will also be included in this block.

Block 4B

Block 4B is comprised solely of luxury apartments or condos. This block is also adjacent to the Meadowcreek Golf Course and the multifamily use will take advantage of the grades on site to provide spectacular views of the golf course and surrounding mountain vistas.

Blocks 5 and 6

In Blocks 5 and 6 the pedestrian friendly, tree lined streets, alley access, integrated townhome and single family pattern of development continues. This block is adjacent to greenspace on its north and south boundaries. To the north is the Meadowcreek Golf Course, offering great views, and to the south is the central Village Green, offering active and passive recreation.

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Land Uses Permitted/ Prohibited by Block

Table A establishes the uses that are permitted or prohibited by block. If the column under a Block has a “B” filled in, then the use in that row is permitted (i.e., it is by-right) within that block. If the column under a Block has a “S” filled in, then the use in that row is permitted within that block only through a Special Use Permit and a separate Special Use Permit would need to be filed and a separate legislative action would need to be taken by the City of Charlottesville City Council to permit that use. Finally, if a column is left blank, then the use is prohibited within that block.

Table A – Permitted/ Prohibited Uses by Block								
Residential Uses	Block Number							
	1	2A	2B	3	4A	4B	5	6
Detached single family		B	B	B	B	B		
Duplex, Triplex, Townhouse		B	B	B	B	B		
Multi-family		S	S	S	S	B		
Boarding house (rooming house)		S	S	S	S	S		
Accessory building structures and uses		B	B	B	B	B		
Accessory Apartment - Internal		B	B	B	B	B		
Accessory Apartment - External		B	B	B	B	B		
Non-Residential Uses	Block Number							
	1	2A	2B	3	4A	4B	5	6
Houses of Worship		S	S	S	S	S		
Clubs, private - lodges, civic, fraternal, patriotic		S	S	S	S	S		
Farmers’ market		S	S	S	S	S		
Home Occupation ¹		P	P	P	P	P		
Education Facilities		S	S	S	S	S		
Stormwater management facilities shown on an approved final site plan or subdivision plat		B	B	B	B	B		
Utility Facilities		B	B	B	B	B		
Utility Lines		B	B	B	B	B		

1. Home Occupation shall be reviewed in accordance with the City’s Provisional Use Permit regulations and section 34-1172 of the zoning code.

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Special Single-Family Dwelling and Duplex Unit Regulations

Special single-family dwelling and duplex units are defined below and shall be allowed within Lochlyn Hill only under the following conditions:

Carriage Houses:

Carriage House Units are defined as separate, detached, independent living units which are included on a single family attached or detached unit's lot, but are clearly subordinate to the primary residence. While Carriage House Units may have a distinct street address and may be provided with separate utility meters if utilized as a rental unit, they may not be subdivided from the primary residence. Carriage house units must be located to the rear of the primary residence and must meet all architectural guidelines applicable to the primary residence.



ACCESSORY DWELLING UNITS:

Accessory Dwelling Units are defined as a separate, secondary residential unit that is subordinate to the owner-occupied principal unit. The secondary units are restricted as follows:

- The secondary unit shall always be contained within the same structure as the principle unit.
- The secondary unit may not be subdivided from the principle unit.
- Both units shall meet all fire code and building regulations for a two-family dwelling as defined by the International Residential Code.

Typically, the secondary unit will be located as an efficiency apartment on the ground floor of a walkout structure with the secondary unit's parking provided on-street and the principle unit's parking provided off of a rear-loaded alley. However, depending on grade conditions, the secondary unit might be provided on upper floors or all parking might be provided off-site.

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Block Use Density

Tables B sets the minimum densities required and the maximum densities allowed for residential uses in the Lochlyn Hill Neighborhood.

TABLE B – MINIMUM and MAXIMUM RESIDENTIAL DENSITY					
	Primary Dwelling Unit			Accessory Dwelling Unit ¹	
	MINIMUM	SHOWN ON ILLUSTRATIVE DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM
City of Charlottesville	135	148	175	15	50
County of Albemarle	40	56	60	-	-
TOTAL	175	204	235	25	50

1. The accessory dwelling units are not provided for in the primary dwelling unit counts. They are additive.

Required Green Space, Civic and Amenity Areas

The Lochlyn Hill proposal provides an extensive open space and amenity system that creates recreational opportunities and a sense of space throughout the community. The Green Space, Civic and Amenities Areas will include pedestrian corridors which are designed to interconnect centralized amenities, such as the Community Center and the Village Green, with numerous pocket parks, formal public greens, and less formal Conservation Areas. These public spaces are designed to not only provide users with outdoor space, but also to create focal points within the community and allow for vistas of the surrounding mountains. Moreover, Lochlyn Hill’s green space and amenity system is designed to integrate with the surrounding neighborhoods and the amenities at the adjoining Meadowcreek Golf Course

Description of Green Space and Amenity Areas

The Developer shall provide the following formal green spaces and amenity areas:

Entry Park (County)

The Entry Park will serve multiple functions. It will exhibit the character of the neighborhood and serve as a gateway to the Lochlyn Hill neighborhood from the existing housing on Pen Park Lane. It will be naturally landscaped with opportunities for passive recreation. Monument signage will be incorporated into the Entry Park to delineate the neighborhood and will reflect the architectural

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character of residential housing. This park will be adjacent to the sales center and at some point in the future, the sales center will be converted into a residence.

The Village Green (County)

The Village Green will include a central, multipurpose lawn that will be the focal point of the neighborhood and will serve as the community gathering space and primary recreational amenity. Additionally, the Green may include a swim feature. The edges of the Village Green will be lined with trees. The Director of Neighborhood Development may approve alterations to final program elements if the alterations better respond to neighborhood interests at the time of construction.

Pocket Park

They are usually developed on irregular pieces of land. Surrounded by existing development on three sides, they literally form a small “pocket” among other buildings. These little parks can bring shade, quiet, and they often turn up in unexpected places. Growing in popularity, pocket parks are easily constructed and provide a space where people can stop to relax, read, eat a packed lunch, or meet friends. In the Lochlyn Hill neighborhood they will function primarily as passive recreation places.

Meadowcreek Greenway Trail

The Meadowcreek Greenway Trail is intended to connect to the larger City of Charlottesville greenway trail that is currently in the planning phase. The trail on the Lochlyn Hill property will be coordinated with the Charlottesville Parks and Recreation Department to determine the surface, width, and final location. A bridge across the Meadowcreek will be provided to connect the Rivanna Trail to the Greenway and to the neighborhood. Additionally, this trail will extend north on the Meadowcreek Golf Course boundary and its final location will be coordinated with Parks and Recreation.

Lot and Building Height Regulations

The following tables and footnotes establish the lot widths, build-to lines, setbacks, minimum frontage requirements, and height restrictions for uses within Lochlyn Hill.

Table C -- Lot Regulations				
Unit Type	Lot Width	Front Build-to Line Range ^{1,2,3,4,11}	Min. Setbacks ^{5,6,7,8,9}	
			Side	Rear
Single Family	61-80	15-30	5	10
Single Family	25-60	10-30	3	10
Townhouse	16-35	5-25	3	10
Multi-Family	n/a	5-25	4	15
Freestanding Signage	n/a	1	1	1

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1. The following structures: porches (1&2 story), porch stairs, decks, balconies, bay windows, raised dooryards, entrance stoops, planters, entry steps and other similar structures are permitted to extend in an attachment zone (i.e., the area in front of the build-to line) by no more than ten (10) feet. Under no circumstances may these structures extend into either the right-of-way or within one (1) foot of the sidewalk (whichever is more restrictive).
2. For single family detached units that are front loaded, the garaged door shall be recessed more than three (3) feet from the established build-to line.
3. Under no circumstances shall the garage door be any closer than eighteen (18) feet to the sidewalk.
4. For Corner Lots, front build-to line shall apply to both segments of the lot facing either street. The side yard setbacks shall apply to the other segments of the lot facing away from the streets.
5. Townhouses and Multi-family unit types may be built along the side yard property line if construction methods are used that allow for a common wall. For townhouse and multifamily structures built on the property line, the structure's footing may cross onto the adjacent lot a maximum of eight (8) inches
6. In front and corner yards, accessory structure setbacks shall be the same as the established build-to line for that Building Block. In side yards, accessory structure setbacks shall be three (3) feet.
7. Covered porches, balconies, chimneys, eaves, and like architectural features may not project into the side yard setback and may not project more than two (2) feet into any rear yard setback. HVAC units are allowed only in the side and rear yards and cannot be within (2) feet of any property line.
8. The regulations of accessory structures are as follows: In front and corner yards, accessory structure setbacks shall be the same as the established build-to-line. In side yards, accessory structure setbacks shall be three (3) feet, except with garages and carports, where the side setback shall be zero (0) feet. In rear yards, accessory structure setbacks shall be five (5) feet.
9. Garages and Carriage Houses may be connected to the main structure under the following conditions: If connected with unconditioned space (e.g. screened porch, covered breezeway, etc.) the modified accessory structure setbacks established in item eight (8) above shall be followed. If connected with conditioned space then the minimum setbacks established in Table C – Lot Regulations shall be followed.
10. No structure shall encroach into any utility, drainage or other easement.
11. The minimum frontage requirement for lots shall be three (3) feet at the public right of way or private easement.
12. The Director of Neighborhood Development Services, in consultation with the appropriate staff, may recommend to the Planning Commission and City Council an amendment to the Lot Regulations in Table C as part of the site plan review, so long as an applicant makes the request in writing and modifying the Lot Regulations would not adversely harm the public health, safety and welfare.

Landscape Standards

Landscaping is a fundamental component of the overall structure of the plan and the establishment of a sense of place. Requirements listed in Chapter 34, Division 2 "Landscape and Screening" if the City Zoning Ordinance shall be adhered to during the site plan review. The Lochlyn Hill Code of Development establishes specific landscaping standards for the following critical landscaped areas on the General Development Plan:

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Residential Yards

Landscaping in residential yards should be chosen from the City of Charlottesville recommended species list. Landscaping efforts should concentrate planting efforts adjacent to the house, especially near the entry. A better effect will be achieved using increased quantities of a few species rather than a few plants each of many species. Individual residential dwelling planting plans shall sufficiently screen utility areas, break up the foundation of the building, buffer driveway and parking areas adjacent to property lines, and provide cover for areas disturbed during construction. Adjacent to decks, foundation plantings shall screen foundations or voids.

Sod is required in the front yard of all houses and between the curb and the sidewalk and between the sidewalk and the front façade of the structure. Beds for trees can break the sod along the property line. Corner lots are considered to have two front yards. Sod is required along the side street from the curb to sidewalk and from the sidewalk to the build-to line.

The following tables establish the minimum number and size of trees that will be required in the front yards of residential dwellings. These quantities are minimums for the front of houses; additional plants beyond these numbers are encouraged. If a significant number of existing trees are retained in the front of the lot then this requirement may be reduced or waived. Note: These minimum planting requirements include any trees planted in the right of way immediately in front of or adjacent to the lot.

TABLE D - MINIMUM PLANTING REQUIREMENTS

Lot Width	Deciduous Trees	Evergreen Tree	Shrubs
60' - 80'	2	1	30
50' - 59'	2	1	20
40' - 49'	1	1	15
30' - 39'	1	0	10
< 30'	0	0	5

TABLE E - MINIMUM PLANT SIZES AT TIME OF INSTALLATION

Tree	Size
Deciduous	2-inch caliper
Evergreen	6' height
Shrubs	3 gallon container

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Grading

The layout of Lochlyn Hill is in large part a response to the existing topographic conditions of the site. The goal in the planning of Lochlyn Hill is to address the topography of the site not as a constraint but as an opportunity to create vistas, unique roads and development patterns that work with the land and create visual interest. Terracing is an integral element of the site design. Building splits and walkouts shall be used to take up grade. The roads shall be oriented to respond to steeper conditions. The road and development pattern is, in most areas, parallel with the direction of the topography to facilitate the terracing concept.

A Conceptual Grading Plan (Exhibit #8) is included as part of the Illustrative General Development Plan (Exhibit #2).

1. Grading shall provide smooth transitions between the existing topography and newly created slopes.
2. Reconstructed slopes will be no greater than 3:1 unless landscaped. Landscaped slopes can be no greater than 2:1

Retaining walls will be a necessary element of the project and they will be addressed so that they are highly designed and developed as project features and amenities rather than afterthoughts. With retaining walls, the following standards shall be applied:

- Walls over 6-feet tall, as measured from top of wall to the top of the footer, shall be allowed only at recommendation of the Director of Neighborhood Development Services, in consultation with the appropriate staff, to the Planning Commission and City Council for approval.
- Landscaping shall be used at the base and/ or top of walls to integrate these structures into the site and reduce their massing.
- Retaining walls visible from the street or other public area shall be of a higher material quality and shall be compatible with the adjacent building architecture materials and/or colors (e.g., shall be finished with brick, interlocking concrete block, stacked fieldstone, etc.). Retaining walls not visible from the street may be constructed of smooth plaster, finished concrete, or pressure treated wood.

Signage

The signage regulations established in the City Zoning Ordinance shall govern all signage within the Lochlyn Hill PUD.

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SUPPLEMENTAL TABLES REQUESTED BY STAFF AND PLANNING COMMISSION

For Additional Information and Clarification Purposes

Table A1 – Permitted/ Prohibited Uses by Block – Compared to City Code									
Residential Uses	Block Number								
	1	2A	2B	3	4A	4B	5	6	R-2
Detached single family		B	B	B	B	B			B
Attached single family (duplex)		B	B	B	B	B			B
Townhouse		B	B	B	B	B			
Multi-family		S	S	S	S	B			
Boarding house (rooming house)		S	S	S	S	S			
Accessory building structures and uses		B	B	B	B	B			B
Accessory Apartment - Internal		B	B	B	B	B			P
Accessory Apartment - External		B	B	B	B	B			P
Residential Treatment Facility		S	S	S	S	S			B
Non-Residential Uses	Block Number								
	1	2	3	4	5	6	R-2		
Houses of Worship		S	S	S	S	S			B
Clubs, private - lodges, civic, fraternal, patriotic		S	S	S	S	S			S
Farmers' market		S	S	S	S	S			
Home Occupation ¹		P	P	P	P	P			P
Education Facilities		S	S	S	S	S			S
Stormwater management facilities shown on an approved final site plan or subdivision plat		B	B	B	B	B			B
Utility Facilities		B	B	B	B	B			B
Utility Lines		B	B	B	B	B			B

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TABLE B1 – Density by Block						
	Primary Dwelling Unit			Accessory Dwelling Unit		Block Area and Density
	MINIMUM ¹	SHOWN ON ILLUSTRATIVE DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM	
2A	15	15	19	0	5	6.29 Acres 2.38 Units/Acre
2B	15	15	18	0	5	1.79 Acres 8.37 Units/Acre
3	40	30	40	7	15	5.77 Acres 5.19 Units/Acre
4A	50	40	50	8	15	6.4 Acres 5.47 Units/Acre
4B	15	48	48	0	5	1.93 Acres 24.87 Units/Acre
City of Charlottesville	135	148	175	15	50	
County of Albemarle	40	56	60	-	-	
TOTAL	175	204	235	25	50	

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OPEN SPACE	
Total Site	38 Acres
Total Open Space	9.71 Acres (25.5%)
County Area	12.14 Acres
County Open Space	2.65 Acres (21.8%)
City Area	25.86 Acres
City Open Space	7.06 Acres (27.3%)

BLOCK AREA DENSITY			
BLOCK	ACRES	UNITS	UNITS/ACRE
1	5.39	18	3.34
2A	6.29	15	2.38
2B	1.79	15	8.37
3	5.77	30	5.19
4A	6.4	35	5.47
4B	1.93	48	24.87
5	3.59	23	6.41
6	3.05	20	6.56

Lochlyn Hill Housing Trust Fund

Shared Appreciation Models

Future Sale:

		Year	Year	Year
		5	10	20
Annual Appreciation	3%			
Initial Price/ Sale Price	\$ 200,000	\$ 231,855	\$ 268,783	\$ 361,222
Net after expenses		7% \$ 215,625	\$ 249,968	\$ 335,937
LHHTF Downpayment	\$ 20,000			
Owner Downpayment	\$ 2,000			
1st DOT Mortgage				
1st DOT Mortgage	\$ 178,000			
Interest Rate	4.5%			
Term (years)	30			
Loan Balance upon Sale		\$ 162,261	\$ 142,559	\$ 87,024
LHHTF Account:				
LHHTF Loan amount	\$ 20,000			
Interest rate	6%			
Annual Interest Amount	\$ 1,200			
Accumulated interest		\$ 6,000	\$ 12,000	\$ 24,000
Loan Balance due at Sale		\$ 26,000	\$ 32,000	\$ 44,000
Owner's Account:				
Downpayment	\$ 2,000			
Loan Principal Reduction		\$ 15,739	\$ 35,441	\$ 90,976
Owner Improvements		\$ 5,000	\$ 10,000	\$ 15,000
Total Owner's Account at Sale		\$ 22,739	\$ 47,441	\$ 107,976
Total of Owner & LHHTF		\$ 48,739	\$ 79,441	\$ 151,976
Property Sale:				
Net Proceeds after 1st dot		\$ 53,364	\$ 107,409	\$ 248,913
LHHTF Share		\$ 28,467 53%	\$ 43,266 40%	\$ 72,065 29%
Owner Share		\$ 24,897 47%	\$ 64,143 60%	\$ 176,848 71%
Total Owner Return		\$ 2,158 9%	\$ 16,702 35%	\$ 68,872 64%
Total LHHTF Return		\$ 2,467 9%	\$ 11,266 35%	\$ 28,065 64%
Downpayment %				
Available for next owner		\$ 28,467 12%	\$ 43,266 16%	\$ 72,065 20%

Lochlyn Hill Housing Trust Fund

GENERAL REQUIREMENTS AND PROGRAM TERMS

Source of Funds	Meadowcreek Development LLC or its successor in interest. Amount shall be no less than \$150,000.
Eligible use of Funds	Down Payment and Closing Cost Assistance. Purchaser must occupy the property as their primary residence. Funds may be used only with a fixed rate, fixed term, and first mortgage product.
Eligible Recipients	Homebuyers with gross household income not exceeding 80% of the Charlottesville area median income limits, as defined by HUD and recognized by VHDA.
Eligible Properties	Properties within the Lochlyn Hill neighborhood with a sales price not to exceed the VHDA First Time Homebuyer Program limits.
Loan Terms	Deferred payment loans funded by the Lochlyn Hill Housing Trust Fund shall accrue simple interest at 6% with all principal and interest due upon sale of the property by the purchaser. Prepayments are allowable. Loans with current interest payable shall carry an interest rate not to exceed the Prime Rate plus 2%. Actual rate to be determined by the program manager based on Purchaser's ability to pay. Current interest loans may be interest only amortizing loans.
Loan Security	Secured deed of trust on the property. Lien position to be determined in each individual case, depending on the other sources of secondary financing used.
Loan-To-Value and CLTV Limits	The total loan-to-value limits for all secured debt shall not exceed 105% of the purchase price, unless otherwise acceptable to the lenders.
Maximum Assistance	10% of the sales price.
Minimum Housing Debt Ratios	Housing Trust Fund loans will be structured to insure that subsidies are appropriate for the Homebuyer's needs. For households with income not exceeding 60% of AMI, the minimum housing debt ratio shall be 21%. For households with gross income above 60% of AMI, the minimum housing debt ratio shall be 24%
Homebuyer Contribution	All homebuyers must contribute at least one percent (1%) of the purchase price. Closing costs shall be considered part of the purchase price for purposes of this requirement.
Security Documents & Subordination	The Lochlyn Hill Housing Trust Fund will hold the notes and deeds of trust. The Fund shall not subordinate its debt to any additional financing after closing, but shall subordinate for the financing of the balance at a lower interest rate.
Ineligible Loan Programs	Adjustable rate and interest only loans are not eligible. Step rate and 5-7 year adjustable rate mortgages may be eligible based on the purchaser's ability to pay and subject to approval by the Trust Fund Director.
Maximum Debt Ratios	32-35% front end ratio. 40-45% back end ratio.
Appreciation Sharing	Upon sale of the property and repayment of all other loans and financial assistance outstanding, together with simple interest, the net proceeds shall be distributed as follows: The Lochlyn Hill Housing Trust Fund balance, including interest, shall be credited toward The Fund's capital account. All initial equity invested by Purchaser, together with all principal payments made on loans and home improvements made by Seller during the time they owned the property, shall be credited toward their capital account. The ratio of the two capital accounts shall determine the ratio of the payout of net proceeds from sale.

