

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, December 11, 2018 at 5:30 P.M. CITY COUNCIL CHAMBERS

**I. Commission Pre-Meeting (Agenda discussion(s))**

*Beginning:* 4:30 p.m.

*Location:* City Hall, 2nd Floor, NDS Conference

**II. Commission Regular Meeting**

*Beginning:* 5:30 p.m.

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

**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. Zoning Text Initiation – Dwelling Units Clarification

**III. JOINT MEETING OF COMMISSION/ COUNCIL**

*Beginning:* 6:00 p.m.

*Continuing:* until all public hearings are completed

*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing

**1. 918 Nassau Street**

- a. ZM-18-00001** – (918 Nassau Street) (**Hogwaller Farm Development**) – Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted a rezoning petition for Tax Map 61 Parcels 79.17, 79.18, & 79.19, 918 Nassau Street, and a portion of Tax Map 61 Parcel 79 (Subject Properties). The rezoning petition proposes a change in zoning from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions. The proffered conditions include: **(i) maximum height of buildings:** Any structures(s) located on the property shall not exceed thirty-five (35) feet in height, where height is the vertical distance measured perpendicularly from grade from the highest point on such building or structure; **(ii) future land uses:** **(a)** the gross floor area of any singular commercial use shall not exceed 4,000 square feet. This shall not prohibit the gross floor area of multiple commercial uses from exceeding 4,000 square feet; **(b)** the land uses permitted on the Subject Properties are found in the HW Corridor Sec. 34-796 use matrix, but prohibits the following; Adult assisted living greater than 8 residents. Bed-and-breakfasts homestays, B&Bs, Inns, convent/monastery, nursing homes, residential treatment facility over 8 residents, shelter care facilities, amusement centers, animal boarding/grooming/kennels without outside runs or pens, art galleries, auditoriums, amphitheaters, automotive services, banks/financial institutions, bowling alleys, car washes, catering business, health clinics, veterinary clinics, private clubs, data centers, dry cleaning establishments, elementary schools, high schools, artistic instruction up to 4,000 SF, electronic gaming cafes, hotels/motels, laundromats, libraries, small breweries, movie theaters, municipal buildings, museums, music halls, offices, outdoor storage, public recreational facilities, fast food restaurants, full service restaurants, taxi stands, transit facilities, consumer service businesses over 4,001 SF, home improvement centers, pharmacies, shopping centers, shopping malls, retail stores over 4,001 SF, laboratories, and printing/ publishing facilities; **(iii) affordable housing;** contingent upon approval of residential density on site, the owners shall reserve ten percent (10%) of the units built on the Property for on-site for-rent affordable dwelling units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy. For-rent affordable dwelling units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income (“AMI”) for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development (“HUD”). The Subject Properties are further identified on City Real Property Tax Map

61 Parcels 79, 79.17, 79.18, 79.19, & 79.201. The Subject Properties is approximately 0.8 acres. The Land Use Plan calls for Low Density Residential. The Comprehensive Plan specifies density no greater than 15 units per acre.

- b. SP18-00004 – (918 Nassau Street) (Hogwaller Farm Development) – Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted an application seeking approval of a Special Use permit (SUP) for a portion of Tax Map 61 Parcel 79, Tax Map 61 Parcels 79.16, 79.17, 79.18, & 79.19, 918 Nassau Street (Subject Properties). The SUP application proposes a density of 32 Dwelling Units Acres (DUA) per City Code Sec. 34-740. The applicant is requesting a rezoning (see petition ZM-18-00001) and a SUP for the proposed development of eighteen (18) one-bedroom and twelve (12) two-bedroom units split between two (2) three-story buildings for a total of thirty (30) dwelling units. The development is being proposed as an urban farm and will accommodate a 1,280 square foot greenhouse and a 600 square foot retail farm store. Additional parking, farm sheds (not to exceed 600 square feet), and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel. The Subject Properties are further identified on City Real Property Tax Map 61 Parcels 79, 79.16, 79.17, 79.18, 79.19, & 79.20. The Subject Properties are approximately 0.94 acres and has road frontage on Nassau Street. The Land Use Plan calls for Low Density Residential. The Comprehensive Plan specifies density no greater than 15 units per acre.**

Information pertaining to these requests may be viewed five days prior to the Public Hearing online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Rezoning and SUP petition may contact Matt Alfele by email ([alfelem@charlottesville.org](mailto:alfelem@charlottesville.org)) or by telephone (434-970-3636).

2. **ZT18-11-05: Amusement Centers** - A proposed amendment to the text of the City's Zoning Ordinance, City Code sections 34-480, 34-796, and 34- 1200 to revise the definition of "amusement center" and identify the zoning classifications where this use is allowable. Staff contact: Brian Haluska ([haluska@charlottesville.org](mailto:haluska@charlottesville.org))
3. **ZT18-11-06: Primary and Linking Street Designations in Mixed Use Zones** - A proposed amendment to the text of the City's Zoning Ordinance, City Code section 34-541 to include any undesignated streets into the designated streets listing, correct any clerical errors and standardize the language used to identify streets. The following zoning districts and streets are included

Downtown Extended Corridor: East Market Street, 1<sup>st</sup> Street, 4<sup>th</sup> Street, Elliott Avenue, Levy Avenue, East Water Street, East South Street, Graves Street, Lyman Street and City Walk Way

Downtown North Corridor: 8<sup>th</sup> Street, N.E., 5<sup>th</sup> Street, NE, 1<sup>st</sup> Street, 4<sup>th</sup> Street, NE, 9<sup>th</sup> Street, NE, 2<sup>nd</sup> Street, NE, 2<sup>nd</sup> Street, NW, 7<sup>th</sup> Street, NE, 6<sup>th</sup> Street NE, 3<sup>rd</sup> Street NE, 8<sup>th</sup> Street, 11<sup>st</sup> Street NE, Locust Avenue, Lexington Avenue, East Market Street, West Market Street, East High Street, West High Street, 10<sup>th</sup> Street NE, 9 ½ Street NE, Park Street, Court Square and Altamont Circle

Cherry Avenue Corridor: 4<sup>th</sup> Street, 5<sup>th</sup> Street, Delevan Street, Estes St., Grove St., King St., Nalle St., 9<sup>th</sup> St., 6<sup>th</sup> St., 6½ St., 7<sup>th</sup> St, Roosevelt Brown Boulevard, Dice Street, Elm Street

Neighborhood Commercial Corridor: Bainbridge St., Carlton Avenue, Douglas Avenue, Fontaine Avenue, Garden Street, Goodman Street, Hinton Avenue, Holly Street, Lewis Street, Maury Avenue, Monticello Road, Walnut Street, Meridian Street, Jefferson Park Avenue and Price Avenue.

High Street Corridor: 11<sup>th</sup> Street, Willow Drive, 10<sup>th</sup> Street NE, 13<sup>th</sup> Street NE, Duke Street, and Little High Street

Highway Corridor: 5<sup>th</sup> Street, Eastview Street, Monticello Avenue, Carlton Road, Hillsdale Drive, 250 Bypass, Monticello Road, Rives Street, Nassau Street, Quarry Road and Druid Avenue

Urban Corridor: University Avenue, Old Ivy Road, Wise Street and 250 Bypass

Central City Corridor: 8<sup>th</sup> Street, 9<sup>th</sup> Street, 10<sup>th</sup> Street, Grady Avenue, Landonia Circle and Duke Street

Corner District: 12<sup>th</sup> Street, 12 ½ Street, 13<sup>th</sup> Street, 14<sup>th</sup> Street, Jefferson Park Avenue, Minor Court Lane

- 4. ZT18-12-07: Dwelling Units Clarification** - A proposed amendment to the text of the City’s Zoning Ordinance, City Code Section 34-6 and 34-1200 to clarify language and uses which constitute dwelling units, clarify definitions for Dwelling unit; Dwelling, multifamily; Dwelling, single family attached; Dwelling, single family detached; Dwelling, townhouse; Dwelling, Two-family; DUA; Accessory apartment; Adult assisted living; Bed and breakfast (“B&B”); Bed and breakfast (“Inn”); Boarding house; Boarding, fraternity and sorority house; Condominium, Convent, Dormitory, Family, Family day home, Hotel/motel, and Lodging and add new definitions for Rooming unit and Common Party wall.

**IV. COMMISSION’S ACTION ITEMS**

*Continuing*: until all action items are concluded

1. Preliminary Discussion – Belleview Pump Station PUD
2. Comprehensive Plan - reserved time for continued discussions

**V. FUTURE MEETING SCHEDULE/ADJOURN**

Tuesday, December 18, 2018 - 5:00 PM	Work Session	Capital Improvement Program, Emmet Street Streetscape Concept, Comprehensive Plan
Tuesday, January 8, 2019 – 4:30 PM	Pre- Meeting	
Tuesday, January 8, 2019 – 5:30 PM	Regular Meeting	<u>Minutes</u> – September 11, 2018 – Pre- meeting and Regular meeting <u>Minutes</u> – October 9, 2018 – Pre- meeting and Regular meeting <u>Minutes</u> – November 13, 2018 – Pre- meeting and Regular meeting Capital Improvement Program SUP – 901 River Road 5 <sup>th</sup> Street Corridor Study <u>Zoning Text Amendments</u> - Site Plan Requirements Preliminary Discussion – Flint Hill Emmet Street Streetscape – Comprehensive Plan Compliance

**Anticipated Items on Future Agendas**

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018)  
SUP –MACAA (1021 Park Street), 513 Rugby Road, 167 Chancellor  
PUD – Belleview Pump Station

January 22, 2019 Work Session - Seminole Square Redevelopment, 501 Cherry PUD

**Persons with Disabilities may request reasonable accommodations by contacting [ada@charlottesville.org](mailto:ada@charlottesville.org) or (434)970-3182**

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

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

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY  
11/1/2018 TO 11/30/2018**

- 1. Preliminary Site Plans**
  - a. 915 6<sup>th</sup> Street SE – November 30, 2018
- 2. Final Site Plans**
  - a. 560 Cleveland Avenue Utility Plan– November 8, 2018
- 3. Site Plan Amendments**
  - a. Brody Jewish Center (TMP 6-97) – November 14, 2018
- 4. Subdivision**
  - a. BLA – 739 & 741 Nalle Street – TMP 30-42&43 – October 30, 2018



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



**REQUEST FOR INITIATION OF  
ZONING TEXT AMENDMENTS**

**PLANNING COMMISSION REGULAR MEETING**

**DATE OF PLANNING COMMISSION MEETING:** December 11, 2018

**Author of Staff Report:** Craig A. Fabio, Assistant Zoning Administrator

**Date of Staff Report:** November 27, 2018

**Origin of Request:** Clarifications in Response to Board of Zoning Appeals Determination

**Applicable City Code Provisions:** Sec. 34-6 et seq. and Sec. 34-1200

**Initiation Process**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city's zoning district regulations, district boundaries, or zoning district classifications of property. Any such amendments may be initiated by: (1) Resolution of the City Council; or (2) Motion of the Planning Commission. (See City Code §34-41(a), which is based on Virginia Code §15.2-2286(a) (7)). (A rezoning of a particular piece of property can be initiated by Council, Planning Commission, the property owner, owner's agent, or contract purchaser.)

If a person or group seeks to effectuate such a change, the amendment can be initiated by Council or Commission, as required by Code. In such an instance, an applicant will be given the opportunity at a regularly scheduled Planning Commission meeting to present their request, seeking a vote in favor of *initiating* the amendment. Initiating, in this context, is the action by which the Commission decides whether to begin a formal study on the proposal, or to decline the request.

**Discussion**

At the most recent Board of Zoning Appeals (BZA) meeting a determination was made that the City of Charlottesville Zoning Ordinance does not clearly define certain uses as Dwelling Units. Specifically, it was determined that under current regulations a Fraternity is not clearly defined as a Dwelling Unit, overturning a decision made by the Zoning Administrator. This determination could be applicable to Boarding Houses and other similar uses as well. Aside from height and setback requirements, the allowable number of Dwelling Units per Acre (DUA) is the primary factor when determining the maximum allowable use for properties in many districts throughout the City of Charlottesville. The existing DUA allowances were established to limit the impacts of development on neighborhoods, in line with the City of Charlottesville

Comprehensive Plan. Boarding House uses generally have occupancy allowances higher than the standard four (4) occupants per Dwelling Unit, and thus arguably an already greater impact on neighborhoods. This determination could allow a property to be developed with the total allowable DUA in addition to a Boarding House. For example, a property with an allowable DUA of twenty (20) could be permitted to construct twenty (20) Dwelling Units, with four (4) occupants per unit, in addition to a Boarding House. The Boarding House would not factor into the DUA and could house dozens of additional occupants. Staff finds this determination to be contradictory to the goals of the Comprehensive Plan and requests initiation of a Zoning Text Amendment to clarify the allowances in the City of Charlottesville Zoning Ordinance.

### **Standard of Review**

If initiated, the Planning Commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification. City Code § 34-42

### **Appropriate Motions**

Staff supports the Board of Architectural Review's request for initiation of this zoning text amendment. The Planning Commission has the following options for moving forward:

- (1) Initiate the process by making a motion such as:

“I move to *initiate* the proposed amendments to the city's zoning ordinance, to wit: amending Article I, Division 1, Sec. 34-6 General Provision and applicable definitions located in Article X, Sec. 34-1200.

- (2) Decline to initiate the process, by voting against such a motion.

## Proposed Code Language

Amend the provisions of 34-6, to add a new subparagraph (j), as follows:

**34-6. Interpretation of district boundaries; rules of construction.**

(a)...

**(j) For purposes of calculating residential density of development (dwelling units per acre) the following uses shall be counted as one (1) dwelling unit: boarding house; boarding, fraternity and sorority house; convent; monastery; family day home; residential treatment facility.**

Amend the Definitions within 34-1200, as follows:

~~Dwelling~~ means a building, or portion thereof, serving as a residence for any persons.

~~Dwelling unit~~ means a building, or any portion thereof, containing a **one or more rooms within a building comprising complete, independent set of living facilities for residential occupancy by accommodations suitable for occupancy by** one (1) or more persons. **Complete, independent living facilities include permanent provisions for living, inclusive of all of the following: sleeping, eating, cooking and sanitation.** ~~consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and having either direct access from the outside of the building or through a common hall to the outside of the building.~~

~~Dwelling, multifamily (MFD)~~ means a building, or portion thereof, arranged or designed to contain **containing** three (3) or more dwelling units.

~~Dwelling, single-family attached (SFA)~~ means a building containing **only one (1)** a single dwelling unit, where **(i) the such building the dwelling** is attached or connected **by a common party wall** to one other **building containing only one dwelling unit** similar building by a common party wall, and **(ii)** where each individual dwelling unit is designed and constructed so as to permit its sale as an individual unit.

~~Dwelling, single-family detached (SFD)~~ means a freestanding building **that contains** containing **only one (1) primary** a single dwelling unit, i.e., a building **and such building** that has no attachment or connection by a common party wall **with** to another similar building.

~~Dwelling, townhouse (TH)~~ refers to any ~~one (1)~~ of a series of **three or more** single-family attached dwellings, under single or multiple ownership, separated from one another by **common party walls** continuous vertical walls without openings from basement floor to roof. "Series" refers to a row of three (3) or more townhouse dwellings.

**Add a new definition to sec. 34-1200: Common party wall means a vertical wall shared by two buildings, without any opening(s) from basement floor to roof.**

~~Dwelling, two-family (TFD)~~ means a building **that contains** , or portion thereof, arranged or designed to be occupied by two (2) families, having only two (2) dwelling units **neither of which is an accessory apartment.**

~~Accessory apartment~~ means ~~a~~ an independent dwelling unit **located on a property on which the primary residential structure is a single-family detached dwelling, a townhouse, or a single-family attached dwelling, and the presence and use of such dwelling unit is for residential occupancy and such use** which is clearly subordinate to **residential occupancy of the primary residential structure.** ~~a single-family detached dwelling and in which no more than two (2) persons reside.~~ When **an accessory apartment is** contained within the **primary residential** structure of a single-family dwelling, such apartment **is referred to as** constitutes an "interior accessory apartment."

~~Boarding house~~ means a building, or portion thereof, other than a hotel, which contains three (3) or more **rooming units.** ~~guest rooms designed or intended to be used, let or hired out for occupancy, for monetary compensation, where the rental or leases are for definite periods of time. Meals may or may not be provided,~~

~~but there is one (1) common kitchen facility. No meals are provided to outside guests. Also commonly known as a rooming house.~~

***Add a new definition to Sec. 34-1200: Rooming unit means one or more rooms: (i) forming a single, habitable unit used or intended to be used for sleeping purposes, but which do not contain permanent provisions for living, inclusive of all of the following: sleeping, eating, cooking and sanitation facilities; and (ii) such room(s) are let continuously to an occupant, in return for compensation (with or without meals included), for a period of more than thirty (30) days.***

~~Boarding, fraternity and sorority house means a **boarding house occupied** building, or portion thereof, which contains three (3) or more guest rooms, designed or intended to be used as a place of room/board for **by** members of a fraternity or sorority officially recognized by a college or university. Meals may or may not be provided, but there is one (1) common kitchen facility.~~

~~Condominium means a **two-family dwelling or a multifamily** multiple dwelling or **a** development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.~~

~~Dormitory means a **boarding house** building, or portion thereof, owned or operated by an educational facility, **occupied by** which provides boarding house style accommodations exclusively to students, faculty **or** and employees of such institution.~~

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



**APPLICATION FOR A REZONING OF PROPERTY**

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

**DATE OF HEARING:** December 11, 2018

**APPLICATION NUMBER:** ZM18-00001

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** March 26, 2018 (updated September 19, 2018, and November 30, 2018)

**Applicant:** Justin Shimp and Charles Hurt

**Applicants Representative:** Justin Shimp with Shimp Engineering, P.C.

**Current Property Owner:** Charles Hurt and Shirley Fisher

**Application Information**

**Property Street Address:** 918 Nassau Street (three unaddressed lots and a portion of one unaddressed lot)

**Tax Map/Parcels #:** Tax Map 61, Parcels 79.17, 79.18, 79.19, & 79.201 and a portion of Tax Map 61, Parcel 79

**Total Square Footage/ Acreage Site:** Approx. 0.8 acres (34,848 square feet) Comprehensive Plan (**General Land Use Plan**): Low Density Residential Current Zoning Classification: R-2

**Tax Status:** Parcels are up to date on payment of taxes.

**Completeness:** The application generally contains all of the information required by Zoning Ordinance (Z.O.) Sec. 34-41.

**Applicant's Request (Summary)**

*On April 10, 2018 the Planning Commission held a joint Public Hearing for the rezoning of the Subject Properties from R-2 (Two-Family Residential) to HW (Highway Corridor) with proffered development conditions; and an accompanying SUP request for the same properties to increase density from a by-right zero (0) DUA (dwelling unit per acre) to thirty-two (32) DUA. During the Public Hearing the Planning Commission expressed concerns with the County portion of the development and did not to take any action until Albemarle County granted or denied a rezoning petition. The applicant requested, and received, a deferral by the Planning Commission until the County portion of the development status was resolved. The Planning Commission also*

*requested Albemarle County be aware of the City's concerns with the project. On April 18, 2018 the Planning Commission sent a letter to Albemarle County's Planning Commission (Attachment E) Below are the main points from that letter:*

- *Both the City and County portion of the development will only be accessible by way of City streets. Increased traffic and the introduction of larger vehicles (large trucks and equipment for farming and tree transplanting) are a concern.*
- *The City would like to see access for all residents to Moores Creek and Rives Parks. The opportunity for public access easements and new trails needs consideration with this application. The Bicycle and Pedestrian Plan calls for a Shared Use Path along Moores Creek at this location.*
- *The housing component of the development is very important to the City. Unintended consequences of rezoning the City portion of the development could lead to the loss of future housing stock that the current R-2 zoning allows. A rezoning on the City side to Highway Corridor currently requires a Special Use Permit for any density. Of concern is any future development that utilizes by-right commercial or retail uses without a housing component.*

*On September 12, 2018 the Albemarle Board of Supervisors approved an ordinance to rezoning 7.52 acres from LI Light Industrial to RA Rural Areas. For more details on the county's action see (Ordinance NO. 18-A(5) Attachment F, County Proffer Statement Attachment G, and Albemarle summary of Planning Commission Action Attachment H). Below are key portions of the approved ordinance and proffer statement:*

- *The property will be developed in general accord with the conceptual plan titled "TMP 07700- 00-00-02000: Hogwaller Farm" dated 01-16-2018 and last revised 06-27-18 (Attachment G page 5).*
- *A 100' riparian buffer will be preserved from the top of Moore's Creek bank and signed (Attachment G page 6).*
- *Uses on the site are restricted to the uses pursuant to Section 10.2 (3), (6), (7), (9), (21), (27), and (30) (Attachment G page 2).*
- *Any structure(s) within the Flood Hazard Overlay District shall not exceed six hundred (600) square feet of aggregated improved space (Attachment G page 2).*

Planning Commission held an additional joint Public Hearing on October 9, 2018 for the rezoning of the Subject Properties. During the hearing, concerns were raised with the application regarding the Use Matrix, number of affordable units, and stormwater. The applicant requested a deferral in order to hold a work session with the Planning Commission to address these concerns in more detail. On October 30, 2018 the Planning Commission held a work session with the applicant and the provided the following direction:

- Concern with the name of the development.
  - The Human Rights Commission was contacted regarding the name of the development and any derogatory connotation. Staff was informed that this matter would be discussed at the November 15, 2018 meeting. Staff has repeatedly followed up with the Human Rights Commission on this matter, but

as of the date of this report no information has been provided.

- Concern with the size of any future by-right commercial or retail development.
  - The applicant has updated their proffer statement to reflect a 4,000sqft gross floor maximum for any singular commercial use on site (Attachment C).
- Concern with “Convenience Store” use and what that could be.
  - Staff recommended to the applicant to get a Zoning Determination from the Zoning Administrator on what a “Convenience Store” is. No action was taken on this recommendation.
- Concern over Special Uses that remained in the proffered use matrix.
  - Staff consulted with the City Attorney’s Office and it was determined that SUPs could be removed from a proffered use matrix. The applicant updated their proffer statement to remove all SUPs, with the exception of Utility Facilities, farmer’s Markets, and Outdoor Parks (Attachment C).
- Concern not enough affordable units would be provided within the development.
  - The applicant updated their proffer statement (Attachment C) related to affordable housing:

NEW PROFFER	OLD PROFFER
<p>AFFORDABLE HOUSING: Contingent upon approval of residential density on site, the Owners shall reserve ten percent (10%) of the units built on the Property for on-site For-Rent Affordable Dwelling Units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy.</p> <p>FOR-RENT AFFORDABLE DWELLING UNITS: For-Rent Affordable Dwelling Units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income (“AMI”) for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development (“HUD”).</p>	<p>AFFORDABLE HOUSING: Contingent upon approval of residential density on site, the Owners shall provide on-site for rent Affordable Dwelling Units (as defined herein) equal to 15% (fifteen percent) of the floor Area Ratio (“ AR”) of the residential square footage of the project, given the project does not exceed 1.0 Floor Area Ratio (“ AR”). If the project exceeds 1.0 FAR, the number of affordable units provided shall be determined by Section 34-12 of the City of Charlottesville Zoning Ordinance, Codified through March 5, 2018.</p> <p>FOR-RENT AFFORDABLE HOUSING: For-rent affordable units shall rent at a rate making the units affordable to households with incomes at not more than 80% of the area median income for a period of not more than 15 (fifteen) years.</p>

- Concern with how stormwater will be handled for the development.
  - Staff has updated their analysis. **See page 11** for the updated analysis.

Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted a rezoning petition for Tax Map 61 Parcels 79.17, 79.18, & 79.19, 918 Nassau Street, and a portion of Tax Map 61 Parcel 79 (Subject Properties). The rezoning petition

proposes a change in zoning from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions. The proffered conditions include

**(Attachment C):**

**(i) Maximum height of buildings:** Any structures(s) located on the property shall not exceed thirty-five (35) feet in height, where height is the vertical distance measured perpendicularly from grade from the highest point on such building or structure;

**(ii) Future land uses:**

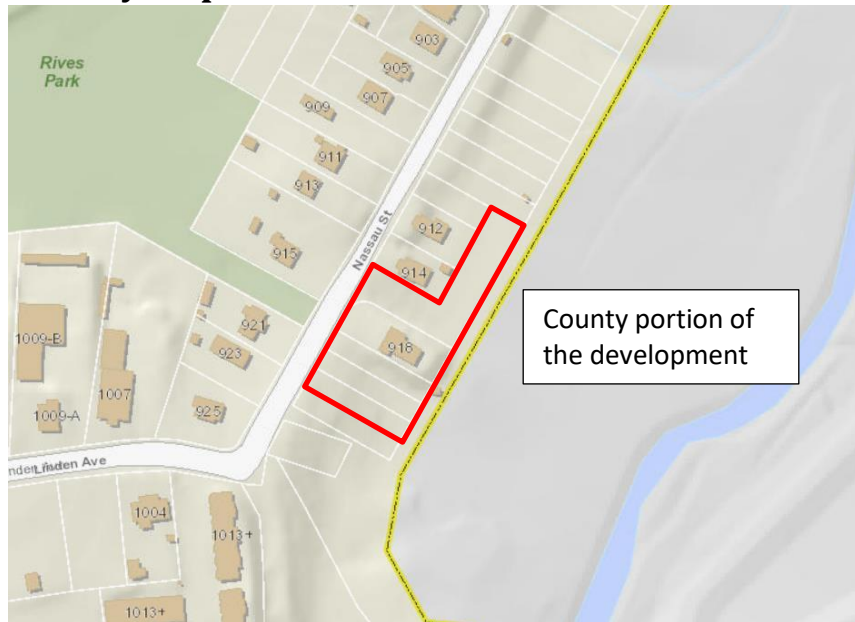
**(a)** The gross floor area of any singular commercial use shall not exceed 4,000 square feet. This shall not prohibit the gross floor area of multiple commercial uses from exceeding 4,000 square feet;

**(b)** The land uses permitted on the Subject Properties are found in the HW Corridor Sec. 34-796 use matrix, but prohibits the following; Adult assisted living greater than 8 residents. Bed-and-breakfasts homestays, B&Bs, Inns, convent/monastery, nursing homes, residential treatment facility over 8 residents, shelter care facilities, amusement centers, animal boarding/grooming/kennels without outside runs or pens, art galleries, auditoriums, amphitheaters, automotive services, banks/financial institutions, bowling alleys, car washes, catering business, health clinics, veterinary clinics, private clubs, data centers, dry cleaning establishments, elementary schools, high schools, artistic instruction up to 4,000 SF, electronic gaming cafes, hotels/motels, laundromats, libraries, small breweries, movie theaters, municipal buildings, museums, music halls, offices, outdoor storage, public recreational facilities, fast food restaurants, full service restaurants, taxi stands, transit facilities, consumer service businesses over 4,001 SF, home improvement centers, pharmacies, shopping centers, shopping malls, retail stores over 4,001 SF, laboratories, and printing/publishing facilities;

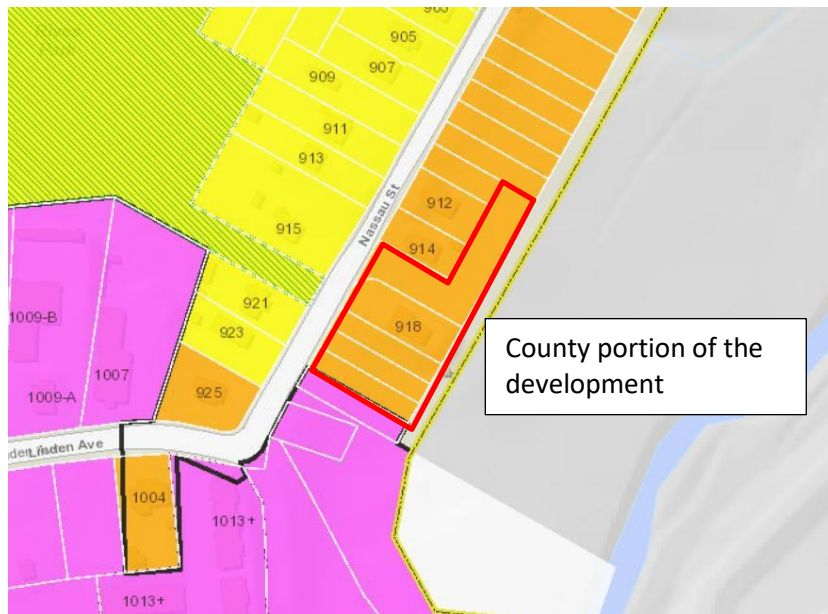
**(iii) Affordable housing;** contingent upon approval of residential density on site, the owners shall reserve ten percent (10%) of the units built on the Property for on-site for-rent affordable dwelling units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy. For-rent affordable dwelling units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income ("AMI") for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development ("HUD").



