

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



<b>Agenda Date:</b>	September 8, 2020
<b>Action Required:</b>	Adoption of a Ordinance to Approve a Rezoning
<b>Presenter:</b>	Joey Winter, City Planner – NDS
<b>Staff Contacts:</b>	Joey Winter, City Planner – NDS
<b>Title:</b>	<b>ZM19-00004 – 909 Landonia Circle Rezoning</b>

**Background:**

On August 3, 2020, City Council considered a Rezoning Petition to change the zoning district of 909 Landonia Circle (the “Subject Property”) from B-1 Business to B-2 Business, subject to a proffer, for the purpose of expanding the car wash on an adjacent property. City Council declined to approve the rezoning over concerns that the Subject Property could potentially be redeveloped as a hotel in the future. The applicant indicated they were willing to amend their proffer to prohibit the use of the Subject Property as a hotel in the future and bring the item back in front of City Council on September 8, 2020.

**Discussion:**

The applicant has revised their proffer to prohibit the use of the Subject Property as a hotel in the future. The revised proffer states the following uses shall not be permitted on the Subject Property (changes in bold): Amusement Center; Auditoriums, Theaters; Bowling Alleys; Clubs, Private; Dance Hall / all night; Dry Cleaning Establishments; **Hotels/motels: Up to 100 guest rooms;** **Hotels/motels: 100+ guest rooms;** Movie Theaters; Pharmacies: 1,701—4,000 SF, GFA; Pharmacies: 4,001+ SF, GFA.

Staff’s analysis of ZM19-00004 prepared prior to the August 3, 2020 City Council meeting can be found in Attachment C.

**Alignment with City Council’s Vision and Strategic Plan:**

Approval of ZM19-00004 aligns with City Council’s Vision and Strategic Plan. Please see Attachment C for detailed information.

**Community Engagement:**

All required community engagement was completed. Please see Attachment C for detailed information.

ZM19-00004

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendation:**

Staff recommends approval of ZM19-00004. Please see Attachment C for detailed information.

**Alternatives:**

City Council has several alternatives:

- (1) By motion(s): amend the attached Ordinance, then move to approve the Ordinance as amended; or
- (2) By motion: deny approval of the Ordinance; or
- (3) By motion: defer any action on the Ordinance.

**Attachment(s):**

- A. Draft Ordinance
- B. Revised proffer statement from applicant
- C. Link to August 3, 2020 City Council Packet (Staff Memo begins on page 112):  
<https://charlottesvilleva.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=508>
- D. Link to the Staff Report and background information from the July 14, 2020 Planning Commission meeting (Staff Report begins on page 64):  
<https://charlottesvilleva.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=495>

**ORDINANCE**  
**REZONING PROPERTY AT 909 LANDONIA CIRCLE FROM B-1**  
**(BUSINESS/COMMERCIAL) TO B-2 (BUSINESS/COMMERCIAL)**  
**SUBJECT TO A PROFFERED DEVELOPMENT CONDITION**  
**PROHIBITING CERTAIN USES OF THE PROPERTY**

**WHEREAS**, in order to facilitate a specific development project, Long Street, LLC (“Landowner”) has submitted rezoning application ZM19-00004, proposing a change in the zoning classification (“Rezoning”) of approximately 0.6790 acre of land having approximately 378 feet of frontage on Landonia Circle, designated on 2020 City Tax Map 49 as Parcel 79 and referenced as City Real Estate Parcel Identification (“REID”) No. 490079000 (the “Subject Property”), from “B-1” to “B-2”, with said rezoning to be subject to a development condition proffered by Landowner; and

**WHEREAS**, the purpose of the Rezoning is to allow a specific development project (“Project”) as described within the application materials for ZM19-00004, more specifically : modernization and expansion of a car wash business currently located on adjacent property (1315 Long Street, REID No. 490094000 and REID No. 490094100); and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on July 14, 2020, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on July 14, 2020 to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for ZM19-00004; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

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

*Section 34-1. Zoning District Map.* Rezoning all of the land designated on 2020 City Tax Map 49 as Parcel 79 (“Subject Property”), containing, in the aggregate approximately 0.6790 acre, from B-1 (Business/Commercial) to R-2 (Business/Commercial), subject to the following proffered development condition

(“Proffer”), which was tendered by the Landowner in accordance with law and is hereby accepted by this City Council:

**Accepted Proffer:**

The use and development of the Subject Property shall be subject to the following development condition voluntarily proffered by the Landowner, which condition shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. Effective on the date of a rezoning of the Subject Property to the B-2 zoning district classification, all uses allowed in the B-2 zoning district shall be permitted, except for the following uses that will be restricted as shown in Table 1-1, below:

**Table 1-1:**

<b>Use Types:</b>	<b>Proffered to:</b>
Amusement Center	Not allowed
Auditoriums, Theaters	Not allowed
Bowling Alleys	Not allowed
Clubs, Private	Not allowed
Dance Hall / all night	Not allowed
Dry Cleaning Establishments	Not allowed
Hotels/motels: Up to 100 guest rooms	Not allowed
Hotels/motels: 100+ guest rooms	Not allowed
Movie Theaters	Not allowed
Pharmacies: 1,701—4,000 SF, GFA	Not allowed
Pharmacies: 4,001+ SF, GFA	Not allowed

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect the foregoing rezoning of the Subject Property subject to the proffered development conditions.

**BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**  
**IN RE: PETITION FOR REZONING (City Rezoning Application No. ZM19-00004)**  
**STATEMENT OF PROFFER CONDITIONS**  
**For the Long Street Car Wash Rezoning Request**  
**Subject Property: 2020 City Tax Map 49 Parcel 79 (Parcel Id. No. 490079000)**

**Dated as of August 5, 2020**

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

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below.

The Owner 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 following conditions:

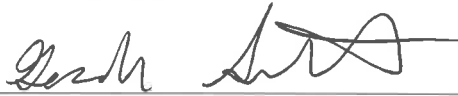
1. Upon rezoning of the Subject Property all uses currently allowed within the B-2 zoning district will be permitted, except for the following uses that will be restricted as shown in the Table below:

<b>Use Types:</b>	<b>Proffered to:</b>
Amusement Center	Not allowed
Auditoriums, Theaters	Not allowed
Bowling Alleys	Not allowed
Clubs, Private	Not allowed
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Pharmacies: 4,001+ SF, GFA	Not allowed

**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 5th day of August, 2020 by:

**Long Street LLC**  
**200 Carlton Road,**  
**Charlottesville, VA 22902**

By:   
Gordon Sutton, Owner/Manager