Lochlyn Hill Affordable Housing Proffer Summary

Range of Owner Occupied Units to be built in the City:	87-127
Affordable Owner Occupied Units Proffered:	11-14
Percentage Affordable Proffered:	11-12.64%
Min. Units proffered to TJHT, PHA, JABA or HFH	3
Multifamily units planned in the City:	48
Affordable Multifamily Units proffered	6
Percentage Affordable Proffered	12.5%
Optional Cash Proffer	\$42,000
Proffered Range of Accessory Dwelling Units in the City	15-50
Estimated percentage of units w/affordable rental	50%
Proffer qualified percentage	30%
Range of units qualified as affordable under the proffer	4-15
Range of Total Affordable units	21-36
Total percentage Affordable	15-20%
Developer Cost of the current proffer	\$210,000-\$360,000
Developer Cost of modified proffer	\$317,000-\$467,000

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CHAPTER 18

ZONING

SECTION 15

RESIDENTIAL - R-4

Sections:

- 15.1 INTENT, WHERE PERMITTED**
- 15.2 PERMITTED USES**
- 15.2.1 BY RIGHT**
- 15.2.2 BY SPECIAL USE PERMIT**
- 15.3 AREA AND BULK REGULATIONS (Amended 3-18-81)**
- 15.4 BONUS FACTORS (REFERENCE 2.4)**
- 15.4.1 ENVIRONMENTAL STANDARDS**
- 15.4.2 DEVELOPMENT STANDARDS**
- 15.4.3 AFFORDABLE HOUSING**
- 15.5 CLUSTER DEVELOPMENT OPTION REGULATIONS**
- 15.6 BUILDING SEPARATION**
- 15.7 RECREATIONAL AREA REQUIREMENTS**

15.1 INTENT, WHERE PERMITTED

This district (hereafter referred to as R-4) is created to establish a plan implementation zone that:

- Provides for compact, medium-density, single-family development;
(Amended 9-9-92)
- Permits a variety of housing types; and
- Provides incentives for clustering of development and provision of locational, environmental, and development amenities.

R-4 districts may be permitted within community and urban area locations designated on the comprehensive plan. (Amended 9-9-92)

15.2 PERMITTED USES

15.2.1 BY RIGHT

The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.

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3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
 4. Cluster development of permitted residential uses.
 5. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
 6. (Repealed 9-2-81)
 7. (Repealed 9-2-81)
 8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
 9. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
 10. Temporary construction uses (reference 5.1.18).
 11. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
 12. Tourist lodgings (reference 5.1.17).
 13. Homes for developmentally disabled persons (reference 5.1.07).
 14. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
 15. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
- (§ 20-15.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04)

15.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

1. Community center (reference 5.1.4).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.2).
3. Fire and rescue squad stations (reference 5.1.9).

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4. Swim, golf, tennis, or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. Day care, child care or nursery facility (reference 5.1.6).
8. Mobile home subdivisions (reference 5.5).
9. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.13).
10. Hospitals.
11. Home occupation, Class B (reference 5.2).
12. Churches. (Added 9-2-81)
13. Cemeteries. (Added 9-2-81)
14. Mobile home parks (reference 5.3). (Added 3-5-86)
15. Stand alone parking and parking structures (reference 4.12, 5.1.41) (Added 2-5-03)
16. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Historical centers, historical center special events, historical center festivals (reference 5.1.42). (Added 6-8-05)
18. Farmers' markets (reference 5.1.47). (Added 5-5-10)

(§ 20-15.2.2, 12-10-80; 9-2-81; 3-5-86; Ord. 03-18(2), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 10-18(4), 5-5-10)

15.3 AREA AND BULK REGULATIONS (Amended 3-18-81)

Area and bulk regulations within the R-4, Residential, district are as follows:

REQUIREMENTS	STANDARD LEVEL		BONUS LEVEL	
	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT
Gross density	4 du/acre	4 du/acre	6 du/acre	6 du/acre
Minimum Lot Size	(added 7-17-85) 10,890 sq ft	N/A	7,260 sq ft.	N/A
Yards, minimum:				
Front	25 feet	25 feet	25 feet	25 feet
Side ^(a)	15 feet	15 feet	15 feet	15 feet
Rear	20 feet	20 feet	20 feet	20 feet
(a) Minimum side yards may be reduced to not less than ten (10) feet in accordance with section 4.11.3, provided that minimum side yards may be reduced to zero (0) feet on one side in zero lot line developments in accordance with section 4.11.3 and are approved under chapter 14. (Amended 1-1-83; 6-11-08)				
Maximum Structure height	35 feet	35 feet	35 feet	35 feet

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(§ 20-15.3, 12-10-80; 1-1-83; 7-17-85; Ord. 08-18(4), 6-11-08)

15.4 BONUS FACTORS (REFERENCE 2.4)

15.4.1 ENVIRONMENTAL STANDARDS

For maintenance of existing wooded areas equal to: ten (10) percent to nineteen (19) percent of the site, a density increase of five (5) percent shall be granted; twenty (20) percent or greater of the site, a density increase of ten (10) percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required. (Amended 8-14-85; 9-9-92)

15.4.2 DEVELOPMENT STANDARDS

For dedication of land to public use not otherwise required by law, density may be increased as follows:

The acreage of the land dedicated and accepted shall be multiplied by twice the gross density-standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed fifteen (15) percent. The dedication shall be accepted by the board of supervisors prior to final approval.

For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to twenty (20) percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation. (Amended 8-14-85)

15.4.3 AFFORDABLE HOUSING

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units. (Amended 10-3-07)
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program. (Amended 10-3-07)
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first. (Amended 10-3-07)
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85; 10-3-07)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86; Amended 10-3-07)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86; Amended 10-3-07)

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- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86; Amended 10-3-07)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer. (Added 10-3-07)
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period. (Added 10-3-07)

(§ 15.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2), 10-3-07)

15.4.4 The cumulative effect of density factors above may not exceed fifty (50) percent (Amended 8-14-85)

15.5 CLUSTER DEVELOPMENT OPTION REGULATIONS

At the option of the owner, regulations under cluster development provisions in section 15.3 may be used for cluster development of the land to be subdivided and developed. Use of cluster provisions shall be subject to other requirements of this ordinance, applicable health requirements and the provisions of Chapter 14 of the Code of Albemarle. (Amended 8-14-85)

15.6 BUILDING SEPARATION

In any case in which there is more than one main structure on any parcel, there shall be a minimum of thirty (30) feet between such structures except as otherwise provided in section 4.11.3. This provision shall not apply to structures built to a common wall. (Added 1-1-83) (Amended 8-14-85)

15.7 RECREATIONAL AREA REQUIREMENTS

See section 4.16 for recreation requirements. (Amended 3-5-86)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
CHARLOTTESVILLE RESIDENCY OFFICE
701 VDOT WAY
CHARLOTTESVILLE, VA 22911

GREGORY A. WHIRLEY
COMMISSIONER OF HIGHWAYS

June 11, 2012

Ms. Jeanette Janiczek
UCI Program Manager
City of Charlottesville
Neighborhood Development Services

Subject: Lochlyn Hill Chapter 527 TIA

Dear Ms. Janiczek,

In accordance with §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155, a traffic impact analysis was prepared by Engineering and Planning Resources, P.C. on the site plan for the proposed development project entitled Lochlyn Hill by Meadowcreek Development LLC.

We have evaluated this traffic impact analysis and prepared a report that summarizes the errors or omissions, summary of data and recommendations of the analysis. Some revisions will be necessary to complete the Traffic Impact Study and some recommendations may change due to the revisions. Our report is attached to assist the city in their decision making process regarding the proposed development.

I am available at your convenience to meet and discuss VDOT's finding if you need assistance. And finally, I ask that you include VDOT's key findings of the traffic analysis in the official public records on the proposed project and have this letter, our report, and the traffic impact analysis placed in the case file for this site plan. VDOT will make these documents available to the general public through various methods including posting them on VDOT's website.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel DeNunzio".

Joel DeNunzio
Area Land Use Engineer

Cc: Mr. Bill Wuensch, P.E., PTOE

WE KEEP VIRGINIA MOVING

Key Findings for Traffic Impact Analysis entitled Lochlyn Hill, Charlottesville VA
City of Charlottesville, VA
Prepared by Engineering and Planning Resources, P.C. for Meadowcreek Development,
LLC

Below are VDOT's key findings for the TIA on the above project:

Errors and Omissions:

- The report presents the existing AM and PM peak hour turning movements but does not include the daily volume counts as required in the Traffic Impact Analysis Regulations, 24VAC 30-155 section C.2.c.
- This report includes analyses performed with Synchro and Simtraffic and the summary table provides queue lengths and delay from Simtraffic. The report does not indicate if the Simtraffic outputs are a result from an average of multiple runs. A minimum of ten runs should be performed for each Simtraffic evaluation while each run contains a 15 minute seed interval and 60 minute run duration. Please include the referenced reports for delay and queue in the appendix.
- Page 11, table 1 of the report shows the total daily trips incorrectly as 448 for the other development and it should be 1228. Also, this number does not include any existing traffic that currently uses the Stonehenge entrance that would use this entrance to make left turns onto Rio Road due to better sight distance.
- Page 11 of the report states that 80% of the other developments traffic will make a right turn at the entrance opposite of Pen Park Lane. This should be 50%. The Treesdale development has a separate right in and out entrance where their right turns will occur and they generate 50% of the other developments traffic.
- Table 4A contains the following errors:
 - The 2021 no-build PM section of the EBL delay should be 192.6 seconds.
 - All the values for the 2021 build scenario are different than the Synchro Report.
 - The 2027 no-build reports were not included in the appendix.
 - Some of the queues listed do not include the '#' reference as they are shown in the reports.
 - The '#' and 'm' notes should be added to the table as they are in the reports.
- This study discusses the signal warrants but did not include a full warrants analysis in the study. This should be included as part of study.

Summary of Data:

- The study shows that the traffic exiting Pen Park Lane during the morning peak period will experience extreme delays of 3 to 5 minutes or more per vehicle and traffic queuing that will extend through the Woodmont connection and off of the study network. This is unacceptable and will create a situation where drivers will become overly aggressive in exiting Pen Park Lane and may lead to an increase in accidents.
- All the warrants do not need to be met for a signal to be recommended to address safety issues. Part of the reason for the interconnection of the developments on the west side of Rio Road is to connect them to a location that was to be signalized. The Treesdale development is for older residents that need a safer location to enter Rio Road and this was to be that location. These are some of the factors to consider in the signal warrants analysis.

Study Recommendation:

- Signalization of the Rio Road – Pen Park Lane intersection and the installation of a Right Turn Lane on Pen Park Lane should be a requirement of the Development.
- If ROW is not fully available the developer could proffer the improvement and cost of the ROW and work with the city and county to purchase the ROW for the improvements.
- Another way to address some of the impacts is to phase the development based on an improvement implementation schedule. We don't want to create a situation without solution.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: July 10, 2012

APPLICATION NUMBER: ZM 12-05-07

Project Planner: Willy Thompson, AICP

Applicant: Deborah Davis

Applicants Representative: Deborah and Steve Davis

Application Information

Property Street Address: 1536 Rugby Road

Tax Map/Parcel #: 41-71

Total Acreage Site: 3.66

Comprehensive Plan (Land Use Plan) Designation: Residential

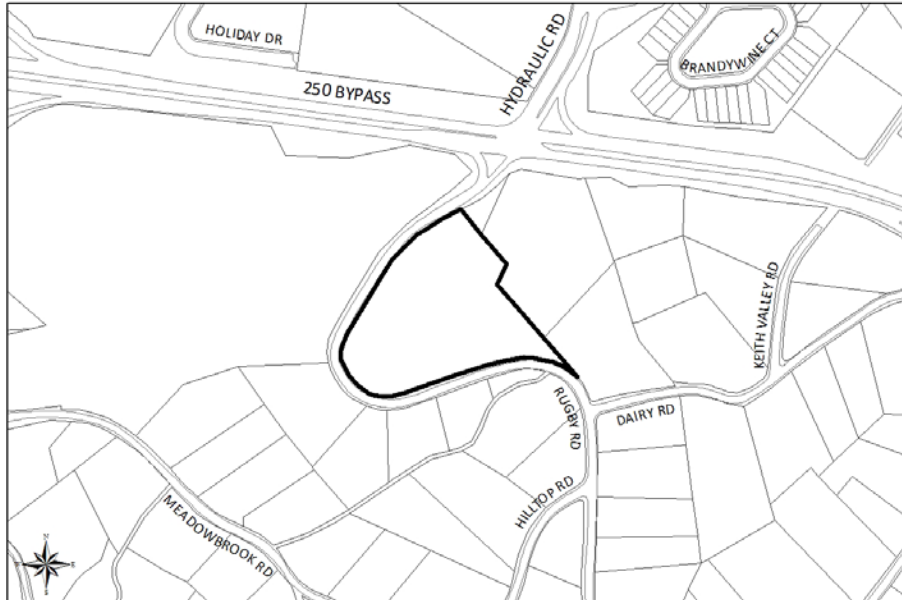
Current Zoning Classification: R-1 (Single-Family)

Tax Status: Current

Applicant's Request:

The applicant is requesting to rezone the property located at 1536 Rugby Road from R-1 Residential District to Planned Unit Development (PUD) with proffers related to the uses permitted for this site and regulations pertaining to temporary uses. This property is further identified on City Real Property Tax Map #41 as parcel 71 having approximately 1,250 feet of frontage on Rugby Road and containing approximately 220,500 square feet of land (3.66 acres). The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a Bed and Breakfast Inn and single-family residential units with dedicated open space, landscaping, and tree canopy. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Residential.

Vicinity Map



Standard of Review: The Planning Commission must make an advisory recommendation to the City Council. Council may amend the zoning district classification of this property upon finding that the proposed amendment would serve the interests of “*public necessity, convenience, general welfare, or good zoning practice.*” To advise Council as to whether those interests would be served, the Planning Commission should inquire as follows: (1) The initial inquiry should be whether the *existing* zoning of the property is reasonable; (2) the Commission should then evaluate whether the *proposed* zoning classification is reasonable. One factor relevant to the reasonableness of a particular zoning district classification is whether that classification is consistent with the City’s Comprehensive Plan designation for the property. Other relevant factors include: the existing use and character of the subject property and adjacent properties; suitability of the property for various uses; zoning classification(s) of adjacent properties; the intent and purposes of the proposed zoning district classification; trends of growth and change (including, without limitation, recent patterns of development of other circumstances which may have changed since the current zoning classification was originally enacted).

Project Review:

Overall Analysis:

1. Proposed Use of the Property.

The proposed uses shall be a bed and breakfast inn, limited to no more than 15 guest rooms and two single-family detached dwellings.

2. Zoning History

In 1949 the property was zoned “A” Residence. It was shown as R-1 Residential on the 1958 and 1976 maps as well as the 1991 and 2003 maps.

3. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Rivanna Trail, Single-Family Residential	R-1
South	Single-Family Residential	R-1
East	Single-Family Residential	R-1
West	Rivanna Trail, City Gardens, Single-Family Residential	R-1

4. Reasonableness/Appropriateness of Current Zoning

The current zoning is R-1 Residential with a permitted non-conforming boarding and fraternity house use. The surrounding zoning is also R-1 but is characterized by larger lot single-family detached dwelling uses. The current use is non-conforming because a fraternity or boarding house use is only allowed by special use permit in R-3 (Medium Density Residential), R-UMD (University Medium Density), and R-UHD (University High Density). The R-1 zoning is not an appropriate zoning classification for the nonconforming fraternity house use.

5. Reasonableness/Appropriateness of Proposed Zoning

The applicant has provided the following responses to whether the application satisfies the PUD objectives. In doing so, staff believes the proposed zoning is an appropriate zoning for this site. Furthermore, an objective of the Comprehensive Plan is to encourage the use of a PUD as a way to protect the natural environment and allow flexibility and variety in development.

Objective 1: The proposed PUD will be higher quality than otherwise required by the strict application of zoning district regulations. In contrast to this proposal, by-right development scenarios include:

- continued non-conforming boarding use
- construction of five units in the “front yard” of the property (according to the listing agent)
- demolition of the building and construction of eleven units (according to the listing agent)

Objective 6: The proposed PUD will be harmonious with the existing uses and character of adjacent property, and consistent with patterns of development in the neighborhood. By maintaining existing spatial relationships, the PUD maintains and reinforces the existing character of the Meadowbrook Hills/Rugby neighborhood.

Objective 7: The proposed PUD ensures preservation of an important cultural and historical asset, a Eugene Bradbury building.

Objective 9: The proposed PUD provides for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods. An important part of the site plan will be the development of better access to the adjacent Rivanna Trail.

Objective 10: The proposed PUD facilitates access to the development by single-vehicle-alternative services. Site development would include pedestrian and bicycle linkages and preferred parking for fuel-efficient vehicles. The Inn would also offer bikes to guests.

6. Consistency with Comprehensive Plan

The Comprehensive Plan designation for this area generally recommends residential uses. The proposed PUD does include two single-family detached dwellings alongside the bed and breakfast inn use.

The subject property is 3.66 acres in size with substantial road frontage along Rugby Road. According to the applicant, as many as five single-family lots could be created by right. Although this concept has not been reviewed by staff, the land area and road frontage are sufficient enough to accommodate multiple residential lots. The surrounding residential lots average approximately 1 acre in size or 43,560 square feet. Under an R1 zoning, the by-right minimum lot size is 8,125 square feet, which is approximately 5.36 units per gross acre yielding 19.5 units on 3.66 acres, not excluding land area needed for setbacks, infrastructure, and minimum road frontage.