## Vicinity Map



## Zoning Map

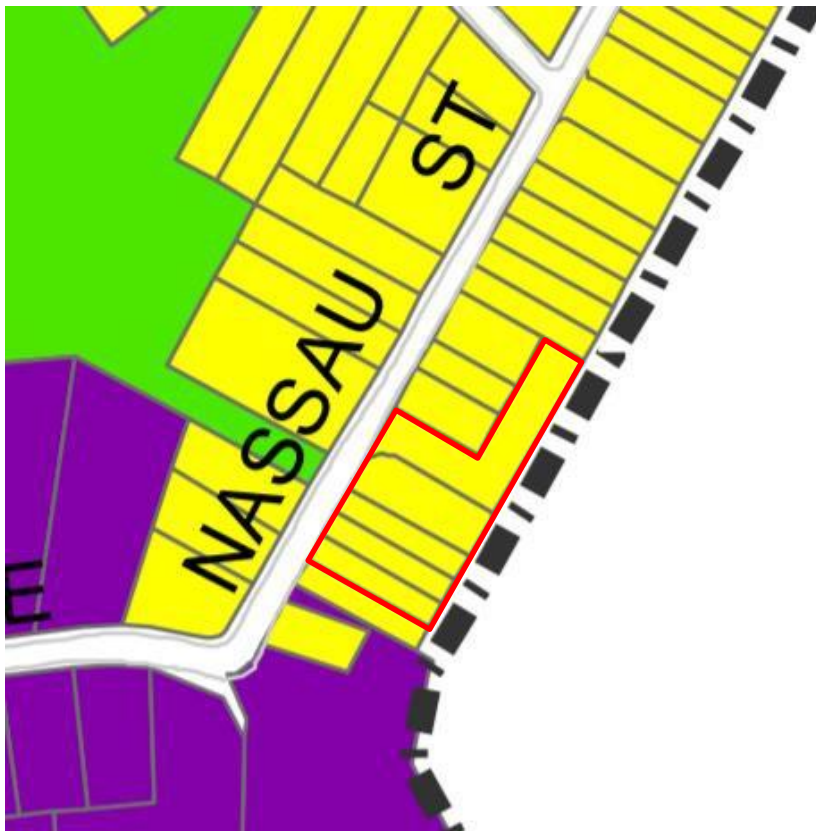


**Gray:** County Land, **Orange:** (R-2) Residential Two-family, **Yellow:** (R-1S) Residential Single-Family, **Purple:** (HW) Highway Corridor, **Green Stripped:** Park

## 2016 Aerial



## 2013 Comprehensive Plan Land Use Map



**Yellow:** Low Density Residential, **Purple:** Mixed Use, & **Green:** Park or Preserved Open Space, **White:** County

## Standard of Review

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is and make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning based on the factors listed in Z.O. Sec. 34-41(a):

(a) All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## Preliminary Analysis

The applicant is proposing to rezone the subject properties from R-2 to HW and is congruently requesting a Special Use Permit for a density of 32 dwelling units per acre (DUA) to facilitate the development of an urban farm. The development will consist of thirty (30) dwelling units within two (2) buildings. The development will also contain a large greenhouse and a retail farm store. Additional parking, farm sheds, and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel (approved by the County on September 12, 2018). Under the current zoning the subject properties could accommodate five (5) two-family dwellings in the current configuration for a total of ten (10) units. If rezoned to HW the subject properties DUA would be:

- **By-right:** zero (0) dwelling unit per lot= zero (0) units on the subject properties. Z.O. Sec. 34-796 prohibits all dwelling types with the exception of Multifamily, which is by-right. Z.O. Sec. 34-740 requires a special use permit for any density above zero (0).
- **Special Use Permit** (per Z.O. Sec. 34-740) (maximum) forty-three (43) DUA = thirty-four (34) units on the subject properties. \*These numbers reflect the acres of the rezoning application. The proposed development, as a whole, will include an additional 0.14 acres that is already zoned HW.

The proposed development, as described in the SUP application (SP18-00004), will allow a maximum of thirty (30) dwelling units (0.94 acres X 32 = 30 units based on preliminary data).

**Zoning History of the Subject Property**

Year	Zoning District
1949	B-2 Business
1958	R-2 Residential
1976	R-2 Residential
1991	R-2 Residential
2003	R-2 Residential

**Sec. 34-42**

**1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

**a. Land Use**

The applicant’s own analysis of the development’s consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (Attachment B).

**Staff Analysis**

The Subject Properties are currently zoned R-2 which is one of the most restrictive zoning categories in the City. All by-right, provisional, and special uses allowed within this zoning district are Residential and Related per Z.O. Sec. 34-420 and single-family attached and two-family are the most common of these uses. The 2013 Comprehensive Plan Land Use Map indicates the Subject Properties remain low-density residential. The land use section of the comprehensive plan indicates all single or two-family type housing and a density less than fifteen (15) DUA is Low Density. High Density are locations with a DUA over fifteen (15) or locations with multi-family housing types (townhouses, apartment, condominiums).

The applicant is requesting a rezoning of the Subject Properties to HW Highway Corridor in conjunction with an SUP application to accommodate a high density development. Z.O. Sec. 34-541, Highway Corridor is considered Mixed Use. The 2013 Comprehensive Plan Land Use Map describes Mixed Use as areas intended to be zones where the City encourages development of a moderate or high intensity, and where a large variety of uses will be permitted. The HW zoning district allows no residential density by-right, but allows up to forty-three (43) DUA with a special use permit. Unlike the R-2 district, the HW limits by-right

residential uses to things such as residential treatment facilities, bed-and-breakfasts, and convent/monastery. Single-family attached and detached homes are not permitted within the HW zoning districts. Multifamily dwelling units (any structure with three or more units in it) are the only type of dwelling unit allowed in the HW districts, but no density is allowed without a Special Use Permit.

The majority of by-right, provisional, and special uses allowed within the HW zoning districts (per Z.O. Sec. 34-796) are commercial and retail in nature. Some examples are; gas stations, health clinics, and shopping centers. In the narrative statement the applicant is proposing thirty (30) residential units in two (2) buildings consisting of one and two-bedroom units. The applicant is also proposing a row of greenhouses and an approximately six hundred (600) square foot retail farm store. The applicant’s preliminary proffer statement retains a majority of by-right uses and only three (3) special uses (Utility Facilities, farmer’s Markets) associated with the HW zoning district, but does remove uses that would require large footprints such as data centers and shopping centers. All automobile uses, such as gas station and sales are removed from the proposed proffered use matrix. For a full list of uses and to see a comparison to the existing HW use matrix see **Attachment C**.

According to the Comprehensive General Land Use Plan Map, multifamily apartments with (30) units is considered High Density and a retail farm store (Z.O. Sec. 34-796 other retail stores (non-specified) up to 4,000 square feet) within the same development is considered Mixed Use. These uses are not consistent with the 2013 Comprehensive General Land Use Plan Map.

The Subject Property is bordered by:

Direction	Zoning District	Current Use
East	*7.52 acres of county land	Vacant floodplain and floodway land that abuts Moores Creek
South	HW	**Vacant parcel
West	R-1S	Residential Homes and Rives Park
North	R-2	Residential Homes and Vacant parcels

\*The 7.52 acres of county land is part of the proposed development and would serve as farm land supporting the City’s portion of the development. The parcel of land was rezoned from Light Industrial to Rural Areas by the Albemarle Board of Supervisors on September 12, 2018 (**Attachment F**)

\*\*The vacant parcel to the south is part of the proposed development, but is already

zoned HW. The lot is part of the accompanying SUP application (SP18-00004).

Staff finds the proposed rezoning is not consistent with the City's Comprehensive General Land Use Plan Map, but may contribute to other goals within the Land Use chapter of the Comprehensive Plan. As the subject properties are centrally located to single family, multi-family, and green spaces, a higher residential density on Nassau Street, at this location, could contribute to Goal 2.3 (Enhance pedestrian connections between residence, commercial centers, public facilities, amenities and green space.). It should be noted that rezoning, on its own, will lower the existing density to zero (0). Staff analysis is of the proposed development as presented within the application materials (**Attachment A, B, & C**). Planning Commission should consider the implications of the development as presented in the application materials, but also the implications of a rezoning without the SUP.

Staff is concerned about the potential intensity of future land uses encroaching down Linden Avenue into the fabric of the lower density neighborhood that surrounds Rives Park. In addition to the rezoning request, the applicant is also submitting an application for a SUP (SP18-00004) to build thirty (30) one and two-bedroom units on the subject properties. The proposed use in the SUP application (residential) is consistent with the current uses near the subject properties (three story residential buildings are located just south of the subject property at Linden and Nassau), but this residential use is part of a larger development that includes a farming component (located in the county). Although the farming portion of the development will be located outside the City, ingress and egress, a farm store, and a large greenhouse will all be located within the City. The Planning Commission should look at the development as a whole as activities on the county portion of the project will directly impact City residents and infrastructure.

**b. Community Facilities**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

Community Facilities (Fire, Police, and Parks) reviewed the application and finds the development would be serviced by existing fire and police. A change in use from R-2 to HW will have no impacts to existing community facilities. Parks reviewed the application as it relates to Rives Park and finds the addition of thirty (30) residential units, as presented, will have no impact on the park. The City's Parks department is currently looking at the property adjacent to the development (tax Map 61 791) for green space and access to Moores Creek.

c. **Economic Sustainability**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

Staff finds no conflict with Chapter 3 (Economic Sustainability) of the Comprehensive Plan with a change of use from R-2 to HW.

d. **Environment**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

The City's Public Works Department and Utilities Department reviewed the proposed development and provided the following analysis: Stormwater management requirements for water quality and quantity should be accomplished for the site as a whole (both the City and County parcels), rather than as independent parcels/sites. In order to achieve this, a coordinated review between the City and County, or a review by the Virginia Department of Environmental Quality on behalf of the City and the County, will be necessary. **Code of Virginia: §62.1-44.15:32(B)** – Duties of the Department The Department is authorized to review the stormwater management plan for any project with real or potential interjurisdictional impacts upon the request of one or all of the involved localities to determine that the plan is consistent with the provisions of this article. Any such review shall be completed and a report submitted to each locality involved within 90 days of such request being accepted. The Department may charge a fee of the requesting locality to cover its costs for providing such services.

This approach is supported by Goal 4.4 of the Land Use Chapter of the Comprehensive Plan, "Coordinate with Albemarle County on matters of land use that cross the jurisdictional border.", as well as Goal 1.2 of the Environment Chapter, "Continue collaboration and cooperation with Rivanna Watershed stakeholders, including Albemarle County...focusing on watershed and stormwater management". The County portion of the site affords ample space to accomplish the stormwater management requirements, though the fact that the entire site is almost completely within the limits of the 100-year floodplain limits potential stormwater management strategies.

The applicant states in their Rezoning and Special Use Permit Narrative, "Stormwater runoff will largely be mitigated on the site of the development (city and county parcels) through an undisturbed riparian buffer and proposed tree plantings." This can only be accomplished if the County



portion of the site, where the undisturbed riparian buffer lies, is allowed to be utilized for compliance with stormwater management requirements. This approach would also make it much more realistic for all stormwater management requirements to be met on-site, and avoid the need to purchase off-site nutrient credits, which is the Environmental Sustainability Division's strong preference. As Moores Creek suffers from excessive levels of bacteria and sediment and is consequently listed as an impaired waterway, it is critical for the health of the stream to manage stormwater on-site.

e. **Housing**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

The City's Housing Development Specialist reviewed the application and finds the uses which could occur as part of a HW development, such as apartment buildings (with a SUP); on the subject properties could contribute to Goals 3.6, 8.1, & 8.2 in the Housing chapter of the Comprehensive Plan. According to Sec. 34-12 the applicant is not required to provide on or off site affordable housing, or payment into the City's Affordable Housing Fund.

Although the applicant is not required per Z.O. Sec. 34-12 to provide affordable housing, affordable units are part of the proposed development's proffer statement. Proffer number 3 indicates:

Contingent upon approval of residential density on site, the Owners shall reserve ten percent (10%) of the units built on the Property for on-site. For-Rent Affordable Dwelling Units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy. For-Rent Affordable Dwelling Units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income ("AMI") for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development ("HUD").

In the materials as proposed, two (2) units within the development would be affordable under this proffer language and rent for around \$1,200 at current 80% AMI. Although staff is in favor of increasing affordable units throughout the City, we would like to see a more defined period of time other than "not more than 15 years". A defined period of five (5), ten (10), or fifteen (15) years would give more certainty in calculating future affordable needs. Under the proposed proffer language the affordable aspect could be satisfied by providing units for any amount of time up to fifteen (15) years.



**f. Transportation**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

The City's Traffic Department reviewed the application materials and finds the uses which could occur as part of a HW development, such as an apartment building (with an SUP); on the subject properties could contribute to Goals 1.2 & 2.6 in the Transportation chapter of the Comprehensive Plan and section 4.1 of Streets that Work. Staff is concerned that "farming" activities could include a wide range of vehicular traffic that are not suitable for a Local road, as designated by Streets that Work typology. Small low impact farming could be compatible with a Local Street Typology if it does not include large tractor trailers continuously making deliveries and pickups. Larger scale farming could produce the type of traffic more suitable for an Industrial type Street Typology.

**g. Historic Preservation & Urban Design**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

Staff finds the uses which could occur as part of a HW development, such as an apartment building, (with a SUP) on the subject properties could contribute to Goal 1.3 & 1.4 in the Historic Preservation & Urban Design chapter of the Comprehensive Plan.

**2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The applicant's own analysis of the development's furtherance of the general welfare of the entire community is provided in the Background section of the proposed rezoning application (**Attachment B**).

**Staff Analysis**

Staff finds that a land use change from R-2 to HW, with a SUP for density as noted in the applicant's narrative statement, could benefit the surrounding community by providing additional residential housing options. The development, as noted in the applicant's narrative statement, could also benefit the surrounding community by providing access to local agricultural products. Staff finds that should the rezoning be granted without a SUP for density the community would lose residential housing options.

**3. Whether there is a need and justification for the change;**

The applicant has provided information on the factors that led to a request to rezone the subject properties from R-2 to HW in the Narrative section of their

application (**Attachment B**).

### **Staff Analysis**

According to the City's 2013 Land Use Map, this portion of the City should be Low Density Residential with a DUA under fifteen (15). The existing development pattern along Nassau Street is currently consistent with the current Land Use Map. Most of the parcels in this area are single, two-family homes, or vacant. Rezoning the subject properties from R-2 to HW could contribute to many of the goals in the City's 2013 Comprehensive Plan, but would not be consistent with the existing pattern of development along Nassau Street. Rezoning to HW (without a SUP) would keep the DUA under fifteen (15) per the Land Use Map, but it should be noted that Sec. 34-796 indicates the residential dwelling type "Multifamily" is a by-right use in the HW districts, but Sec. 34-740 states any "density" requires a SUP.

- 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.**

The location of the subject properties are currently served by existing public utilities and facilities. The applicant has provided a narrative statement on adverse effects and mitigation in their application materials (**Attachment B**).

### **Staff Analysis**

Any development on the subject properties would be evaluated during site plan review and need to meet all current regulations related to public utilities and facilities. Due to the location of the subject properties, staff believes all public services and facilities would be adequate to support development.

The purposes set forth per Z.O. Sec. 34-350(b) and Z.O. Sec. 34-541(9) are:

**Two-family (R-2).** The two-family residential zoning districts are established to enhance the variety of housing opportunities available within certain low-density residential areas of the city, and to provide and protect those areas. There are two categories of R-2 zoning districts:

**R-2**, consisting of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged. Included within this district are certain areas located along the Ridge Street corridor, areas of significant historical importance.

**Highway Corridor district.** The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where

the most intense commercial development in Charlottesville occurs.

In relation to the purposes set forth at the beginning of the proposed district classification, staff finds the development would not meet the intent. The Highway Corridor district should facilitate development of a commercial nature that is auto oriented with very limited residential use (Z.O. Sec. 34-541(9)). The proposed development (as stated in the application materials) would be mainly residential in nature with a small retail (farm store) and commercial (farm) component.

### **Public Comments Received**

Community Meeting Required by Z.O. Sec. 34-41(c)(2)

On September 11, 2017 the applicant held a community meeting at Clark Elementary. The applicant gave an overview of the project as it related to the need for a rezoning and a SUP. The community voiced the following concerns with the proposed development:

- View from Linden Avenue could be blocked.
- The development could have an adverse impact on Moores Creek.
- What type of development could happen in the floodplain?

Other comments included:

- Appreciation for proposing an initiative “urban farm”.G
- Providing affordable units.

On April 10, 2018 the Planning Commission held a joint Public Hearing with City Council.

Two (2) members of the public spoke and expressed the following:

- The development should provide a trail to Moores Creek.
- Any development should not include bringing in fill to the floodplain.
- Concerned the applicant is only looking for density and will not provide any amenities or farm.

On October 9, 2018 the Planning Commission held a joint Public Hearing with City Council. Four (4) members of the public spoke and expressed the following:

- Concerns with any development in the Floodplain.
- Concern with traffic and a large building near single family homes.

Other comments included:

- The concept of a small urban scale farm with hosing is interesting, but more information is need on how it could impact the environment.

On October 30, 2018 the Planning Commission held a Work Session and seven (7) members of the public spoke. The expressed the following:

- Concerns that the development will not have enough public amenities like trees and benches.
- How will stormwater be managed on site?
- Development should not happen in the floodplain.
- The soil needs to be tested prior to development.

Other comments included:

- The City needs more affordable housing and this development will provide that.
- Regulations and codes currently in place will result in this being a good

- development that will have no impact on the environment.
- A lot of the younger population that lives need the proposed development are excited about it and believe it will be good for the City.

As of the date of this report, staff has received two (2) emails related to the rezoning or SUP application and four (4) phone calls. The emails our department received were forwarded to Planning Commission and City Council. The following concerns were expressed:

- No access to the development from the County side
- 30 units at this location could have an adverse impact on Moores Creek.
- One of the buildings would be too close to the road.
- The building should be turned so the short end is facing the street and not the long street wall.
- Building in the floodplain should not be allowed and the soil should be tested to see if it is suitable for food production.
- Are there wetlands on the site?

### **Staff Recommendation**

Staff finds the proposed development, as presented in the application materials could contribute to many goals of the City's Comprehensive Plan. Staff finds that the by-right uses for HW as outline in Z.O. Sec. 34-796, are a mix of appropriate and inappropriate uses for the subject properties. The residential, retail, and most of the commercial uses would be appropriate in this area. The applicant has removed most of the SUP from the use matrix that would be inappropriate for this area and the three (3) that remain could be appropriate depending on conditions. Any SUP would require additional review by staff, Planning Commission, and City Council. Should the development proceed as proposed in the application and narrative, staff finds that a small scale urban farm could benefit the City in this area by providing access to local produce. A mix of single family and multifamily developments are within a 6 minute walk of the subject properties. The only other local store within walking distance is the BP at the corner of Druid Avenue and Monticello Road.

Summarizing the Standard of Review, staff finds:

1. **Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.** *Staff finds the proposed rezoning (as presented in the application materials) would not comply with the City's Comprehensive General Land Use Plan Map, but would contribute to other chapters of the City's 2013 Comprehensive Plan.*
2. **Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.** *Staff finds the proposed rezoning (as presented in the application materials) would 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.** *Staff finds no justification for the proposed rezoning.*
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. *Staff finds the proposed rezoning (as presented in the application materials) would have no impact on public services or facilities, but would not meet the intent of the Highway Corridor district as defined within the proposed district classification.***

### **Suggested Motions**

1. I move to recommend approval of this application to rezone the subject properties from R-2, to HW, on the basis that the proposal would service the interests of the general public and good zoning practice.

**OR,**

2. I move to recommend denial of this application to rezone the subject properties from R-2 to HW, on the basis that the proposal would not service the interests of the general public and good zoning practice.

### **Attachments**

- A. Rezoning Application Dated January 22, 2018
- B. Applicant's Narrative Statement and supporting documents dated March 16, 2018 and revised September 6, 2018.
- C. Preliminary Proffer Statement and Use Matrix Dated Undated
- E. Planning Commission's letter to Albemarle County Dated April 18, 2018
- F. Albemarle Ordinance NO. 18-A(5)
- G. County Proffer Statement signed August 20, 2018
- H. Albemarle Summary of Planning Commission Action



# City of Charlottesville

## Application for Rezoning

Project Name: Hogwalker Farm

Address of Property: Nassau St. lots

Tax Map and Parcel Number(s): 61-79; 61-79.16; 61-79.17, 61-79.18; 61-79.19; 61-79.201

Current Zoning: R-2, HW

Proposed Zoning: HW

Comprehensive Plan Land Use Designation: low density residential

Applicant: Justin Shimp / Charles Hurt

Address: 201 E. Main Suite M Charlottesville, VA

Phone: (434) 227-5140 Email: justin@shimp-engineering.com

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

Owner      Owner's Agent      Contract Purchaser

Owner of Record: Dr. C. Hurt, Etal Trustees; Franklin St. Land Trust II

Address: PO Box 8147 Charlottesville, VA 22906

Phone: (434) 979-8182 Email: \_\_\_\_\_

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

(1) Signature [Signature] Print Justin Shimp Date 1/22/18

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

Other (specify): trustee

(2) Signature [Signature] Print Dr. Charles Hurt Date 1/22/18

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

Other (specify): trustee



# City of Charlottesville

## Application Checklist

Project Name: Hogwaller Farm

I certify that the following documentation is ATTACHED to this application:

- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- Completed proffer statement (incl. in affordable housing section of narrative)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature Charles W. Hart Print Charles W. Hart Date 1/22/2018

By Its: trustee

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



# City of Charlottesville

## Community Meeting

Project Name: Hogwaller Farm

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Charles Hurt | Justin Shimp

By:

Signature Charles W. Hurt Print Charles W. Hurt Date 1/22/2018

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





# City of Charlottesville

## Personal Interest Statement

Project Name: Hogwaller Farm

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Applicant: Charles Hurt / Justin Shimp

By:

Signature Charles W. Hurt Print Charles W. Hurt Date 1/22/2018

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

### Commonwealth of Virginia

County Albemarle  
City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 23rd day of January, 2018 by Charles W. Hurt.

Notary Signature Shirley L. Fisher

Registration #: 100845 Expires 9/30/20

**SHIRLEY L FISHER**  
NOTARY PUBLIC  
REG. #100845  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES SEP. 30, 2020



# City of Charlottesville

## Disclosure of Equitable Ownership

Project Name: Hogwaller Farm

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Justin Shimp Address 201 E. Main St. Suite M

Name Charles Hurt Address PO Box 8147, 22906

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Charles Hurt / Justin Shimp

By:

Signature Charles W. Hurt Print Charles W. Hurt Date 1/22/2018

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)

Attachment A



# City of Charlottesville

## Fee Schedule

Application Type	Quantity	Fee	Subtotal
Rezoning Application Fee	1	\$2000	\$ 2,000
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_



**Hogwaller Farm  
Rezoning & Special Use Permit Narrative  
March 16, 2018**

**Revised: September 6, 2018**

**RE: Rezoning and Special Use Permit Narrative, TMP 61-79 (portion), 61-79.16, 61-79.17, 61-79.18, 61-79.19, and 61-79.201**

Shimp Engineering is applying for a rezoning in accordance with Sec. 34-41 of the Charlottesville Zoning Ordinance, to rezone TMP 61-79.17, 61-79.18, 61-79.19, 61-79.201, and a portion of 61-79 from R-2 (Residential) to HW (Highway Corridor). Contingent upon rezoning approval, Shimp Engineering is applying concurrently for a special use permit in accordance with Sec. 34-158, to allow for residential units in a HW district on the aforementioned parcels and TMP 61-79.16. The proposed 30 (thirty) multifamily units on the approximately .94 acre site will be part of an innovative urban farm development comprised of City and County parcels, where the residential structures will be built on City parcels adjacent to a County parcel (TMP 77-20) that is intended to be utilized for agricultural production. It is the intent for the City parcels to also accommodate a greenhouse and a retail shop for farm sales; both uses, greenhouse and retail, are allowed by-right in a HW district. The proposed development does not trigger affordable housing provisions per Sec. 34-12, however, the applicant wishes to provide two affordable units as a condition of approval for the requested special use permit.

**Project Outline:**

**Parcels:** 61-79 (portion), 61-79.16, 61-79.17, 61-79.18, 61-79.19, and 61-79.201

**Current Zoning:** HW: 61-79.16; R-2: 61-79 (portion), 61-79.17, 61-79.18, 61-79.19, and 61-79.201

**Proposed Zoning:** HW on all parcels

**Existing Use:** Vacant and Residential

**Proposed Use:** Residential with affordable units, greenhouse for agricultural production, farm stand for potential farm sales

**Current Conditions:**

TMP 61-79.201 has an existing single family dwelling and the remaining parcels are vacant. The parcels have a clearing towards the northwest boundaries fronting on Nassau St. and are lightly wooded towards the rear of the lots. A portion of TMP 61-79.16, 61-79.17, 61-79.18, and 61-79.19 are in the floodplain. Parcels 61-79.201 and 61-79 (portion) are entirely in the floodplain. There are a few steep slopes on the property and there are no critical slopes present on the property.

**Proposed Use:**

The development proposal for this property consists of two multi-family structures: one three story structure with 18 (eighteen) one-bedroom units and one three story structure with 12 (twelve) two-bedroom units, for a total of 30 (thirty) units. This multi-family housing development will be part of an innovative urban farm that will encompass both City and County parcels, where housing, including affordable units, will be provided on the City parcels and the County parcel will be dedicated to agricultural purposes. A greenhouse, allowed by right, in a Highway zoning district will be located on the City parcels. Additionally, a farm stand of approximately 600 square feet will be located on the city portion of the

## Attachment B

development and will house future farm sales. The farm retail building will not exceed 4000 square feet, the maximum allowable square footage for retail use in a highway district. The development proposal includes proffered conditions for use and structure height in a HW zoning district.

### **Affordable Housing Data:**

There are currently no supported affordable units on the property. No units are required to be designated as affordable in the proposed development, per Sec. 34-12 of the Charlottesville City Zoning Ordinance, however, the applicant wishes to provide two affordable units as a condition of special use permit approval. The affordable units will rent at a rate affordable to those making up to 80% of the area median income (AMI).

The GFA of the residential structures, as proposed, on the property does not exceed 25,000 square feet. Given the site is approximately .94 Ac (40,946 square feet), the FAR of the site is .6.

### **Surrounding Uses:**

The immediate surrounding is entirely residential. R-2 parcels with single family dwellings are northeast of the development. R-1S parcels with single family dwellings are across Nassau St. opposite the proposed development. Parcels zoned HW are south of the development. Southwest of the development along Linden Ave there are existing multi-family structures and townhomes.

### **Consistency with Comprehensive Plan:**

The first goal of the Land Use Chapter of the Comprehensive Plan states, “enhance the sense of place throughout Charlottesville.” A unique development like Hogwaller Farm will inherently foster a sense of place by tying into the agricultural heritage of the area along Moore’s creek as the site of the livestock exchange and by serving as a unique residential model in Charlottesville. The second goal of the land use chapter is to, “establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.” The communal spaces within the residential development will facilitate resident interaction as well as allow for interaction between and among farm visitors. Goal 3 of the Housing Chapter is to, “grow the City’s housing stock for residents of all income levels.” Hogwaller Farm aligns with this goal because the proposed development offers a variety of housing options, in the form of one and two bedroom units in two multi-family structures. These units will be more affordable than the existing predominant housing stock in Belmont, the single family dwelling. The residential units proposed at Hogwaller Farm will directly contribute to achieving the City’s goal of “15% supported affordable housing by 2025,” by providing two affordable units.

### **Compliance with USBC Provisions**

The proposed development will be in compliance with all applicable USBC provisions.

### **Impacts on Public Facilities and Public Infrastructure:**

The project will have a minimal environmental footprint, and seeks to mitigate any ill effects. Stormwater runoff will largely be mitigated on the site of the development (city and county parcels) through an undisturbed riparian buffer and proposed tree plantings.

# Attachment C

Original Proffers \_\_\_\_\_  
Amendment \_\_\_\_\_

## PROFFER STATEMENT

Rezoning: Hogwaller Farm  
Tax Map and Parcel Number: 61-79 (portion), 61-79.17, 61-79.18, 61-79.19, and 61-79.201  
Owner: Franklin St. Land Trust II; Charles Wm Hurt & Shirley L Fisher, Trustees  
PO Box 8147  
Charlottesville, VA 22906  
  
Franklin St. Land Trust III; Justin M. Shimp, Trustee  
PO Box 8147  
Charlottesville, VA 22906  
  
Virginia Land Trust; Charles W Hurt, Et al, Trustees  
PO Box 8147  
Charlottesville, VA 22906

Date of Proffer Signature:  
Subject properties to be rezoned from R-2 to HW

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Franklin St. Land Trust II is the owner of Tax Map Parcel 610079000 (the "Land Trust II Property"). Franklin St. Land Trust III, is the owner of Tax Map and Parcel Number 610079170, 610079180, 610079190 (the "Land Trust III Property"). Virginia Land Trust is the owner of Tax Map and Parcel Number 610079201 (together with the Land Trust II Property and the Land Trust III Property, the "Property"). The Property is the subject of rezoning application ZM18-00001, a project known as "Hogwaller Farm."

Pursuant to Division 4 of the City of Charlottesville Zoning Ordinance (Chapter 34 of the City of Charlottesville Code), the Owners hereby voluntarily proffer the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, highway commercial (HC). These conditions are proffered as a part of the requested rezoning and the Owners acknowledge that the conditions are reasonable. Each signatory below signing on behalf of the Owners covenant and warrant that it is an authorized signatory of the Owners for this Proffer Statement

### **1. FUTURE USES:**

- (a) The gross floor area of any singular commercial use shall not exceed 4,000 square feet. This shall not prohibit the gross floor area of multiple commercial uses from exceeding 4,000 square feet.
- (b) The use of the Property shall be restricted to the following by right uses pursuant to Section 34-796 of the City of Charlottesville Zoning Ordinance, Codified through

## Attachment C

March 5, 2018, a copy of which is incorporated herein, inclusive of modifications as shown in strikethrough typeface:

**Attachment C**

Sec. 34-796. - Use matrix—Mixed use corridor districts.

The uses and residential densities allowed within the city's mixed use corridor districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see [section 34-216](#)).

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

Use Types	ZONING DISTRICTS													
	D	DE	DN	WME	WMW	CH	HS	NCC	HW	WSD	URB	SS	CD	CC
<b>RESIDENTIAL AND RELATED USES</b>														
Accessory apartment, internal						P								
Accessory apartment, external						P								
Accessory buildings, structures and uses (residential)	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Adult assisted living														
1—8 residents		B	B	B	B	B	B	B					B	B
<del>Greater than 8 residents</del>			S			B	S	S	<del>S</del>					
Adult day care						B								
Amateur radio antennas, to a height of 75 ft.						B								



Attachment C

Bed-and-breakfasts:														
<del>Homestay</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>B &amp; B</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Inn</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Boarding: fraternity and sorority house													S	
Boarding house (rooming house)													S	
<del>Convent/monastery</del>	B	B	B	B	B	B	B	S	<del>B</del>	B	B	B	B	B
Criminal justice facility						B								
Dwellings:														
Multifamily	M	B	B	M	M	B	B	M	B	M	B	M	M	B
Single-family attached		B	B	B	B	B	B	B					B	B
Single-family detached		B	B	B	B	B	B	B					B	B
Townhouse		S	S			B								
Two-family						B								
Family day home														
1—5 children		B	B	B	B	B	B	B					B	B
6—12 children														
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured home parks														
Night watchman's dwelling unit, accessory to industrial use														

Attachment C

<del>Nursing homes</del>						B	S	S	<del>S</del>					
Occupancy, residential														
3 unrelated persons														
4 unrelated persons	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Residential treatment facility														
1—8 residents	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<del>8+ residents</del>	S	S	S	S	S		S	S	<del>S</del>	S	S	S	S	S
<del>Shelter care facility</del>	S	S	S	S	S		S	S	<del>S</del>	S	S	S	S	S
Single room occupancy facility	S	S	S	S	S	S	S			S	S	S	S	S
Temporary family health care structure		T	T	T	T	T	T	T					T	T
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>														
Access to adjacent multifamily, commercial, industrial or mixed-use development or use														
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<del>Amusement center</del>	S	S	S	S	S				<del>B</del>	S	S	S	S	
Amusement enterprises (circuses, carnivals, etc.)														
Amusement park (putt-putt golf; skateboard parks, etc.)														

Attachment C

Animal boarding/grooming/kennels:														
With outside runs or pens														
<del>Without outside runs or pens</del>		B				S			<del>S</del>					
Animal shelter														
Art gallery:														
<del>GFA 4,000 SF or less</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
GFA up to 10,000 SF	B	B	S	B	B		S			B	S	B	B	S
Art studio, GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Art workshop	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Assembly (indoor)														
Arena, stadium (enclosed)														
Auditoriums, theaters														
<del>Maximum capacity less than 300 persons</del>	B	B	S	B	B	S	S		<del>B</del>	B			S	S
Maximum capacity greater than or equal to 300 persons	S	S		S	S					S				
Houses of worship	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Assembly (outdoor)														
<del>Amphitheater</del>	B	S	S	S	S		S		<del>S</del>	B	S	B	S	S
Arena, stadium (open)														
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	T	T	T	T	T	T	T	T

**Attachment C**

Assembly plant, handcraft		S												
Assembly plant														
Automobile uses:														
<del>Auto parts and equipment sales</del>		B		B	B				<del>B</del>		S			B
<del>Gas station</del>		S					S		<del>B</del>		S			
<del>Rental/leasing</del>									<del>B</del>		S			
<del>Repair/servicing business</del>		S					B	S	<del>B</del>		S			
<del>Sales</del>							S		<del>B</del>					S
<del>Tire sales and recapping</del>							B		<del>B</del>		B			
Bakery, wholesale														
GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
GFA up to 10,000 SF														
<del>Banks/financial institutions</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Bowling alleys</del>								S	<del>S</del>					
<del>Car wash</del>									<del>S</del>		S			
<del>Catering business</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Cemetery														
Clinics:														
<del>Health clinic (no GFA limit)</del>									<del>S</del>					
<del>Health clinic (up to 10,000 SF, GFA)</del>	S	B	S	B	B	S	B		<del>B</del>	S	B	S	B	B
<del>Health clinic (up to 4,000 SF, GFA)</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B

**Attachment C**

Public health clinic	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Veterinary (with outside pens/runs)</del>									<del>S</del>					
<del>Veterinary (without outside pens/runs)</del>							S		<del>S</del>					S
Clubs, private	S	S	S	S	S	S			<del>B</del>	S	B	S	S	B
Communications facilities:														
Attached facilities utilizing utility poles as the attachment structure	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Attached facilities visible from an adjacent street or property														
Carrier on wheels (COW)														
Towers														
Monopole tower														
Guyed tower														
Lattice tower														
Self-supporting tower														
Contractor or tradesman's shop, general														
Crematorium (independent of funeral home)														
<del>Data center &gt; 4,000</del>	B	B	S	S	S	B	S		<del>B</del>	B	B	B		S

**Attachment C**

<del>&lt;4,000</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Daycare facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<del>Dry cleaning establishments</del>	B	B		B	B				<del>B</del>	B	B	B	B	B
Educational facilities (non-residential)														
<del>Elementary</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>High schools</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Colleges and universities						B								
<del>Artistic instruction, up to 4,000 SF, GFA</del>	B	B	B	B	B	B	B	S	<del>S</del>	B	B	B	B	B
Artistic instruction, up to 10,000 SF, GFA	S	B		B	B	B				S		S		S
Vocational, up to 4,000 SF, GFA						B								
Vocational, up to 10,000 SF, GFA						B								
<del>Electronic gaming café</del>									<del>S</del>					
Funeral home (without crematory)														
GFA 4,000 SF or less		B	B	B	B	B	B				B			B
GFA up to 10,000 SF		B	S	S	S		S				S			
Funeral homes (with crematory)														
GFA 4,000 SF or less		B				B								
GFA up to 10,000 SF		B												
Golf course														

**Attachment C**

Golf driving range														
Helipad														
Hospital		S	S	S	S	B							S	
Hotels/motels:														
<del>Up to 100 guest rooms</del>	B	B		B	B	B	B		<del>B</del>	B	B	B	B	B
<del>100+ guest rooms</del>	B	B		B	B		B		<del>B</del>	B	B	B	S	S
<del>Laundromats</del>		B				B			<del>B</del>					
<del>Libraries</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Manufactured home sales														
Micro-producers	B	B	B	B	B		B		B	B	B	B	B	B
<del>Small Breweries</del>		S							<del>S</del>		S			S
Mobile food units	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<del>Movie theaters, cineplexes</del>	S	S	S	S	S	B	S		<del>B</del>	S	S	S	S	S
<del>Municipal/governmental offices, buildings, courts</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Museums:														
<del>Up to 4,000 SF, GFA</del>	B	B	B	B	B	B	B	S	<del>S</del>	B	B	B	B	B
Up to 10,000 SF, GFA	S	B	S	B	B	B	B			S	B	S	S	B
<del>Music hall</del>	B	P		B	B				<del>B</del>	B	B	S	B	P
Offices:														
<del>Business and professional</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Medical</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B

Attachment C

Philanthropic institutions/agencies	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Property management (ancillary to MFD)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<del>Other offices (non-specified)</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Outdoor storage, accessory</del>		S					S		<del>B</del>		S			
Parking:														
Parking garage	B	B	A/S	A/S	A/S	A/S	A/S		A/S	B	A/S	B	A/S	A/S
Surface parking lot (19 or less spaces)	B	B	B	B	B	B	B		B	B	B	A	B	A
Surface parking lot (more than 20 spaces)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary parking facilities														
Photography studio	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Photographic processing; blueprinting	B	B								B		B		
Radio/television broadcast stations	B	B	B	B	B	B	B			B	B	B	B	B
Recreational facilities:														
<del>Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios; skating rinks; recreation centers, etc. (on City-owned, City School Board-owned, or other public property)</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B



Attachment C

Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)														
GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
GFA (4,001—10,000 SF)	B	B	S	B	B	S	B			B	B	B	S	S
GFA more than 10,000 SF	B	B	S	B	B		S			B	S	B	S	S
<del>Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city-owned), and related concession stands</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	S	S	S	S	B	S	S	S	S	S	S	S	S
Restaurants:														
All night	S	S		S	S		S			S	S	S	S	S
Drive-through windows						S	S				S			S
<del>Fast food</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>Full service</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
24-hour														
Towing service, automobile														
Technology-based businesses	B	B	B	B	B	B	B	B	B	B	B	B	B	B

**Attachment C**

<del>Taxi stand</del>		B		S	S	B	S		<del>B</del>		B		S	B
Transit facility	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
Utility facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<b>NON-RESIDENTIAL USES: RETAIL</b>														
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Consumer service businesses:														
Up to 4,000 SF, GFA	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<del>Up to 10,000 SF, GFA</del>	B	B	B	B	B	S	S	S	<del>S</del>	B	B	B	B	S
<del>10,001+ GFA</del>		B	S	S	S			B	<del>S</del>		B		S	
Farmer's market	S	S	S	S	S		S	S	S	S	S	S	S	
Greenhouses/nurseries		S				B			B		S			
Grocery stores:														
Convenience	B	B	B	B	B	B	B	B	B	B	B	B	B	B
General, up to 10,000 SF, GFA	S	B	S	B	B	S	B	S	B	S	B	S	S	B
<del>General, more than 10,000 SF, GFA</del>	S	B	S	B	B		S		<del>B</del>	S	B	S	S	S
<del>Home improvement center</del>		S				S			B					
Pharmacies:														
<del>1-1,700 SF, GFA</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	B
<del>1,701-4,000 SF, GFA</del>	B	B	S	B	B	S	S		B	B	B	B	B	B

Attachment C

<del>4,001+ SF, GFA</del>	B	B	S	B	B	S	S		<del>B</del>	B	B	B	B	S
Shopping centers	S	S	S	S	S	S	S		<del>B</del>	S	S	S	S	S
<del>Shopping malls</del>	S	S	S	S	S		S		<del>S</del>	S	S	S	S	S
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)		T							T		T			T
Other retail stores (non- specified):														
Up to 4,000 SF, GFA	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<del>4,001 SF to 20,000 SF GFA</del>	S	B	S	B	B	S	S		<del>B</del>	S	B	S	S	S
<del>More than 20,000 SF, GFA</del>	S	B		S	S				<del>B</del>	S	B	S		S
<b>NON-RESIDENTIAL: INDUSTRIAL</b>														
Accessory buildings, structures and uses														
Assembly, industrial														
Beverage or food processing, packaging and bottling plants														
Brewery and bottling facility														
Compounding of cosmetics, toiletries, drugs and pharmaceutical products														
Construction storage yard														
Contractor or tradesman shop (HAZMAT)														
Frozen food lockers														

Attachment C

Greenhouse/nursery (wholesale)														
Industrial equipment: service and repair														
Janitorial service company														
Kennels														
Laboratory, medical >4,000 sq. ft.	S	B	S	B	B	B				S		S	B	S
<del>&lt;4,000 sq. ft.</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	
Laboratory, pharmaceutical >4,000 sq. ft.	S	S		S	S	S				S		S	S	
<del>&lt;4,000 sq. ft.</del>	B	B	B	B	B	B	B	B	<del>B</del>	B	B	B	B	
Landscape service company														
Laundries														
Manufactured home sales														
Manufacturing, light														
Moving companies														
<del>Printing/publishing facility</del>	S	B	S	S	S				<del>S</del>	S	S	S	S	S
Open storage yard														
Outdoor storage, accessory to industrial use														
Research and testing laboratories		B		B	B	B							B	S
Self-storage companies														
Warehouses														

Attachment C

Welding or machine shop														
Wholesale establishments														

(6-6-05(2); 6-19-06; 5-19-08(4); 9-2-08(2); Ord. of 9-15-08(1); 11-17-08(1); 11-17-08(2); 3-16-09(3); 7-20-09(2); 11-16-09; 2-16-10; 7-19-10; 10-4-10(2); 12-20-10(1); 1-18-11; 4-18-11(2); 6-20-11(2); 12-17-12(2); 5-6-13(2); 12-21-15(2); 3-21-16, § 5; 9-6-16, § 1)

## Attachment C

2. **STRUCTURES:** Any structure(s) located on the Property shall not exceed thirty-five (35) feet in height, where height is the vertical distance measured perpendicularly from grade from the highest point on such building or structure, per Section 34-1100.
3. **AFFORDABLE HOUSING:** Contingent upon approval of residential density on site, the Owners shall reserve ten percent (10%) of the units built on the Property for on-site For-Rent Affordable Dwelling Units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy.  
**FOR-RENT AFFORDABLE DWELLING UNITS:** For-Rent Affordable Dwelling Units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income (“AMI”) for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development (“HUD”).

## Attachment C

### OWNERS:

Franklin St. Land Trust II  
(to be signed upon final submission of proffer statement)

---

By: Charles Wm Hurt  
Title: Trustee  
Tax Map and Parcel Number: 610079000

Franklin St. Land Trust III  
(to be signed upon final submission of proffer statement)

---

By: Justin M. Shimp  
Title: Trustee  
Tax Map and Parcel Number: 610079170, 610079180, 610079190

Virginia Land Trust II  
(to be signed upon final submission of proffer statement)

---

By: Charles Wm Hurt  
Title: Trustee  
Tax Map and Parcel Number: 610079201

# Attachment C

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

**Franklin St. Land Trust II**

By: \_\_\_\_\_

**Franklin St. Land Trust III**

By: \_\_\_\_\_

**Virginia Land Trust**

By: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2018  
by Dr. Charles Wm Hurt, Trustee of Franklin St. Land Trust II.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



# Attachment E

## CITY OF CHARLOTTESVILLE “A World Class City”

Neighborhood Development Services  
610 East Market Street  
Charlottesville, VA 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



April 18, 2018

### **Albemarle County Planning Commission**

Community Development  
401 McIntire Road  
North Wing  
Charlottesville, VA 22902

**RE: PROJECT: ZMA201700007 Hogwaller Farm**

Dear Commissioners,

On April 10, 2018 the City of Charlottesville's Planning Commission held a Public Hearing for the above development project, as it relates to properties located within the City. As you are aware, the proposed development would cover properties in both the City and County and would impact both communities. As presented to the City's Planning Commission, the portion of the development within the Charlottesville would contain thirty (30) apartment units, a large greenhouse, and small retail store ("farm store"). The portion of the development in Albemarle would include farm sheds, agricultural fields, and a tree farm. It became apparent during the Public Hearing that the applicant could not proceed with the City side of the development should he not receive his rezoning request from the County. For this reason, the applicant has deferred action on the City applications for a rezoning and a SUP until after the County makes a decision related to project ZMA201700007.

During the meeting on April 10<sup>th</sup>, the following concerns were raised that the City's Planning Commission respectively asks the County to take into consideration during your deliberation for this project:

- Both the City and County portion of the development will only be accessible by way of City streets. Increased traffic and the introduction of larger vehicles (large trucks and equipment for farming and tree transplanting) are a concern.
- The City would like to see access for all residents to Moores Creek and Rives Parks. The opportunity for public access easements and new trails needs consideration with this application. The Bicycle and Pedestrian Plan calls for a Shared Use Path along Moores Creek at this location.
- The housing component of the development is very important to the City. Unintended consequences of rezoning the City portion of the development could lead to the loss of future housing stock that the current R-2 zoning allows. A rezoning on the City side to Highway Corridor currently requires a Special Use Permit for any density. Of concern is any future development that utilizes by-right commercial or retail uses without a housing component.

The City's Planning Commission is intrigued by the idea of an Urban Farm that has a residential component and contributes to the surrounding community by providing local products and a live work environment. It is also apparent, through information gained at the April 10<sup>th</sup> meeting, this development hinges on the outcome of the County's rezoning process. It would be premature for the City to act upon

## Attachment E

the applicant's request for a rezoning and SUP before the County's portion of the development is resolved. Thank you for taking the time to hear our thoughts and concerns as you prepare to make a recommendation on this project.

Sincerely,  
The City of Charlottesville Planning Commission

Lisa Green — Chair  
Taneia Dowell  
Genevieve Keller  
Kurt Keesecker  
Jody Lahendro  
John Santoski  
Lyle Solla-Yates

# Attachment F

## ORDINANCE NO. 18-A(5) ZMA 2017-07 HOGWALLER FARM

### AN ORDINANCE TO REZONE 7.52 ACRES FROM LI LIGHT INDUSTRIAL TO RA RURAL AREAS FOR TAX MAP PARCEL NUMBER 07700-00-00-02000

**WHEREAS**, the application to rezone 7.52 acres from LI Light Industrial to RA Rural Areas for Tax Map Parcel Number 07700-00-00-020000 is identified as ZMA 2017-00007 Hogwaller Farm (“ZMA 2017-07”); and

**WHEREAS**, staff recommended denial of ZMA 2017-07 for reasons set forth in the May 1, 2018 Planning Commission staff report; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2017-07 on May 1, 2018 and recommended denial; and

**WHEREAS**, subsequent to the Planning Commission meeting, the applicant submitted a revised conceptual plan and revised proffers, which staff believes address the issues of concern raised by staff and the Planning Commission; and

**WHEREAS**, on August 1 and September 12, 2018, the Albemarle County Board of Supervisors held duly noticed public hearings on ZMA 2017-07.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-07 and its attachments, including the proffers dated August 20, 2018, which include the use restrictions and the establishment and maintenance of a riparian buffer as recommended by staff, as well as the establishment of a maximum aggregate limit of 600 square feet for any structure(s) within the Floor Hazard Overlay District as requested by the Board on August 1, and the rezoning application plan entitled “TMP 07700-00-00-02000: Hogwaller Farm, ZMA Application: 2017-00007”, prepared by Shimp Engineering, P.C., dated January 16, 2018 and last revised on June 27, 2018 (the “conceptual plan”), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the RA Rural Areas zoning district stated in County Code § 18-10.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2017-07 with the proffers dated August 20, 2018 and the conceptual plan dated January 16, 2018 and last revised on June 27, 2018.

\* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

# Attachment G

Original Proffers   X    
Amendment           

## PROFFER STATEMENT

ZMA Number: 2017-00007

Tax Map and Parcel Number: 07700-00-00-02000

Owner: Franklin St. Land Trust II; Charles Wm Hurt & Shirley L Fisher,  
Trustees  
PO Box 8147  
Charlottesville, VA 22906

Date of Proffer Signature:

7.52 Acres to be rezoned from LI to RA

---

Franklin St. Land Trust II, is the owner (the "Owner") of Tax Map and Parcel Number 07700-00-00-02000 (the "Property") which is the subject of rezoning application ZMA No. 2017-00007, a project known as "Hogwaller Farm" (the "Project").

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, rural areas (RA). These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. **SITE DEVELOPMENT:** The property will be developed in general accord with the conceptual plan titled "TMP 07700-00-00-02000: Hogwaller Farm" dated 01-16-2018 and last revised 06-27-18, as determined by the Zoning Administrator. The property will be developed to feature the major elements shown on the conceptual plan, which includes an undisturbed riparian buffer and riparian buffer signage. The conceptual plan is attached herein as Attachment A.
2. **RIPARIAN BUFFER:** An undisturbed riparian buffer area ("riparian buffer") managed in accordance with the Albemarle County stream buffer protection regulations (County Code § 17-600, et seq.) will be established and maintained for perpetuity, provided that the area within the riparian buffer shall not be eligible for the "silvicultural activities" exemption that is otherwise provided by County Code § 17-602(c) . The riparian buffer will extend to 100' from the top of bank of Moore's Creek or to the limits of the



## Attachment G

floodway, whichever is greater. A copy of County Code § 17-601 is attached herein as Attachment B for reference purposes.

3. **RIPARIAN BUFFER AREA DESIGNATION:** Signage denoting the extent of the riparian buffer along the property shall be installed by the property owner prior to the commencement of uses/activities listed in Proffer #4 “Agricultural Uses.” Signage shall be maintained as long as the property is in operation with uses/activities stated in Proffer #4. Signage will be maintained by the property owner at the time the signage is in need of repair. The size, type of material(s), content, number, and locations of the signs shall be approved by the Zoning Administrator and County Engineer.
4. **FUTURE USES:** Agricultural Uses: The use of the property shall be restricted to the following by right uses pursuant to Section 10.2.1(3), (6), (7), (9), (21), (27), and (30) of the Albemarle County Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, inclusive of modifications as shown in underline or strikethrough typeface:
  - 3. Agriculture, forestry, and fishery uses, excluding livestock activity involving swine or cows, and excluding agriculture, forestry, or fishery uses within the designated “riparian buffer” area.
  - 6. Water, sewer, energy, communications distribution facilities (reference 6.1.12)
  - 7. Accessory uses and building including ~~major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and~~ storage buildings.
  - 9. Public uses (reference 5.1.12)
  - 21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
  - 27. Farm stands (reference 5.1.47).
  - 30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).

Additionally, the property may also be used for the following special uses pursuant to Section 10.2.2 of the Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, subject to the applicable requirements of the Zoning Ordinance, provided that a special use permit is approved:

- 39. Hydroelectric power generation (reference 5.1.26).
5. **STRUCTURES:** Any structure(s) within the Flood Hazard Overlay District shall:
    - (a) not exceed six hundred (600) square feet of aggregate improved space, and
    - (b) be subject to both
      - (i) the applicable Required Permits and Certifications Prerequisite to Development, pursuant to Section 30.3.12 of the Albemarle County Zoning Ordinance (in effect on August 1, 2018), and
      - (ii) the applicable Construction Standards, pursuant to Section 30.3.15 of the Albemarle County Zoning Ordinance (in effect on August 1, 2018).

# Attachment G

**OWNER:**

Franklin St. Land Trust II

(to be signed upon final submission of proffer statement)

---

By: Charles Wm Hurt

Title: Trustee



Tax Map and Parcel Number: 07700-00-00-02000

# Attachment G

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

**Franklin St. Land Trust II**

By:

*Charles Wm Hurt*

COMMONWEALTH OF VIRGINIA

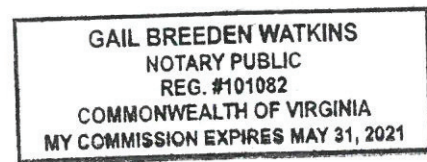
CITY/COUNTY OF Mecklenburg, to wit:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of August 2018 by Dr. Charles Wm Hurt, Trustee of Franklin St. Land Trust II.

My Commission expires: May 31, 2021

Gail B Watkins

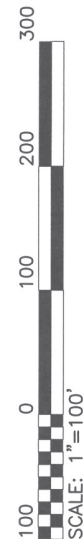
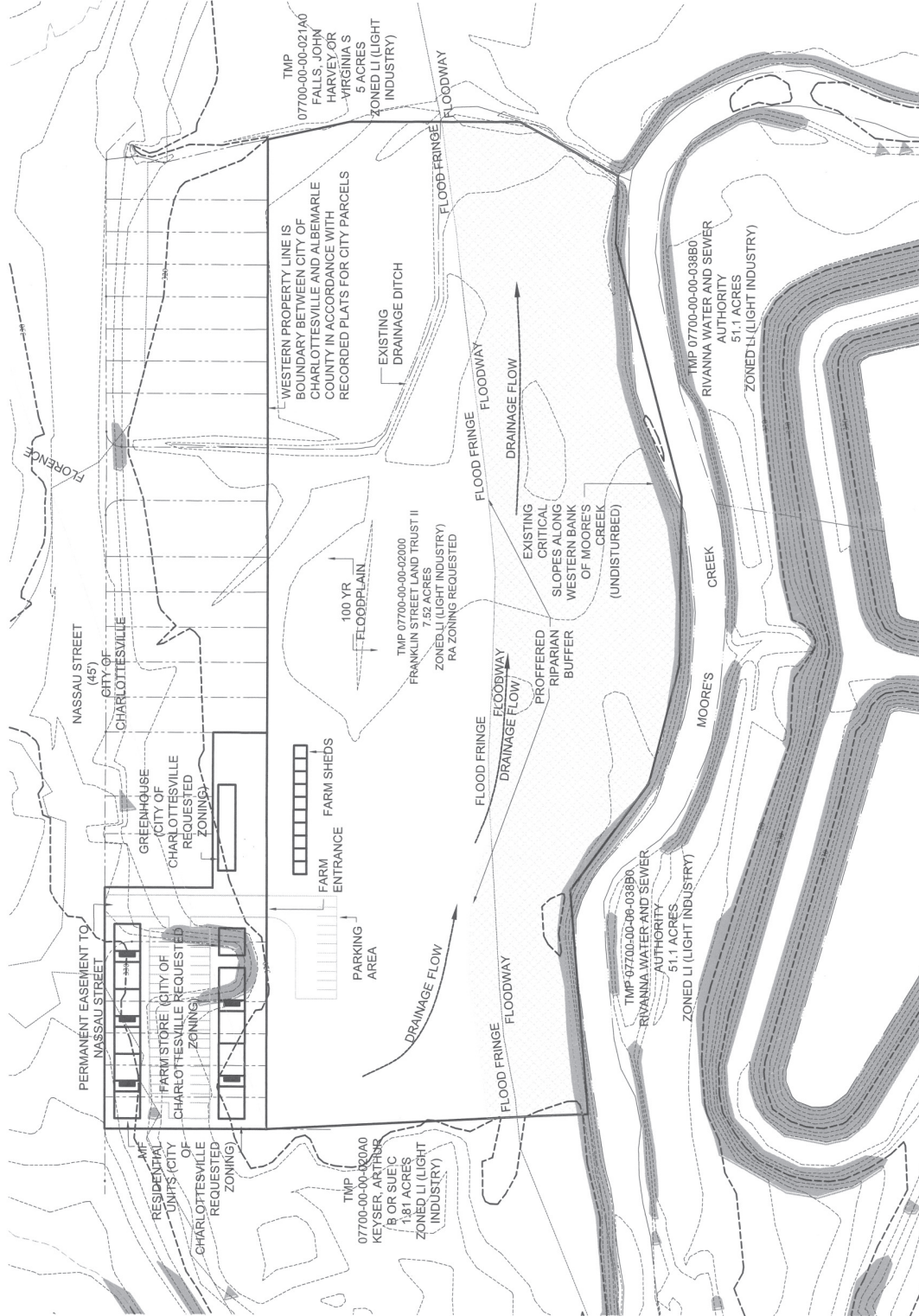
Notary Public





NOTES:

1. TOPOGRAPHIC INFORMATION PROVIDED BY ALBEMARLE COUNTY GIS DATA, CHARLOTTEVILLE CITY GIS DATA, AND ADDITIONAL FIELD SURVEY PROVIDED BY ROGER RAY AND ASSOCIATES.
2. THE PROPOSED STRUCTURES WITH THIS REZONING ARE ACCESSORY TO THE AGRICULTURAL USE, ARE LOCATED OUTSIDE OF THE FLOODWAY, AND ARE NOT RESIDENTIAL. ANY FENCING PROVIDED FOR THE FARM USE WILL BE DESIGNED SO AS NOT TO IMPEDE THE FLOW OF THE 100-YEAR FLOOD. SECURITY FENCING, SUCH AS CHAIN LINK, WILL NOT BE PROVIDED FOR THE SITE.
3. PARKING AREA SHOWN IS FOR TEMPORARY VEHICLE PARKING FOR FARM VISITORS AND EMPLOYEES.
4. RIPARIAN BUFFER SHOWN IS 100' FROM TOP OF BANK OR EDGE OF FLOODWAY, WHICHEVER IS GREATER, PER PROFFER STATEMENT



TMP 07700-00-00-02000: Hogwaller Farm  
 ZMA Application: 2017-00007  
 Conceptual Plan  
 01-16-2018  
 last revised:  
 06-27-2018



# Attachment G

## ATTACHMENT B

### **Sec. 17-601 Management of stream buffer.**

Each stream buffer required to be retained or established pursuant to section 17-600 shall be managed as provided herein:

- A. Target vegetative cover. The preferred vegetative cover in a stream buffer shall be a native riparian forest with ground cover, shrub, and tree canopy layers.
- B. Preservation of native vegetation. When evaluating a development design under subsection (C), when native vegetation may be disturbed or removed under subsection (D) and sections 17-603 and 17-604, and when stream buffers are maintained under subsection (E), native vegetation shall be preserved to the fullest extent possible.
- C. Incorporation into development design. Each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.
- D. Retaining native vegetation; disturbance or removal. In order to maintain the runoff, erosion, nonpoint source pollution control, stream temperature, and ecological values of the stream buffer, no native vegetation within the stream buffer shall be disturbed or removed, regardless of the size of the area affected, except to maintain the stream buffer as provided in subsection (E), provided that native vegetation may be removed to construct, install, operate or maintain any improvement, or engage in any activity, authorized by sections 17-603 and 17-604.
- E. Maintaining the stream buffer. Each stream buffer shall be maintained in as natural a condition as possible.

(§ 19.3-42, 2-11-98, § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-42; § 17-318, Ord. 98-A(1), 8-5-98; § 17-601, Ord. 14-17(1), 5-7-14, effective 7-1-14)

State law reference – Va. Code § 62.1-44.15:73; 9VAC25-890-40.

**CHAPTER 18. ZONING**

**SECTION 10. RURAL AREAS DISTRICT, RA**

**Sections:**

- 10.1 Intent, where permitted.**
- 10.2 Permitted uses.**
- 10.2.1 By right.**
- 10.2.2 By special use permit.**
- 10.3 Application of regulations for development by right.**
- 10.3.1 Conventional development.**
- 10.3.3 Rural preservation development.**
- 10.3.3.1 Definitions.**
- 10.3.3.2 Intent; design standards.**
- 10.3.3.3 Special provisions.**
- 10.4 Area and bulk regulations.**
- 10.5.2 Where permitted by special use permit.**
- 10.5.2.2 Materials to be submitted by the applicant.**

**Sec. 10.1 Intent, where permitted.**

This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective. Where development does occur, rural residents should expect to receive a lower level of service delivery than will be provided to residential developments in designated growth areas. In relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.