It stands to reason that in a by-right scenario where multiple, smaller lot residential divisions are made, the resulting set of land uses may not be as compatible with the surrounding, larger lot residential uses. Rugby Road is narrow and curves sharply around the property with steep grades at the property edges. These existing conditions could cause safety concerns if supporting multiple private residential driveways as required under a by-right R-1 subdivision.

An objective of the Comprehensive Plan is to ensure compatibility of land use in all decisions affecting land use and paying special attention to neighborhood protection. Limiting access points along Rugby Road and ensuring a unified site design with one principle use is more compatible to the surrounding land uses. An alternative where multiple, small-lot divisions are made by-right under R-1 zoning would not be as compatible with the nearby land uses and Comprehensive Plan.

One of the Comprehensive Plan goals is to increase the number of rehabilitated and re-used historic structures. The existing structure was built as Charlottesville Country Club in 1914 and later became White Pines Health Resort. It has been owned by the Chi Psi Fraternity since the 1940s. Rehabilitating the existing structure would meet the intent of the Comprehensive Plan's preservation goals and reacquaint the site with uses comparable to those it was originally designed to accommodate.

7. Potential Uses of the Property

The applicant is requesting a PUD zoning which under the zoning ordinance is required to show all proposed uses. For this PUD, those uses are a bed and breakfast inn, located in the existing residential structure; two single-family detached dwelling units; and a two to three bedroom cottage associated with the twelve to thirteen bedroom bed and breakfast inn.

8. Access, Circulation, and Traffic:

The proposed PUD shows an existing entrance on Rugby Road. The access would be private. An older, alternate entrance on the western side of the property will not be used to access the property. Additionally, one of the PUD objectives is to develop an access way to the adjacent Rivanna Trail.

9. Planned Unit Standards:

Development Standard	Requirement	Proposed
Open Space	15%	16%
Landscaping	20% of commercial sq ft	21%
Tree Canopy	No Standard	24%

10. Process

If the rezoning is approved, and before any site development, the applicant will be required to submit for review a preliminary site plan that is in substantial conformance with the approved PUD.

11. Board of Architectural Review

No approvals are required by the BAR.

12. Impact Mitigation

The applicant has submitted proffers aimed at mitigating potential land use impacts to the surrounding areas as they regard the temporary use permits. All temporary uses require a temporary use permit which is issued by the City Zoning administrator on a case by case basis. The applicant has proposed an extensive list of proffers associated with the temporary use permits. Those proffers are listed below.

Proffers

Under the current R-1 zoning, a number of uses are permitted by-right. The applicant has proffered to keep some of those uses as part of the proposed PUD. These uses can only happen in the designated buildings as depicted on the PUD development plan.

1. Uses allowed within Buildings A and D will be limited to the following:
 - a. Internal accessory apartments
 - b. Accessory buildings, structures, and uses (on the respective parcel)
 - c. Adult assisted living, up to 8 residents
 - d. B&B: Homestay
 - e. B&B: B&B
 - f. B&B: Inn
 - g. Convent/Monastery, by Special Use Permit
 - h. Dwellings: Single-family, detached
 - i. Family Day Home, 1-5 Children, or up to 12 Children by Special Use Permit
 - j. Home occupation, by Provisional Use Permit
 - k. Occupancy, up to 4 unrelated persons per residential structure

- l. Residential Treatment Facility, 1-8 residents, or up to 15 residents, by Special Use Permit
 - m. Houses of Worship
 - n. Libraries
 - o. Clubs, private, by Special Use Permit
 - p. Daycare Facility, by Special Use Permit
 - q. Educational Facilities, non-residential, including elementary, high schools, college and university, by Special Use Permit
 - r. Temporary uses (on the respective parcel), by permit, in accordance with Section 3 below.
2. Uses allowed within Building B and C will be limited to the following:
- a. Accessory buildings, structures, and uses (on the respective parcel)
 - b. B&B: Homestay
 - c. Dwellings: Single-family, detached
 - d. Home occupation, by Provisional Use Permit
 - e. Occupancy, up to 4 unrelated persons per residential structure
 - f. Temporary uses (on the respective parcel), by permit, in accordance with city zoning regulations in effect at the time of permit
3. Temporary Uses shall be allowed as follows:
- a. All temporary uses shall require a Temporary Use Permit, in accordance with current city zoning regulations
 - b. All temporary events shall comply with current city regulations (including the noise ordinance), except as modified below.
 - c. Temporary Uses shall be allowed up to 12 times per calendar year.
 - d. All temporary events shall occur on Friday, Saturday, or Sunday.
 - e. The Zoning Administrator may permit an event on a holiday or on the eve of a holiday, provided the arrangements are in keeping with the intent described herein.
 - f. Friday and Saturday events shall end no later than 9pm.
 - g. Sunday events shall end no later than 7pm.
 - h. On the evenings of temporary events, the nighttime noise level shall take effect at 9pm (Ref Sec. 16-8.a)
 - i. On the evenings of temporary events, no amplified music shall be permitted after 9pm, if a Friday or Saturday, or 7pm, if a Sunday.
 - j. On the day of temporary events, all amplified music shall be limited to 3 hours maximum.
 - k. All temporary events shall be separated by at least 13 days.
 - l. No multi-day events shall be permitted.
 - m. Approval of all temporary use permits shall be contingent on an approved parking plan that accommodates event guest vehicles at an acceptable location outside the neighborhood.
 - n. All temporary events shall be limited to 200 event guests.
 - o. An Inn operator shall be present for the duration of all temporary events.

- p. The temporary use restrictions outlined herein shall apply to all temporary events, including the five events per year allowed by permit under current zoning.

Public Comments Received:

Two written comments regarding the proposed rezoning have been received and are attached. Multiple verbal comments have been received and the general consensus has been positive. Most comments have supported the proposed use of a bed and breakfast inn. However, there have been considerable concerns for the temporary use permits. In an effort to alleviate some of those concerns, the applicant has offered an extensive list of proffers pertaining to the temporary use permits.

Staff Recommendation:

The proposed rezoning adequately meets the objectives desired in a planned unit development. The proposed PUD rehabilitates and preserves a historic structure and provides a unified site design that includes opens space, tree preservation, two single-family detached dwellings, and a two-three bedroom cottage. The proposed uses would be compatible and harmonious with surrounding land uses and reenergize a site with the kinds of uses it was originally created to accommodate.

Staff recommends approval of the rezoning and proffers as submitted.

Planning Commission Recommendation:

Attachments

Applications materials.

Suggested Motions:

1. “I move to recommend the approval of this application to rezone the subject properties from R-1 to PUD, 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 rezone the subject properties from R-1 to PUD.”
3. Alternate motion.



REZONING PETITION

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

RECEIVED
MAY 22 2012
NEIGHBORHOOD DEVELOPMENT SERVICES

For a PUD please include \$2,000 application fee. For any other type of project, please include \$1,500 application fee. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council to amend the City Zoning District Map for the property described below from R-1 (Current Zoning Classification) to PUD (Proposed Zoning Classification).

Reasons for Seeking This Change proposed bed and breakfast site

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

- 1. ~1,250 feet of frontage on Rugby Road (name of street)
2. Approximate property dimensions: 490 feet by 450 feet.
3. Property size: 3.66 acres (square feet or acres)
4. Present Owner: Mark M. Anderson (Name) as evidenced by deed recorded in Deed Book Number 2011 Page 2732, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 300 N. LaSalle Street, Suite 500, Chicago, IL 60654
6. City Real Property Tax Map Number 41, Parcel(s) 71, ; Lot(s):

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) Deborah L. Davis
Petitioner Mailing Address: 1611 Greenleaf Lane, Charlottesville, VA 22903
Work Phone: 909-2271 Fax
Home Phone: 293-8616 Email debbie_and_steve@yahoo.com
Does Petitioner currently own the property where the rezoning is requested? No
If no, please explain petitioner has MOU with current owner contingent on rezoning

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

Table with 3 columns: Property Owner Name, Mailing Address, City Tax Map and Parcel #. Row 1: see attached, empty, empty.

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

- 1. A sketch plan filed with this petition showing property lines of the property to be rezoned, adjoining property, buildings, land uses, zoning classifications and streets.
2. Other attachments as required by Section 34-41 or Section 34-516 of the City Code (office use: Submitted)
3. A rezoning petition filing fee of \$2,000 for a PUD, OR \$1,500 for all others, made payable to the City of Charlottesville; (Signature also denotes commitment to pay the invoice for the required mail and newspaper notices).

Deborah L. Davis
Signature of Petitioner(s)

For Office Use Only (Sign Posting)
I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date:
Signature
Date Paid: 5/22/2012 Amt. Paid: \$2,000.00 Cash/Check #: 6824 Recorded by: B&W

**Property Owners within 500 Feet
Of 1536 Rugby Road**

- | | |
|--|---|
| 1. Address: No address (.26 acres)
Name: Marcel and Marijke Durieux
Parcel: 410070000
Zoning: R-1 | 8. Address: 1601 Keith Valley Road
Name: Thomas and Mariann Lynch
Parcel: 410066000
Zoning: R-1 |
| 2. Address: 1819 Rugby Road
Name: Marcel and Marijke Durieux
Parcel: 410069000
Zoning: R-1 | 9. Address: 1454 Rugby Road
Name: Daniel and Laura Ricciardi
Parcel: 410022000
Zoning: R-1 |
| 3. Address: 1500 Rugby Road
Name: Donald and Constance Brown
Parcel: 410064000
Zoning: R-1 | 10. Address: 1450 Rugby Road
Name: Barry and Patricia Taylor
Parcel: 410021000
Zoning: R-1 |
| 4. Address: No Address (Dairy Rd lot)
Name: Lyne Starling and Jane Reid
Parcel: 410068000
Zoning: R-1 | 11. Address: 1446 Rugby Road
Name: Gregory and Bette Webber
Parcel: 410020000
Zoning: R-1 |
| 5. Address: 1735 Dairy Road
Name: Lyne Starling and Jane Reid
Parcel: 410065000
Zoning: R-1 | 12. Address: 1800 Dairy Road
Name: J.R. Brookeman and Mary-
Susan Payne
Parcel: 410023000
Zoning: R-1 |
| 6. Address: 1733 Dairy Road
Name: Stephen and Anne Runkle
Parcel: 410063000
Zoning: R-1 | 13. Address: 1372 Hilltop Road
Name: Jeffrey and Nancy Spence
Parcel: 410011000
Zoning: R-1 |
| 7. Address: 1603 Keith Valley Road
Name: S. Bruce and Ellis Hively
Parcel: 410067000
Zoning: R-1 | 14. Address: No Address (Hilltop Rd/Rugby)
Name: Margaret Jensen, Trustee
Parcel: 410010100
Zoning: R-1 |

15. Address: 1503 Rugby Road
Name: John and Margaret Jensen
Pfaltz
Parcel: 410010000
Zoning: R-1
16. Address: No Address (Rugby Road lot)
Name: Amoret and Sarah Day
Bruguiere
Parcel: 410009100
Zoning: R-1
17. Address: 1521 Rugby Road
Name: Amoret and Sarah Day
Bruguiere
Parcel: 410009000
Zoning: R-1
18. Address: 1527 Rugby Road
Name: Benjamin Purow and Marjory
Ruderman
Parcel: 410002200
Zoning: R-1
19. Address: 1531 Rugby Road
Name: Elizabeth Sidamon-Eristoff
Parcel: 410002300
Zoning: R-1
20. Address: 1535 Rugby Road
Name: R.E. Jr. and Barbara Lee
Parcel: 410008000
Zoning: R-1
21. Address: 2009 Meadowbrook Road
Name: Charles and Agnes Flickinger
Parcel: 410001000
Zoning: R-1
22. Address: 2007 Meadowbrook Road
Name: Shirley Robinson
Parcel: 410001100
Zoning: R-1
23. Address: 2005 Meadowbrook Road
Name: Glenn and Elizabeth McGarvey
Parcel: 410002000
Zoning: R-1
24. Address: 2001 Meadowbrook Road
Name: Michael and Carrie Payne
Parcel: 410002100
Zoning: R-1
25. Address: 1923 Meadowbrook Road
Name: Alexander Price
Parcel: 410003000
Zoning: R-1
26. Address: 1915 Meadowbrook Road
Name: William Jr. and Caroline
Wilhelm
Parcel: 410004000
Zoning: R-1
27. Address: 1409 Hilltop Road
Name: Shelby Fischer
Parcel: 410006000
Zoning: R-1
28. Address: 1415 Hilltop Road
Name: James and Judy Wyckoff
Parcel: 410007100
Zoning: R-1
29. Address: 1419 Hilltop Road
Name: Alexander and Anna Baer
Parcel: 410007000
Zoning: R-1
30. Address: 2030 Morton Drive
Name: City of Charlottesville
Parcel: 40A016000
Zoning: R-1

31. Address: Holiday Drive
Name: MIS Property, LLC
Parcel: 40A014000
Zoning: HW

32. Address: 1719 Hydraulic Road
Name: Virginia Electric and Power Co.
Parcel: 40A003000
Zoning: HW

33. Address: Brandywine Drive
Name: Brandywine Homeowners
Associations Inc
Parcel: 41A001000
Zoning: PUD

1536 Rugby Road
Planned Unit Development Application

22 May, 2012
Rev. 24 June, 2012

1536 Rugby Road

Planned Unit Development Application

Property Summary:

Lot size:	3.66 acres
Gross Square Footage:	Approximately 10,000 sf
Context:	The existing building is more than 75 feet from all property lines.
Current Zoning:	R-1
Current Use:	Vacant. Most recently the structure accommodated a grandfathered, non-conforming Boarding use.
Uses within 500':	Mixed Use HC, PUD (Brandywine Court), Public Park Protection, R-1
Proposed New Uses:	B&B-Inn.

Property Overview and Background

The parcel is located on the edge of the Meadowbrook Hills neighborhood, adjacent to the 250 Bypass. The current structure was built as the Charlottesville Country Club in 1914 and later became the White Pines Health Resort. Since the late 1940's, it has been owned and occupied by the Chi Psi fraternity, locally known as "The Lodge." The building was designed by noted Charlottesville architect Eugene Bradbury—the same architect who designed the recently-demolished Compton House. The property is currently zoned R-1, and as such, an Inn would not be an allowable use.

Also see attached property plat.

General Proposal

We propose to rehabilitate the historic property and nominate it to the National Register of Historic Places, if deemed eligible. Simultaneously, we will pursue ambitious green building goals and LEED certification. The renovated Inn will be operated as a sustainable boutique inn and stand as an example of the synergies between preservation and sustainability. The proposed PUD would facilitate a change in use to accommodate the Inn.

PUD Objectives

The proposed PUD would meet all applicable ordinance objectives. In particular,

Re: Objective 1) The proposed PUD will be higher quality than otherwise required by the strict application of zoning district regulations. In contrast to this proposal, by-right development scenarios include:

- continued non-conforming boarding use
- construction of five units in the "front yard" of the property (according to the listing agent)
- demolition of the building and construction of eleven units (according to the listing agent)

Re: Objective 6) The proposed PUD will be harmonious with the existing uses and character of adjacent property, and consistent with patterns of development in the neighborhood. By maintaining existing spatial relationships, the PUD maintains and reinforces the existing character of the Meadowbrook Hills/Rugby neighborhood.

Re: Objective 7) The proposed PUD ensures preservation of an important cultural and historical asset, a Eugene Bradbury building.

Re: Objective 9) The proposed PUD provides for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods. An important part of the site plan will be the development of better access to the adjacent Rivanna Trail.

Re: Objective 10) The proposed PUD facilitates access to the development by single-vehicle-alternative services. Site development would include pedestrian and bicycle linkages and preferred parking for fuel-efficient vehicles. The Inn would also offer bikes to guests.

Correlation to the Comprehensive Plan

The proposed development is in keeping with many of the core goals and objectives outlined in the current Comprehensive Plan, including the following:

- Amend the zoning ordinance in such a way that is sensitive to the history of the community and provides for protection of valuable historic resources.
- Protect and enhance the existing character, stability and scale of the City's older neighborhoods.
- Encourage sustainable and green building designs as complementary goals to historic preservation.
- Work to better capture entrepreneurial startup activity within the City.

Traffic and Deliveries

The 1500 block of Rugby Road serves as one of the principal entry and exit points for Rugby Hills and surrounding neighborhoods. In addition, the road functions as a connector between the Preston Avenue area and the Hydraulic Road area.

The most recent non-conforming, grandfathered Boarding supported as many as 22 individual residents, in addition to their regular guests, and regular support staff (such as fraternity cleaners and cooks.) Each resident, presumably, drove a single-occupant vehicle. Regularly occurring parties as recently as April 29, 2011, brought a large, but unquantified, number of additional vehicles to the property.

The proposed PUD reduces the number of vehicle trips per day by 38%. The chart below illustrates the number of trips generated by several different scenarios. All Inn scenarios assume a fully built-out development. The fully occupied Inn scenario is provided for reference but represents an extremely infrequent event. The 75% Occupied scenario represents a very high occupancy. The 65% Occupied scenario represents an average hotel occupancy. Trip generation for Phase One of the PUD (existing building only) is not illustrated, but the estimated total is just 23 round trips.

	Boarding, grandfathered		Boarding, at one resident/bedroom		PUD, with Inn at 100% Occupancy		PUD, with Inn at 75% Occupancy		PUD, with Inn at 65% (Average) Occupancy	
	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day
Residents	22	44	16	32	4	6	4	6	4	6
Inn Guests	0	0	0	0	15	30	11	22	10	20
Other Guests	6	6	4	4	1	1	1	1	1	1
Staff	2	2	2	2	2	3	2	3	2	3
Total	30	52	22	38	22	40	18	32	17	30

The existing building currently contains 16 bedrooms. Boarding resident vehicles are calculated at one vehicle per resident. Inn resident vehicles are calculated as two for the large single family residence, one for the single-family cottage, plus one for the basement apartment. Inn

Guest vehicles are calculated at one vehicle per room per day. Boarding "Other" Guests are estimated. Staff trips include one round trip to work, each, plus one round trip for Inn-related business such as shopping.

Because the Inn will largely serve leisure travelers, typical trips generated by the Inn will be scattered through the day, rather than concentrated on peak weekday commute times. In addition, peak occupancy will fall on weekends, rather than weekdays.

Occasional temporary assembly uses (wedding receptions, for example) may generate increased trip counts. Such occurrences, if any, would occur almost exclusively on Saturday afternoons or evenings. For these events, additional parking will be required off-site and shuttle transportation will be provided.

No regular deliveries are anticipated. Supplies will be procured directly by the Owner Operator or an employee using a conventional vehicle.

Curbside trash and recycling services will be utilized. No dumpsters are anticipated or necessary.