In regard to agricultural preservation, this district is intended to preserve the county's active farms and best agricultural and forestal lands by providing lot areas designed to insure the continued availability of such lands for preferential land use tax assessment in order to enhance the economy, and maintain employment and lifestyle opportunities. In addition, the continuation and establishment of agriculture and agriculturally-related uses will be encouraged, and landowners will be encouraged to employ Virginia State Water Control Board best management practices.

(§ 20-10.1, 12-10-80, 11-8-89; § 18-10.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

It is intended that permitted development be restricted to land which is of marginal utility for agricultural/forestal purposes, provided that such development be carried out in a manner which is

# Attachment G

## ALBEMARLE COUNTY CODE

compatible with other purposes of this district. Roadside strip development is to be discouraged through the various design requirements contained herein.

### **Sec. 10.2 Permitted uses.**

#### **Sec. 10.2.1 By right.**

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side duplexes subject to the provisions of section 10.4; provided that density is maintained and provided 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.
3. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
4. Game preserves, wildlife sanctuaries and fishery uses.
5. (Repealed 5-5-10)
6. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
7. Accessory uses and buildings including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses (reference 5.1.12).
10. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
11. Veterinary services - off-site treatment only.
12. Agricultural service occupation (subject to performance standards in 4.14).
13. Divisions of land in accordance with section 10.3.
14. Bed and breakfast (reference 5.1.48).
15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
  - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
  - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.
16. Temporary manufactured home in accordance with section 5.7.

# Attachment G

## *ALBEMARLE COUNTY CODE*

17. Farm winery uses, events, and activities authorized by section 5.1.25(a),(b), and (c)(2).
18. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
19. Manufactured homes on individual lots (reference 5.6).
20. Commercial stable (reference 5.1.03).
21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).
24. County store, Class A (reference 5.1.45).
25. Small wind turbines (reference 5.1.46).
26. (Repealed 11-12-14)
27. Farm stands (reference 5.1.47).
28. Family day homes (reference 5.1.56).
29. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
31. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).
32. Group home (reference 5.1.07).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

### **Sec. 10.2.2 By special use permit.**

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
2. Clubs and lodges (reference 5.1.02).
3. Fire and rescue squad stations (volunteer) (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.

**Attachment G**  
**ALBEMARLE COUNTY CODE**

6. Energy and communications transmission facilities (reference 5.1.12).
7. Day care centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
13. Custom slaughterhouse.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
15. (Repealed 8-9-17)
16. (Repealed 11-15-95)
17. Commercial kennel (reference 5.1.11 and subject to performance standards in 4.14).
18. Veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).
19. Private airport, helistop, heliport, flight strip (reference 5.1.01).
20. Day camp, boarding camp (reference 5.1.05).
21. Sanitary landfill (reference 5.1.14).
22. Country store, Class B (reference 5.1.45).
23. Commercial fruit or agricultural produce packing plants.
24. (Repealed 11-8-89)
25. Flood control dams and impoundments.
26. (Repealed 11-8-89)
27. Restaurants, taverns, and inns that are:
  - a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or

**Attachment G**  
*ALBEMARLE COUNTY CODE*

- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system.
- 28. Divisions of land as provided in section 10.5.2.1.
- 29. Boat landings and canoe livery.
- 30. Permitted residential uses as provided in section 10.5.2.1.
- 31. (Repealed 1-12-11)
- 32. Cemetery.
- 33. Crematorium.
- 34. (Repealed 3-21-01)
- 35. Religious assembly use.
- 36. Gift, craft and antique shops.
- 37. Public garage.
- 38. Exploratory drilling.
- 39. Hydroelectric power generation (reference 5.1.26).
- 40. Borrow area, borrow pit not permitted under section 10.2.1.18.
- 41. Convent, Monastery (reference 5.1.29).
- 42. Temporary events sponsored by local nonprofit organizations which are related to, and supportive of the RA, rural areas, district (reference 5.1.27).
- 43. Agricultural Museum (reference 5.1.30).
- 44. Theatre, outdoor drama.
- 45. (Repealed 11-12-14)
- 46. Off-site parking for historic structures or sites (reference 5.1.38) or off-site employee parking for an industrial use in an industrial zoning district (reference 5.1.39).
- 47. Animal shelter (reference 5.1.11).
- 48. Tier III personal wireless service facilities (reference 5.1.40).
- 49. Historical centers, historical center special events, historical center festivals (reference 5.1.42).
- 50. Special events (reference 5.1.43).
- 51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).



**Attachment G**  
**ALBEMARLE COUNTY CODE**

- 52. Sale of gasoline and other fuels in conjunction with a country store, Class A or Class B (reference 5.1.45).
- 53. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3).
- 54. Farmers' markets (reference 5.1.47).
- 55. Farm brewery uses, events, and activities authorized by section 5.1.57(c)(3).
- 56. Events and activities at agricultural operations authorized by special use permit under section 5.1.58(d).
- 57. Farm distillery uses, events, and activities authorized by section 5.1.59(c)(3).
- 58. Solar energy systems.

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

**Sec. 10.3 Application of regulations for development by right.**

The following provisions shall apply to any parcel of record at 5:15 p.m., the tenth day of December, 1980 (reference 6.5).

(§ 20-10.3, 12-10-80; 11-8-89; § 18-10.3, Ord. 98-A(1), 8-5-98)

**Sec. 10.3.1 Conventional development.**

Regulations in section 10.5 governing development by right shall apply to the division of a parcel into five (5) or fewer lots of less than twenty-one (21) acres in area and to the location of five (5) or fewer dwelling units on any parcel in existence at the time of adoption of this ordinance (reference section 1.3). The aggregate acreage devoted to such lots or development shall not exceed thirty-one (31) acres, except in such case where this aggregate acreage limitation is precluded by other provisions of this ordinance. The second sentence of this provision shall not be applicable to land divided between the effective date of this ordinance (reference section 1.3) and November 8, 1989.

(§ 20-10.3.1, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.1, Ord. 98-A(1), 8-5-98; Ord. 00-18(4), 6-14-00)

10.3.2 In addition to the foregoing, there shall be permitted by right any division of land into parcels each of which shall be twenty-one (21) acres or more in area. No such parcel shall be included in determining the number of parcels which may be created by right pursuant to section 10.3.1; provided that (a) no such division shall affect the number of parcels which may be divided pursuant to section 10.3.1; (b) there may be located not more than one (1) dwelling unit on any parcel created pursuant to this section; (c) at the time of any such division, the owner of the parcel so divided shall designate the number of parcels into which each parcel so divided may be further divided pursuant to section 10.3.1 together with aggregate acreage limitations in accordance with section 10.3.1; and (d) no such division shall increase the number of parcels which may be created pursuant to section 10.3.1.

(§ 20-10.3.2, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.2, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

**Attachment H**  
**COUNTY OF ALBEMARLE**  
**TRANSMITTAL TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<p><b>AGENDA TITLE:</b> ZMA201700007 Hogwaller Farm</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Rezone 7.52-acre parcel from Light Industrial (LI) which allows industrial, office, and limited commercial uses (no residential uses), to Rural Areas (RA) which allows agricultural, forestal, and fishery uses as well as residential uses.</p> <p><b>SCHOOL DISTRICTS:</b> Cale – Elementary; Walton – Middle; and Monticello – High</p>	<p><b>AGENDA DATE:</b> September 12, 2018</p> <p><b>STAFF CONTACT(S):</b> Kamptner, Pohl, Benish, Padalino</p> <p><b>PRESENTER(S):</b> Tim Padalino</p>
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**BACKGROUND:**

At the August 1, 2018 Board meeting, a public hearing was conducted on ZMA201700007 Hogwaller Farm. The staff report for that meeting included a recommendation for approval, and the Board voted to adopt Ordinance 18-A(5) to approve ZMA201700007. However, the County Attorney's Office has since concluded that another public hearing and Board action is required because the proffers were amended after the August 1 public hearing was closed. Due to the length of the August 1, 2018 staff report and attachments, it is not included with this Transmittal Summary, but may be found with the Board's August 1, 2018 meeting materials.

**DISCUSSION:**

The applicant has submitted revised proffers (Attachment A), which include all of the proffers the Board previously considered during the August 1 public hearing, as well as an additional proffer (#5) to establish a maximum limit of six hundred (600) square feet (aggregate total) for any structure(s) within the Flood Hazard Overlay District. This additional proffer formalizes the verbal commitment which was discussed and found to be acceptable at the August 1 Board meeting.

Please note the revised proffers do not include a commitment to specify gravel as the parking lot surface material. Although the applicant's intent is for the parking lot to be gravel, the applicant has expressed reluctance to have this material specification become a legislative requirement established through this ZMA petition. After extensive coordination with Frank Pohl, County Engineer and Floodplain Administrator, staff is in agreement with the applicant that the appropriate method and time to address the issue of parking lot materials is during the detailed review of the Floodplain Development Permit application, which is required for improvements within the Flood Hazard Overlay District. The Floodplain Development Permit application and review process would include project-specific and property-specific details that are necessary in order for the Floodplain Administrator to make an informed decision about the design and material specification(s) of proposed improvements.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt the attached Ordinance (Attachment B) to approve ZMA201700007 with proffers.

**ATTACHMENTS:**

Attach. A – Revised Proffer Statement (signed and dated 8/20/2018) with proffered Conceptual Plan (dated 6/27/2018)  
Attach. B – Ordinance to Approve ZMA201700007



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



**APPLICATION FOR A SPECIAL USE PERMIT**

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

**DATE OF HEARING: December 11, 2018**

**APPLICATION NUMBER: SP18-00004**

**Project Planner:** Matthew Alfele, AICP

**Date of Staff Report:** March 26, 2018 (updated September 19, 2018 and December 1, 2018)

**Applicant:** Justin Shimp and Charles Hurt

**Applicant's Representative:** Justin Shimp with Shimp Engineering, P.C.

**Current Property Owner:** Charles Hurt and Shirley Fisher

**Application Information**

**Property Street Address:** 918 Nassau Street (four unaddressed lots and a portion of one unaddressed lot)

**Tax Map/Parcel #:** Tax Map 61, Parcels 79.16, 79.17, 79.18, 79.19, & 79.201 and a portion of Tax Map 61, Parcel 79

**Total Square Footage/ Acreage Site:** Approx. 0.94 acres (40,946 square feet)

**Comprehensive Plan (General Land Use Plan):** Low Density Residential

**Current Zoning Classification:** R-2

**Tax Status:** Parcel is up to date on payment of taxes

**Completeness:** The application generally contains all of the information required by Zoning Ordinance (Z.O.) Secs. 34-41(d), and 34-158(a) and (b).

**Applicant's Request (Summary)**

*On April 10, 2018 the Planning Commission held a joint Public Hearing for a SUP on the Subject Properties to increase density from a by-right zero (0) DUA (dwelling unit per acre) to thirty-two (32) DUA. During the Public Hearing the Planning Commission expressed concerns with the County portion of the development and did not want to take any action until Albemarle County granted or denied a rezoning petition. The applicant requested, and received, a deferral by the Planning Commission until*

*the County portion of the development status was resolved. The Planning Commission also requested Albemarle County to be aware of the City's concerns with the project. On April 18, 2018 the Planning Commission sent a letter to Albemarle County's Planning Commission (See **Rezoning Application ZM18-00001 Attachment E**) Below are the main points from that letter:*

- *Both the City and County portion of the development will only be accessible by way of City streets. Increased traffic and the introduction of larger vehicles (large trucks and equipment for farming and tree transplanting) are a concern.*
- *The City would like to see access for all residents to Moores Creek and Rives Parks. The opportunity for public access easements and new trails needs consideration with this application. The Bicycle and Pedestrian Plan calls for a Shared Use Path along Moores Creek at this location.*
- *The housing component of the development is very important to the City. Unintended consequences of rezoning the City portion of the development could lead to the loss of future housing stock that the current R-2 zoning allows. A rezoning on the City side to Highway Corridor currently requires a Special Use Permit for any density. Of concern is any future development that utilizes by-right commercial or retail uses without a housing component.*

*On September 12, 2018 the Albemarle Board of Supervisors approved an ordinance to rezoning 7.52 acres from LI Light Industrial to RA Rural Areas (See **Rezoning Application ZM18-00001 Ordinance NO. 18-A(5) Attachment F, County Proffer Statement Attachment G, and Albemarle summary of Planning Commission Action Attachment H**). Below are key portions of the approved ordinance and proffer statement:*

- *The property will be developed in general accord with the conceptual plan titled "TMP 07700-00-00-02000: Hogwaller Farm" dated 01-16-2018 and last revised 06-27-18 (**Rezoning Application ZM18-00001 Attachment G page 5**).*
- *A 100' riparian buffer will be preserved from the top of Moore's Creek bank and signed (**Rezoning Application ZM18-00001 Attachment G page 6**).*
- *Uses on the site are restricted to the uses pursuant to Section 10.2 (3), (6), (7), (9), (21), (27), and (30) (**Rezoning Application ZM18-00001 Attachment G page 2**).*
- *Any structure(s) within the Flood Hazard Overlay District shall not exceed six hundred (600) square feet of aggregated improved space (**Rezoning Application ZM18-00001 Attachment G page 2**).*

Planning Commission held an additional joint Public Hearing on October 9, 2018 for the SUP of the Subject Properties. During the hearing, concerns were raised with the application regarding the Use Matrix, number of affordable units, and stormwater. The applicant requested a deferral in order to hold a work session with the Planning Commission to address these concerns in more detail. On October 30, 2018 the Planning Commission held a work session with the applicant and the provided the following direction:

- Concern with the name of the development.

- The Human Rights Commission was contacted regarding the name of the development and any derogatory connotation. Staff was informed that this matter would be discussed at the November 15, 2018 meeting. Staff has repeatedly followed up with the Human Rights Commission on this matter, but as of the date of this report no information has been provided.
- Concern with the size of any future by-right commercial or retail development.
  - The applicant has updated their proffer statement to reflect a 4,000sqft gross floor maximum for any singular commercial use on site **(see rezoning staff report for ZM18-00001)**.
- Concern with “Convenience Store” use and what that could be.
  - Staff recommended to the applicant to get a Zoning Determination from the Zoning Administrator on what a “Convenience Store” is. No action was taken on this recommendation.
- Concern over Special Uses that remained in the proffered use matrix.
  - Staff consulted with the City Attorney’s Office and it was determined that SUPs could be removed from a proffered use matrix. The applicant updated their proffer statement to remove all SUPs, with the exception of Utility Facilities, Farmer’s Markets, and Outdoor Parks **(see rezoning staff report for ZM18-00001)**.
- Concern not enough affordable units would be provided within the development.
  - The applicant updated their proffer statement related to affordable housing **(see rezoning staff report for ZM18-00001)**.
- Concern with how stormwater will be handled for the development.
  - Staff has updated their analysis **(see rezoning staff report for ZM18-00001)** and page 11.

Justin Shimp has submitted a special use application (SUP) for 918 Nassau Street, a portion of tax map 61, parcel 79, and tax map 61 parcels 79.16, 79.17, 79.18, 79.19, & 79.201 (Subject Properties) for residential density. The SUP application is being requested (in conjunction with rezoning application ZM18-00001) to accommodate the development of (18) one-bedroom and (12) two-bedroom units split between (2) three-story apartment buildings for a total of (30) dwelling units. The development is being proposed as an urban farm and will accommodate a 1,280 square foot greenhouse and an approximately 600 square foot retail farm store. Additional parking, farm sheds, and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel.

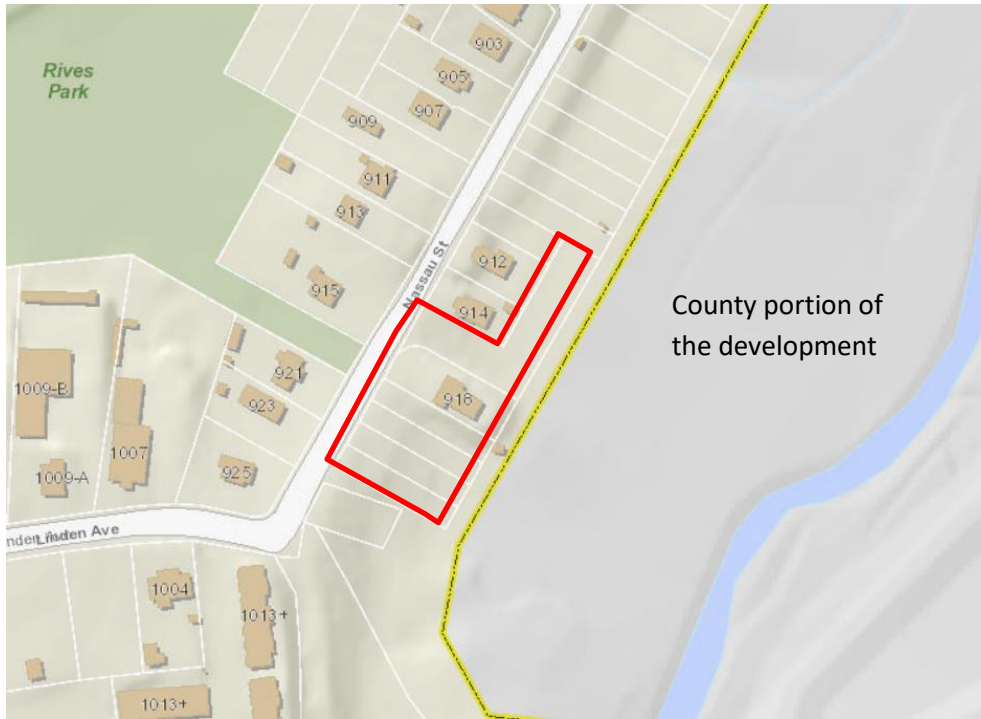
The applicant has submitted a rezoning petition (ZM1-00001) and a SUP application (SP18-00004) in order to develop a specific project on the subject properties **(Attachment C)**.

Per the two applications the proposed development involves:

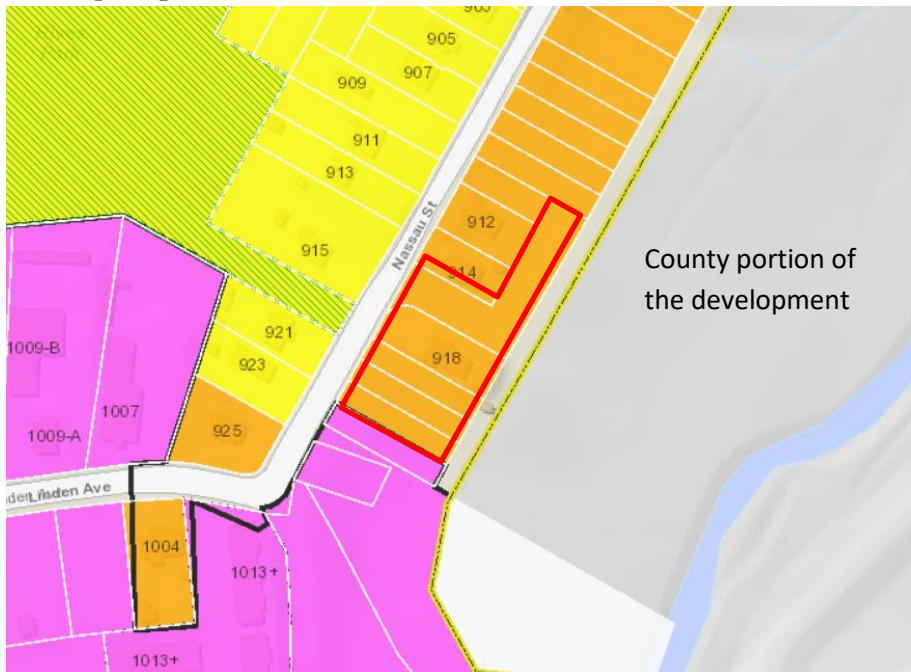
- ZM18-00001 – A rezoning request of the subject properties from R-2 to HW (Highway Corridor).
- SP18-00004 – A SUP request for a density of thirty-two (32) DUA.

The applicant is proposing two (2) multi-family apartments on the subject properties.

**Vicinity Map**



**Zoning Map**

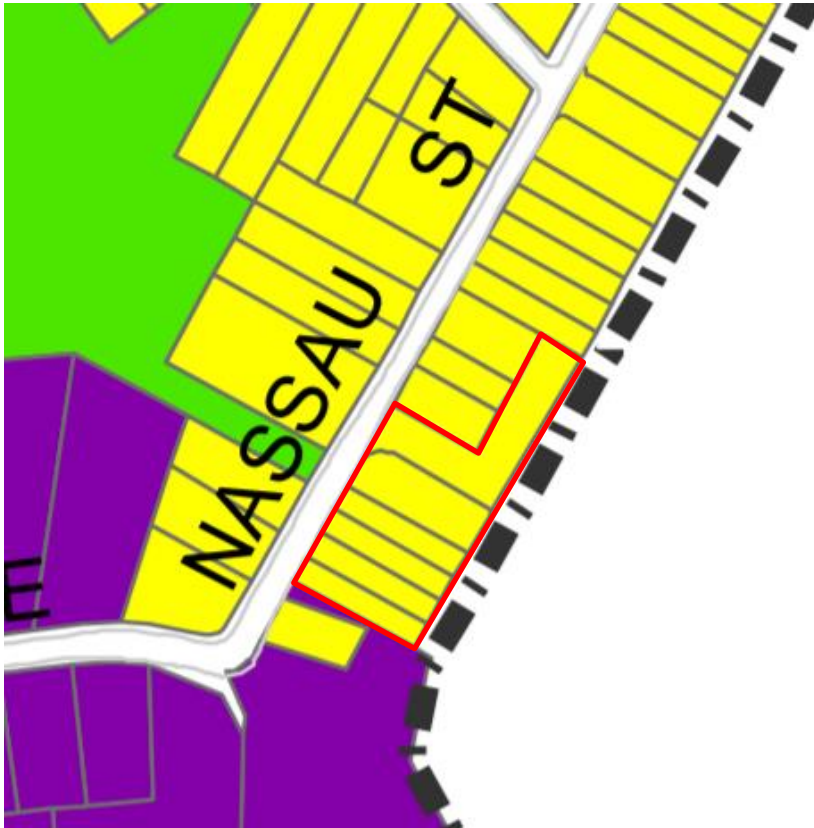


**Gray:** County Land, **Orange:** (R-2) Residential Two-family, **Yellow:** (R-1S) Residential Single-Family, **Purple:** (HW) Highway Corridor, **Green Stripped:** Park

**2016 Aerial**



**2013 Comprehensive Plan Land Use Map**



**Yellow:** Low Density Residential, **Purple:** Mixed Use, & **Green:** Park or Preserved Open Space, **White:** County

**Standard of Review**

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to

- (i) whether or not Council should approve a proposed SUP and if so,
- (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

Section 34-157 of the City’s Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff’s analysis of those factors, based on the information provided by the applicant.

**34-157(1) whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.**

The properties immediately surrounding the subject property are described as:

Direction	Zoning District	Current Use
East	*7.52 acres of county land	Vacant floodplain and floodway land that abuts Moores Creek
South	HW	Vacant parcel
West	R-1S	Residential Homes and Rives Park
North	R-2	Residential Homes and Vacant parcels

\* The 7.52 acres of county land is part of the proposed development and would serve as farm land supporting the City’s portion of the development. The parcel of land was rezoned from Light Industrial to Rural Areas by the Albemarle Board of Supervisors on September 12, 2018 **(See Rezoning Application ZM18-00001 Attachment F)**.

The uses surrounding the subject property are mostly single family, two-family, and vacant parcels. In addition, multi-family and commercial/industrial uses are in close proximity to the proposed development. Most buildings surrounding the subject property are one (1) or two (2) story in height, but within close proximity (at the corner of Nassau and Linden) are three (3) story condos and apartments. The buildings adjacent to the subject properties are two (2) single family homes. Directly across the street from the subject properties is access to Rives Park. Commercial and industrial uses such as Van Yahres Tree Company, Albemarle Heating & Air, and JAUNT are all within 0.2 miles of the subject properties.



Staff Analysis: The site plan (**Attachment C**) and application materials (**Attachment A and B**) propose two (2) three (3) story multi-family buildings with twelve (12) two-bedroom units in one and eighteen (18) one-bedroom units in the second for a total of thirty (30) dwelling units. The site plan also shows thirty-eight (38) parking spaces, a farm store (approximately 600 square feet), and a greenhouse (approximately 1,280 square feet). The county portion of the development shows eleven (11) additional parking spaces, sheds to house farming equipment, and over 7 acres of land for farming. The proposed uses are not consistent with the current uses along Nassau Street running north, but the proposed uses are consistent with the uses along Linden Avenue. The concept of a small urban farm in this location could be harmonious with the existing patterns of uses within the neighborhood.

**34-157(2) whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.**

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is attached (**Attachment B**)

Below are specific areas of the Comprehensive Plan for which the development may be in compliance:

**a. Land Use**

**2.2:** Encourage small businesses that enhance existing neighborhoods and employment centers.

**2.3:** Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.

**2.4:** Enhance the role of schools and parks by expanding the community use of these places.

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

**b. Economic Sustainability**

**3.6:** Align zoning ordinances to facilitate economic activity in new areas of commercial opportunity identified in the updated future land use map.

**c. Housing**

**1.3:** Evaluate the effects new developments have on transit, the environment, density, open space configuration, commuter costs and affordable housing.

**3.6:** Promote housing options to accommodate both renters and owners at all price points, including workforce housing.

- 8.1: Encourage mixed-use and mixed-income housing developments.
- 8.2: Link housing options and employment opportunities in City land use decisions.
- 8.5: Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.

**d. Transportation**

- 2.1: Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas and other activity centers to promote the option of walking and biking.
- 2.3: Improve walking and biking conditions by discouraging and/or minimizing curb cuts for driveways, parking garages, etc. in new development and redevelopment.
- 2.6: Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways.

**e. Historic Preservation & Urban Design**

- 1.4: Develop pedestrian-friendly environments in Charlottesville that connect neighborhoods to community facilities, to commercial areas and employment centers, and that connect neighborhood to each other, to promote a healthier community.

Below are specific areas of the Comprehensive Plan for which the development may not be in compliance:

**f. Land Use**

- 2.1: When considering changes to land use regulations, respect nearby residential areas.
- 3.1: Respect natural resources and sensitive environmental areas, including designated flood plain areas, rivers and streams.

**g. Environment**

- 1.4: Ensure that planning for future land and recreational uses along the Rivanna River adequately protects water quality.

Comprehensive Plan

The 2013 General Land Use Plan Map calls for the subject properties to be Low Density Residential. Low Density Residential, as described within the Land Use Map, includes all land occupied by single or two-family type housing. The density in these areas by-right should be no greater than 15 dwelling units per acre.



Staff Analysis: As noted in 34-157(2)(a) through 34-157(2)(e) above, many of the City's Comprehensive Plan goals could be achieved through a residential and commercial development of this type on the subject properties. The subject properties' location could promote more pedestrian and cycling trips to Rives Park and some of the commercial uses along Linden Avenue. Several goals in the 2013 Comprehensive Plan speak to a desire to have density, as appropriate, in locations that will foster alternative transportation options to employment and parks. The proposed development is not consistent with existing development patterns along Nassau Street, but would be consistent with the existing development patterns along Linden Avenue. The development of an urban farm with supporting infrastructure (farm store and greenhouse) along with thirty (30) dwelling units (within 2 buildings) could create a unique opportunity in this part of the City.

#### Streets that Work Plan

The Streets that Work Plan (approved September 2016 as an amendment to the Comprehensive Plan) labels Nassau Street as Local. The full plan can be viewed at: <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>

Local Streets are characterized as the majority of the street network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for Neighborhood B streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for Neighborhood B streets. Sidewalks and on-street parking are noted as the highest priority street elements.

Staff Analysis: Based on the application package and supporting documents (**attachments, A, B, & C**), staff concludes that the pedestrian network along the subject properties' frontage is consistent with the Streets that Work Plan.

Staff is concerned that "farming" activities could include a wide range of vehicular traffic that are not suitable for a Local road, as designated by Streets that Work typology. Small low impact farming could be compatible with a Local Street Typology if it does not include large tractor trailers continuously making deliveries and pickups. Larger scale farming could produce the type of traffic more suitable for an Industrial type Street Typology.

**34-157(3) whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.**

Based on the information contained within the application (**attachment A and C**), the proposed development would likely comply with applicable building code regulations. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**34-157(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**

Traffic, Parking, and Other Modes of Transportation

The City Traffic Engineer has reviewed the development plan and traffic Study (**Attachment D**) and finds a development of this type would not adversely affect traffic on Nassau, Linden or the surrounding street network. The development proposes one (1) of the buildings will create a street wall along Nassau Street which will screen the parking lot from view. Although the proposed development is not directly on a mass transit line, bus route 3 has a stop accessible through Rives Park (a 5 minute walk away). A four (4) foot sidewalk currently runs along the west side of Nassau Street across from the subject properties. The applicant will be required to install a sidewalk on the east side of Nassau Street in front of the subject properties. This will add to the pedestrian network of the City.

The development plan calls for thirty (30) dwelling units consisting of eighteen (18) one-bedroom and twelve (12) two-bedroom units in two (2) buildings and thirty-eight (38) parking spaces. This generally meets the requirements per Z.O. Sec. 34-984 of the City Zoning Code. Parking congestion may occur if residents have more than one (1) vehicle or have guests that visit by car. On street parking is currently not prohibited on Nassau Street.

Staff Analysis: The City Traffic Engineer has reviewed the development plan and traffic study and finds it will not have a major impact on the amount of traffic or parking on Nassau, Linden, or the surrounding street network.

Vehicular Access

One (1) point of vehicular access off a City maintained street is required for the proposed development per Z.O. Sec. 34-896(a). Current vehicular ingress and egress to the subject property includes one (1) access point on Nassau Street. Due to the location of the county parcel, it is likely ingress and egress to this parcel will also be through the subject properties.

Staff Analysis: The vehicular ingress /egress and circulation pattern, as shown on the site plan (**attachment C**); is consistent with a residential development and will have no impact to the intersection of Nassau and Linden. Staff is concerned the site plan does not indicate a second point of ingress /egress for farm equipment. It appears that residential, commercial (farm store), and agricultural traffic will utilize one circulation pattern. Depending on the level of farming intensity or commercial activity, this could create conflict. Staff is also concerned with agricultural deliveries to the development. Depending on the level and type of farming to take place, large deliveries on tractor-trailers could be a constant activity.

**b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment**

The proposed development could result in an increase in noise, odor, and vibration as the development proposes a farm use. It should be noted the farm use is on the county portion of the development and the City portion is residential and commercial. The development will be required to plant street trees and landscaping per Z.O. Sec. 34-867. No lighting plan was provided but will be required during final site plan review.

Staff Analysis: Two (2) multi-family buildings with a total of thirty (30) units at this location will have minimal impact and can be mitigated through existing site plan regulations. The farm store and greenhouse should also have minimal impact to the surrounding neighborhood and can be mitigated through existing site plan regulations. Although the “farming” portion of the development is located in the county and is not technically within the City’s jurisdiction, staff’s analysis includes the whole development as it cannot be fully reviewed without the farming aspect. Based on the application materials and narrative, the applicant is indicating the farming component (County) is directly connected to the residential and commercial aspect (City) of the development. Depending on the type of and intensity of farming, unwanted odors, noise, or vibration could affect the neighborhood. The applicant materials indicate farming activities will be small scale and directly related to products sold at the farm store. From the application materials, no large scale farming is being proposed. Prior to County approval the applicant was proposing tree farming on the county portion of the development. With the proffer (**See Rezoning Application ZM18-00001 Attachment G**) requiring a 100’ riparian buffer, tree farming is no longer being proposed.

In addition the City’s Public Works Department and Utilities Department reviewed the proposed development and provided the following analysis:

Stormwater management requirements for water quality and quantity should be accomplished for the site as a whole (both the City and County parcels), rather than as independent parcels/sites. In order to achieve this, a coordinated review between the City and County, or a review by the Virginia Department of Environmental Quality on behalf of the City and the County, will be necessary. **Code of Virginia: §62.1-44.15:32(B)** – Duties of the Department The Department is authorized to review the stormwater management plan for any project with real or potential interjurisdictional impacts upon the request of one or all of the involved localities to determine that the plan is consistent with the provisions of this article. Any such review shall be completed and a report submitted to each locality involved within 90 days of such request being accepted. The Department may charge a fee of the requesting locality to cover its costs for providing such services.

This approach is supported by Goal 4.4 of the Land Use Chapter of the Comprehensive Plan, “Coordinate with Albemarle County on matters of land use that cross the jurisdictional border.”, as well as Goal 1.2 of the Environment Chapter, “Continue collaboration and cooperation with Rivanna Watershed stakeholders, including Albemarle County...focusing on watershed and stormwater management”. The County portion of the site affords ample space to accomplish the stormwater management requirements, though the fact that the entire site is almost completely within the limits of the 100-year floodplain limits potential stormwater management strategies.

The applicant states in their Rezoning and Special Use Permit Narrative, “Stormwater runoff will largely be mitigated on the site of the development (city and county parcels) through an undisturbed riparian buffer and proposed tree plantings.” This can only be accomplished if the County portion of the site, where the undisturbed riparian buffer lies, is allowed to be utilized for compliance with stormwater management requirements. This approach would also make it much more realistic for all stormwater management requirements to be met on-site, and avoid the need to purchase off-site nutrient credits, which is the Environmental Sustainability Division’s strong preference. As Moores Creek suffers from excessive levels of bacteria and sediment and is consequently listed as an impaired waterway, it is critical for the health of the stream to manage stormwater on-site.

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

The subject properties are currently vacant with the exception of 918 Nassau Street (single family home). No businesses will be displaced, but one (1) existing single-family home will be removed.

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

As noted above, the subject property is vacant and any use has the potential to add to the City's tax base.

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

The City's Comprehensive Plan identifies community facilities as fire protection, police enforcement, and emergency response services; public utilities and infrastructure; and public parks and recreation opportunities. The applicant's proposal narrative (**Attachment B**) has not adequately discussed this issue within its comprehensive plan analysis required by Z.O. Sec. 34-41(d)(3).

Staff Analysis: Fire, Police, Public Utilities, and Parks have all reviewed the proposed plan and finds the development will have little impact on existing community facilities. The proposed development is on a City maintained street and can be served by existing fire, police, and emergency response services. The additional density of the site will also have limited impact on surrounding parks. In reviewing the application, Parks believes additional density at this location will enhance Rives Park by adding more activity to this location. Stormwater requirements will be reviewed with final site plan. All utilities, such as water and sewer will be reviewed with the final site plan.

**f) Reduction in the availability of affordable housing in the neighborhood**

The subject properties are currently vacant with the exception of 918 Nassau Street. One single-family home will be removed, but it is unknown if it contains an affordable unit as defined by City code. Refer to the rezoning **application ZM18-00001 and Rezoning Application ZM18-00001 Attachment F** for additional information on affordable housing.

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

The applicant's project proposal narrative (**Attachment A**) does not specifically analyze this factor, as required by Z.O. Sec. 34-158(b).

Staff Analysis: Because housing is open to all, there is a possibility that families with children could take residence here. Therefore, some impact could be created for school population and facilities.

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

The subject property is not within or encroach upon any design control district.

**i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant**

Based on the information contained within the application (**Attachment A, B, and C**), the proposed development would likely comply with applicable federal and state laws. As to local ordinances (zoning, water protection, etc.), it generally appears that this project, as detailed in the application, can be accommodated on this site in compliance with applicable local ordinances; however, final determinations cannot be made prior to having the details required for final site plan and building permit approvals. Specific Z.O. requirements reviewed preliminarily at this stage include massing and scale (building height, setbacks, stepbacks, etc.) and general planned uses. In a preliminary review of the site plan, staff has found that the parking will need to conform to Z.O. Sec 34-873 for screening and interior landscaping. In addition, Rivanna Water and Sewer Authority (RWSA) will need to review the final site plan as it relates to a large easement that runs through the proposed parking lot. The site plan will also need to conform to Z.O. Sec. 34-1103 for lots with two or more principal buildings within the development unless the recommended conditions are approved.

Sec. 34-1103. - Two or more principal buildings or structures on one lot.

(a) No lot or parcel of land shall contain more than one (1) principal building or structure, except where such lot or parcel is used for a multifamily, mixed-use, commercial, or industrial development. (b) In circumstances where more than one

(1) principal building or structure is authorized, as set forth above, all buildings and structures must conform to required yard and other lot requirements for the district in which the lot or parcel is located.

This is not intended to be a full list of site plan requirements and a full review at final site plan submission will generate additional comments. From this initial review, staff believes the proposed development can be accommodated on this site with a few adjustments during the final site plan review process.

**j) Massing and scale of project**

The application materials (**Attachment A, B, and C**) depict two (2) multi-family buildings that are three (3) stories above the surface of the subject properties as viewed from Nassau Street. The site plan (**Attachment C**) indicates the maximum height of the building will be thirty-five (35) feet. The maximum height for districts zoned HW is eighty (80) feet, but the accompanying rezoning application (ZM18-00001) proposed a proffer statement that reduces the max height to thirty-five (35) feet. The massing of the residential units will be very similar to the existing multi-family units on Linden Avenue. No height is given for the farm store or greenhouse,

but under the proffer statement they could not exceed thirty-five (35) feet. The application materials indicate the farm store will be approximately six hundred (600) square feet, but not more than a maximum of four thousand (4,000) square feet. Most commercial greenhouses are no more than twenty (20) feet tall. No architectural or elevations drawings were submitted with this application.

Staff Analysis: The massing and footprint are consistent with HW requirements. Staff would recommend the height of the buildings not exceed thirty-five (35') in order to maintain a scale that is consistent with the surrounding buildings to the southwest of the site. This height is reflected in the rezoning application preliminary proffer statement. Staff would also recommend that the height of the farm store not exceed twenty (20) feet. Due to the residential nature of Nassau Street and the requirement that buildings in the HW Corridor create a streetwall (Sec. 34-738), staff recommends modifications to the setbacks, and stepback of five (5) feet after the first two stories. Three story buildings up against Nassau with a run of 180 feet could create a large streetwall in a mostly residential setting. Stepping back 5 feet after the second story (somewhere within 20 to 28 feet for a building with a max height of 35 feet) could reduce the massing along Nassau and create some articulation. Staff would also like to see some modulation to the front of the building along Nassau Street to better incorporate it into the surrounding neighborhood. The illustrative graphic (**Attachment B**) indicates some modulation, but it is not reflected on the site plan. Planning Commission might consider a condition that breakups the massing along Nassau Street.

**34-157(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;**

In 1949 the property was zoned B-2 Business. In 1958 the property was zoned R-2 Residential and has retained that zoning calcification. (Application ZM18-00001 is requesting the zoning return to HW).

According to Z.O. Sec. 34-350(b)(1), R-2, consisting of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged.

According to Z.O. Sec. 34-541(9), HW, The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. This district provides for intense commercial development with very limited residential use.

Staff Analysis: If the Planning Commission recommends approval of the corresponding rezoning request (ZM18-00001), staff finds the proposed development could to be harmonious with the zoning district, but is too residential in nature to comply with Sec. 34-

541(9). If Planning Commission recommends denial of the corresponding rezoning request, staff finds the proposed development not to be harmonious with the zoning district.

**34-157(6) whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and**

Based on the information contained within the application and site plan (**Attachment A, B, and C**), the proposed development would likely comply with applicable local ordinances. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**34-157(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.**

The subject property is not located in a design control district.

**Public Comments Received**

Community Meeting Required by Z.O. Sec. 34-41(c)(2)

On September 11, 2017 the applicant held a community meeting at Clark Elementary. The applicant gave an overview of the project as it related to the need for a rezoning and a SUP. The community voiced the following concerns with the proposed development:

- View from Linden Avenue could be blocked.
- The development could have an adverse impact on Moores Creek.
- What type of development could happen in the floodplain?

Other comments included:

- Appreciation for proposing an initiative “urban farm”.
- Providing affordable units.

On April 10, 2018 the Planning Commission held a joint Public Hearing with City Council.

Two (2) members of the public spoke and expressed the following:

- The development should provide a trail to Moores Creek.
- Any development should not include bringing in fill to the floodplain.
- Concerned the applicant is only looking for density and will not provide any amenities or farm.



On October 9, 2018 the Planning Commission held a joint Public Hearing with City Council. Four (4) members of the public spoke and expressed the following:

- Concerns with any development in the Floodplain.
- Concern with traffic and a large building near single family homes.

Other comments included:

- The concept of a small urban scale farm with hosing is interesting, but more information is need on how it could impact the environment.

On October 30, 2018 the Planning Commission held a Work Session and seven (7) members of the public spoke. The expressed the following:

- Concerns that the development will not have enough public amenities like trees and benches.
- How will stormwater be managed on site?
- Development should not happen in the floodplain.
- The soil needs to be tested prior to development.

Other comments included:

- The City needs more affordable housing and this development will provide that.
- Regulations and codes currently in place will result in this being a good development that will have no impact on the environment.
- A lot of the younger population that lives need the proposed development are excited about it and believe it will be good for the City.

As of the date of this report, staff has received two (2) emails related to the rezoning or SUP application and four (4) phone calls. The emails our department received were forwarded to Planning Commission and City Council. The following concerns were expressed:

- No access to the development from the County side
- 30 units at this location could have an adverse impact on Moores Creek.
- One of the buildings would be too close to the road.
- The building should be turned so the short end is facing the street and not the long street wall.
- Building in the floodplain should not be allowed and the soil should be tested to see if it is suitable for food production.
- Are there wetlands on the site?

### **Staff Recommendation**

Staff recommends the Planning Commission focus on the following items during review:

- Appropriate density. The only request being made is for density. All other proposed uses on the site are by-right under HW zoning. The appropriateness of “uses” should be discussed through the Rezoning and not the SUP.

## **Recommended Conditions**

Staff recommends that a request for density could be approved with the following conditions:

1. Up to 32 dwelling units per acre (DUA) are permitted on the subject properties.
2. The design, height, setbacks and other characteristics of the development shall remain essentially the same, in all material aspects, as described within the application materials (**Attachment C**) dated January 23, 2018. Except as the design details of the development may subsequently be modified to comply with staff comments, or by any other provision(s) of these SUP Conditions, any change of the development that is inconsistent with the application shall require a modification of this SUP. Key elements of this design are:
  - a. Two (2) multi-family residential buildings containing eighteen (18) one-bedroom and twelve (12) two-bedroom units for a total of thirty (30) dwelling units on the subject properties.
  - b. Thirty-five (35') feet maximum height of the multi-family residential buildings.
  - c. Modification of front yard setback to ten (10) foot minimum and no maximum to accommodate the layout of buildings as presented in the application materials.
  - d. Parking located behind the building and not visible from the City's right of way.
3. Twenty (20') feet maximum height on the farm store or any nonresidential building on the subject properties.
4. The maximum height of the street wall of any building or structure with frontage along Nassau Street shall be two (2) stories. After two (2) stories there shall be a minimum stepback of five (5) feet along at least fifty (50) percent of the length of the streetwall.
5. The greenhouse must be screened (Z.O. Sec. 34-871 S-2 Screening) from the adjacent R-2 parcels.
6. All outdoor lighting and light fixtures shall be full cut-off luminaires and shielded in a manner to direct all light down.
7. Conform to Z.O. Sec. 34-881(2)-Bicycle Storage Facilities or the most current Bicycle Storage Facilities code for multi-family dwellings at time of development.
8. Trash facility shall be provided and screened per Z.O. Sec. 34-872(b)(2).
9. An alternative ingress/egress point for farm equipment and large deliveries to the county portion of the development should be explored with direction from the City's Traffic Engineer. If an alternative point cannot be accommodated:
  - a. The applicant will work with the City's Traffic Engineer during final site plan review to develop a comprehensive traffic plan that will keep residential and farm (farm equipment deliveries and pickups) traffic separated.

10. The applicant will work with the City's Parks and Recreation Department to implement any portion of the Bicycle and Pedestrian Plan (as shown in the 2015 Bicycle and Pedestrian Master Plan Updates, adopted September 8, 2015) that abuts the development and provide access to Moores Creek.
11. The applicant will work with Army Corps of Engineers (ACOE) for a determination on any potential wetlands. Documentation will need to be provided to the City prior to the issuance of a Land Disturbance Permit.
12. For any development that will be cross jurisdictional, the City will work with Albemarle County on stormwater management. This could include requesting review of the development by the Virginia Department of Environmental Quality (DEQ) on behalf of the City and County.
13. At a minimum, stormwater management must comply with the requirements of the VSMP. There is a preference for onsite quality treatment, understanding that the site is limited by the fact that certain best management practice (BMPs) are precluded from installation in the 100-year floodplain.

**Suggested Motions**

1. I move to recommend approval of this application for a Special Use Permit for subject properties in the R-2 (application ZM18-00001 under review to rezone from R-2 to HW) zone to permit residential development with residential density with the following listed conditions.
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_
  - g. \_\_\_\_\_
  - h. \_\_\_\_\_

**OR,**

2. I move to recommend denial of this application for a Special Use Permit for the subject properties in the R-2 zone.

**Attachments**

- A. Special Use Application Dated January 22, 2018
- B. Special Use Permit Narrative and supporting documents Dated January 23, 2018 and revised September 6, 2018
- C. Site Plan Dated January 23, 2018
- D. Traffic Study Dated January 23, 2018



# City of Charlottesville

## Application for Special Use Permit

Project Name: Hogwaller Farm

Address of Property: Nassau St. lots

Tax Map and Parcel Number(s): 61-79; 61-79.16; 61-79.17; 61-79.18; 61-79.19;

Current Zoning District Classification: 61-79.201 R-2, HW

Comprehensive Plan Land Use Designation: low density residential

Is this an amendment to an existing SUP? NO

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

Applicant: Justin Shimp | Charles Hurt

Address: 201 E. Main St. Suite M. Charlottesville, VA 22902

Phone: (434) 227-5140 Email: justin@shimp-engineering.com

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

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Dr. C. Hurt, Etal Trustees; Franklin St. Land Trust II

Address: PO Box 8147 Charlottesville, VA 22906

Phone: (434) 979-8182 Email: \_\_\_\_\_

### Reason for Special Use Permit:

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

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

Authorize specific land use (identify) residential

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

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

(1) Signature \_\_\_\_\_ Print Justin Shimp Date 1/22/18

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

Other (specify): \_\_\_\_\_

(2) Signature \_\_\_\_\_ Print Charles Hurt Date 1/22/18

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

Other (specify): \_\_\_\_\_



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: Hogwaller Farm

Pre-Application Meeting Date: 9/6/2017

Applicant's Representative: Justin Shimp

Planner: Matt Alfele

Other City Officials in Attendance:

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. A traffic study/Info per the City's Traffic Engineer (Contact Brennan Duncan)
2. A full site Plan including the position in the county
3. A massing plan (per code) showing how the development looks within the surrounding neighborhood.
4. Additional information that might come up during review of the application
5. \_\_\_\_\_

Planner Signature: *Matt Alfele*



# City of Charlottesville

## Application Checklist

Project Name: Hogwaller Farm

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs) *not req*
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

**Applicant**

Signature \_\_\_\_\_ Print Justin Shimp Date 1/22/2018

By Its: \_\_\_\_\_

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





# City of Charlottesville

## Community Meeting

Project Name: Hogwaller Farm

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted \_\_\_\_\_, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Charles Hurt / Justin Shimp

By:

Signature \_\_\_\_\_ Print Justin Shimp Date 1/22/2018

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Justin Shimp Address 201 E. Main St Suite M

Name Charles Hurt Address PO Box 8147, 22906

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Justin Shimp / Charles Hurt

By:

Signature *Charles W. Hurt* Print Charles W. Hurt Date 1/22/2018

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)



# Attachment A



## City of Charlottesville

### Fee Schedule

Project Name: Hogwaller Farm

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

#### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

# Attachment A



## City of Charlottesville

### LID Checklist

Project Name: Hogwaller Farm

LID Measure	LID Checklist Points	Points
<b>Compensatory Plantings</b> (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	0
<b>Pervious pavers</b> for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	0
<b>Shared parking</b> (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	0
<b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	0
<b>Bioretention.</b> Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	0
<b>Rain gardens.</b> All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .	8 points or 1 point for each 10% of lots treated.	0
<b>Designed/constructed swales.</b> Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	0
<b>Manufactured sand filters, filter vaults</b> (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	6
<b>Green rooftop</b> to treat ≥ 50% of roof area	8 points	0
<b>Other LID practices</b> as approved by NDS Engineer.	TBD, not to exceed 8 points	0
<b>Off-site contribution</b> to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	0
<b>Total Points</b>		0

#### Applicant's Signature

Signature \_\_\_\_\_

Print \_\_\_\_\_

Justin Shimp

Date \_\_\_\_\_

3/15/18



**Hogwaller Farm  
Rezoning & Special Use Permit Narrative  
March 16, 2018**

**Revised: September 6, 2018**

**RE: Rezoning and Special Use Permit Narrative, TMP 61-79 (portion), 61-79.16, 61-79.17, 61-79.18, 61-79.19, and 61-79.201**

Shimp Engineering is applying for a rezoning in accordance with Sec. 34-41 of the Charlottesville Zoning Ordinance, to rezone TMP 61-79.17, 61-79.18, 61-79.19, 61-79.201, and a portion of 61-79 from R-2 (Residential) to HW (Highway Corridor). Contingent upon rezoning approval, Shimp Engineering is applying concurrently for a special use permit in accordance with Sec. 34-158, to allow for residential units in a HW district on the aforementioned parcels and TMP 61-79.16. The proposed 30 (thirty) multifamily units on the approximately .94 acre site will be part of an innovative urban farm development comprised of City and County parcels, where the residential structures will be built on City parcels adjacent to a County parcel (TMP 77-20) that is intended to be utilized for agricultural production. It is the intent for the City parcels to also accommodate a greenhouse and a retail shop for farm sales; both uses, greenhouse and retail, are allowed by-right in a HW district. The proposed development does not trigger affordable housing provisions per Sec. 34-12, however, the applicant wishes to provide two affordable units as a condition of approval for the requested special use permit.

**Project Outline:**

**Parcels:** 61-79 (portion), 61-79.16, 61-79.17, 61-79.18, 61-79.19, and 61-79.201

**Current Zoning:** HW: 61-79.16; R-2: 61-79 (portion), 61-79.17, 61-79.18, 61-79.19, and 61-79.201

**Proposed Zoning:** HW on all parcels

**Existing Use:** Vacant and Residential

**Proposed Use:** Residential with affordable units, greenhouse for agricultural production, farm stand for potential farm sales

**Current Conditions:**

TMP 61-79.201 has an existing single family dwelling and the remaining parcels are vacant. The parcels have a clearing towards the northwest boundaries fronting on Nassau St. and are lightly wooded towards the rear of the lots. A portion of TMP 61-79.16, 61-79.17, 61-79.18, and 61-79.19 are in the floodplain. Parcels 61-79.201 and 61-79 (portion) are entirely in the floodplain. There are a few steep slopes on the property and there are no critical slopes present on the property.

**Proposed Use:**

The development proposal for this property consists of two multi-family structures: one three story structure with 18 (eighteen) one-bedroom units and one three story structure with 12 (twelve) two-bedroom units, for a total of 30 (thirty) units. This multi-family housing development will be part of an innovative urban farm that will encompass both City and County parcels, where housing, including affordable units, will be provided on the City parcels and the County parcel will be dedicated to agricultural purposes. A greenhouse, allowed by right, in a Highway zoning district will be located on the City parcels. Additionally, a farm stand of approximately 600 square feet will be located on the city portion of the

## Attachment B

development and will house future farm sales. The farm retail building will not exceed 4000 square feet, the maximum allowable square footage for retail use in a highway district. The development proposal includes proffered conditions for use and structure height in a HW zoning district.

### **Affordable Housing Data:**

There are currently no supported affordable units on the property. No units are required to be designated as affordable in the proposed development, per Sec. 34-12 of the Charlottesville City Zoning Ordinance, however, the applicant wishes to provide two affordable units as a condition of special use permit approval. The affordable units will rent at a rate affordable to those making up to 80% of the area median income (AMI).

The GFA of the residential structures, as proposed, on the property does not exceed 25,000 square feet. Given the site is approximately .94 Ac (40,946 square feet), the FAR of the site is .6.

### **Surrounding Uses:**

The immediate surrounding is entirely residential. R-2 parcels with single family dwellings are northeast of the development. R-1S parcels with single family dwellings are across Nassau St. opposite the proposed development. Parcels zoned HW are south of the development. Southwest of the development along Linden Ave there are existing multi-family structures and townhomes.

### **Consistency with Comprehensive Plan:**

The first goal of the Land Use Chapter of the Comprehensive Plan states, “enhance the sense of place throughout Charlottesville.” A unique development like Hogwaller Farm will inherently foster a sense of place by tying into the agricultural heritage of the area along Moore’s creek as the site of the livestock exchange and by serving as a unique residential model in Charlottesville. The second goal of the land use chapter is to, “establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.” The communal spaces within the residential development will facilitate resident interaction as well as allow for interaction between and among farm visitors. Goal 3 of the Housing Chapter is to, “grow the City’s housing stock for residents of all income levels.” Hogwaller Farm aligns with this goal because the proposed development offers a variety of housing options, in the form of one and two bedroom units in two multi-family structures. These units will be more affordable than the existing predominant housing stock in Belmont, the single family dwelling. The residential units proposed at Hogwaller Farm will directly contribute to achieving the City’s goal of “15% supported affordable housing by 2025,” by providing two affordable units.

### **Compliance with USBC Provisions**

The proposed development will be in compliance with all applicable USBC provisions.

### **Impacts on Public Facilities and Public Infrastructure:**

The project will have a minimal environmental footprint, and seeks to mitigate any ill effects. Stormwater runoff will largely be mitigated on the site of the development (city and county parcels) through an undisturbed riparian buffer and proposed tree plantings.



**SHIMP**  
ENGINEERING  
PROJECT MANAGEMENT  
CIVIL ENGINEERING  
LAND PLANNING





# SITE DEVELOPMENT PLAN FOR Hogwaller Farm

TAX MAP 61, PARCELS 79,79.16,79.17,79.18,79.19, 79.201  
CITY OF CHARLOTTESVILLE, VIRGINIA

VICINITY MAP SCALE: 1"=1000'

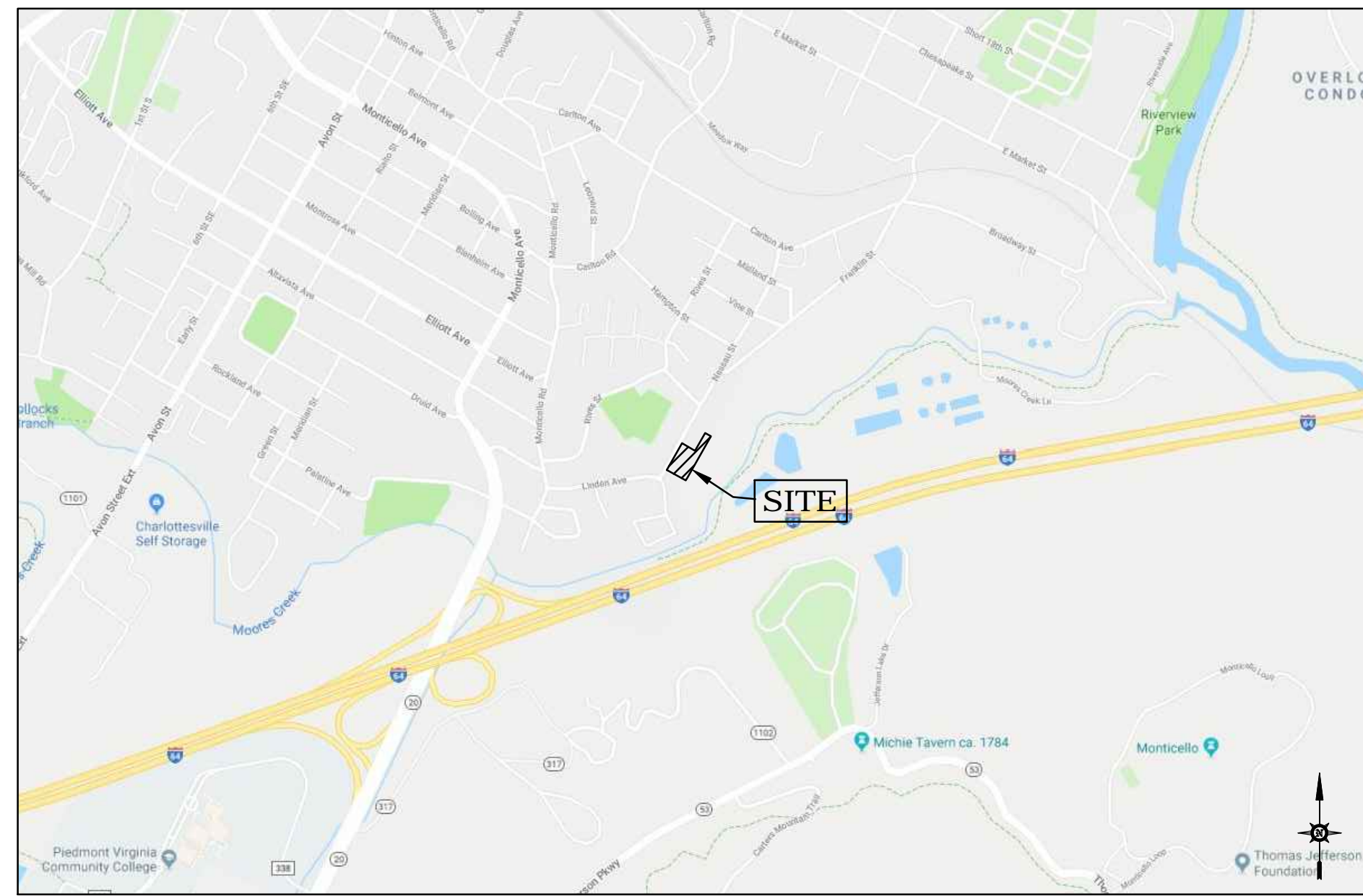


IMAGE PROVIDED BY GOOGLE MAPS

LEGEND		EXIST	NEW	DESCRIPTION
16" TC	x 12" TC			TOP OF CURB ELEVATION
16"	x 12"			SPOT ELEVATION
16" TW	x 12" TW			TOP OF WALL ELEVATION
16" BW	x 12" BW			BOTTOM OF WALL ELEVATION
				BENCHMARK
				STORM SEWER
				ROOF DRAIN
				SEWER LINE
				WATER LINE
				GAS LINE
				OVERHEAD ELECTRIC WIRE
				UNDERGROUND ELECTRIC
				OVERHEAD TELEPHONE LINE
				UNDERGROUND TELEPHONE LINE
				DRAIN INLET (DI)
				STORM/SANITARY MANHOLE
				PLUG
				WATER VALVE & BOX
				FIRE HYDRANT
				WATER METER
				LIGHT POLE
				UTILITY POLE
				PROPERTY LINE
				ADJACENT PROPERTY LINE
				VACATED PROPERTY LINE
				BUILDING SETBACK
				PARKING SETBACK
				SANITARY EASEMENT
				GRADING EASEMENT
				DRAINAGE EASEMENT
				UTILITY EASEMENT
				WATER EASEMENT
				ACCESS EASEMENT
				STORM DRAINAGE EASEMENT
				TREE LINE
				FENCE
				STREAM
		312	12	INTERVAL CONTOUR
		300	00	INDEX CONTOUR
		CG-2	CG-2	STANDARD 6" CURB
		CG-6	CG-6	COMBINATION 6" CURB & GUTTER
				CONCRETE PAVEMENT / SIDEWALK
				RIPRAP
				ASPHALT
				GRASS
				EC-2 MATTING
				EC-3 MATTING
				WETLAND
				COMPACT PARKING
				CROSSWALK
				HANDICAP ACCESSIBLE AISLE
				CG-12
				HANDICAP PARKING

NOTE:  
1. THE SIZE OF THE SYMBOLS MAY VARY FROM WHAT IS SHOWN.