The Inn, by its nature, encourages the use of multi-occupancy vehicles. As a sustainable business venture, the Inn will naturally attract customers who drive fuel-efficient and hybrid-powered vehicles. The Business Plan also provides for the installation of an electric-vehicle re-charging station to support the anticipated growth of the EV market.

Bike racks will be provided, and bikes will be available for rent.

Ownership and Phasing

At this time, the PUD applicant is not the owner. The sale of the property is contingent on the successful PUD application.

The applicant, with investors, will own and operate the inn. The seller will keep (subdivide) a small area of the site (approximately 7000 SF) where he plans to build a small cottage and garage in the near future.

The applicant proposes to subdivide and build a single-family home on the (larger) site in the future.

The applicant proposes to build a two- or three- guest room cottage when the inn profitably stabilizes. In all cases the total number of guest rooms associated with the inn will not exceed 15.

Open Space

The required open space has been provided. Calculation summaries are noted on the drawings. Similarly, open space landscaping calculations have been provided. The owner of the inn will maintain the open space, rather than form a cooperative agreement with the other property owner in the PUD.

A primary component of the open space is a large leveled area that provides recreational space to inn guests and PUD residents. The active recreational area is intended to accommodate activities such as volleyball, croquet, bocce ball, horseshoes, or badminton. In addition, the open space is landscaped to provide an aesthetic amenity for the neighbors, and inn guests.

Landscaping

Landscaping will generally be selected from native species.

Landscaping along the parking lot is intended to screen the vehicles from the open space area and the approach road. As such, the landscaping in this area will rely on evergreen shrubs and some small evergreen trees. Dense deciduous shrubs and trees will supplement and soften the screening plantings.

Landscaping in the Open Space area will primarily be shrubs and understory trees such as dogwoods, serviceberries, or redbuds. Native perennials will supplement these plantings.

Signage

Signage for the property is limited, and includes the following:

- A sign at the main entrance from Rugby Road. This may be a wall with lettering, in lieu of a sign, to better keep with the character of the neighborhood.
- Where the driveway splits (serving the abutter), a small directional sign to the inn and other buildings on the west side.
- Parking lot signage for fuel-efficient vehicles and ADA parking spaces.

Special Circumstances

1. In addition to the B&B-Inn use, the applicant proposes that most of the current R-1 uses will also be allowed in any building in the PUD. These uses are listed in the accompanying Proffer Statement.

2. Wedding receptions and facility rentals are an important part of the B&B business model. As such, the applicant proposes more frequent temporary tent installations than would otherwise be accommodated under the existing zoning. While the amount of interest in these events is unknown, the applicant proposes to limit "tent events" to 12 per year. While all events will vary and the exact nature of any event is unknown, the following general assumptions are provided for consideration.

- All temporary events would be subject to an approved temporary use permit.
- The zoning administrator would be unlikely to issue additional temporary use permits if city and PUD regulations were not strictly followed.
- All tents larger than 900 SF would be subject to a building permit in accordance with current city regulations
- Tents will likely be installed the day before an event and removed the day after an event.
- Delivery vehicles associated with the event (band, caterer, etc) will be accommodated on-site.
- All event guest parking would be off-site and out-of-neighborhood. Parking arrangements would be negotiated by the operator on a case-by-case basis, depending on the event and related event activities (wedding ceremony site, for example.) The operator will seek to negotiate parking arrangements when necessary for events. A candidate parking lot is Walker Upper Elementary School, although the applicant has had no contact with the city school system at this time.
- Shuttle service will be provided through rental arrangements. A likely shuttle configuration is a 15-passenger mini-bus.
- Portable toilets will be provided.
- All trash will be removed from the site within 24 hours of the end of the event. Trash removal will not be contingent on regularly scheduled trash services.

Additional temporary use restrictions are outlined in the Statement of Preliminary Proffer Conditions.

3. The existing driveway provides a safe, if somewhat narrow, entrance. The driveway briefly narrows to 12-feet with curb on both sides. The applicant acknowledges that this is less than the 20 feet typically required. However, with the small scale of the PUD, the relatively small scale of the business enterprise, the limited and sporadic traffic flow, and the existing character of the neighborhood, we feel this short one-way stretch of driveway is appropriate for this development. The current abutters sharing the driveway prefer to keep the driveway as is.

4. As noted on the drawings and in the photographs attached with this application, one of the building sites "appears" to be on a slope greater than 25%, based on the city GIS. On close inspection, it appears that the city's survey information does not take into account the steep embankment along the road, which minimizes the fall of grade across the building site itself. The site therefore does not appear to meet the definition of a critical slope.

Code of Development

Allowable Uses

Uses are defined in the accompanying Proffer Statement.

Subdivision

Subdivision shall be allowed and limited, as indicated in the drawing submission. At the Owner's discretion, the proposed buildings may be constructed, as indicated, on the existing parcel without subdivision.

Property Setbacks

Property setbacks shall be as indicated in the accompanying drawing submission.

Building Height Scale

Building height and scale will be in accordance with the zoning in effect for adjacent parcels at the time of construction permit application. (As of June 24, 2012, all adjacent parcels were zoned R-1)

Open Space

Open Space shall be as indicated in the accompanying drawing submission. Open space shall be maintained by the owner of Building A.

Tree Canopy

Tree canopy shall be as indicated on the drawing submission.

Parking

Existing parking lots shall be permitted to remain in use, until removal is necessitated by future construction phases, even if the maintenance of such lots provides parking in excess of the quantities indicated below.

Building A. Parking shall be provided at the ratio of one per guest unit, plus one accessible space. In addition, parking shall be provided for two spaces, minimum, and five spaces, maximum.

Building B. Parking shall be provided for two spaces minimum and four spaces maximum. Parking may be provided on the lot or by cooperative agreement with the Owners of Building A. If the Building is occupied by the Inn's Owner's, overall parking counts required for Buildings A and B shall be reduced by two.

Building C. Parking shall be provided on the designated lot. Oversized vehicles shall be parked in an enclosed garage.

Building D. Parking shall be provided at the ratio of one per guest unit, minimum, and two per guest unit maximum.

Signage

All signage will be in accordance with city regulations in effect at the time of signage installation.



Figure 1: View along one-way exit lane towards site entrance



Figure 2: View of main front



Figure 3: View of building site for the larger of the single-family parcels. The photo illustrates a gentle slope, in contrast to the GIS mapping which indicates slopes greater than 25% in this vicinity.



Figure 4: View of the upper parking lot, showing proposed inn parking location. Specimen hardwood (Ash?) to remain is visible in the background.



Figure 5: Detail of front entrance illustrating the historic character of the property.



Figure 6: View showing one of the many dead or damaged trees on this site.



Figure 7: View illustrating the character of the western side of the property. Mature trees enclose the open parking areas. New buildings will be situated within these existing outdoor “rooms.”



Figure 8: View of existing entrance.



Figure 9: View from site entrance showing area of proposed open space.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-12-05-07)
STATEMENT OF PRELIMINARY PROFFER CONDITIONS
For the 1536 Rugby Road PUD

Dated as of 26 June, 2012

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

The undersigned individual 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 26 June, 2012.

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. Uses allowed within Buildings A and D will be limited to the following:
 - a. Internal accessory apartments
 - b. Accessory buildings, structures, and uses (on the respective parcel)
 - c. Adult assisted living, up to 8 residents
 - d. B&B: Homestay
 - e. B&B: B&B
 - f. B&B: Inn
 - g. Convent/Monastery, by Special Use Permit
 - h. Dwellings: Single-family, detached
 - i. Family Day Home, 1-5 Children, or up to 12 Children by Special Use Permit
 - j. Home occupation, by Provisional Use Permit
 - k. Occupancy, up to 4 unrelated persons per residential structure
 - l. Residential Treatment Facility, 1-8 residents, or up to 15 residents, by Special Use Permit
 - m. Houses of Worship
 - n. Libraries
 - o. Clubs, private, by Special Use Permit
 - p. Daycare Facility, by Special Use Permit
 - q. Educational Facilities, non-residential, including elementary, high schools, college and university, by Special Use Permit
 - r. Temporary uses (on the respective parcel), by permit, in accordance with Section 3 below.

2. Uses allowed within Building B and C will be limited to the following:
 - a. Accessory buildings, structures, and uses (on the respective parcel)
 - b. B&B: Homestay
 - c. Dwellings: Single-family, detached
 - d. Home occupation, by Provisional Use Permit
 - e. Occupancy, up to 4 unrelated persons per residential structure

- f. Temporary uses (on the respective parcel), by permit, in accordance with city zoning regulations in effect at the time of permit

3. Temporary Uses shall be allowed as follows:

- a. All temporary uses shall require a Temporary Use Permit, in accordance with current city zoning regulations
- b. All temporary events shall comply with current city regulations (including the noise ordinance), except as modified below.
- c. Temporary Uses shall be allowed up to 12 times per calendar year.
- d. All temporary events shall occur on Friday, Saturday, or Sunday.
- e. The Zoning Administrator may permit an event on a holiday or on the eve of a holiday, provided the arrangements are in keeping with the intent described herein.
- f. Friday and Saturday events shall end no later than 9pm.
- g. Sunday events shall end no later than 7pm.
- h. On the evenings of temporary events, the nighttime noise level shall take effect at 9pm (Ref Sec. 16-8.a)
- i. On the evenings of temporary events, no amplified music shall be permitted after 9pm, if a Friday or Saturday, or 7pm, if a Sunday.
- j. On the day of temporary events, all amplified music shall be limited to 3 hours maximum.
- k. All temporary events shall be separated by at least 13 days.
- l. No multi-day events shall be permitted.
- m. Approval of all temporary use permits shall be contingent on an approved parking plan that accommodates event guest vehicles at an acceptable location outside the neighborhood.
- n. All temporary events shall be limited to 200 event guests.
- o. An Inn operator shall be present for the duration of all temporary events.
- p. The temporary use restrictions outlined herein shall apply to all temporary events, including the five events per year allowed by permit under current zoning.

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 26th day of June, 2012.

By: _____
Owner

By: _____
Applicant

Print Name: Mark Anderson

Print Name: Deborah Davis

Owner's Address: 300 N. LaSalle Street, Suite 500, Chicago IL 60654

Applicant's Address: 1611 Greenleaf Lane Charlottesville, VA 22903

Thompson, Willy

From: Nancy <nhspace@earthlink.net>
Sent: Tuesday, June 05, 2012 8:01 PM
To: Thompson, Willy
Subject: 1536 Rugby Road

Dear Mr. Thompson:

My family and I live at 1372 Hilltop Road, just around the corner from 1536 Rugby Road (the former fraternity house). I am very excited about the proposed development of a Bed and Breakfast on the site. The impact on the neighborhood should be minimal and much less than it was as a fraternity house. The idea of a Bed and Breakfast is also far more preferable than subdividing the land for single family homes along Rugby Road.

I am all for the development of a Bed and Breakfast think it would only enhance the charm of our neighborhood!

Sincerely,

Nancy H. Spence

Thompson, Willy

From: John Pfaltz <jlp@cs.virginia.edu>
Sent: Friday, June 15, 2012 3:02 PM
To: Rosensweig, Dan; Keller, Genevieve; Osteen, Michael; jsantoski@gmail.com; Keesecker, Kurt; Green, Lisa; Sienitsky, Natasha; Neuman, David
Cc: Trisha Taylor; Barry Taylor; Imlay, Dena; Thompson, Willy
Subject: Rugby Road PUD

Members of the Planning Commission

The preliminary discussion for a PUD on Rugby Road Tuesday night was informative. Afterward I spoke at length with Willy Thompson about it.

While a bed and breakfast would be a very desirable use for the old Chi Psi lodge, and one which I would endorse, I find myself becoming more resistant to rezoning the parcel as a PUD.

Mr. Thompson took the time to explain many of the aspects of this prospective rezoning, including the fact that any change in the use of the PUD would require re-submission to this planning commission and approval by the city. He also told me, as he told you, that the prime motivation for the PUD request was so that more than 5 special events (weddings) could be held in a year and to provide "more flexibility".

(This latter is a matter of concern and is at odds with his assurance that the PUD usage would be strictly contained.)

At this point I see no need for a PUD rezoning. To do so will make the property more valuable should Mr. Davis choose to sell it, but it initiates a "slippery slope" of more intense development over which the neighborhood will have less control.

I will strongly endorse approval of a special use permit for a bed and breakfast operation on this property. (It is my understanding that construction of 2 more single family homes and possibly a cabin would be "by right" on a property of this size.) If the bed and breakfast operation actually comes to fruition (there's many a slip between the cup and the lip) and the first few special functions are successful, then we can entertain appropriate moves (possibly rezoning) to provide for more than just 5 special functions

John L. Pfaltz
Research Professor
jlp@virginia.edu

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: July 12, 2012
APPLICATION NUMBER: SP-08-04-05

Project Planner: Brian Haluska, AICP

Date of Staff Report: June 26, 2012

Applicant: Waterhouse LLC

Current Property Owner: Waterhouse LLC

Applicant's Representative: William H. Atwood

Application Information

Property Street Addresses: 218 West Water Street

Tax Map/Parcel #: Tax Map 28, Parcel 84

Total Square Footage/Acreage Site: 0.779 acres

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

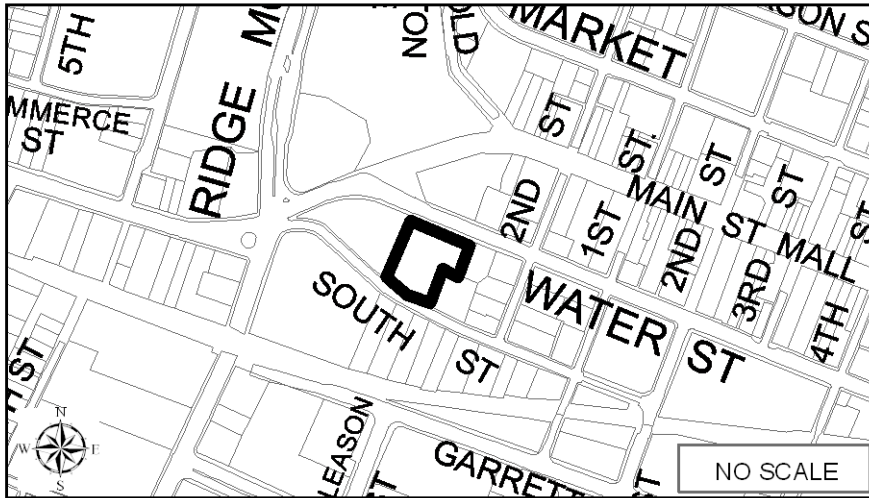
Current Zoning Classification: Water Street Corridor with Architectural Design Control District Overlay

Tax Status: The City Treasurer's office indicates that there are no delinquent taxes owed on the subject properties at the time of the writing of this staff report.

Applicant's Request

Waterhouse LLC has applied for a special use permit for additional height on property located at 218 West Water Street. The current building on the property is 70 feet tall, the maximum permitted by right in the Water Street Corridor zoning. The applicant is requesting an increase of 12'6" in height to add an additional story on the building.

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. The applicant is proposing no changes to the current site, and therefore is not required to submit a site plan per sections 34-158 and 34-802 of the zoning ordinance.

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

- (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;
- (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.

Project Review / Analysis

1. Background

This is a request for additional height in the Water Street Corridor. The zoning ordinance permits heights up to 70 feet by right, and up to 101 feet with a special use permit in the Water Street Corridor.

The property was previously approved for a height of 117 feet (101 feet plus a 16 foot tall appurtenance) under the prior zoning for the property, the Downtown Corridor zoning. The property was subsequently rezoned in 2008 to the new Water Street Corridor. The applicant then voluntarily amended the site plan, and reduced the height of the building to 70 feet.

2. Proposed Use of the Property

The property is currently being used as a mixed-use building. It contains residential and commercial office uses, as well as structured parking. The proposed additional floor would house additional residential units.

No new buildings will be built or developed as a part of this application. The addition would be on the roof of the existing building at 218 West Water Street.

3. Impact on the Neighborhood

a. Traffic or parking congestion

- Traffic congestion: The special use will impact the traffic in the area. The 7th Edition ITE Trip Generation Manual estimate the total number of additional trips generated by the proposed addition as a maximum of 70 trips per day, with 7 trips coming in the peak hour in the morning, and an additional 7 trips in the afternoon peak hour.
- Parking: The current site plan was approved when the property was in the parking exempt zone. The building has 127 parking spaces on site.

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

This use will have an effect from the standpoint of noise and fumes from the additional automobile traffic generated by the 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 or available.

This use will marginally increase the density of population in the area and 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 the school facilities or population in a meaningful way.

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

The property is in the Downtown Architectural Design Control District. The BAR reviewed the application at their meeting on June 19, 2012 and passed the following motion:

The BAR recommended (7-0) to City Council that the proposed special use permit to allow 12.5 feet of additional building height will not have an adverse impact on the Downtown ADC District, and the BAR recommended approval of the special use permit subject to the usual BAR review of the revised plan.

One concern that was raised in the BAR meeting was the possibility of the addition of an appurtenance on top of the additional story. The BAR stated that they were opposed to additional height of any kind on the building beyond the requested 12'6".

i. Conformity with federal, state and local laws.

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

4. Zoning History

In 1949 the property was zoned B-2 Business. In 1958 the property was zoned B-3 Business. In 1976 and 1991, the property was zoned B-4 Business. The property was zoned Downtown Corridor in 2003.

5. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Commercial (Retail)	Downtown
South	Mixed-Use (Residential and Office)	South Street
East	Commercial (Office and Retail)	Water Street
West	Mixed-Use (Residential and Commercial Office)	Water Street

6. Reasonableness/Appropriateness of Current Zoning

The current Water Street Corridor zoning is reasonable and appropriate. By-right uses in the Water Street Corridor include mixed-use development in the form of multi-family residential, commercial office and retail uses.

7. Consistency with Comprehensive Plan

The current use of the property is consistent with the Comprehensive Plan designation for the property.

Public Comments Received

There have been no public comments received by staff.

Staff Recommendation

Staff feels that the impact of the proposed use can be managed on the site without negatively impacting the surrounding neighborhood, and thus recommends that the application be approved with the following conditions:

1. The maximum height of the building, including appurtenances, shall be no greater than 82 feet and 6 inches.

Suggested Motions

1. I move to recommend approval of this application for a special use permit in the Water Street Corridor zone for the Waterhouse project, a mixed-use structure at 218 West Water Street to permit height above 70 feet, with the conditions listed in the staff report.

OR,

2. I move to recommend denial of this application for a special use permit in the Water Street Corridor zone for the Waterhouse project.



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

MAY 22 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: 218 West Water Street (address), zoned: WSD, for: Additional Building Height (above 20ft)

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

1. 200 feet of frontage on Water St (t South St) (name of street)
2. Approximate property dimensions: 200 feet by 184 feet.
3. Property size: 33,933 sq ft (square feet or acres)
4. Present Owner: Waterhouse LLC (Name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 214 West Water Street, Suite 200, 22902 Charlottesville
6. City Real Property Tax Map Number 28 Parcel(s) 84, _____; 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>Lewis Clark Condos</u>	<u>250 W Main St, Ste 603</u>	<u>28-84.1</u>
2. <u>Waterhouse Villages LLC</u> (same as applicant)		<u>28-80.1</u>
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 H. Atwood, Waterhouse LLC
Mailing Address 214 West Water Street, Ste 200, Charlottesville, VA 22902
Applicant's Phone Number(s): 434-466-6466 Work _____ Home _____
Applicant's Signature [Signature]

D. Attachments Submitted by the Applicant

1. A required site plan was previously submitted on 12/27/2010 (Date) with the required fee, for a pre-attached application review conference on _____ (Date). This site plan was prepared by: Name: Collins Engineering Address: 200 Garrett St, Ste K, Charlottesville, VA 22902 Phone: 434-293-3719
2. Other attachments as required by Section 34-158 of the City Code (Office Use: Submitted _____).
3. The correct application fee (see above).

For Office Use Only

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

Signature: _____ (Zoning Administrator)

Amt. Paid \$1500.00 Date Paid 5/22/12 Cash/Check # 133380 Received by _____



Waterhouse Development with proposed additional story

Waterhouse Special Use Permit Request

May 22, 2012

The Applicant, Mr. William H. Atwood of Waterhouse LLC, is requesting approval for a special use permit for additional height above the 70 feet allowed by right within the Water Street Mixed Use Zoning District. Specifically, the applicant requests one additional story measuring 12'6" in height for a total height of 82'6" at the property designated at Tax Map 28, Parcel 84, or 218 West Water Street. The Waterhouse Project is currently under construction and consists of a 70 foot tall building. The property currently houses parking on the lower levels, Worldstrides on two floors, and the upper floors will contain luxury condominiums. Please see the approved site plan, attached, for any additional information on the project. The applicant requests your approval for additional height above 70 feet at this location.

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

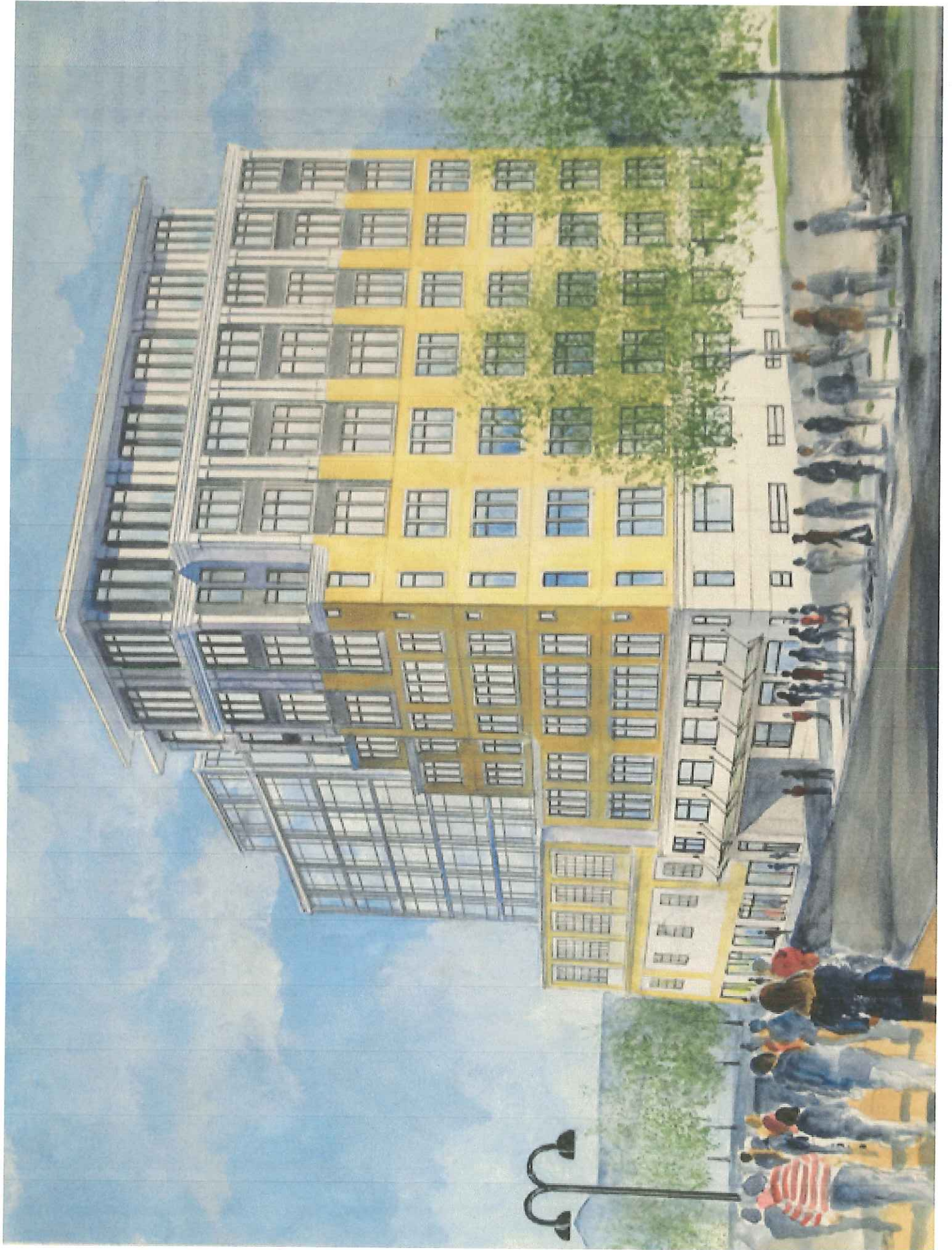
- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
This request is in keeping with the height, density and uses that are allowed within the Downtown area. The originally approved Waterhouse project consisted of a building measuring 117 feet in height (including the appurtenance). The BAR has already reviewed and approved an appurtenance to the building that is similar in height and appearance to what is currently proposed. The additional story helps to create a more proportional building.

- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
The proposed development is approved and constructed except for the additional story currently being requested. This proposal is in conformance with the City's Comprehensive Plan and the general vision for this area of town. The Waterhouse development has brought a new company and approximately 300 jobs to Downtown Charlottesville.
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
The existing building and the proposed additional story will comply with all 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;
The additional space, approximately 10,000 square feet will not have any impact on traffic or congestion downtown. This project consists of larger units and promotes walking and biking versus driving.
 - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
No impact other than the standard temporary construction impacts. All regulations will be followed including the lighting and noise ordinance.
 - c. Displacement of existing residents or businesses;
No existing residents will be displaced through this process. The purpose of this request is to provide additional residential space downtown.
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
Waterhouse has and will continue to significantly impact the tax base of Charlottesville in a positive way. Approximately 300 hundred jobs have already been added and at least 10 residences will be added to this area.
 - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
No impact
 - f. Reduction in the availability of affordable housing in the neighborhood;
No impact
 - g. Impact on school population and facilities;
No impact
 - h. Destruction of or encroachment upon conservation or historic districts;

This project is located within a local historic district. The applicant has preserved an existing building on site that is successfully incorporated into the overall design of the project. The existing building has BAR approval.

- i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
This project is in conformity with all federal, state and local laws.
 - j. Massing and scale of project.
The addition of one story to this project creates a more proportional building. Please see the attachments to compare the existing building with the model showing an additional floor. Because the building has such a substantial footprint, the additional story provides the needed height to 'cap' the building properly.
- (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;
The use and development is in harmony with the Water Street Mixed Use District. No new uses are proposed and the development has been previously approved.
- (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;
The development is in compliance with all City regulations.
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.
Noted. The BAR has recently approved an application for adding an additional story as an appurtenance. This application shows a slightly larger area for this story, and thus cannot be considered an appurtenance.

Originally Approved Waterhouse Building measuring 117 feet tall



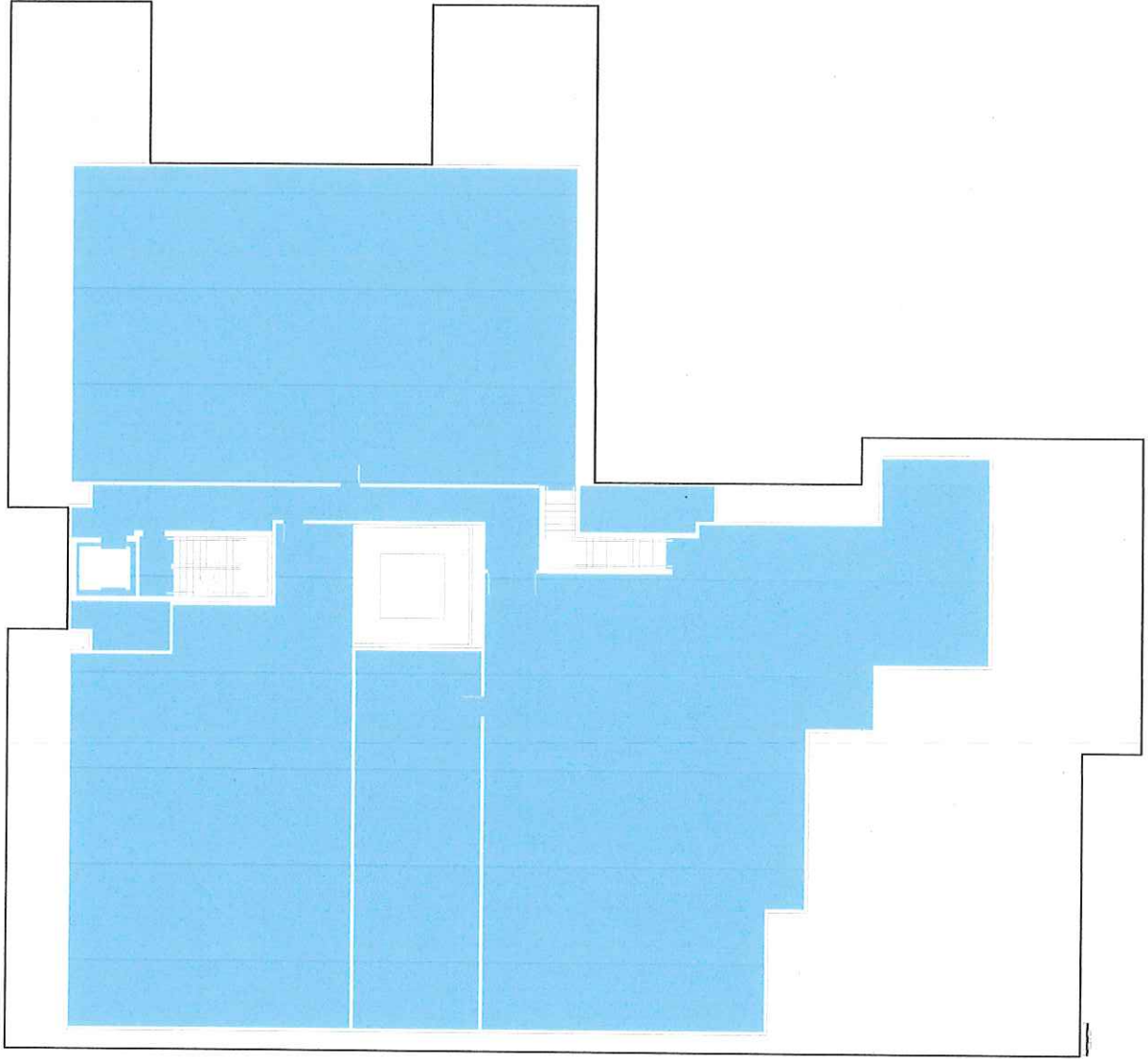
Waterhouse Building as it exists today with current by-right approvals



Waterhouse Roof Plan

Notes:

1. Dark black outline represents the existing roof of the building.
2. Areas shown in blue with light outline represent the proposed addition to the existing building.
3. Height of addition is 12'6"
4. New Residential Space = 10,000 sq ft
5. Roof Terrace Space will be completely enclosed by 42" guardrails.

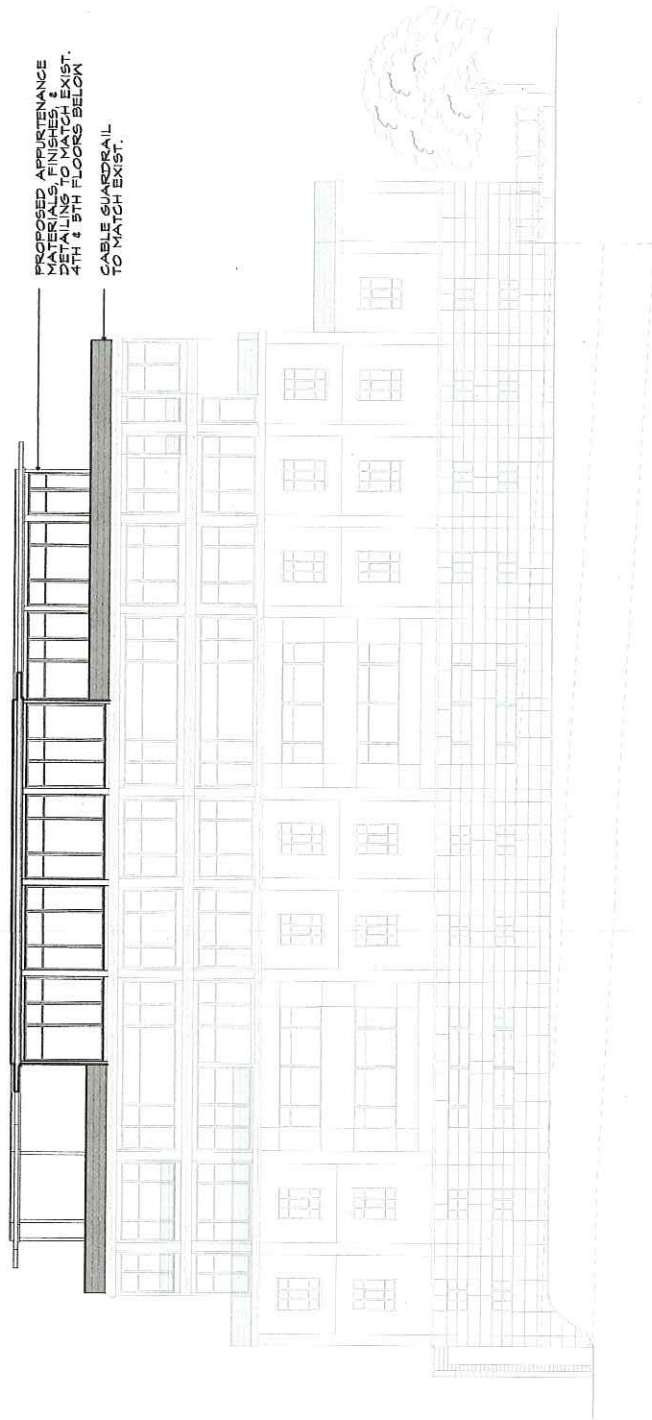




Waterhouse Model with proposed additional floor by Special Use Permit Request

WATERHOUSE

CHARLOTTESVILLE, VA



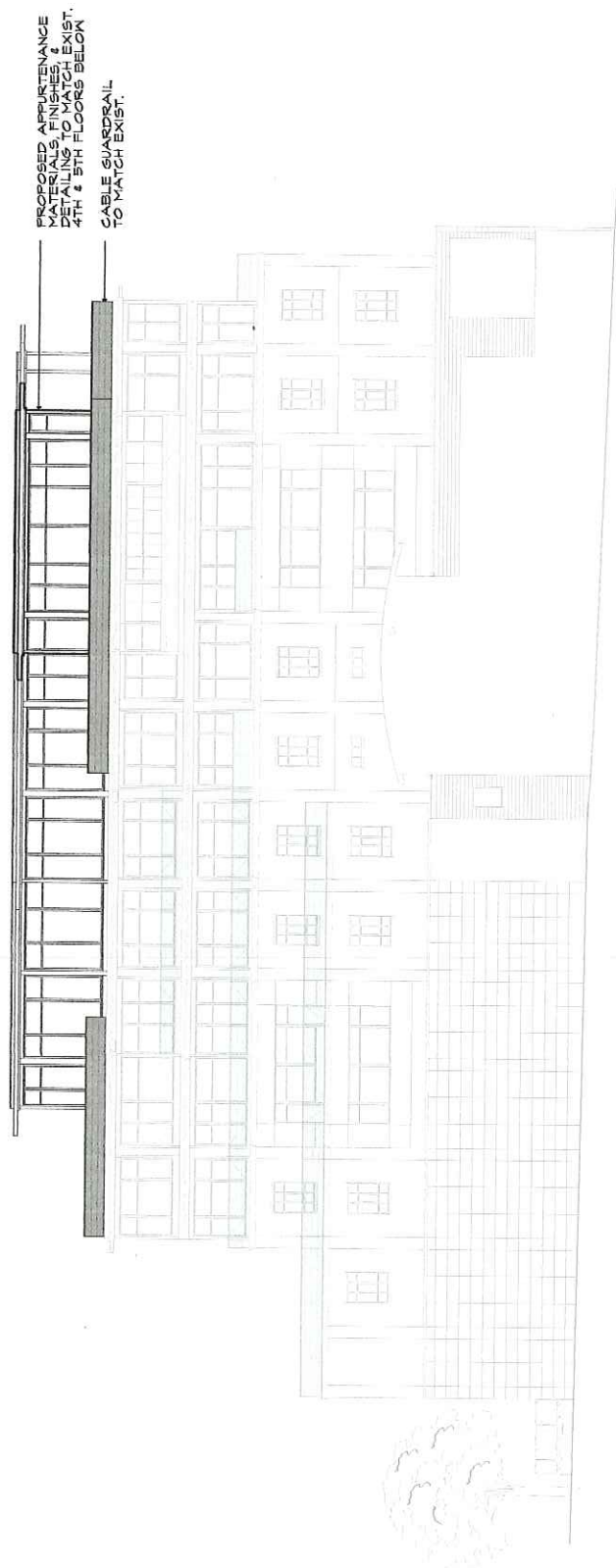
① WEST ELEVATION

ELEVATION

▲▲
ATWOOD HENNINGSEN KESTNER
ARCHITECTS
INC.

WATERHOUSE

CHARLOTTESVILLE, VA



① EAST ELEVATION

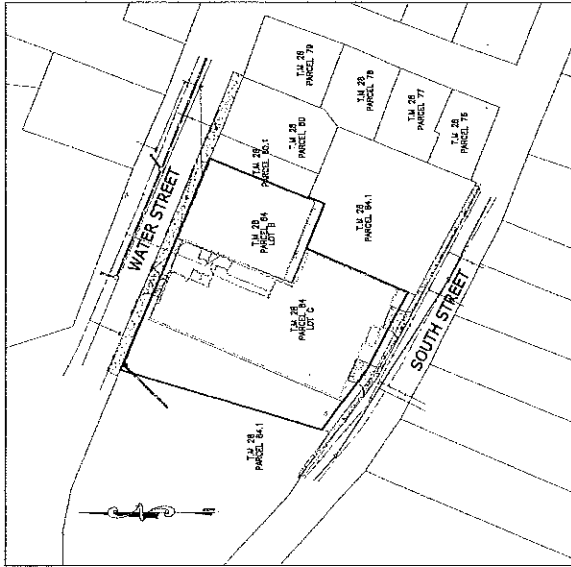
ELEVATION

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ATWOOD HENNINGSEN KESTNER
ARCHITECTS
INC.