## SHEET INDEX

- SHEET C1 - COVER SHEET
- SHEET C2 - CONTEXT PLAN
- SHEET C3 - EXISTING CONDITIONS
- SHEET C4 - SITE PLAN

## NOTES

- All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
- The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct. The contractor shall locate all underground lines and structures as necessary.
- The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements. Contractor shall immediately report any discrepancies to the engineer of record.
- The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
- Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility to repair. This expense is the contractor's responsibility.
- All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
- An erosion and sediment control plan is required with this site plan.
- All slopes and disturbed areas are to be fertilized, seeded and mulched. The maximum allowable slope is 2:1. Where it is reasonably obtainable, lesser slopes of 3:1 or better are to be achieved. Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
- All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
- Unless otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
- All material inside concrete forms shall be clean and free of all rocks and other loose debris. Sub-base material shall be compacted by mechanical means. Remove all standing water from area inside forms.
- Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising. Material shall not be placed on frozen subgrade.
- All existing curbs, curb and gutters and sidewalks to be removed shall be taken out to the nearest joint.
- Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2007. Removal shall be done in such a manner as to not tear, bulge or displace adjacent pavement. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
- The contractor shall exercise care to provide positive drainage to the storm inlets or other acceptable drainage paths in all locations.
- Contact information for any necessary inspections with City: E&S Inspector, NDS- 970-3182 (for the E&S inspections) Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc) Water and Sanitary Sewer-Public Works 970-3800 Street cut, Public Works 970-3800 Other public ROW issues-City Engineer 970-3182.
- Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City inspector shall be repaired at the contractor's expense.
- A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.

## OWNER/DEVELOPER

HURT, CHARLES WM, TRUSTEE FRANKLIN ST LD TR III & FISHER, SHIRLEY L, TRUSTEE FRANKLIN ST LD TR III; HURT, CHARLES W ETAL TR VA LD TR; HURT, C, ETAL TR-FRANKLIN ST LD TR II PO Box 8147 Charlottesville, VA 22906

## ZONING

HW: 61-79.16  
R-2: 61-79, 61-79.17, 61-79.18, 61-79.19, 61-79.201

## LEGAL REFERENCE

TMP 61-79.16, 61-79.17, 61-79.18, 61-79.19, D.B. 2015.4754  
TMP 61-79.201; D.B. 713:190  
TMP 61-79; D.B. 1188:252

## SOURCE OF BOUNDARY & TOPO

Boundary information obtained from plat of record  
Topography information obtained from City of Charlottesville GIS

## BUILDING HEIGHT

Maximum Building Height Allowed in HW: 80'  
Maximum Proposed Building Height: 35'

## BUILDING SETBACKS

Front Primary Street: 5 Min.  
Side Adjacent to HW: None Required  
Side Adjacent to R-2 Low Density Residential: 20' Min.

## EXISTING USE

Low Density Residential

## PROPOSED USE

18 - 1 Bedroom Residential Units  
12 - 2 Bedroom Residential Units  
Gross Residential Density:  
30 Units/.94 Acres = 32 Units Per Acre  
Retail: Farm Stand  
Greenhouse on Site

## LAND USE SCHEDULE

EXISTING	Area	%
Impervious area	2,268 SF	4%
Open space	52,567 SF	96%
Total=	54,825 SF (1.26 ac.)	

PROPOSED	Area	%
Buildings	9,560 SF	17.4%
Pavement	12,815 SF	23.3%
Sidewalk	1,207 SF	2.3%
Impervious area	23,582 SF	43.0%
Open Space	31,243 SF	57.0%
Total=	54,825 SF (1.26 ac.)	

## LAND DISTURBANCE

0.80 acres of total land disturbance is proposed with this plan.

## CITY PERMITS

- The contractor shall be responsible for obtaining a street cut permit from the City.
- A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer. The contractor contact information will be provided with the final plans.

## SIGNS

All signs and pavement markings shall conform with the latest edition of the MUTCD Guidelines.

## FIRE MARSHAL'S NOTES

### SITE PLAN:

- VSFPC 505.1- The building street number to be plainly visible from the street for emergency responders.
- VSFPC 506.1 - An approved key box shall be mounted to the side of the front or main entrance.
- VSFPC 506.1.2 - An elevator key box will be required if the building has an elevator.
- VSFPC 507.5.4 - Fire hydrants, fire pump test header, fire department connections or fire suppression system control valves shall remain clear and unobstructed by landscaping, parking or other objects.
- VSFPC 503.2.1 - Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
- VSFPC 3312.1 - An approved water supply for fire protection shall be made available as soon as combustible material arrives on the site. Fire hydrants shall be installed and useable prior to the start of any building construction.
- All pavement shall be capable of supporting fire apparatus weighing 85,000 lbs.
- Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided by either temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
- Buildings four or more stories in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

### CONSTRUCTION & DEMOLITION:

- VSFPC 310.3, 310.5 - Smoking to be allowed in only designated spaces with proper receptacles.
- VSFPC 3304.2 - Waste disposal of combustible debris shall be removed from the building at the end of each workday.
- IFC 1410.1-Access to the building during demolition and construction shall be maintained.
- VSFPC 3304.6 - Operations involving the use of cutting and welding shall be done in accordance with Chapter 35, of the Virginia Statewide Fire Prevention Code, addressing welding and hotwork operations.
- VSFPC 3315.1 - Fire extinguishers shall be provided with not less than one approved portable fire extinguisher at each stairway on all floor levels where combustible materials have accumulated.
- VSFPC 3310.1 - Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections, if any. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

## FLOOD ZONE

Limits of 100-year flood are shown herein in accordance with FEMA Flood Insurance Rate Maps 510033 0288D and 510033 0289D. Effective date of these maps is February 4, 2005.

## ELECTRIC / TELEPHONE / CABLE TV

If feasible, all new service lines for electricity, telephone and cable TV are to be installed underground. Care is to be taken to assure their location does not conflict with any other aspects of the proposed site plan.

## PARKING SCHEDULE

Required Parking:  
1 space per 1-2 bedroom residential unit. = 30 Units X 1 = 30 Spaces Req.  
Accessible Parking: 1 Spaces Per 25 Total Req. = 30/25 = 2 Spaces  
Total Required: 30 Spaces

Provided Parking:  
38 Spaces Total Provided  
Accessible spaces to be provided with later submittal.

Bike Parking:  
1 space per 2 residential units = 30 Units X 0.5 = 15 Spaces Req.  
Bike parking spaces to be provided with later submittal.

## ITE TRIP GENERATION

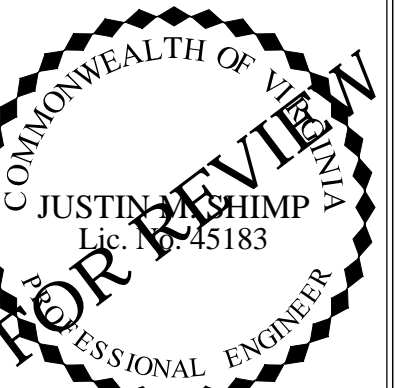
Use Description	ITE	Qty	AM			PM		
			in	out	Total	in	out	Total
Multifamily Housing	220	30	5	13	18	12	9	21
Nursery (Garden Cent)	817	1000 sf	4	4	8	4	4	8
Agricultural			8	2	10	0	0	0
Total			17	19	36	16	13	29

## APPROVALS:

DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES

DATE

SHIMP ENGINEERING, P.C.  
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT  
PHONE: (434) 227-5140  
JUSTIN@SHIMP-ENGINEERING.COM

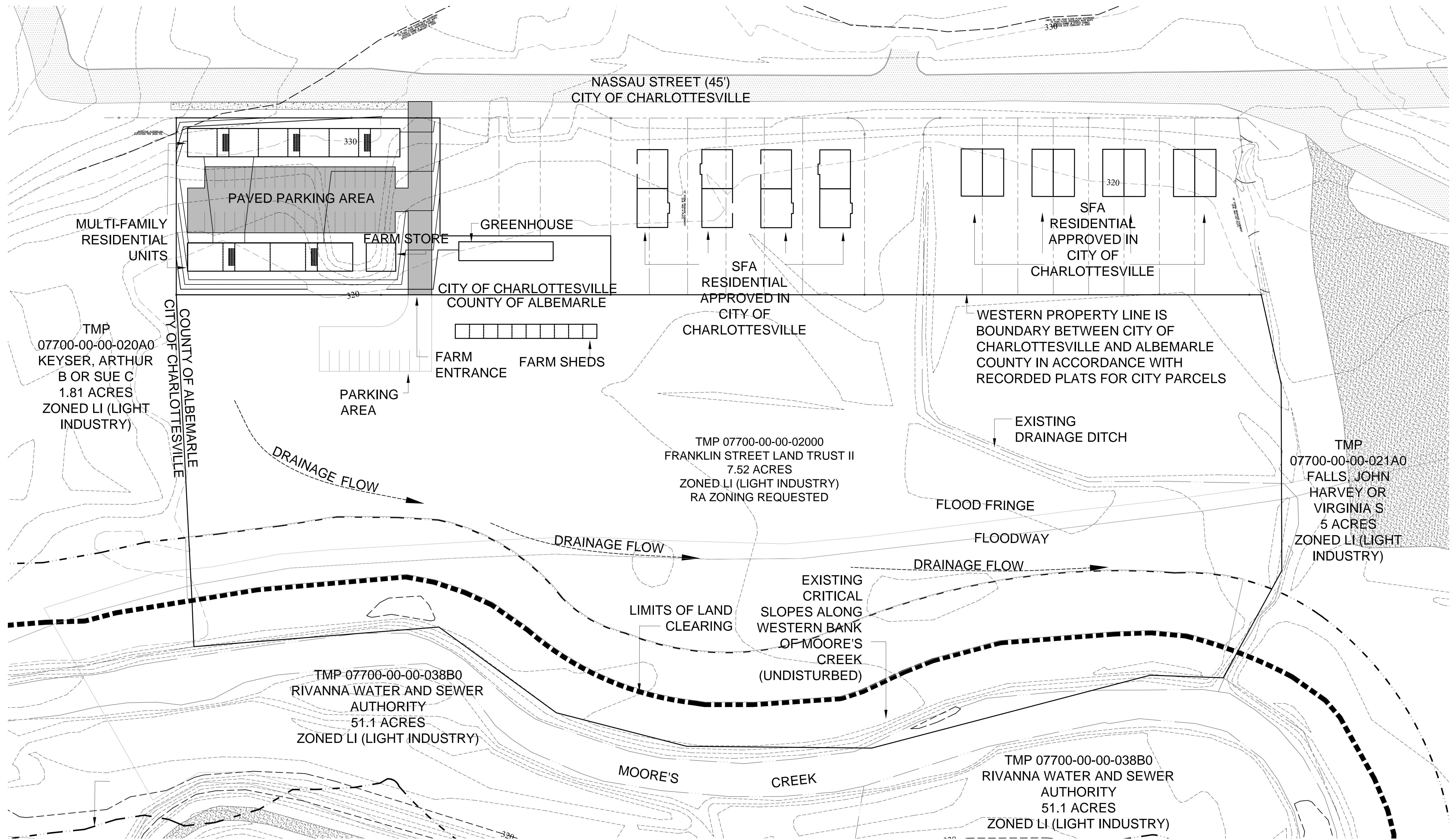


COVER SHEET

SPECIAL USE PERMIT APPLICATION  
**Hogwaller Farm**  
CITY OF CHARLOTTESVILLE, VIRGINIA

Date	1/23/2018
Scale	N/A
Sheet No.	C1 OF 4
File No.	17.023





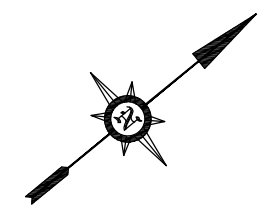
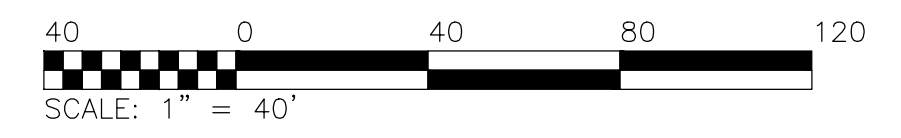
CONTEXT PLAN

Rev. #	Date	Description

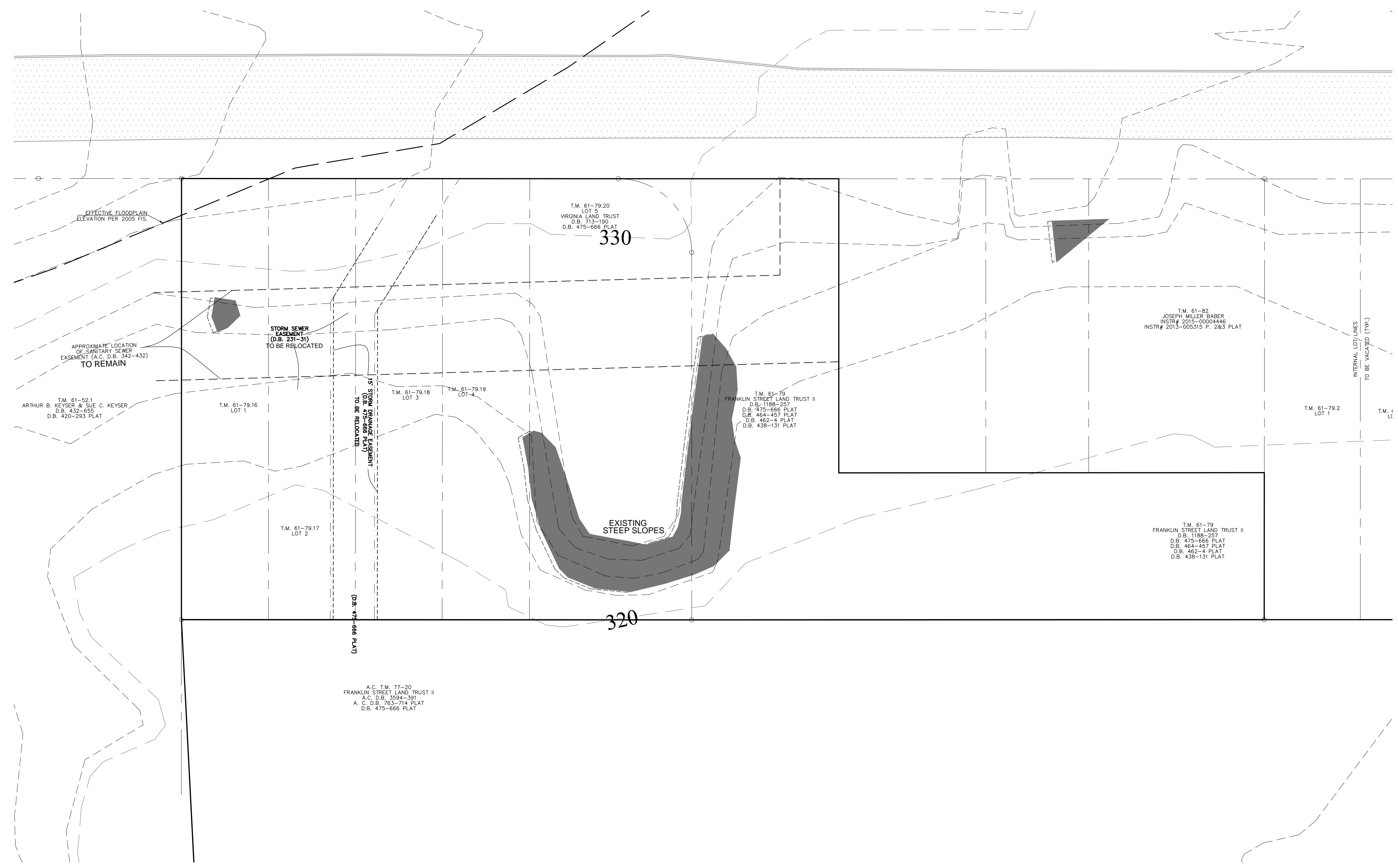
SPECIAL USE PERMIT APPLICATION

**Hogwaller Farm**  
 CITY OF CHARLOTTESVILLE, VIRGINIA

Date	1/23/2018
Scale	1" = 40'
Sheet No.	C2 OF 4
File No.	17.023







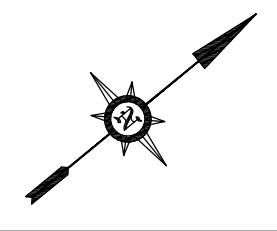
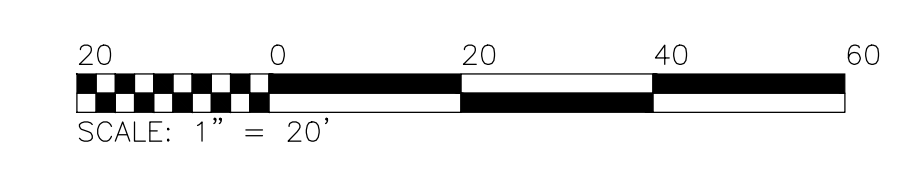
**SHIMP ENGINEERING, P.C.**  
 ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT  
 201 E. MAIN ST., SUITE M  
 CHARLOTTEVILLE, VA 22902  
 PHONE: (434) 227-5140  
 JUSTIN@SHIMP-ENGINEERING.COM

**EXISTING CONDITIONS**

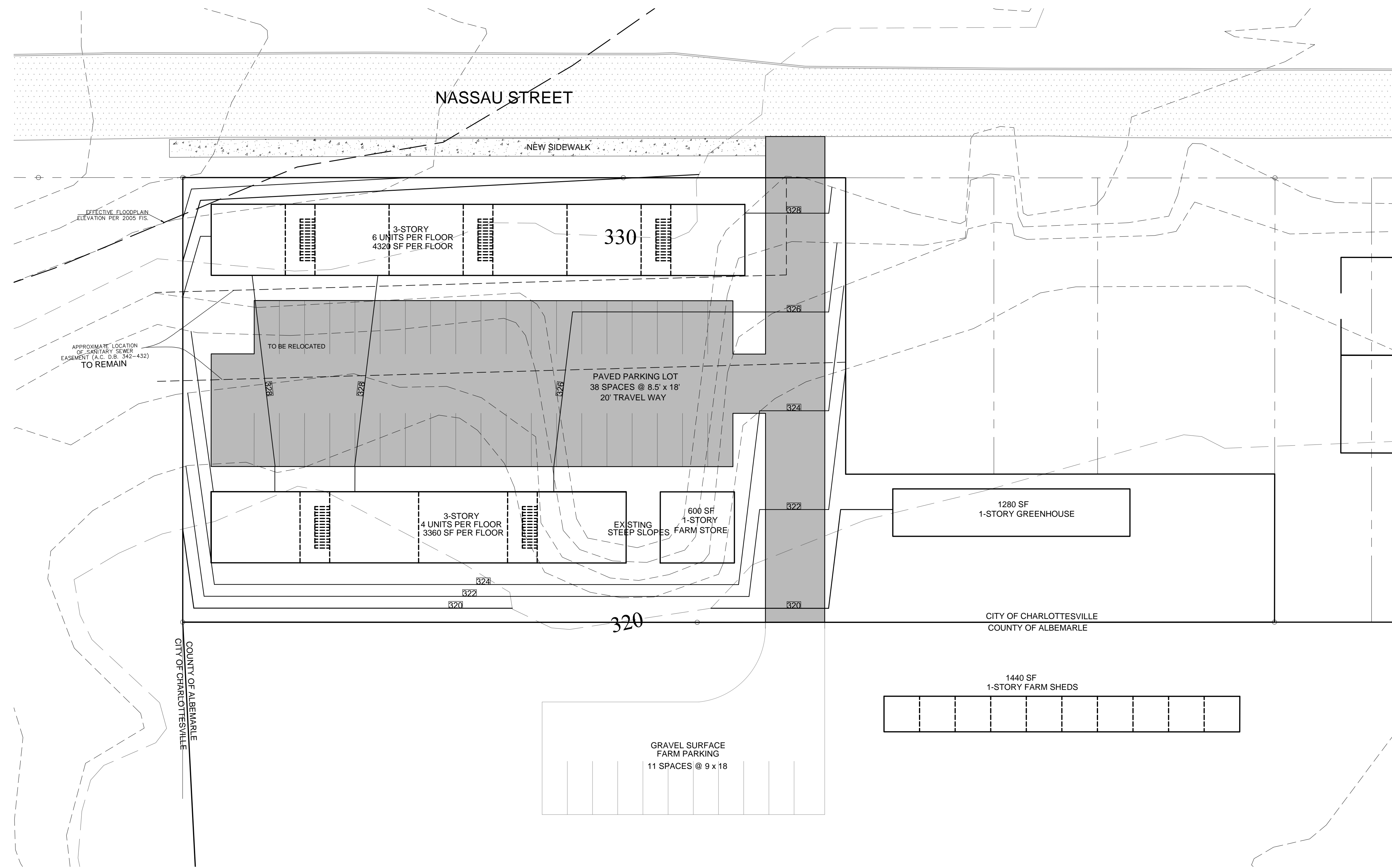
Rev. #	Date	Description

SPECIAL USE PERMIT APPLICATION  
**Hogwaller Farm**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date: 1/23/2018  
 Scale: 1" = 20'  
 Sheet No.: C3 OF 4  
 File No.: 17.023







EFFECTIVE FLOODPLAIN ELEVATION PER 2005 FIS.

APPROXIMATE LOCATION OF SANITARY SEWER EASEMENT (A.C. 0.18' 322-432) TO REMAIN

COUNTY OF ALBEMARLE  
CITY OF CHARLOTTESVILLE

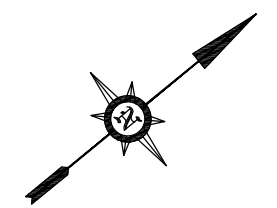
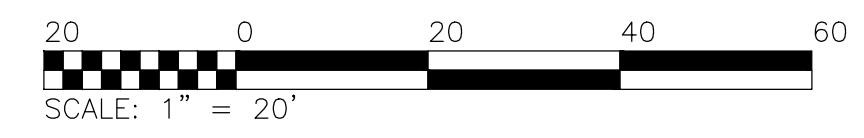
**SHIMP ENGINEERING, P.C.**  
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT  
PHONE: (434) 227-5140  
201 E. MAIN ST., SUITE M  
CHARLOTTESVILLE, VA 22902  
JUSTIN@SHIMP-ENGINEERING.COM

**SITE PLAN**

Rev. #	Date	Description

SPECIAL USE PERMIT APPLICATION  
**Hogwaller Farm**  
CITY OF CHARLOTTESVILLE, VIRGINIA

Date: 1/23/2018  
Scale: 1" = 20'  
Sheet No.: C4 OF 4  
File No.: 17.023





January 23, 2018

Brennen Duncan, P.E.  
Neighborhood Development Services  
610 East Market Street  
Charlottesville, VA 22902

**Regarding: Hogwaller Farm  
Right & Left Turn Warrant Analysis**

Mr. Duncan,

Please find enclosed a left and right-turn warrant analysis for the proposed Hogwaller Farm off of Nassau Street between Linden Avenue and Franklin Street.

The following items are included with this report:

- ITE Trip Generation Summary
- Warrant Analysis Exhibit
- OTISS Trip Generation Reports

Our analysis shows that neither a left nor right turn lane is warranted for this project.

If you have any questions you may contact me at [justin@shimp-engineering.com](mailto:justin@shimp-engineering.com) or by phone at 434-953-6116.

Best Regards,

A handwritten signature in blue ink, appearing to read "Justin Shimp", is written over the typed name and company information.

Justin Shimp  
Shimp Engineering, P.C.

## Attachment D

Hogwaller Farm is proposed to be a 30 unit development of multifamily housing with a small farm and farm stand for selling goods. According to the City engineering department data, Nassau Street has an AADT of 1,500. The direction of traffic was assumed to be evenly split. When determining PHV trips, K\*D was assumed to be 11%, as instructed in Figure 2, the warrant for right turns.

Below is the ITE trip generation summary table that was used to determine the PHV right and left turns. Using the direction factor, the number of cars entering was split between left and right turns. The traffic generated from the site was also added into the peak hour volume of Nassau Street.

Table 1. ITE trip generation summary table

Use Description	ITE	Qty	AM			PM		
			in	out	Total	in	out	Total
Multifamily Housing	220	30	5	13	18	12	9	21
Nursery (Garden Center)	817	1000 sf	4	4	8	4	4	8
Agricultural			8	2	10	0	0	0
Total			17	19	36	16	13	29

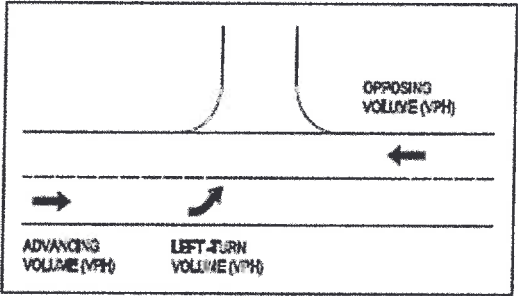
The multifamily housing and garden center information in Table 1 was retrieved from OTISS trip generation services. Figures 3 through 6 at the end of this document display original data from their website. The trips generated from the agricultural use were estimated based on the number of workers on the farm.

# Attachment D

Figure 1. Warrant for left turn treatment (2-lane highway)

**WARRANTS FOR LEFT TURN LANES ON TWO-LANE HIGHWAYS**

VPH OPPOSING VOLUME	ADVANCING VOLUME			
	5% LEFT TURNS	10% LEFT TURNS	20% LEFT TURNS	30% LEFT TURNS
<b>40-MPH DESIGN SPEED*</b>				
800	330	240	180	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	515	390	340
<b>50-MPH DESIGN SPEED*</b>				
800	280	210	165	135
600	350	260	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
<b>60-MPH DESIGN SPEED*</b>				
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240



**TABLE 3-1**

Source: Adapted from 2011 AASHTO Green Book, Chapter 9, Section 9.7.3, Page 9-132, Table 9-23

\* USE DESIGN SPEED IF AVAILABLE, IF NOT USE LEGAL SPEED LIMIT.

Example:

Two-lane highway with 40-MPH operating speed

Opposing Volume (VPH) - 600  
 Advancing Volume (VPH) - 440  
 Left-Turn Volume (VPH) - 44 or 10% of Advancing Volume

With opposing volume (VPH) of 600 and 10% of advancing volume (VPH) making left turns, and advancing volume (VPH) of 305 or more will warrant a left-turn lane.

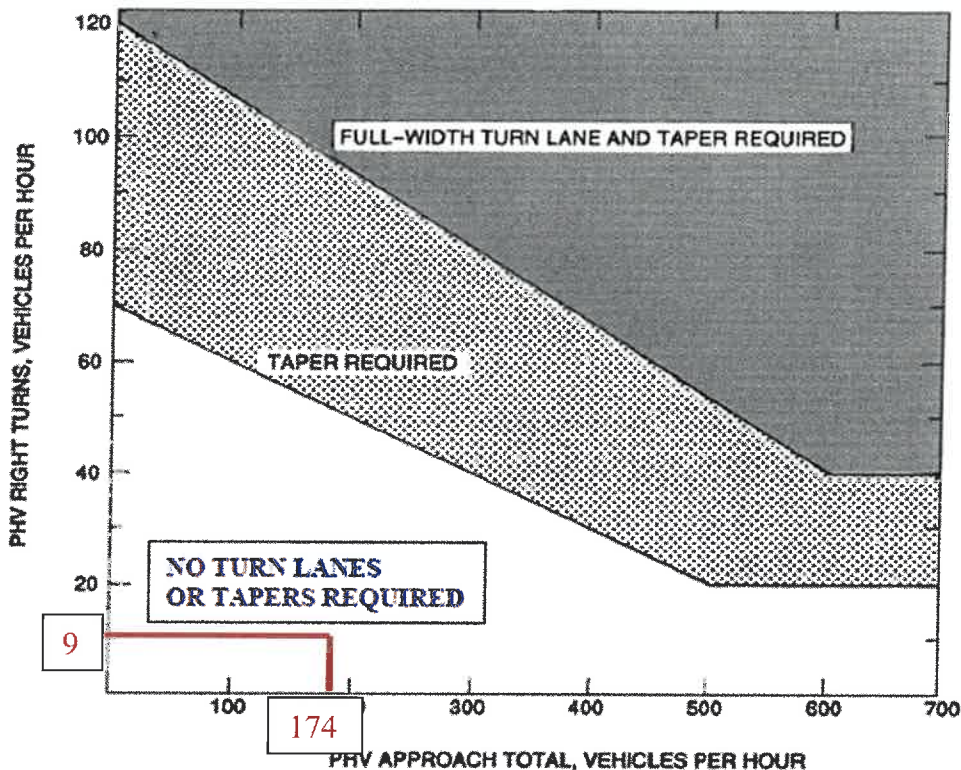
When the Average Running Speed on an existing facility is available, the corresponding Design Speed may be obtained from Appendix A, Section A-1.

Nassau Street has a speed limit of 25 mph at the entrance of Hogwaller Farm. The peak left turns into the site occur in the morning, with 9 left turns out of a total of 174 approaching vehicles (the additional turns generated by the site are included in the approach total). These turns make up approximately 5% of the advancing volume. With an opposing volume of 174 vehicles, a left turn lane is not warranted according to Figure 1 above.

# Attachment D

Figure 2. Warrant for right turn treatment (2-lane highway)

F-79



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

### LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

#### Adjustment for Right Turns

For posted speeds at or under 45 mph, PHV right turns > 40, and PHV total < 300.

Adjusted right turns = PHV Right Turns - 20

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

**When right turn facilities are warranted, see Figure 3-1 for design criteria.**

**FIGURE 3-26 WARRANTS FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)**

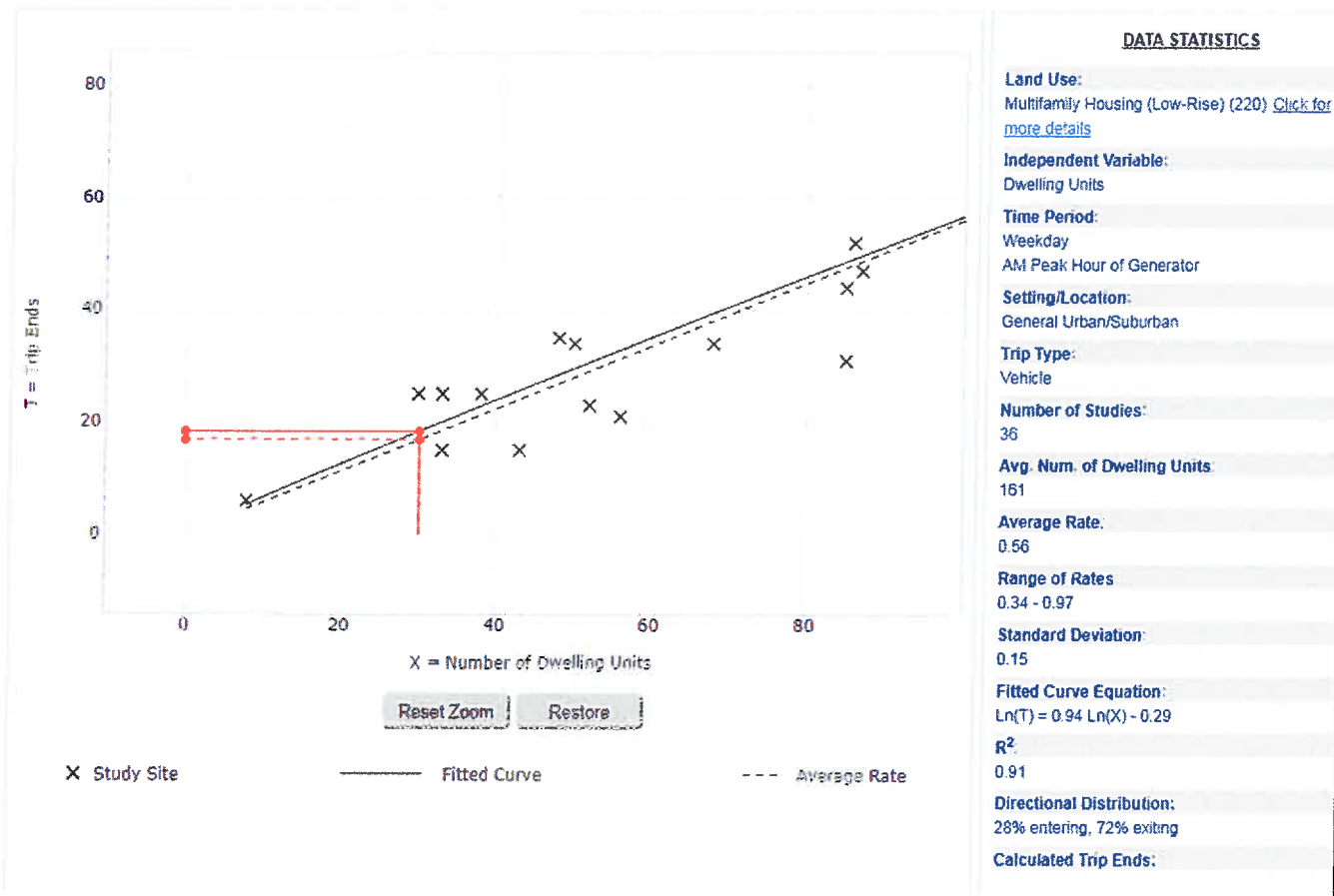


# Attachment D

Figure 2 above shows that no right turn lane or taper is warranted for Hogwaller Farm. The morning is the peak hour volume approach total, with 174 vehicles approaching. Of those, approximately 9 vehicles are estimated to turn right into the site (the same as the left turns because of the assumed 0.5 direction factor).

Figure 3. OTISS trip generator A.M. peak hour multifamily housing

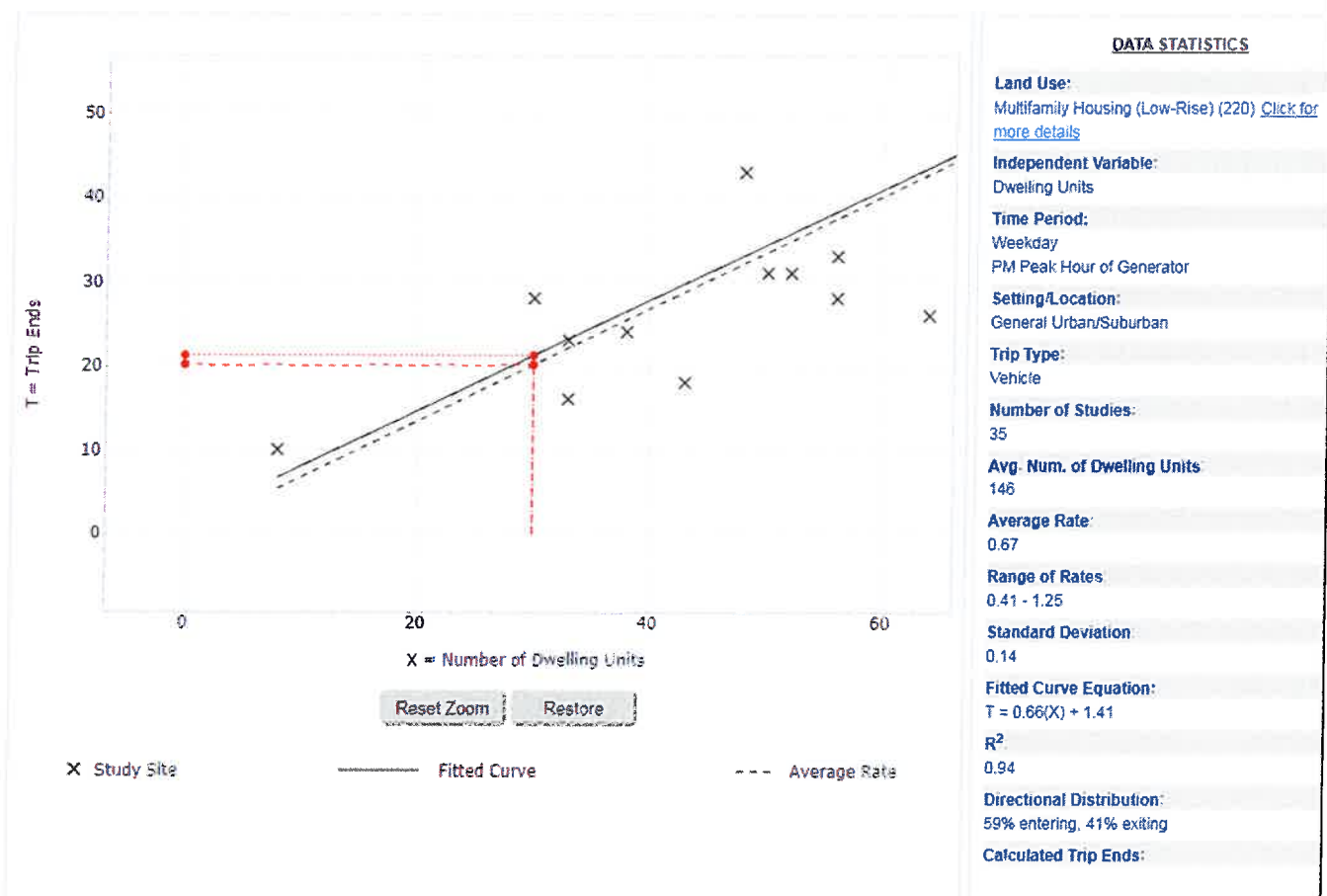
## Data Plot and Equation



# Attachment D

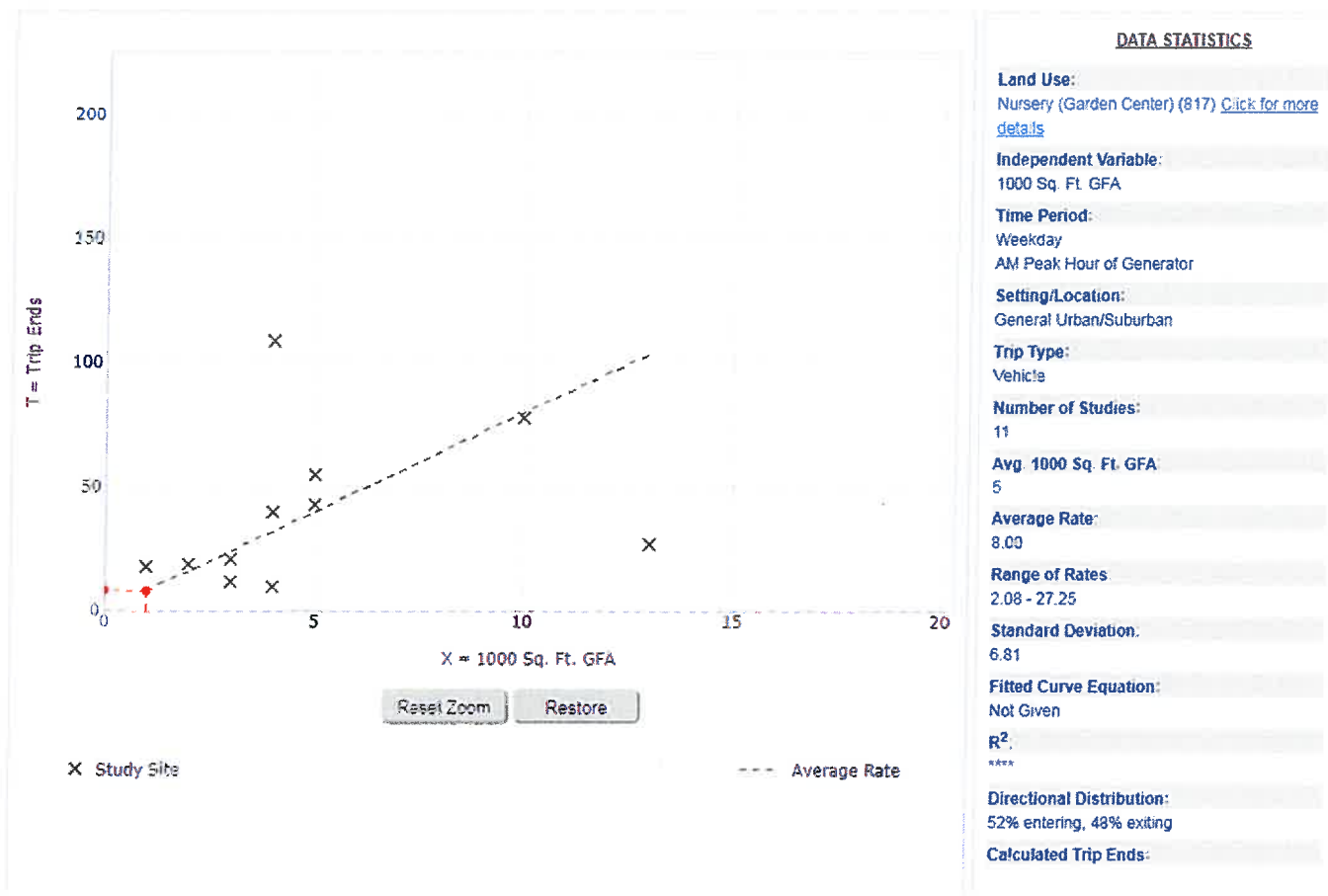
Figure 4. OTISS trip generator P.M. peak hour multifamily housing

## Data Plot and Equation



# Attachment D

Figure 5. OTISS trip generator A.M. peak hour garden center  
**Data Plot and Equation**

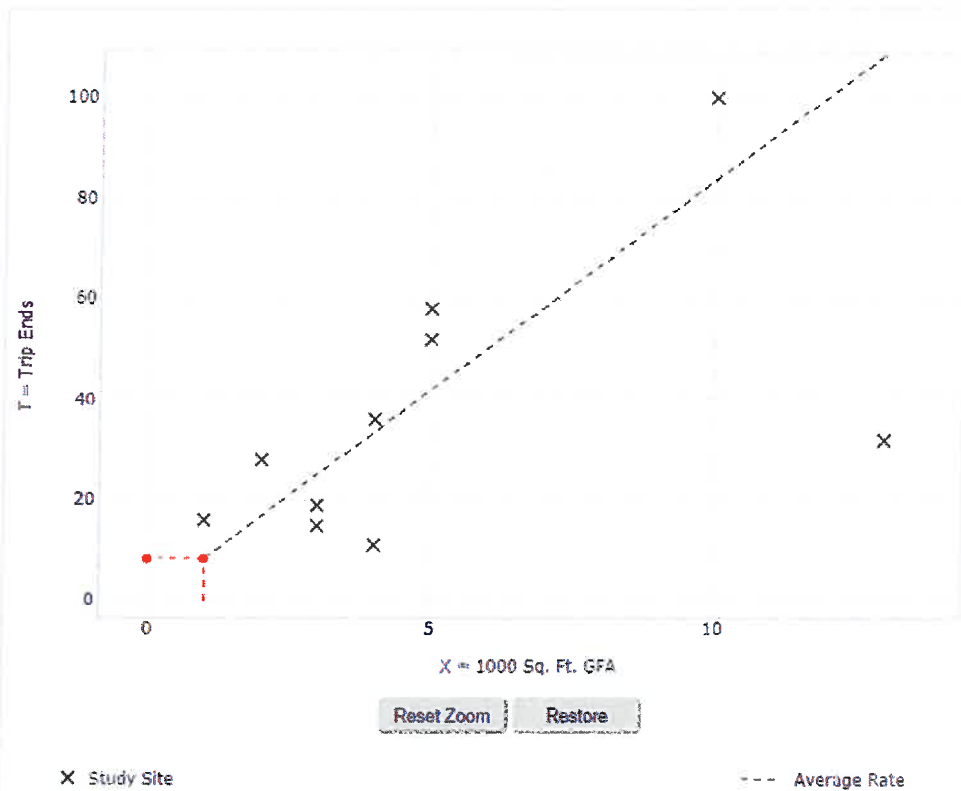




# Attachment D

Figure 6. OTISS trip generator P.M. peak hour garden center

## Data Plot and Equation



### DATA STATISTICS

<b>Land Use:</b>	Nursery (Garden Center) (817) <a href="#">Click for more details</a>
<b>Independent Variable:</b>	1000 Sq. Ft. GFA
<b>Time Period:</b>	Weekday PM Peak Hour of Generator
<b>Setting/Location:</b>	General Urban/Suburban
<b>Trip Type:</b>	Vehicle
<b>Number of Studies:</b>	12
<b>Avg. 1000 Sq. Ft. GFA:</b>	6
<b>Average Rate:</b>	8.37
<b>Range of Rates:</b>	2.46 - 30.25
<b>Standard Deviation:</b>	6.45
<b>Fitted Curve Equation:</b>	Not Given
<b>R<sup>2</sup>:</b>	****
<b>Directional Distribution:</b>	49% entering, 51% exiting
<b>Calculated Trip Ends:</b>	

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



**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING: December 11, 2018**

**Author of Staff Report:** Brian Haluska, Principal Planner

**Date of Staff Report:** November 26, 2018

**Proposed Change To Ordinance:** Amusement Center Regulations

**Applicable City Code Provisions:** §34- 201 et seq. and §34-1190 et seq. (Amendments to the Zoning Ordinance), §34-480 and §34-796 (Use matrices – mixed use and commercial corridor districts), §34-1200 Definitions, and Chapter 34, Article IX, Division 9 – Standards for Provisional Uses

**Executive Summary**

This is a proposed zoning text amendment to amend the regulations pertaining to amusement centers. Adoption of the change would require amendments to the Provisional Use Permit regulations (§34-1170 et seq.), the Commercial district use matrix (§34-480) and the Mixed-Use (§34-796) district use matrix. The original initiation indicated that the definition section would be reviewed, but staff is not proposing a change to that section of the code.

Staff recommends that the use be permitted with a Provisional Use Permit in the following zoning districts:

- B-2 Commercial zone
- B-3 Commercial zone
- M-I Manufacturing-Industrial zone
- IC Industrial Corridor zone
- Downtown Corridor
- Downtown Extended Corridor
- Downtown North Corridor
- West Main East Corridor
- West Main West Corridor
- Cherry Avenue Corridor
- Highway Corridor
- Water Street Corridor
- Urban Corridor
- Central City Corridor

Staff recommends that the use be permitted with a Special Use Permit in the following zoning districts:

- Corner District

Staff recommends that the use no longer be permitted in the following zoning districts:

- South Street Corridor

### **Background**

At the Planning Commission’s November 13, 2018 meeting, a study period was initiated at the request of Staff. Staff has been approached by a party that is looking to open a billiards hall in the City on a major road that seemed to be an appropriate location for such a use, but the code did not permit amusement centers in the zone. While considering the proposed change, staff noted two other businesses in operation that meet the definition of an amusement center in the code, but may not have received the appropriate approvals at their current locations.

### **Study Period and Public Hearing**

Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval. **If the Planning Commission initiates the request, the 100 day recommendation requirement does not apply.** Staff will provide the Planning Commission with reports and analyses as appropriate and a joint public hearing will be scheduled for the next available date.

### **Standard of Review**

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

### **Proposed Zoning Text Change**

Revise the Commercial (§34-480) matrix as follows:

- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the B-2 zoning district column.

- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the B-3 zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the M-I zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the IC zoning district column.
- Add “1176” to the row labeled “Amusement Center” under the “Requirements 34-XXXX” column

Revise the Mixed Use (§34-796) matrix as follows:

- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the D zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the DE zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the DN zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the WME zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the WMW zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the WSD zoning district column.
- Strike the “S” and place a “P” in the row labeled “Amusement Center”, under the URB zoning district column.
- Strike the “B” and place a “P” in the row labeled “Amusement Center”, under the HW zoning district column.
- Place a “P” in the row labeled “Amusement Center”, under the CH zoning district column.
- Place a “P” in the row labeled “Amusement Center”, under the CC zoning district column.
- Strike the “S” in the row labeled “Amusement Center”, under the SS zoning district column.
- Add “1176” to the row labeled “Amusement Center” under the “Requirements 34-XXXX” column

Amend §34-1170 et seq. as necessary, adding §34-1176 Amusement Centers

### **Standard of Review Analysis**

#### **1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

The 2013 Comprehensive Plan Land Use goals encourage the establishment of nodes of activity that enable small group interaction.

#### **2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The purposes of the chapter would be furthered by the amendment by encouraging economic development activities by permitting these types of uses to more easily locate within the City.

**3. Whether there is a need and justification for the change;**

There are currently activities of this nature taking place within the City. They have been operating with no impacts to the surrounding properties being generated by the games regulated under the amusement center definition. The justification for the change is to go through a less stringent review that is commiserate with the level of impact they have on adjacent properties.

**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.**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

**Public Comment**

No public comment has been received at this time.

**Recommendation**

In reviewing the regulation of amusement centers in the City, staff identified three types of uses that all fit in the current definition of an amusement center.

The first is a commercial establishment – typically a restaurant – where the amusement center use is ancillary.

The second is a use type that is typically referred to as an arcade – a business where almost the entire area is occupied by games. These types of uses were tightly regulated in the 1980’s and 90’s when they were social gathering locations for younger residents in communities. These types of uses have mostly disappeared in the wake of the boom in video gaming consoles.

The third type of use is a business that combines a restaurant with an arcade and emphasize the social aspect of the games therein. Several national chains exist that follow this model. Here, staff has some concerns about the nature of these uses because they can potentially be parking intensive due to their large size, but this is a function of the size of the business, not its reliance on electronic games as a driver of attendance.

In each of the examples above, the presence of games does nothing to increase the impact of the use. The businesses need to be well-managed regardless of whether the games are present or not. To that end, staff recommends that amusement centers be permitted via a provisional use permit throughout most of the commercial and mixed-use zones. The provisional use permit would contain the same conditions that apply to a music hall – in that four or more calls for police service

at an amusement center would give the zoning administrator grounds to force the removal of the games.

The two zones where staff suggests a different approach are the Corner District and South Street District. In the Corner District, staff has concerns about permitting amusement centers by provisional use permit without some consideration of parking impact. Staff also has difficulty finding any reason why an amusement center would be an acceptable use in the South Street corridor given the nature of the district, and proposes that it be removed as a permitted use in that zone.

Staff recommends that the zoning text amendment be recommended for approval by the Planning Commission and City Council as written to amend the regulations for Amusement Centers in the Mixed Use and Commercial Zoning Districts.

### **Suggested Motions**

1. “I move to recommend approval of this zoning text amendment to the Provisional Use Permit regulations (§34-1170 et seq.), the Commercial district use matrix (§34-480) and the Mixed-Use (§34-796) district use matrix of the Code of The City of Charlottesville, 1990, as amended, to amend the regulations for Amusement Centers on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*).”
2. I move to recommend approval of this zoning text amendment to amend to the Provisional Use Permit regulations (§34-1170 et seq.), the Commercial district use matrix (§34-480) and the Mixed-Use (§34-796) district use matrix of the Code of The City of Charlottesville, 1990, as amended, to amend the regulations for Amusement Centers on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following additions and modifications:
  - a.
  - b.
3. “I move to recommend denial of this zoning text amendment to the Provisional Use Permit regulations (§34-1170 et seq.), the Commercial district use matrix (§34-480) and the Mixed-Use (§34-796) district use matrix of the Code of The City of Charlottesville, 1990, as amended, to amend the regulations for Amusement Centers on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) for the following reasons: ....”
  - a.
  - b.

## **Appendices**

1. Current Sections of the Code proposed to be modified
2. Mark up of the code sections showing changes
3. Proposed code sections as they would be after the changes proposed in this report.

**Sec. 34-480. - Use matrix—Commercial districts.**

<b>Use Types</b>	<b>Zoning Districts</b>						
	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-I</b>	<b>ES</b>	<b>IC</b>	<b>Requirements 34-XXXX</b>
<b>Amusement Center</b>		<b>S</b>	<b>S</b>	<b>S</b>		<b>S</b>	

**Sec. 34-796. - Use matrix—Mixed use corridor districts.**

<b>Use Types</b>															
	<b>D</b>	<b>DE</b>	<b>DN</b>	<b>WME</b>	<b>WMW</b>	<b>CH</b>	<b>HS</b>	<b>NCC</b>	<b>HW</b>	<b>WSD</b>	<b>URB</b>	<b>SS</b>	<b>CD</b>	<b>CC</b>	<b>Requirements 34-XXXX</b>
<b>Amusement Center</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>				<b>B</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>		



**Sec. 34-480. - Use matrix—Commercial districts.**

Use Types	Zoning Districts						Requirements 34-XXXX
	B-1	B-2	B-3	M-I	ES	IC	
Amusement Center		S P	S P	S P		S P	1176

**Sec. 34-796. - Use matrix—Mixed use corridor districts.**

Use Types															Requirements 34-XXXX
	D	DE	DN	WME	WMW	CH	HS	NCC	HW	WSD	URB	SS	CD	CC	
Amusement Center	S P	S P	S P	S P	S P	P			B P	S P	S P	S	S	P	1176

**Sec. 34-1176. – Amusement Centers. (New Code Section)**

For amusement centers the following requirements shall apply:

(1) Any amusement center that remains open after 2:00 a.m. on any day shall have a security guard on site between the hours of 2:00 a.m. and 6:00 a.m. or until one-half hour after the amusement center closes, whichever is earlier.

(2) In the event more than four (4) incidents at the property require police service/response over any two (2) month period, the provisional use permit shall be suspended by the zoning administrator, for three hundred sixty-five (365) days. Following any such suspension, any other uses on the site may continue to operate, but only in the form that is permitted within the applicable zoning district without the requirement of a provisional use permit.

**Sec. 34-480. - Use matrix—Commercial districts.**

Use Types	Zoning Districts						Requirements 34-XXXX
	B-1	B-2	B-3	M-I	ES	IC	
Amusement Center		P	P	P		P	1176

**Sec. 34-796. - Use matrix—Mixed use corridor districts.**

Use Types															Requirements 34-XXXX
	D	DE	DN	WME	WMW	CH	HS	NCC	HW	WSD	URB	SS	CD	CC	
Amusement Center	P	P	P	P	P	P			P	P	P		S	P	1176

**Sec. 34-1176. – Amusement Centers. (New Code Section)**

For amusement centers the following requirements shall apply:

(1) Any amusement center that remains open after 2:00 a.m. on any day shall have a security guard on site between the hours of 2:00 a.m. and 6:00 a.m. or until one-half hour after the amusement center closes, whichever is earlier.

(2) In the event more than four (4) incidents at the property require police service/response over any two (2) month period, the provisional use permit shall be suspended by the zoning administrator, for three hundred sixty-five (365) days. Following any such suspension, any other uses on the site may continue to operate, but only in the form that is permitted within the applicable zoning district without the requirement of a provisional use permit.

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



**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING: December 11, 2018**

**Author of Staff Report:** Brian Haluska, Principal Planner

**Date of Staff Report:** November 28, 2018

**Proposed Change To Ordinance:** Mixed-Use District Descriptions

**Applicable City Code Provisions:** §34-541. – Mixed use districts – Intent and description.

**Executive Summary**

This is a proposed zoning text amendment to amend the regulations pertaining to the description of the mixed-use districts in the City of Charlottesville. Adoption of the change would require amendments to the Mixed-Use District Descriptions in §34-541.

Staff recommends that the following changes be approved.

**Background**

At the Planning Commission's November 13, 2018 meeting, a study period was initiated at the request of Staff. Staff had recently encountered a question of the designation of 10<sup>th</sup> Street NE in the Downtown North Zone, which is not identified as a primary or linking street despite the fact that DN zoned property fronts on 10<sup>th</sup> Street NE. Staff has previously identified a number of other errors and omissions in this section of the code when listing the primary and linking streets in each of the mixed-use districts. These errors cause confusion among the applicant and staff when attempting to apply the setback requirements tied to road frontages.

Additionally, staff proposes standardizing the nomenclature of streets across all districts to minimize confusion.

**Study Period and Public Hearing**

Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval. **If the Planning Commission initiates the request, the 100 day recommendation requirement does not apply.** Staff will provide the Planning Commission with reports and analyses as appropriate and a joint public hearing will be scheduled for the next available date.

## **Standard of Review**

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## **Proposed Zoning Text Change**

Revise the Mixed Use District Intent and Definitions (§34-541) as follows:

### **(2) Downtown Extended**

- Edit Market Street to reflect the correct name of East Market Street
- Edit 1<sup>st</sup> Street and 4<sup>th</sup> Street to clarify location
- Add Elliott Avenue, Levy Avenue and East Water Street to the list of primary streets.
- Add East South Street, Graves Street, Lyman Street, and City Walk Way to the list of linking streets.

### **(3) Downtown North**

- Edit the name of the zone to reflect the correct name of the Downtown North zone
- Edit 8<sup>th</sup> Street, N.E.; 5<sup>th</sup> Street, N.E.; 1<sup>st</sup> Street; 4<sup>th</sup> Street, N.E.; 9<sup>th</sup> Street, N.E.; 2<sup>nd</sup> Street, N.E.; 2nd Street, N.W.; 7th Street, N.E.; 6th Street, N.E.; 3rd Street, N.E.; 8<sup>th</sup> Street, and 11st Street, N.E. to standardize nomenclature and clarify location.
- Strike one of the two references to 9<sup>th</sup> Street NE in the list of primary streets.
- Edit Locust Street to reflect the correct name of Locust Avenue
- Edit Lexington Street to reflect the correct name of Lexington Avenue
- Edit Market Street to reflect both East Market Street and West Market Street are included.
- Edit High Street to reflect both East High Street and West High Street are included.
- Add 10<sup>th</sup> Street NE and 9 ½ Street NE to the list of primary streets
- Add Park Street, Court Square and Altamont Circle to the list of linking streets.

### **(6) Cherry Avenue Corridor**

- Edit 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., and 7th St to clarify location and standardize nomenclature.
- Edit 9<sup>th</sup>/10<sup>th</sup> Connector to reflect the correct name of Roosevelt Brown Boulevard.
- Add Dice Street and Elm Street to the list of linking streets.