WATERHOUSE

FINAL SITE PLAN AMENDMENT

CITY OF CHARLOTTESVILLE, VIRGINIA



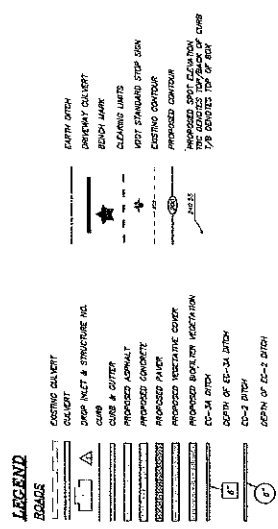
SITE MAP
SCALE: 1" = 50'

ARCHITECT
ATWOOD ARCHITECTS
250 WEST MAIN STREET, SUITE 100
CHARLOTTESVILLE, VA 22902

ENGINEER
COLLINS ENGINEERING
800 E. JEFFERSON STREET, SUITE K
CHARLOTTESVILLE, VA 22902
434.293.3719

SHEET INDEX

SHEET	DESCRIPTION
1	TITLE SHEET
2	GENERAL NOTES
3	LEGEND
4	PROPOSED LAYOUT AND DIMENSIONS PLAN
5	PROPOSED LAYOUT AND DIMENSIONS PLAN
6	PROPOSED LAYOUT AND DIMENSIONS PLAN
7	PROPOSED LAYOUT AND DIMENSIONS PLAN
8	PROPOSED LAYOUT AND DIMENSIONS PLAN
9	PROPOSED LAYOUT AND DIMENSIONS PLAN
10	PROPOSED LAYOUT AND DIMENSIONS PLAN



PROJECT DATA:

1. PROPERTY IS: WATERHOUSE LLC, 200 WEST MAIN STREET, SUITE 100, CHARLOTTESVILLE, VA 22902
2. PROJECT IS: WATERHOUSE DEVELOPMENT, 200 WEST MAIN STREET, SUITE 100, CHARLOTTESVILLE, VA 22902
3. ARCHITECT: ATWOOD ARCHITECTS, 250 WEST MAIN STREET, SUITE 100, CHARLOTTESVILLE, VA 22902
4. ENGINEER: COLLINS ENGINEERING, 800 E. JEFFERSON STREET, SUITE K, CHARLOTTESVILLE, VA 22902
5. SURVEYOR: CHARLOTTESVILLE GIS DATA & SURVEY PROVIDED BY TOM LINCOLN SURVEYING, SOURCE OF SURVEY INFORMATION & BOUNDARY INFORMATION: TOM LINCOLN SURVEYING, JUNE 22, 2009
6. EXISTING ZONING: WATERHOUSE DISTRICT CORRIDOR - DOWNTOWN LOCAL ARCHITECTURAL DESIGN
7. CONTROL DISTRICT: WATERHOUSE TUP 30-54
8. USGS DATUM: NAD 83 (1984)
9. PROPOSED USE: OFFICE/COMMERCIAL
10. BUILDING HEIGHT: MAXIMUM HEIGHT: 45 FEET
11. INTERMEDIATE PARKING LEVEL: 17,023 SF, INCLUDING 655 GALLEY/COMMON SPACE
12. SECOND FLOOR: 17,023 SF OFFICE/COMMERCIAL AND PARKING
13. THIRD FLOOR: 17,023 SF OFFICE/COMMERCIAL
14. FOURTH FLOOR: 17,023 SF OFFICE/COMMERCIAL
15. FIFTH FLOOR: 17,023 SF OFFICE/COMMERCIAL
16. SIXTH FLOOR: 17,023 SF OFFICE/COMMERCIAL
17. SEVEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
18. EIGHT FLOOR: 17,023 SF OFFICE/COMMERCIAL
19. NINE FLOOR: 17,023 SF OFFICE/COMMERCIAL
20. TEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
21. ELEVEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
22. TWELVE FLOOR: 17,023 SF OFFICE/COMMERCIAL
23. THIRTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
24. FOURTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
25. FIFTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
26. SIXTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
27. SEVENTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
28. EIGHTEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
29. NINETEEN FLOOR: 17,023 SF OFFICE/COMMERCIAL
30. TWENTY FLOOR: 17,023 SF OFFICE/COMMERCIAL

13. SETBACKS: MAXIMUM HEIGHT OF THE STREET WALL OF ANY BUILDING OR STRUCTURE = 45 FEET. MAXIMUM HEIGHT OF THE STREET WALL OF ANY BUILDING OR STRUCTURE MUST BE LIMITED TO THE HEIGHT OF THE STREET WALL OF THE ADJACENT BUILDING OR STRUCTURE. THE SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN. THE SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.

14. PROPOSED USE: OFFICE/COMMERCIAL

15. PROPOSED ZONING: WATERHOUSE DISTRICT CORRIDOR - DOWNTOWN LOCAL ARCHITECTURAL DESIGN

16. PROPOSED HEIGHT: MAXIMUM HEIGHT: 45 FEET

17. PROPOSED AREA: 17,023 SF

18. TOTAL IMPERVIOUS AREA: 34,024 SF

19. PROPOSED: 34,024 SF

20. EXISTING: 0 SF

21. REGRESS AND TERRACE ACCESS TO THE PROPERTY AND PARKING GARAGE SHALL BE PROVIDED VIA THIRTEEN LEVEL PARKING GARAGE ARE BOTH EXTENDED FROM SOUTH STREET. BOTH ARE PUBLIC ROADS.

22. TOTAL DISTURBED AREA: 1 ACRE ±. APPROVED DESIGN CONTROL PLAN FOR THE PROJECT IS THE PROPOSED DESIGN CONTROL PLAN. THE DESIGN CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT FOR REVIEW AND APPROVAL. THE DESIGN CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT FOR REVIEW AND APPROVAL.

23. A LIGHTING PLAN HAS BEEN PROVIDED IN THIS SET.

24. SEE SHEET 8 OF 9 FOR LANDSCAPE DETAILS, NOTES AND DESIGN FOR THE PROPOSED LANDSCAPING ALONG SOUTH STREET.

25. THE DESIGN CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT FOR REVIEW AND APPROVAL. THE DESIGN CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT FOR REVIEW AND APPROVAL.

26. THE PLAN FOR THE PROJECT SHALL BE MATRONS GENERAL CONTRACTING.



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. THE PROPOSED PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHARLOTTESVILLE ZONING ORDINANCES AND THE CITY ENGINEER'S APPROVAL.
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COLLINS ENGINEERING
800 E. JEFFERSON STREET - CHARLOTTESVILLE, VA 22902 - 434.293.3719

REVISIONS

DATE	REVISION DESCRIPTION
9/15/10	INITIALS
11/22/10	REVISION PER CITY OF CHARLOTTESVILLE COMMENTS
11/22/10	REVISION PER CITY OF CHARLOTTESVILLE COMMENTS
11/22/10	REVISION PER CITY OF CHARLOTTESVILLE COMMENTS

TITLE SHEET

PROJECT: WATERHOUSE FINAL SITE PLAN AMENDMENT

SHEET: 1 OF 10

DATE: 10/20/14

AS SHOWN

RECEIVED
DEC 23 2010
NEIGHBORHOOD DEVELOPMENT

SIGNATURE PANEL
DIRECTOR, NEIGHBORHOOD DEVELOPMENT



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WATERHOUSE FINAL SITE PLAN AMENDMENT

DEMOLITION PLAN

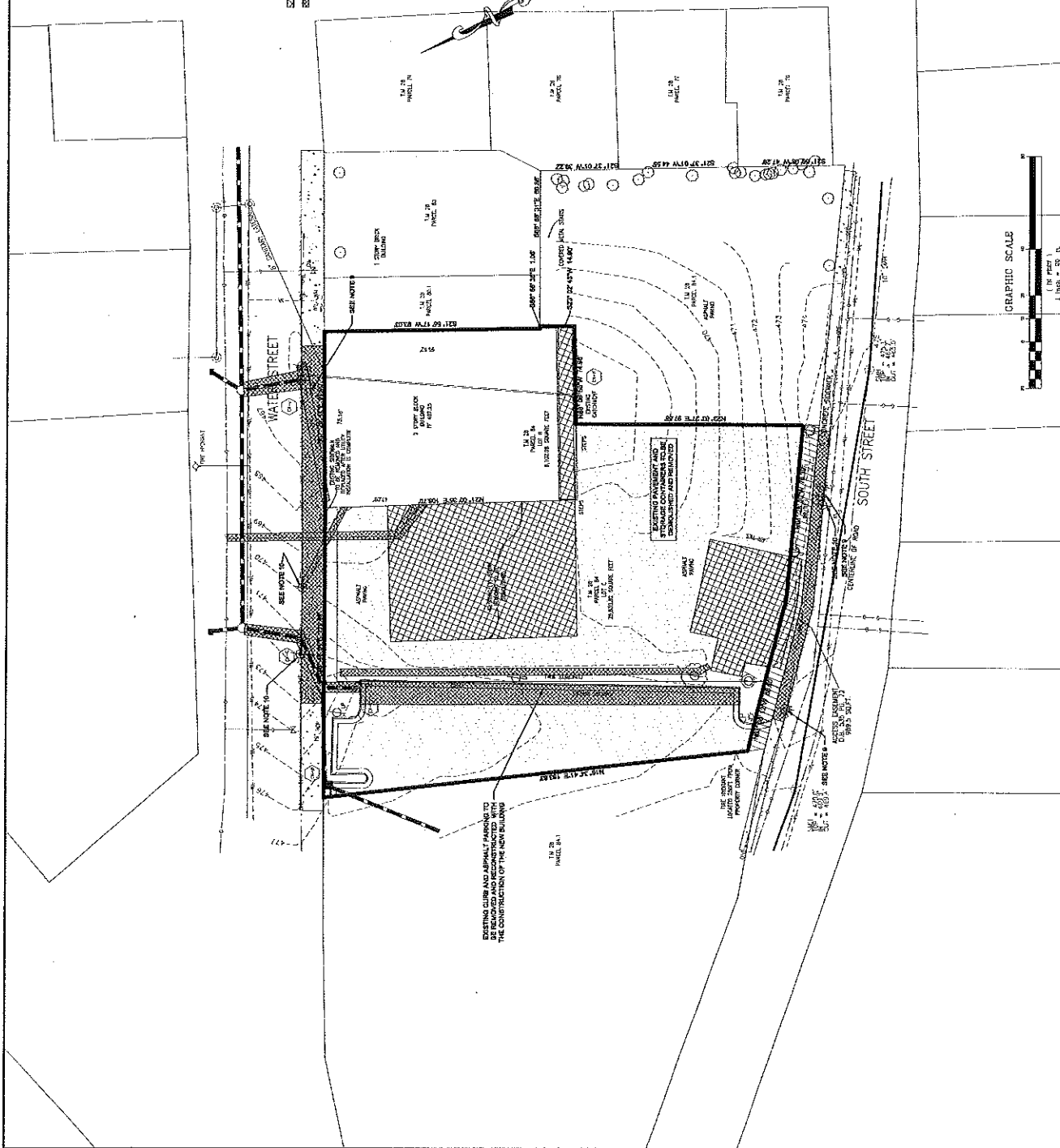
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 DATE 3/16/2017

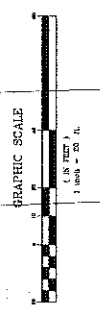


REVISIONS	DATE	REVISION DESCRIPTION
1	11/27/16	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS
2	12/14/16	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS

- DEMOLITION NOTES:**
- CONTRACTOR SHALL COORDINATE THE REMOVAL, RELOCATION, OR UNDERGOING OF EXISTING UTILITIES WITH THE CITY OF CHARLOTTEVILLE.
 - NO CHANGE IN UTILITY OR EXISTING UNLAWFUL UTILITIES OR SERVICE LINES SHALL BE MADE UPON ANY LOT THAT LOCATES ADJACENT TO THE OWNER OF AND THEIR LOT.
 - EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE INDICATED TO BE REMOVED OR RELOCATED. ALL UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE INDICATED.
 - REMOVE EXISTING SIDEWALKS AND NECESSARY FOR NEW CONSTRUCTION IN THE PROPOSED DRIVEWAYS. SIDEWALKS WILL BE REPLACED ONCE CONSTRUCTION IS COMPLETED AND SHALL BE REPAIRED.
 - REMOVE EXISTING SIDEWALKS AND NECESSARY FOR NEW CONSTRUCTION IN OTHER PLACES WILL BE REPAIRED.
 - THE DEMO CONTRACTOR MUST MEET ALL LOCAL REGULATIONS CONCERNING ADJUSTMENTS.
 - REMOVE EXISTING UTILITIES FOR DEMOLITION PERMIT.
 - CONTRACTOR TO CAPTURE ALL ABANDONED SEWER LATERALS AS CLOSE TO THE MAIN AS POSSIBLE.
 - CONTRACTOR IS RESPONSIBLE FOR LOCATING AND DEMOLISHING WATER LATERALS TO BE REMOVED OR RELOCATED TO BUILDINGS AND 10 FEET ON WATER ENTRYS TO BUILDINGS.
 - CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF CHARLOTTEVILLE STANDARDS AND DESIGN MANUAL, GENERAL PROVISIONS AND SPECIFICATIONS.
 - CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE REMOVAL AND REPLACEMENT OF POWER POLES AND ALL REBUILDING LINES AND UNDERWARE ASSOCIATED WITH SUCH POLES WITH THE APPROPRIATE POWER SUPPLIER.

- DEMOLITION LEGEND:**
- SINGLE HATCH TO BE DEMOLISHED OR ABANDONED OR RELOCATED TO REMAIN
 - AREA TO BE DEMOLISHED
 - LINE ELEMENT TO BE DEMOLISHED





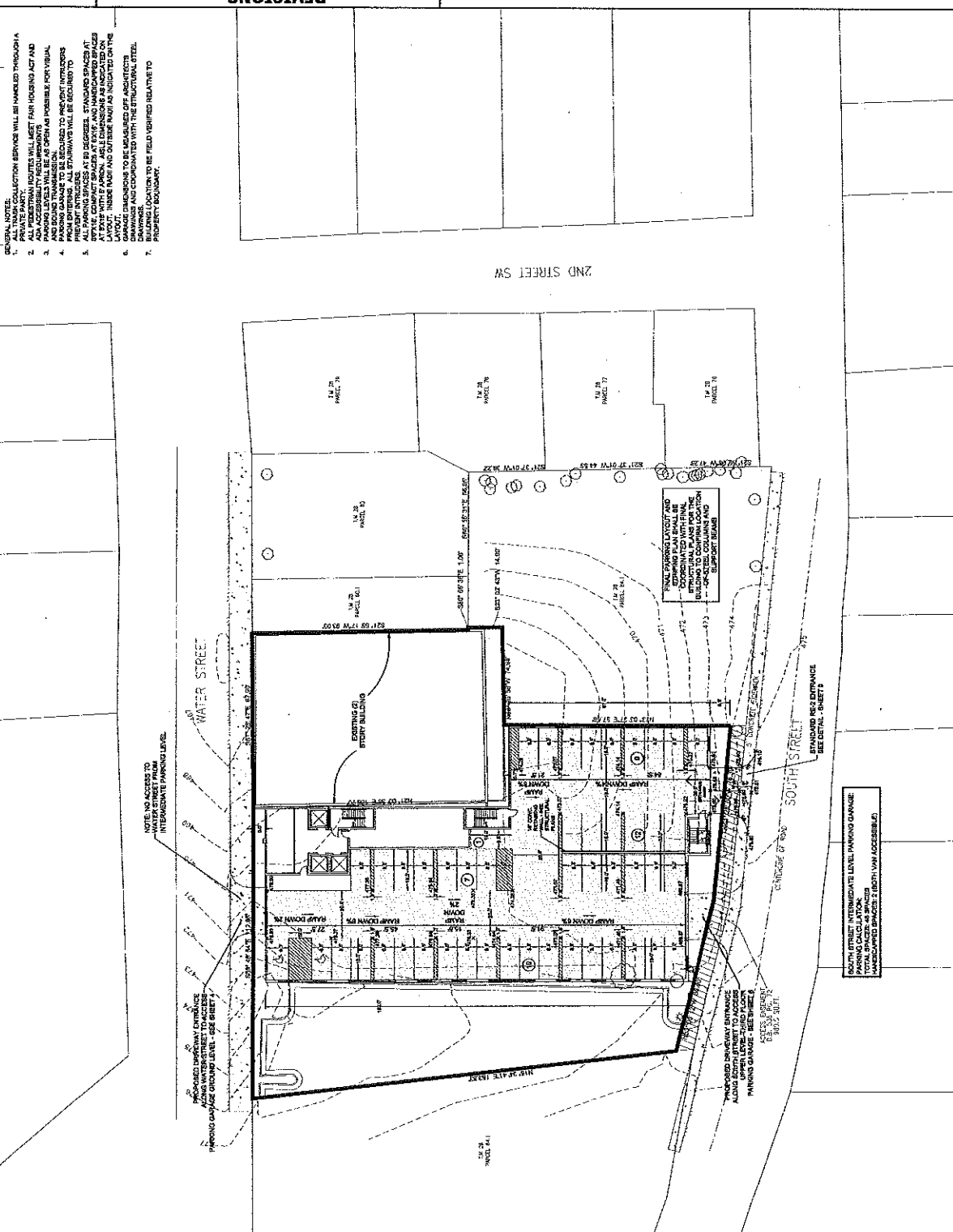
6 of 3
DATE: 10/20/11
SHEET: 100044

PROJECT: 800 E. JEFFERSON STREET - CHARLOTTESVILLE, VA 22902 - 434.293.3719
SOUTH STREET INTERMEDIATE LEVEL LAYOUT AND DIMENSION

COLLINS ENGINEERING

REVISIONS

DATE	REVISION DESCRIPTION
9/16/10	REVISED PER CITY OF CHARLOTTESVILLE COMMENTS
10/20/11	



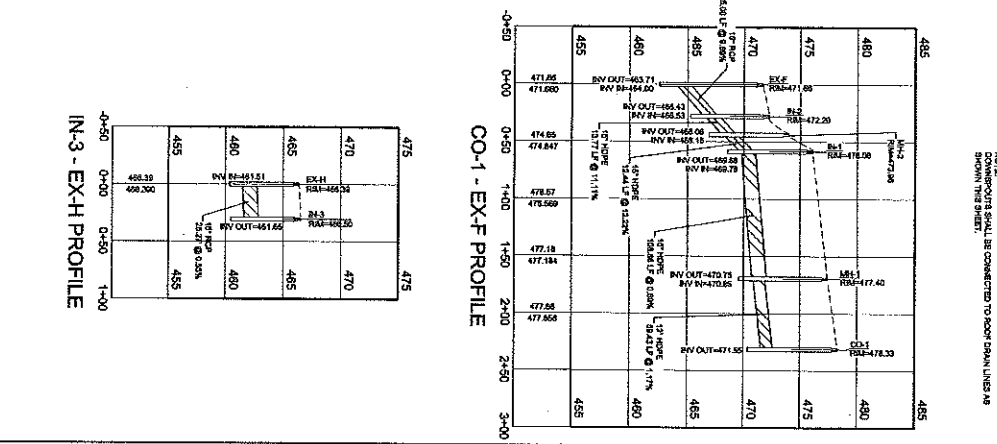
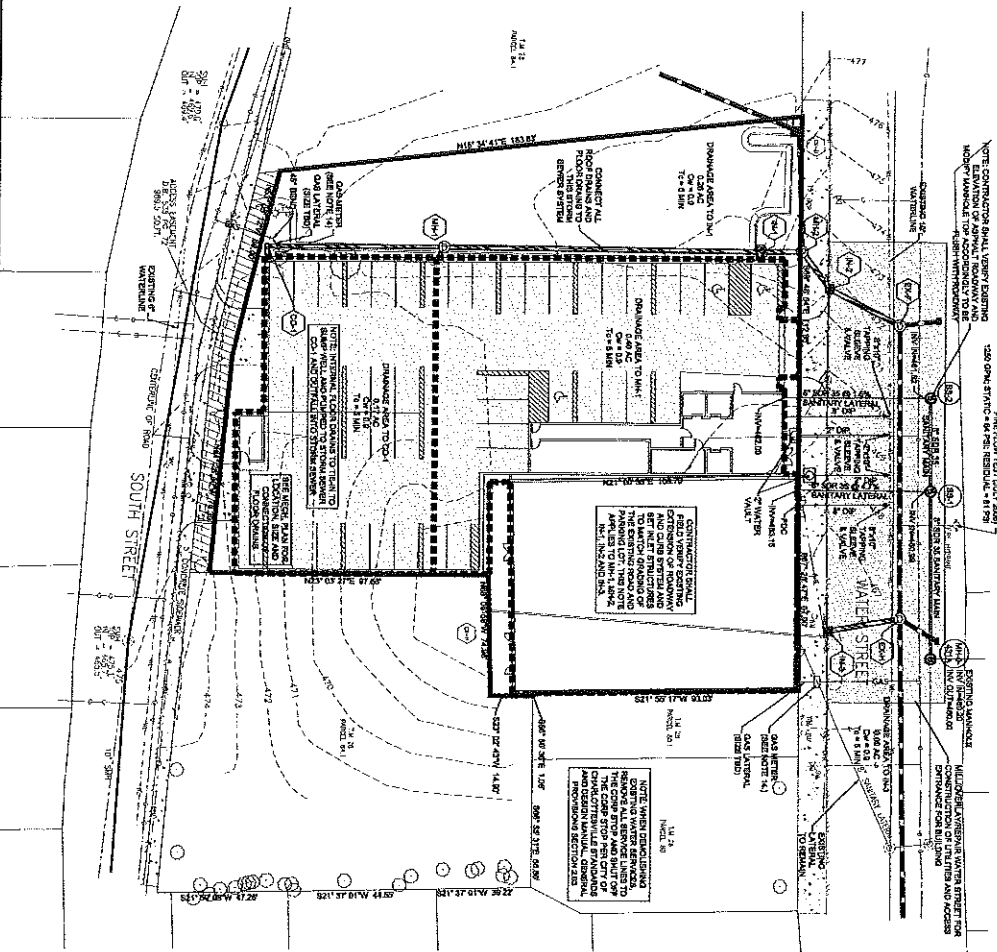
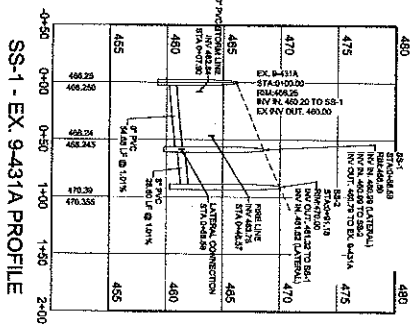
GENERAL NOTE:

1. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
2. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
3. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
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REVISIONS:

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6. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
7. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.

- EROSION AND SEDIMENT CONTROL NOTES:**
1. ALL EROSION AND SEDIMENT CONTROL SHALL OCCUR FROM THE COMMENCEMENT OF CONSTRUCTION THROUGH THE COMPLETION OF THE PROJECT.
 2. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. CONSTRUCTION TO OCCUR WITHIN THE SAME DAY SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 4. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 5. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 6. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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 11. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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 13. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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 15. ALL EROSION AND SEDIMENT CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.



COLLINS ENGINEERING
 800 E. JEFFERSON STREET - CHARLOTTEVILLE, VA 22902 - 434.293.3719

WATERHOUSE FINAL SITE PLAN AMENDMENT
EROSION & SEDIMENT CONTROL PLAN

PROJECT: WATERHOUSE FINAL SITE PLAN AMENDMENT
 SHEET: 7 OF 7

DATE: 11/27/19

REVISIONS:

DATE	REVISION DESCRIPTION
11/27/19	INITIAL SUBMITTAL
12/2/19	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS
11/27/19	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS

REVISIONS

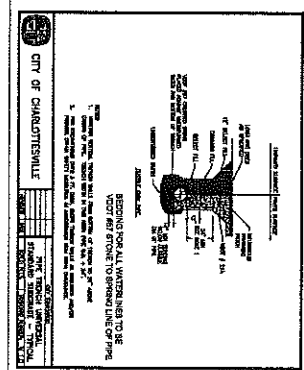
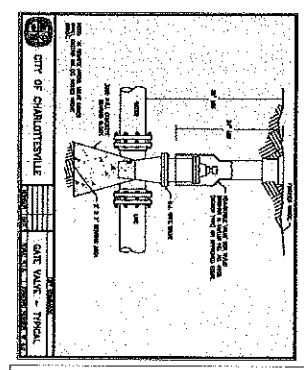
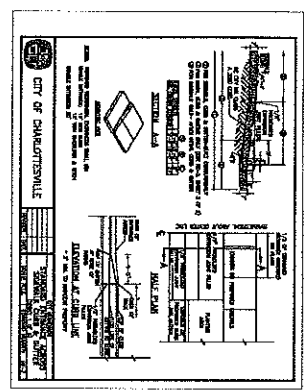
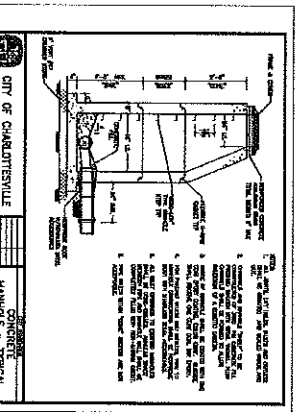
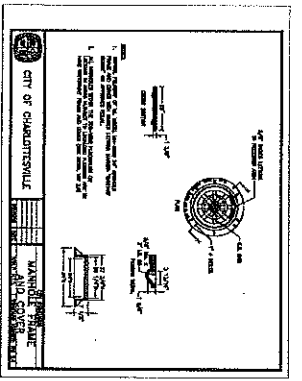
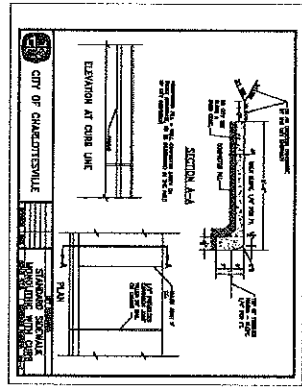
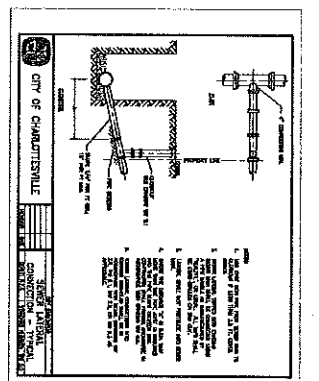
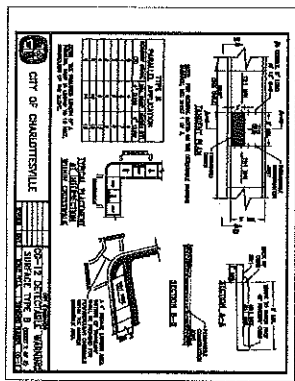
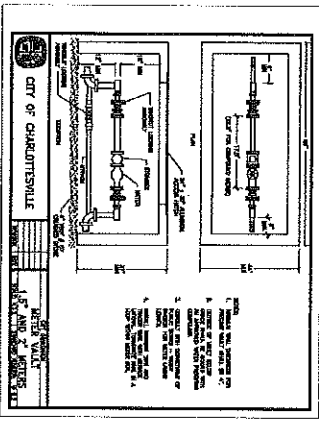
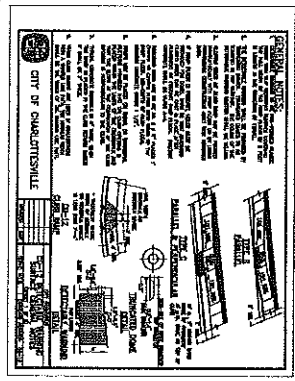
DATE: 11/27/19

REVISION DESCRIPTION: INITIAL SUBMITTAL

REVISED PER CITY OF CHARLOTTEVILLE COMMENTS

REVISED PER CITY OF CHARLOTTEVILLE COMMENTS

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Item	Description	Quantity	Unit	Notes
1	Excavation	100	cu yd	
2	Concrete	50	cu yd	
3	Rebar	1000	lb	
4	Formwork	100	sq ft	
5	Gravel	200	cu yd	
6	Asphalt	100	cu yd	
7	Manhole	1	unit	
8	Valve	1	unit	
9	Accessories	1	unit	

Item	Description	Quantity	Unit	Notes
10	Excavation	150	cu yd	
11	Concrete	75	cu yd	
12	Rebar	1500	lb	
13	Formwork	150	sq ft	
14	Gravel	300	cu yd	
15	Asphalt	150	cu yd	
16	Manhole	1	unit	
17	Valve	1	unit	
18	Accessories	1	unit	

Item	Description	Quantity	Unit	Notes
19	Excavation	200	cu yd	
20	Concrete	100	cu yd	
21	Rebar	2000	lb	
22	Formwork	200	sq ft	
23	Gravel	400	cu yd	
24	Asphalt	200	cu yd	
25	Manhole	1	unit	
26	Valve	1	unit	
27	Accessories	1	unit	

Item	Description	Quantity	Unit	Notes
28	Excavation	250	cu yd	
29	Concrete	125	cu yd	
30	Rebar	2500	lb	
31	Formwork	250	sq ft	
32	Gravel	500	cu yd	
33	Asphalt	250	cu yd	
34	Manhole	1	unit	
35	Valve	1	unit	
36	Accessories	1	unit	

Item	Description	Quantity	Unit	Notes
37	Excavation	300	cu yd	
38	Concrete	150	cu yd	
39	Rebar	3000	lb	
40	Formwork	300	sq ft	
41	Gravel	600	cu yd	
42	Asphalt	300	cu yd	
43	Manhole	1	unit	
44	Valve	1	unit	
45	Accessories	1	unit	

COLLINS ENGINEERING
 800 E. JEFFERSON STREET - CHARLOTTESVILLE, VA 22902 - 434.293.3719

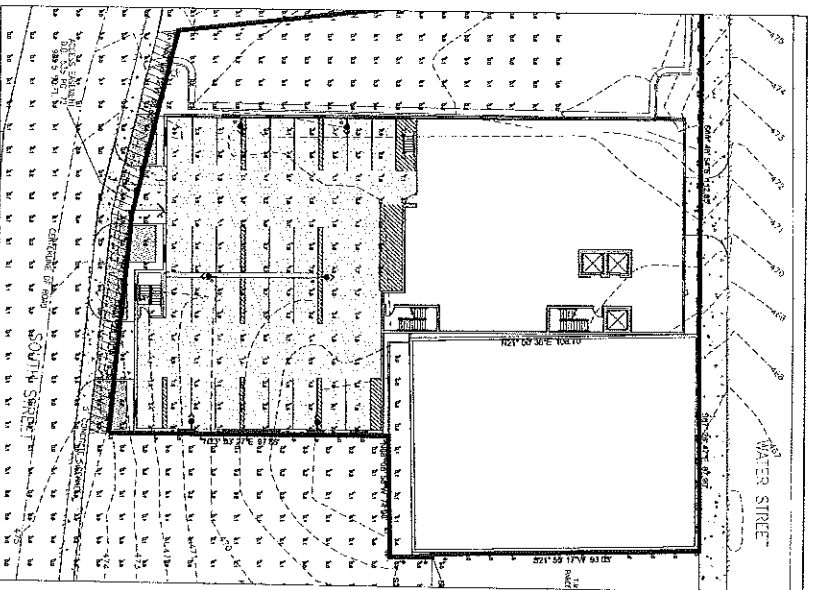
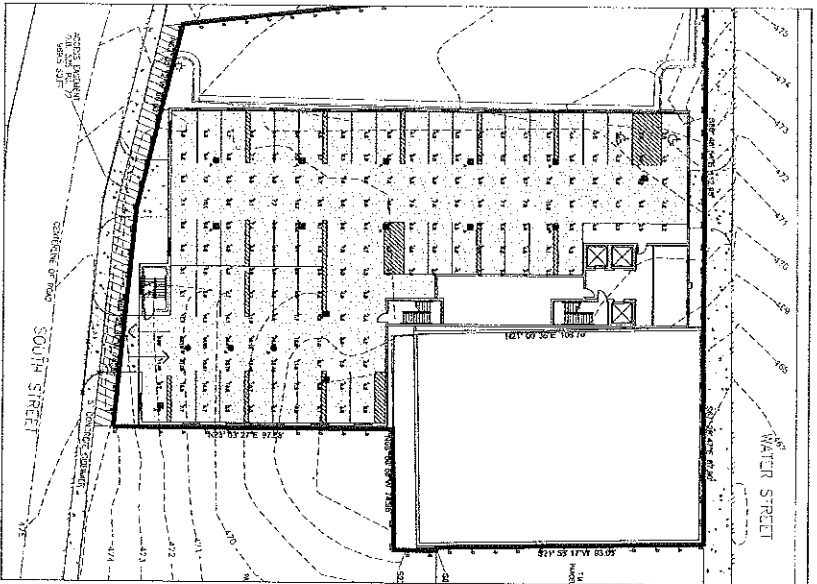
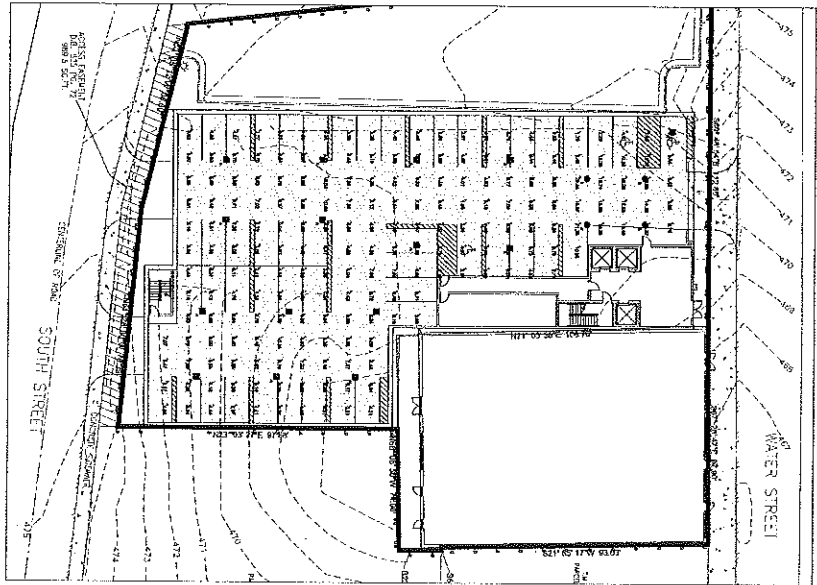
WATERHOUSE FINAL SITE PLAN AMENDMENT

NOTES & DETAILS

DATE	REVISION DESCRIPTION
5/16/10	INITIAL SUBMITTAL
5/24/10	REVISED PER CITY OF CHARLOTTESVILLE COMMENTS

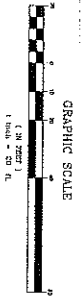


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PROJECT: WATERHOUSE	DATE: 10/20/19
CLIENT: PHILIPS	DESIGNER: COLLINS ENGINEERING
PROJECT LOCATION: 800 E. JEFFERSON STREET, CHARLOTTE, NC	SCALE: AS SHOWN
PROJECT NUMBER: 19-001	PROJECT STATUS: FINAL
DESIGNER: COLLINS ENGINEERING	DATE: 10/20/19
PROJECT: WATERHOUSE	DATE: 10/20/19
CLIENT: PHILIPS	DESIGNER: COLLINS ENGINEERING
PROJECT LOCATION: 800 E. JEFFERSON STREET, CHARLOTTE, NC	SCALE: AS SHOWN
PROJECT NUMBER: 19-001	PROJECT STATUS: FINAL
DESIGNER: COLLINS ENGINEERING	DATE: 10/20/19

Item No.	Description	Quantity	Unit	Notes
1	LED LIGHT FIXTURES	100	EA	1000 LUMENS
2	RECESSED CAN LIGHTS	50	EA	1500 LUMENS
3	TRACK LIGHTS	20	EA	1000 LUMENS
4	STREET LIGHTS	10	EA	2000 LUMENS
5	UNDER CABINET LIGHTS	100	EA	500 LUMENS
6	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
7	TRACK LIGHTS	20	EA	1000 LUMENS
8	STREET LIGHTS	10	EA	2000 LUMENS
9	UNDER CABINET LIGHTS	100	EA	500 LUMENS
10	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
11	TRACK LIGHTS	20	EA	1000 LUMENS
12	STREET LIGHTS	10	EA	2000 LUMENS
13	UNDER CABINET LIGHTS	100	EA	500 LUMENS
14	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
15	TRACK LIGHTS	20	EA	1000 LUMENS
16	STREET LIGHTS	10	EA	2000 LUMENS
17	UNDER CABINET LIGHTS	100	EA	500 LUMENS
18	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
19	TRACK LIGHTS	20	EA	1000 LUMENS
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25	UNDER CABINET LIGHTS	100	EA	500 LUMENS
26	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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29	UNDER CABINET LIGHTS	100	EA	500 LUMENS
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46	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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49	UNDER CABINET LIGHTS	100	EA	500 LUMENS
50	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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52	STREET LIGHTS	10	EA	2000 LUMENS
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54	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
55	TRACK LIGHTS	20	EA	1000 LUMENS
56	STREET LIGHTS	10	EA	2000 LUMENS
57	UNDER CABINET LIGHTS	100	EA	500 LUMENS
58	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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60	STREET LIGHTS	10	EA	2000 LUMENS
61	UNDER CABINET LIGHTS	100	EA	500 LUMENS
62	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
63	TRACK LIGHTS	20	EA	1000 LUMENS
64	STREET LIGHTS	10	EA	2000 LUMENS
65	UNDER CABINET LIGHTS	100	EA	500 LUMENS
66	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
67	TRACK LIGHTS	20	EA	1000 LUMENS
68	STREET LIGHTS	10	EA	2000 LUMENS
69	UNDER CABINET LIGHTS	100	EA	500 LUMENS
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74	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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76	STREET LIGHTS	10	EA	2000 LUMENS
77	UNDER CABINET LIGHTS	100	EA	500 LUMENS
78	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
79	TRACK LIGHTS	20	EA	1000 LUMENS
80	STREET LIGHTS	10	EA	2000 LUMENS
81	UNDER CABINET LIGHTS	100	EA	500 LUMENS
82	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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87	TRACK LIGHTS	20	EA	1000 LUMENS
88	STREET LIGHTS	10	EA	2000 LUMENS
89	UNDER CABINET LIGHTS	100	EA	500 LUMENS
90	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
91	TRACK LIGHTS	20	EA	1000 LUMENS
92	STREET LIGHTS	10	EA	2000 LUMENS
93	UNDER CABINET LIGHTS	100	EA	500 LUMENS
94	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
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96	STREET LIGHTS	10	EA	2000 LUMENS
97	UNDER CABINET LIGHTS	100	EA	500 LUMENS
98	RECESSED DOWN LIGHTS	50	EA	1000 LUMENS
99	TRACK LIGHTS	20	EA	1000 LUMENS
100	STREET LIGHTS	10	EA	2000 LUMENS



COLLINS ENGINEERING
800 E. JEFFERSON STREET - CHARLOTTEVILLE, VA 22902 - 434.293.3719

DATE	REVISION DESCRIPTION
9/15/19	INITIAL SUBMITTAL
10/26/19	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS
11/22/19	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS
12/22/19	REVISED PER CITY OF CHARLOTTEVILLE COMMENTS



PROJECT: WATERHOUSE FINAL SITE PLAN AMENDMENT
SHEET: LIGHTING PLAN
DATE: 10/20/19
SCALE: AS SHOWN

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

STONEFIELD EROSION AND SEDIMENTATION APPEAL

**PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: JULY 10, 2012**

Author of Staff Report: Jim Tolbert, AICP

Date of Staff Report: June 30, 2012

Applicable City Code Provisions: Chapter 10 – Water Protection, Charlottesville, VA Code of Ordinances.

Executive Summary

The Stonefield (formerly Albemarle Place) project, as part of its development plan, is required to construct major storm water improvements. Most of those improvements are on the west side of U. S. 29 in Albemarle County. The drainage outfall, however, is located in the City of Charlottesville. Stonefield was required to obtain an Erosion and Sedimentation (E&S) permit from the City for land disturbing in the City. The City, the City E&S permit required Stonefield to plug the 72” storm sewer pipe and the plug was to remain in place until all improvements were completed. Improvements are not complete and Stonefield has removed the plug. The City notified Stonefield to replace the plug within 48 hours and complete all required improvements or face legal action. Stonefield has appealed the City notice to plug the 72” pipe. Throughout this memo the terms Stonefield, Albemarle Place and Edens are used to refer to the same project/owner.

Background

As shown on the map attached as Exhibit 1, the Stonefield development has constructed a new drainage system that outfalls to Meadow Creek in the City. The new system continues to use an existing 42” pipe under U. S. 29 to drain on-site water. That system treats and retains the water that falls on-site in compliance with the County Water Protection Ordinance. They have also placed a new 72” pipe under U. S. 29 which drains all off-site bypass water as well as overflow from the on-site system.

All of this drainage flows to a channel that crosses property owned by the U. S. Post Office, Pepsi and Seminole Square Shopping Center (Seminole). The channel functions as a retention pond and the City has an easement to maintain the pond to the 416 foot elevation. This pond has served the three properties and has received water from the west side of U. S. 29 prior to this

construction. Because the existing 42” pipe was probably undersized, the passage under U. S. 29 worked to force retention on the west side of U. S. 29 so the flow rate into the pond was manageable. The addition of the 72” pipe though has increased the flow to the point that the design flow of the storm will exceed the City maintained capacity of the pond. The ten year storm event will cause the water to rise to the 421’ elevation, 5 feet greater than the City maintained 416’ elevation.

Stonefield received permission from the U. S. Post Office to construct improvements on land owned by the Post Office. However, it has not received permission to construct improvements on property owned by Pepsi or Seminole.

The issue at hand is that to complete the rip-rap portion of the improvements as shown on the Stonefield E&S Plan, the improvements must be located on property owned by Seminole. From the energy dissipater to the stream bank there is a length of approximately 5’ that is owned by Seminole. The approved E&S plan contains a note that “contractor to ensure new rip-rap ties into the existing rip-rap in stormwater detention”. Because the existing rip-rap is on property owned by Seminole, the Stonefield required rip-rap cannot be tied into existing rip-rap without an easement from Seminole. The photo in Exhibit 2 and the sketch site plan, Exhibit 3, show this. The wooden fence is located on the property line between the post office and Seminole. To effect the tie-in the rip-rap must cross the line marked by the fence.

Because City staff was desirous of working in a cooperative manner with the County an understanding was reached to allow Stonefield to complete the 72” pipe and improvements to tie to Meadow Creek. The City and County allowed construction to proceed conditioned on a plug being placed in the 72” pipe to remain until all improvements were complete on the City side of U. S. 29. See Exhibit 4, an email dated September 29, 2011 from Mark Graham, affirming this understanding and the note on the approved City E&S plan, Exhibit 5, and note on the County Stormwater Management Plan, Exhibit 6, stating “contractor to ensure new rip-rap ties into existing rip-rap in stormwater detention facility as required.”

It is the City’s contention that the improvements associated with the 72” pipe as shown on the City E&S Plan and the County Stormwater Management Plan include the rip-rap tie-in requirements and that the project is not complete until those are in place. We believe that this position is further confirmed by the December 22, 2011 letter from David Johnson, Director of the Virginia Department of Conservation and Recreation (Exhibit 7) as outlined in item (3) on page 2.

3. Energy Dissipation below the 72” Discharge – The revised site plan directs the contractor to ensure the rip-rap at the end of the energy dissipater ties into the rip-rap channel in the detention basin as needed. DCR believes this can be accomplished.

Discussions with DCR staff have confirmed that DCR believes the rip-rap tie-in was necessary and the letter stated their understanding that it was necessary. DCR further believed that the rip-rap would be installed as shown.

Stonefield was notified by the Director of Neighborhood Development Services on June 1, 2012 that they were in violation of the E&S Permit (Exhibit 8). This letter outlines the reason that City staff believes that there is a violation. Those issues are outlined below.

- Drawing C-33A illustrations depict and require installation of rip rap within the stormwater detention facility including, but not limited to a requirement stating “Contractor to Ensure New Rip-Rap Ties Into Existing Rip-Rap in Stormwater Detention Facility.” Rip-rap has not been installed in all areas depicted or described in Drawing C-33A, in violation of this requirement;
- Drawing C-33A notation requires the “New 72” North Diversion Pipe to Remain Plugged During Phase 1A and Phase 1B Service.” The 72” pipe noted on Drawing C-33A has been unplugged and is allowing water to flow through. As the Project is still in Phase 1A, the unplugging of the 72” Pipe is a violation of this requirement;
- 4 VAC 50-30-40 requires Albemarle Place EAAP, LLC, in making the improvements noted in the E&SC Plan, to protect properties and waterways downstream from the development site and to provide evidence of permission to make the improvements. The E&SC Plan indicates that rip-rap will be installed on property not belonging to Albemarle Place EAAP, LLC, and no evidence of permission to make such improvements has been provided to the City of Charlottesville, in violation of this requirement.

Stonefield was directed to take corrective measures as follows:

- Plug the 72” North Diversion Pipe to stop water from flowing through it **within forty-eight (48) hours** of your receipt of this notice. The pipe is to remain plugged until the conclusion of Phase 1B.
- Provide evidence of permission to make the improvements noted on the E&SC Plan that are on property not belonging to Albemarle Place EAAP, LLC prior to re-opening the above-referenced 72” North Diversion Pipe.
- Install rip-rap as noted and illustrated in Drawing C-33A prior to re-opening the above-referenced 72” North Diversion Pipe;

On June 11, 2012 Stonefield filed an appeal to City Council with Paige Barfield, City Clerk. This met the requirements that an appeal be filed within 10 days of receipt of the notice of violation. Section 10-8 of the City Code outlines procedures for an appeal.

- (a) Any person who is aggrieved by a decision of the program authority pursuant to this chapter shall have the right to review of such action by the city council. Any such appeal shall be filed in writing with the clerk of the city council within ten (10) days of the date of such decision.
- (b) An appeal received by the city council pursuant to this section shall be referred to the planning commission for review and findings of fact. The planning commission shall review that appeal at its next regular meeting following the date the notice of appeal is received by the clerk of council, and shall report its findings to city council. The city

council shall review the appeal within thirty (30) days after the date of the planning commission meeting.

- (c) The city council shall consider evidence presented by the owner, the program authority, and any other aggrieved person. The council shall render its decision in writing and may affirm, reverse or modify the program authority's decision. The council's decision shall constitute the final decision of the city on the matter(s) which are the subject of the appeal.
- (d) Any person aggrieved by a final decision of the city council pursuant to this section shall have the right of review of such decision by the circuit court of the city. Any such appeal shall be filed in writing with the circuit court within thirty (30) days of the council's final decision.
- (e) For the purposes of this section, "aggrieved person" is limited to the owner, a permittee, owners of adjacent and downstream property and any interested governmental agency or officer thereof.

In the letter of appeal (Exhibit 9) several assertions are made by the Attorney for Albemarle Place. These are addressed below with comments on each:

Albemarle Place: Albemarle Place has installed rip-rap and has ensured that the new rip-rap ties into the existing rip-rap as required. The new rip-rap has been installed up to the property lined which is within the ravine that serves as the stormwater detention facility. The new rip-rap, therefore, ties into the existing rip-rap on the adjoining property.

Comment: As outlined above the rip-rap stops short of a tie-in to existing rip-rap and does not cross the property line to tie to the existing rip-rap. The drawings that are the appellants E&S plan clearly show the required rip-rap must extend the property line to tie to the rip-rap in the channel.

Albemarle Place: The 72" pipe was plugged during Phase 1A and Phase 1B service. The description of Phase 1A and Phase 1B sequence of construction does not refer to the installation of rip-rap on adjoining property not belonging to Albemarle Place. Since all of the requirements of Phase 1A and Phase 1B have been met, it was proper for the 72" pipe to be unplugged.

Comment: The drawing within the plan clearly show the requirement to tie the rip-rap as part of Phase 1A & 1B, (Exhibit 10).

The construction sequence listed in Drawing C-33A indicates that the project remains in Phase 1A or 1B service. (See Exhibit 1)

- Phase 1A of the construction sequence states "*Contractor to plug 42" and 36" orifices water tight in manhole 3.1 once the northern diversion outfall is completed and online.*" It should be noted that plugging of the 42" and 36" orifices in manhole 3.1 is directly associated with the unplugging of the 72" pipe, but the northern diversion outfall has not been completed.

- Phase 1B of the construction sequence states “*Provide grading...to allow the north sediment basin to be placed in service prior to the completion of the 72” outfall.*”
- Both items above indicate that the project is still in Phase 1A or Phase 1B, as the rip rap has not been completed and the rip rap is an integral part of the 72” outfall.

Albemarle Place: Moreover, these issues are addressed in the Preconstruction Meeting Memorandum prepared by Marty Silman of the City of Charlottesville (attached hereto as Exhibit B), states that the 72” pipe will remain plugged until installation of the rip-rap at the 60” outfall above Meadow Creek has been completed and approved by the City. The installation of the rip-rap at the 60” outfall above Meadow Creek was completed on or about April 18, 2012 and the installed improvements were approved by the City during an inspection on April 23, 2012, that was attended by Steve Wright and Marty Silman of the City of Charlottesville. Therefore, it was proper for Albemarle Place to unplug the 72” pipe.

Comment: The City contends that staff never granted approval of the work. There is no written approval. Staff merely commented that the quality of the work that has been completed was excellent. Further, Mr. Silman’s notes on the pre-construction memo (Exhibit 11) also state that Albemarle Place was reminded that the 72” pipe will remain plugged until any requirements imposed by DCR are fulfilled.

As evidenced in the DCR letter to Collins (Exhibit 7), the rip-rap tie is a DCR MS19 requirement.

Albemarle Place: Additionally, Albemarle Place has complied with all of the requirements in 4 VAC 50-30-40, including the requirement that downstream properties be protected from the development site. This requirement, commonly referred to as MS-19, has been the subject of multiple discussions with Albemarle County, the City of Charlottesville and the Department of Conservation and Recreation and all have been satisfied that downstream properties have been properly protected. Indeed, in an abundance of caution, Albemarle Place, in connection with the extensive permitting process that was undertaken, has posted a \$150,000 bond with the City of Charlottesville to provide for monitoring the downstream area and performing any additional work in the unlikely event that it may be deemed appropriate.

Comment: Again, as referenced in the Collins letter and explained above, we contend that the MS-19 requirements have not been satisfied. Additionally, the \$150,000 bond was a requirement of the U. S. Army Corps of Engineers who were called in by downstream property owners. The bond is to

provide for monitoring and additional work that might be needed beyond that shown on the approved plan. The bond was to the Corps and we asked to be included so that we might facilitate any needed repairs to the stream and associated wetlands.

Albemarle Place: The E&SC Plan does not contemplate that Albemarle Place would install rip-rap on adjoining property that does not belong to Albemarle Place or the Post Office. To the contrary, the Preconstruction Meeting Memorandum specifically states: “Issuance of permit does not include improvements beyond the Post Office property limits.” Since the approved E&SC Plan does not authorize improvements on adjoining property, Albemarle Place is not required to make improvements on adjoining property or demonstrate to the City of Charlottesville that Albemarle Place has permission to make improvements on adjoining property in order to comply with the approved E&SC Plan.

Comment: The note referenced is simply to make it clear that we were not giving Stonefield permission to work on the property of others where permission had not been secured. In fact, the note clearly reminds Albemarle Place that they must secure that permission.

Albemarle Place was also reminded that any work off the post office property will require permissions and/or easements from adjoining property owners. Issuance of the permit does not allow improvements beyond the Post Office property limits, but at the same time does not relieve Albemarle Place of its obligations.

Albemarle Place: Lastly, the 72” pipe has been unplugged for approximately twenty five days. During that time, Charlottesville has experienced several heavy rain events. At no time did the outfall from the 72” pipe pose a threat to public health, safety and welfare or cause erosion and sediment control issues. To the contrary, the outfall from the 72” pipe has run clean and the installed improvements have been operating as designed and approved.

Comment: This is not relevant to the appeal. The issue is not whether the system has withstood a storm, but whether the work completed is as shown on the plan.

In conclusion, the issue here is simply that the work required by the Erosion and Sediment Control Plan submitted by Stonefield has not been satisfactorily completed. The photo attached as Exhibit 12 may be the most accurate depiction of this situation. This clearly shows the excellent job of rip-rap placement to the left of the fence, and the total lack of rip-rap to the right to tie-in to the stream.

Recommendation

City Code, Chapter 10-8 requires the Planning Commission to review the appeal at its next regular meeting after the appeal is presented to the Clerk of Council and to report its findings to the City Council.

Staff recommends that the Planning Commission make and present the following findings and recommend to City Council that the decision of the Director of Neighborhood Development Services be upheld.

Edens (Albemarle Place) has an Erosion and Sedimentation Control Plan approved by the City. The plan requires certain improvements. The work required by that plan has not been completed. Specific issues are as follows:

- 1. To date, rip rap has not been installed between the property line and the existing rip rap in the creek, as required on the approved plans. (See Exhibits 2 & 12)**
- 2. The construction sequence listed in Drawing C-33A indicates that the project remains in Phase 1A or 1B service. (See Exhibit 1)**
 - Phase 1A of the construction sequence states “Contractor to plug 42” and 36” orifices water tight in manhole 3.1 once the northern diversion outfall is completed and online.” It should be noted that plugging of the 42” and 36” orifices in manhole 3.1 is directly associated with the unplugging of the 72” pipe, but the northern diversion outfall has not been completed.**
 - Phase 1B of the construction sequence states “Provide grading...to allow the north sediment basin to be placed in service prior to the completion of the 72” outfall.”**
 - Both items above indicate that the project is still in Phase 1A or Phase 1B, as the rip rap has not been completed and the rip rap is an integral part of the 72” outfall.**
- 3. At the pre-construction meeting, Edens was informed that any work off the post office property will require permissions and/or easements from adjoining property owners. (See Exhibit 11) To the City’s knowledge, these permissions have not been acquired.**
- 4. At the pre-construction meeting, Edens was informed that the 72” pipe will remain plugged until any requirements imposed by DCR are fulfilled. (See Exhibit 11)**
- 5. DCR’s memo dated 12/22/11 states that “The revised site plan directs the contractor to ensure the rip-rap at the end of the energy dissipater ties into the rip-rap channel in the detention basin as needed. DCR believes this can be accomplished.” (See Exhibit 7). This has not been done.**

6. E&S Plan review comments also stated above items #3 and #4. These comments were sent via email on 12/20/12.
7. Regarding 4 VAC 50-30-40 (MS-19), the approved plans meet MS-19 but the construction must be in accordance with the approved plans. Until all rip rap is installed per approved plans, the construction has not met MS-19.
8. Several sheets of the E&S plan indicate that new rip rap will tie to existing rip rap. The existing rip rap is located on the adjoining property, and the new rip-rap does not tie into it. (See Exhibits 1, 3, 5 & 6)
9. As of 5/24/12, the 72" pipe had been un-plugged and is being used to discharge stormwater into the City prior to the completion of improvements. (See Exhibit 13)
10. Rip rap currently exists in the channel below the existing 48" outfall, but not to the extent shown on the Stormwater Management Plans (See Exhibits 14, 15, & 16)

Attachments

Exhibits

1. Project Map
2. Fence Photo
3. Plan Map
4. Graham Email
5. City E&S Plan with Note
6. County Stormwater Management Plan with Note
7. Collins Letter
8. Tolbert Letter
9. Edens Appeal
10. City E&S Plan with Note
11. Pre-Con Letter from Silman
12. Fence/rip-rap photo
13. Photo of 72" Pipe
14. Photo of Downstream Channel
15. Photo of Downstream Channel
16. Photo of Downstream Channel

cc: City Council
City Attorney
Edens – Tom Gallagher
Jason Hicks – Womble Carlyle Sandridge & Rice, LLP