(7) High Street Corridor

- Edit 11<sup>th</sup> Street to clarify location
- Edit Willow Street to reflect the correct name of Willow Drive.
- Add 10<sup>th</sup> Street NE to the list of primary streets
- Add 13<sup>th</sup> Street NE, Duke Street, Little High Street to the list of linking streets.

(8) Neighborhood Commercial Corridor

- Edit Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St. to standardize nomenclature.
- Add Meridian Street, Jefferson Park Avenue and Price Avenue to the list of primary streets.

(9) Highway Corridor

- Edit 5<sup>th</sup> Street to clarify location
- Edit East View Street to reflect accurate name of Eastview Street
- Edit Monticello Ave and Carlton Rd to standardize nomenclature
- Add Hillsdale Drive to the list of primary streets.
- Add 250 Bypass, Monticello Road, Rives Street, Nassau Street, Quarry Road and Druid Avenue to the list of linking streets.

(10) Urban Corridor

- Add University Avenue to list of primary streets.
- Add Old Ivy Road, Wise Street and 250 Bypass to list of linking streets.

(11) Central City Corridor

- Edit 8<sup>th</sup> Street, 9<sup>th</sup> Street and 10<sup>th</sup> Street to clarify location.
- Add Grady Avenue to the list of primary streets.
- Add Landonia Circle and Duke Street to the list of linking streets.

(14) Corner District

- Edit 12<sup>th</sup> Street, 12 ½ Street, 13<sup>th</sup> Street and 14<sup>th</sup> Street to clarify location.
- Remove 13<sup>th</sup> Street from the list of primary streets.
- Add Jefferson Park Avenue to the list of primary streets.
- Add Minor Court Lane to the list of linking streets.

## **Standard of Review Analysis**

**1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

The 2013 Comprehensive Plan Land Use community vision includes a goal of a “Smart, Citizen-Focused Government”.

**2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The purposes of the chapter would be furthered by the amendment by clarifying existing regulations.

**3. Whether there is a need and justification for the change;**

The change would clarify the regulations pertaining to the mixed-use districts in the City, and would reduce the confusion created by errors and omissions within this section of the Code.

**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.**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

## **Public Comment**

No public comment has been received at this time.

## **Recommendation**

Staff recommends that the zoning text amendment be recommended for approval by the Planning Commission and City Council as written to amend the regulations for Mixed Use Districts.

## **Suggested Motions**

1. “I move to recommend approval of this zoning text amendment to the intent and description of the mixed use districts (§34-541 et seq.), of the Code of The City of Charlottesville, 1990, as amended, on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*).”
2. I move to recommend approval of this zoning text amendment to the Intent and description of the mixed use districts (§34-541 et seq.), of the Code of The City of Charlottesville, 1990, as amended, on the basis that the changes would serve the

interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following additions and modifications:”

a.

b.

3. “I move to recommend denial of this zoning text amendment to the Intent and description of the mixed use districts (§34-541 et seq.), of the Code of The City of Charlottesville, 1990, as amended, on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) for the following reasons: ....”

a.

b.

### **Appendices**

1. Current Sections of the Code proposed to be modified
2. Mark up of the code sections showing changes
3. Proposed code sections as they would be after the changes proposed in this report.

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

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

*Primary streets:* All streets are primary.

*Linking streets:* None.

- (2) *Downtown Extended Corridor.* Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:

*Primary streets:* Garrett Street, Monticello Avenue, 6th Street, Market Street, Carlton Road and 10th Street, N.E.

*Linking streets:* Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

- (3) *North Downtown Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

*Primary streets:* 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th Street, N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

*Linking streets:* East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

- (4) *West Main West Corridor.* The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district ("WMW") is established to provide the opportunity for large-scale redevelopment that may alter established patterns of commercial and residential development along West Main Street and that will respect the character of neighborhoods in close proximity. Within this district, the purpose of zoning regulations is to facilitate redevelopment while at the same time creating a walkable, mixed use "main street" setting that encourages vibrant pedestrian activity. The following streets shall have the designations indicated:

a. Where only one (1) street abuts a lot, that street is considered the primary street.

b. Where more than one (1) street abuts a lot, the following are considered primary streets:



- (i) West Main Street;
  - (ii) Roosevelt Brown Boulevard;
  - (iii) Jefferson Park Avenue;
  - (iv) Wertland Street;
  - (v) 10th Street NW.
- c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.
- d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.
- (5) *West Main East Corridor.* The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses. Established buildings are located in close proximity to the street on which they front. Within this district, the purpose of zoning regulations is to encourage a continuation of the established pattern and scale of commercial uses, and to encourage an extension of a walkable, mixed use "main street" setting eastward from the railroad bridge, continuing into the area where the West Main Street Corridor transitions into the city's downtown. Within the West Main Street East district ("WME"), the following streets shall have the designations indicated:
- a. Where only one (1) street abuts a lot, that street is considered the primary street.
  - b. Where more than one (1) street abuts a lot, the following are considered primary streets:
    - (i) West Main Street;
    - (ii) Commerce Street;
    - (iii) South Street;
    - (iv) Ridge Street;
    - (v) 7th Street SW;
    - (vi) 4th Street NW.
  - c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.
  - d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.
- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:
- Primary streets:* Cherry Avenue, 9th/10th Connector.
- Linking streets:* 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St.
- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-oriented service businesses such as auto repair shops and restaurants. The regulations within this

district encourage a continuation of the scale and existing character of uses established within this district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

*Primary streets:* East High Street and Meade Avenue.

*Linking streets:* 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

*Primary streets:* Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

*Linking streets:* None.

- (9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

*Primary streets:* Bent Creek Road, Carlton Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

*Linking streets:* Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

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*Linking streets:* Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

- (11) *Central City Corridor.* The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

*Primary streets:* East High Street, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

*Linking streets:* Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, 8th Street, Forest Street, 9th Street, and West Street.

- (12) *Water Street Corridor District.* The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

*Primary streets:* All.

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- (13) *South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

*Primary streets:* South Street.

*Linking streets:* None.

- (14) *Corner District.* The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

*Primary streets:* University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

*Linking streets:* Chancellor Street, 12th Street, 12½ Street and 13th Street.

(5-19-08(3); 3-21-16, § 2)

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

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

*Primary streets:* All streets are primary.

*Linking streets:* None.

- (2) *Downtown Extended Corridor.* Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:

*Primary streets:* Garrett Street, Monticello Avenue, 6th Street, East Market Street, Carlton Road, and 10th Street, N-E-, Elliott Avenue, Levy Avenue, and East Water Street.

*Linking streets:* Avon Street, City Walk Way, Dice Street, 1st Street S, 4th Street SE, Gleason Street, Goodman Street, Graves Street, Lyman Street, Oak Street, East South Street, and Ware Street.

- (3) *~~North~~ Downtown North Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

*Primary streets:* 10th Street NE, 8th Street, N-E- (between High Street and Jefferson Street), 5th Street, N-E-, 1st Street N, 4th Street, N-E-, East High Street, West High Street, Jefferson Street, East Market Street, West Market Street, 9th Street NE, 9th 1/2 Street, N-E-, 2nd Street, N-E-, 2nd Street, N-W-, 7th Street, N-E-, 6th Street, N-E-, and 3rd Street, N-E-.

*Linking streets:* Altamont Circle, East Jefferson Street (east of 10th Street, N.E.), 8th Street NE, 11th Street, N-E-, Court Square, Lexington ~~Street~~Avenue, Locust ~~Street~~Avenue, Maple Street, Park Street, and Sycamore Street.

- (4) *West Main West Corridor.* The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district ("WMW") is established to provide the opportunity for large-scale redevelopment that may alter established patterns of commercial and residential development along West Main Street and that will respect the character of neighborhoods in close proximity. Within this district, the purpose of zoning regulations is to facilitate redevelopment while at the same time creating a walkable, mixed use "main street" setting that encourages vibrant pedestrian activity. The following streets shall have the designations indicated:

- a. Where only one (1) street abuts a lot, that street is considered the primary street.

- b. Where more than one (1) street abuts a lot, the following are considered primary streets:
    - (i) West Main Street;
    - (ii) Roosevelt Brown Boulevard;
    - (iii) Jefferson Park Avenue;
    - (iv) Wertland Street;
    - (v) 10th Street NW.
  - c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.
  - d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.
- (5) *West Main East Corridor.* The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses. Established buildings are located in close proximity to the street on which they front. Within this district, the purpose of zoning regulations is to encourage a continuation of the established pattern and scale of commercial uses, and to encourage an extension of a walkable, mixed use "main street" setting eastward from the railroad bridge, continuing into the area where the West Main Street Corridor transitions into the city's downtown. Within the West Main Street East district ("WME"), the following streets shall have the designations indicated:
- a. Where only one (1) street abuts a lot, that street is considered the primary street.
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- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:
- Primary streets:* Cherry Avenue, ~~9th/10th Connector~~Roosevelt Brown Boulevard.
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- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-

oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

*Primary streets:* 10th Street NE, East High Street and Meade Avenue.

*Linking streets:* 11th Street NE, 13th Street NE, Duke Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Little High Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow ~~Street~~Drive.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

*Primary streets:* Bainbridge St-reet, Carlton Ave-nue, Douglas Avenue-, Fontaine Ave-nue, Garden St-reet, Goodman St-reet, Hinton Ave-nue, Holly St-reet, Jefferson Park Avenue, Lewis St-reet, Maury Ave-nue, Meridian Street, Monticello Road-, Price Avenue and Walnut Street.

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*Primary streets:* Jefferson Park Avenue, University Avenue, West Main Street, Wertland Street, Elliewood Avenue, 13th Street NW and 14th Street NW.

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*Linking streets:* Chancellor Street, Minor Court Lane, 12th Street NW, 12 1/2 Street NW, and 13th Street NW.

(5-19-08(3); 3-21-16, § 2)

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



**REQUEST FOR A ZONING TEXT AMENDMENT**

**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING:** December 11, 2018

**Author of Staff Report:** Craig A. Fabio, Asst. Zoning Administrator

**Date of Staff Report:** November 2, 2018

**Proposed Change To Ordinance:** Clarification of residential density calculations and applicable definitions

**Applicable City Code Provisions:** §34-6 et seq. and §34-1200. Definitions

**Executive Summary**

This is a proposed zoning text amendment to clarify density regulations, associated with development. Adoption of the change would require amendments to the general Zoning regulations (§34-6 et seq.) and Definitions (§34-1200 et seq.).

**Background**

At the most recent Board of Zoning Appeals (BZA) meeting a determination was made that the City of Charlottesville Zoning Ordinance does not clearly define certain uses as Dwelling Units. Specifically, it was determined that under current regulations a Fraternity is not clearly defined as a Dwelling Unit, overturning a decision made by the Zoning Administrator. This determination could be applicable to Boarding Houses and other similar uses as well. Aside from height and setback requirements, the allowable number of Dwelling Units per Acre (DUA) is the primary factor when determining the maximum allowable use for properties in many districts throughout the City of Charlottesville. The existing DUA allowances were established to limit the impacts of development on neighborhoods, in line with the City of Charlottesville Comprehensive Plan. Boarding House uses generally have occupancy allowances higher than the standard four (4) occupants per Dwelling Unit, and thus arguably an already greater impact on neighborhoods. This determination would allow a property to be developed with the total allowable DUA in addition to a Boarding House. For example, a property with an allowable DUA of twenty (20) could be permitted to construct twenty (20) four occupant Dwelling Units as well as a Boarding House, which would not factor into the DUA and could house dozens of additional occupants. Staff finds this determination to be contradictory to the goals of the Comprehensive Plan and has submitted a Zoning Text Amendment to clarify the allowances in the City of Charlottesville Zoning Ordinance.

## **Standard of Review**

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## **Proposed Zoning Text Change**

Amend §34-6 et seq. to clarify existing uses and allowances

Amend §34-1200. Definitions et seq. as necessary

## **Standard of Review Analysis**

### **1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

The 2013 Comprehensive Plan looks to promote infill development, and increase commercial vitality and density in appropriate areas. The proposed amendments will provide clarity necessary to appropriately promote infill development.

### **2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The purposes of the chapter would be furthered by the amendment. The amendment would provide an additional means to regulate appropriate growth.

### **3. Whether there is a need and justification for the change;**

Without the proposed amendments uses with potentially large numbers of occupants and impacts on neighborhoods would not be accounted for in density calculations. Staff has recommended changes to promote appropriate development throughout the City.

### **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.**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

## **Public Comment**

No public comment has been received at this time.

## **Recommendation**

The City of Charlottesville is a built out City. The majority of development the City will see moving forward will be infill or redevelopment. Due to Zoning regulations and financial restrictions most development looks to maximize the potential of each site. While the proposed changes would appear to reduce the maximum occupancy of properties, as interpreted by the Board of Zoning Appeals, this is not effectively true as the Zoning Administrator's determination that a Boarding House is a Dwelling Unit is consistent with previous approvals and development.

Staff recommends that the zoning text amendments be recommended for approval by the Planning Commission to City Council as written to amend and clarify the City of Charlottesville Zoning Ordinance.

## **Appropriate Motions**

1. "I move to recommend approval of this zoning text amendment to amend and re-ordain §34-6 et seq. and §34-1200 (Amendments to the Zoning Ordinance) on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*)."
2. "I move to recommend denial of this zoning text amendment to amend and re-ordain §34-6 et seq. and §34-1200. (Amendments to the Zoning Ordinance) on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) for the following reasons: ...."
  - a.
  - b.

## Proposed Code Language

Amend the provisions of 34-6, to add a new subparagraph (j), as follows:

**34-6. Interpretation of district boundaries; rules of construction.**

(a)...

**(j) For purposes of calculating residential density of development (dwelling units per acre) the following uses shall be counted as one (1) dwelling unit: boarding house; boarding, fraternity and sorority house; convent; monastery; family day home; residential treatment facility.**

Amend the Definitions within 34-1200, as follows:

~~Dwelling~~ means a building, or portion thereof, serving as a residence for any persons.

~~Dwelling unit~~ means a building, or any portion thereof, containing a **one or more rooms within a building comprising complete, independent set of living facilities for residential occupancy by accommodations suitable for occupancy by** one (1) or more persons. **Complete, independent living facilities include permanent provisions for living, inclusive of all of the following: sleeping, eating, cooking and sanitation.** ~~consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and having either direct access from the outside of the building or through a common hall to the outside of the building.~~

~~Dwelling, multifamily (MFD)~~ means a building, or portion thereof, arranged or designed to contain **containing** three (3) or more dwelling units.

~~Dwelling, single-family attached (SFA)~~ means a building containing **only one (1)** a single dwelling unit, where **(i) the such building the dwelling** is attached or connected **by a common party wall** to one other **building containing only one dwelling unit** similar building by a common party wall, and **(ii)** where each individual dwelling unit is designed and constructed so as to permit its sale as an individual unit.

~~Dwelling, single-family detached (SFD)~~ means a freestanding building **that contains** containing **only one (1) primary** a single dwelling unit, i.e., a building **and such building** that has no attachment or connection by a common party wall **with** to another similar building.

~~Dwelling, townhouse (TH)~~ refers to any ~~one (1)~~ of a series of **three or more** single-family attached dwellings, under single or multiple ownership, separated from one another by **common party walls** continuous vertical walls without openings from basement floor to roof. "Series" refers to a row of three (3) or more townhouse dwellings.

**Add a new definition to sec. 34-1200: Common party wall means a vertical wall shared by two buildings, without any opening(s) from basement floor to roof.**

~~Dwelling, two-family (TFD)~~ means a building **that contains** , or portion thereof, arranged or designed to be occupied by two (2) families, having only two (2) dwelling units **neither of which is an accessory apartment.**

~~Accessory apartment~~ means ~~a~~ an independent dwelling unit **located on a property on which the primary residential structure is a single-family detached dwelling, a townhouse, or a single-family attached dwelling, and the presence and use of such dwelling unit is for residential occupancy and such use** which is clearly subordinate to **residential occupancy of the primary residential structure.** ~~a single-family detached dwelling and in which no more than two (2) persons reside.~~ When **an accessory apartment is** contained within the **primary residential** structure of a single-family dwelling, such apartment **is referred to as** constitutes an "interior accessory apartment."

~~Boarding house~~ means a building, or portion thereof, other than a hotel, which contains three (3) or more **rooming units.** ~~guest rooms designed or intended to be used, let or hired out for occupancy, for monetary compensation, where the rental or leases are for definite periods of time. Meals may or may not be provided,~~



~~but there is one (1) common kitchen facility. No meals are provided to outside guests. Also commonly known as a rooming house.~~

***Add a new definition to Sec. 34-1200: Rooming unit means one or more rooms: (i) forming a single, habitable unit used or intended to be used for sleeping purposes, but which do not contain permanent provisions for living, inclusive of all of the following: sleeping, eating, cooking and sanitation facilities; and (ii) such room(s) are let continuously to an occupant, in return for compensation (with or without meals included), for a period of more than thirty (30) days.***

~~Boarding, fraternity and sorority house means a **boarding house occupied** building, or portion thereof, which contains three (3) or more guest rooms, designed or intended to be used as a place of room/board for **by** members of a fraternity or sorority officially recognized by a college or university. Meals may or may not be provided, but there is one (1) common kitchen facility.~~

~~Condominium means a **two-family dwelling or a multifamily** multiple dwelling or **a** development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.~~

~~Dormitory means a **boarding house** building, or portion thereof, owned or operated by an educational facility, **occupied by** which provides boarding house style accommodations exclusively to students, faculty **or** and employees of such institution.~~

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



**PRELIMINARY DISCUSSION:**  
**BELLEVUE PUMP STATION**  
**SPECIAL USE PERMIT SP18-0009**

**DATE OF PLANNING COMMISSION MEETING: December 11, 2018**

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** November 28, 2018

**Project Name:** Belleview SD Private Sanitary Pump Station

**Location:** Tax Map 20 Parcels 142 – 148, 121 – 122, 125 – 126, & 129 (Subject Property)

Various Owners, according to City GIS records: Azalea Cottages, LLC; Core Azalea, LLC; Gilbert Station, LLC; RL Beyer Construction, Inc.

**Applicant's Representative:** Justin Shimp with Shimp Engineering, PC.

**Applicable City Code Provisions:** Chapter 34 (Zoning)

**Zoning District:** R-1S – Residential Small Lots

**Date Special Use Permit application was submitted:** October 23, 2018

**RE: SUP Application for a private sanitary pump station**

**Background**

An application for a private sanitary pump station for the subject property was submitted to the City for review on October 23, 2018. Prior to scheduling a Public Hearing, Planning Commission is being asked to become familiar with the project and provide guidance to the applicant. As part of the proposed Belleview Subdivision a private sanitary pump station that can support up to 49 single family homes is being proposed.

During staff's review of the proposed Belleview Subdivision, concerns were raised regarding lawful lots and Utility Facilities. Resolution was reached with the City Attorney's office and according to Sec. 34-420 Utility Facilities may be perused by Special Use Permit for R-1S lots. A Utility Facility is defined in Sec. 34-1200 as "*Utility facilities means and refers to the following: sewage treatment plants, sewer pumping stations, water treatment plants, water pumping stations, gas regulator facilities, gas distribution facilities, incinerators and electric power transformer substations, and utility transmission line alignments and towers owned by public service corporations but which are not governed by city franchise arrangements*".

## **Questions/Topics for Discussion**

Key points and questions Planning Commission may wish to keep in mind during their preliminary discussion:

- Discuss the proposed SUP request in light of the following:
  - Impacts from an underground sanitary pump station on the surrounding neighborhood. These impacts could be noise, smell, and lighting.
  - Maintenance of the sanitary pump station. The application materials indicate an HOA will be established and responsible for maintaining the facility. Staff is concerned with the possibility of the HOA becoming defunct and the City stepping in and taking over operation of the facility.
  - Barriers that are preventing a preferred gravity feed sanitary system.
  - Planning Commission's standard of review when discussing a SUP:
    - (a) In considering an application for a special use permit, the city council shall consider the following factors:
      - (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
      - (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
      - (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
      - (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
        - a. Traffic or parking congestion;
        - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
        - c. Displacement of existing residents or businesses;
        - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
        - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
        - f. Reduction in the availability of affordable housing in the neighborhood;
        - g. Impact on school population and facilities;
        - h. Destruction of or encroachment upon conservation or historic districts;
        - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
        - j. Massing and scale of project.
      - (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

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

(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

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

- Also keep in mind the proposed SUP is for a sanitary pump station and not residential dwelling units. The corresponding subdivision (Bellevue) is a by-right development.

### **Attachments**

A. Application dated 10/17/2018

B. Project Narrative dated 10/23/2018

C. Sanitary Drainage Exhibit not dated

D. Site Plan dated 10/22/2018

E. Link to subdivision information:

<http://www.charlottesville.org/home/showdocument?id=62715> (Information starts on page 216)



# City of Charlottesville

## Application for Special Use Permit

Project Name: Belleview Pump Station

Address of Property: \_\_\_\_\_

Tax Map and Parcel Number(s): \_\_\_\_\_

Current Zoning District Classification: R1-S

Comprehensive Plan Land Use Designation: Residential

Is this an amendment to an existing SUP? NO

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

Applicant: Core Azalea LLC

Address: 600 E. Water St. Suite H Charlottesville VA 22902

Phone: 434 466 6566 Email: andrew@coreville.com

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

- Owner
- Owner's Agent
- Designer
- Contract Purchaser

Owner of Record: Core Azalea LLC & Azalea Cottages LLC

Address: 600 E. Water St Suite H Charlottesville VA 22902

Phone: 434 466 6566 Email: andrew@coreville.com

### Reason for Special Use Permit:

- Additional height: \_\_\_\_\_ feet
- Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre
- Authorize specific land use (identify) \_\_\_\_\_
- Other purpose(s) (specify City Code section): \_\_\_\_\_

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

(1) Signature [Signature] Print Andrew Baldwin Date 10/17/18

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

(2) Signature \_\_\_\_\_ Print Rick Beyer Date \_\_\_\_\_

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

SP18-0009



# City of Charlottesville

## Application for Special Use Permit

Project Name: Belleview Pump Station

Address of Property: \_\_\_\_\_

Tax Map and Parcel Number(s): \_\_\_\_\_

Current Zoning District Classification: R1-S

Comprehensive Plan Land Use Designation: Residential

Is this an amendment to an existing SUP? NO

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

Applicant: Core Azalea LLC

Address: 600 E. Water St. Suite H Charlottesville VA 22902

Phone: 434 466 6566 Email: andrew@coreville.com

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

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Core Azalea LLC & Azalea Cottages LLC

Address: 600 E. Water St Suite H Charlottesville VA 22902

Phone: 434 466 6566 Email: andrew@coreville.com

Reason for Special Use Permit:

- Additional height: \_\_\_\_\_ feet
- Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre
- Authorize specific land use (identify) \_\_\_\_\_
- Other purpose(s) (specify City Code section): \_\_\_\_\_

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

(1) Signature [Signature] Print Andrew Baldwin Date 10/17/18

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

Other (specify): \_\_\_\_\_

(2) Signature [Signature] Print Rick Boyer Date 10-18-18

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

Other (specify): \_\_\_\_\_



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: Belleview Pump Station

Pre-Application Meeting Date: 10/15/2018

Applicant's Representative: Andrew Baldwin / Justin Shimp

Planner: Matt Alfeld

Other City Officials in Attendance:

Roy Nester

Hugh Blake

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. HOA Doc
2. Examples of other Pump Stations
3. Preliminary Engineering Report (PER)
4. Downstream System Doc.
5. Look @ Roy's comments from the August 7, 2018 Comment letter

Planner Signature: [Handwritten Signature]





# City of Charlottesville

## Application Checklist

Project Name: Belleview Pump Station

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- ~~34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))~~
- ~~34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?~~
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Core Azulea LLC

Signature

[Signature]

Print

Andrew Baldwin

Date

10/17/18

By Its:

Owner/Member

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



# City of Charlottesville

## Community Meeting

Project Name: Belleview Pump Station

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted \_\_\_\_\_, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Core Azalea LLC

By: Andrew Baldwin

Signature [Signature] Print Andrew Baldwin Date 10/17/18

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



# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Core Azalea LLC Date 10/15/18

By (sign name): [Signature] Print Name: Andrew Baldwin: owner

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

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Andrew Baldwin

Name of Corporate or other legal entity authorized to serve as agent: Core Azalea LLC

Owner: Core Azalea LLC & Azalea Cottages LLC Date: 10/17/18

By (sign name): [Signature] Print Name: Andrew Baldwin

Circle one: \_\_\_\_\_ Rick Beyer

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

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Core Azalea LLC Date 10/15/18

By (sign name): [Signature] Print Name: Andrew Baldwin <sup>owner</sup> <sub>manager</sub>

Owner's:  LLC Member  LLC Manager

Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Andrew Baldwin

Name of Corporate or other legal entity authorized to serve as agent: Core Azalea LLC

Owner: Core Azalea LLC & Azalea Cottages LLC Date: 10/17/18

By (sign name): [Signature] Print Name: Andrew Baldwin

Circle one:  LLC Member  LLC Manager Rick Beyer

Owner's:  LLC Member  LLC Manager

Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Core Azalea LLC Address 600 E. Water St. Suite H Charlottesville VA 22907

Name Azalea Cottages LLC Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Core Azalea LLC

By:

Signature [Signature] Print Andrew Baldwin Date 10/17/15

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





# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies): the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Core Azulea LLC Address 600 E. Water St. Suite H Charlottesville VA 22907

Name Azulea Cottages LLC Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

**Note:** The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

**Applicant:** Core Azulea LLC

**By:**

Signature [Signature] Print Andrew Baldwin Date 10/17/16

Its: Owner/manager (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Fee Schedule

Project Name: Belleview Pump Station

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)	1	\$ 1,500	1500
Special Use Permit (Mixed Use/Non-Residential)		\$ 1,800	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			1500

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_





# City of Charlottesville

## LID Checklist

Project Name: Belleview Pump Station

LID Measure	LID Checklist Points	Points
<b>Compensatory Plantings</b> (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	0
<b>Pervious pavers</b> for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	0
<b>Shared parking</b> (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	0
<b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	0
<b>Bioretention.</b> Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	0
<b>Rain gardens.</b> All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .	8 points or 1 point for each 10% of lots treated.	0
<b>Designed/constructed swales.</b> Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	0
<b>Manufactured sand filters, filter vaults</b> (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	0
<b>Green rooftop</b> to treat ≥ 50% of roof area	8 points	0
<b>Other LID practices</b> as approved by NDS Engineer.	TBD, not to exceed 8 points	0
<b>Off-site contribution</b> to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	0
<b>Total Points</b>		<b>0</b>

**Applicant's Signature**

Signature *Andrew Baldwin* Print Andrew Baldwin Date 10/17/14



PROJECT MANAGEMENT  
CIVIL ENGINEERING  
LAND PLANNING

October 23, 2018

Matthew Alfele  
Neighborhood Development Services  
610 East Market Street  
Charlottesville, VA 22902

**Regarding:      Belleview Pump Station Special Use Permit Request  
Project Narrative**

**Project Proposal**

Core Azalea, LLC, the contract purchaser and developer of TMP 20-121, TMP 20-125, TMP 20-126, TMP 20-129, TMP 20-142, TMP 20-144, TMP 20-145, TMP 20-147, & TMP 20-148 requests a Special Use Permit in accordance with Sec. 34-158 of Charlottesville Code to allow the construction and operation of a privately owned pump station to serve the proposed infill development on the subject property. The pump station will serve up to 49 proposed new single-family homes. The pump station will be privately owned by the Belleview Street HOA, and will be professionally designed and maintained.

Acreage	Comp Plan Designation	Existing Zoning	Proposed Use
Total Parcel Area: 6.80 Ac Pump Station will be built in a 0.31 Ac residential lot to serve the subdivision.	Low Density Residential	R-1S	Pump Station Operation within a Residential Lot

**Existing Conditions:**

The property is currently a vacant residential lot that was platted as part of the Monte Vista Neighborhood in the Fry's Spring area of Charlottesville. The property has never been developed but is bordered by the built-out single-family residential neighborhood along Monte Vista Avenue and Azalea Drive. This neighborhood is just north of Azalea Park and Moores Creek.

The proposed sanitary connection will be made to the sewer main under Monte Vista Ave. The system appears to be currently intact and joins to a large sanitary interceptor line roughly 1600 lf downstream of the connection.

Currently, the Monte Vista Ave sanitary sewer branch serves an estimated 107 single-family homes.

**Consistency with Comprehensive Plan:**

The proposed pump station is consistent with the use shown on the 2013 adopted Comprehensive Plan map which shows this parcel as low density residential. To achieve a low-density residential development on this property, a sanitary sewer connection must be made. The developer has unsuccessfully reached out to neighboring property owners to obtain an easement for a standard gravity sewer connection along the back of their lots. This leaves the remaining option for connection via a pump station. Due to these conditions, the listed use of the Comprehensive Plan cannot be practicably achieved without a pump station.

# Attachment B

## Compliance with USBC Provisions:

The proposed pump station is new construction and will comply with all USBC provisions.

## Site Plan Narrative:

The proposed pump station will be built in the back of residential Lot 1 (See Sheet C6 of the attached Site Plan). The pump station will be built in an easement and is located 80' from the nearest proposed home and 130' from the nearest neighboring existing home.

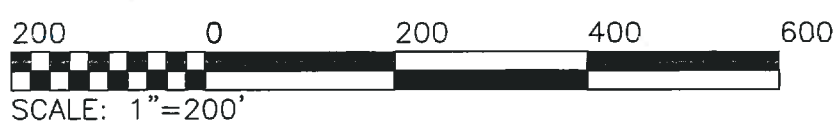
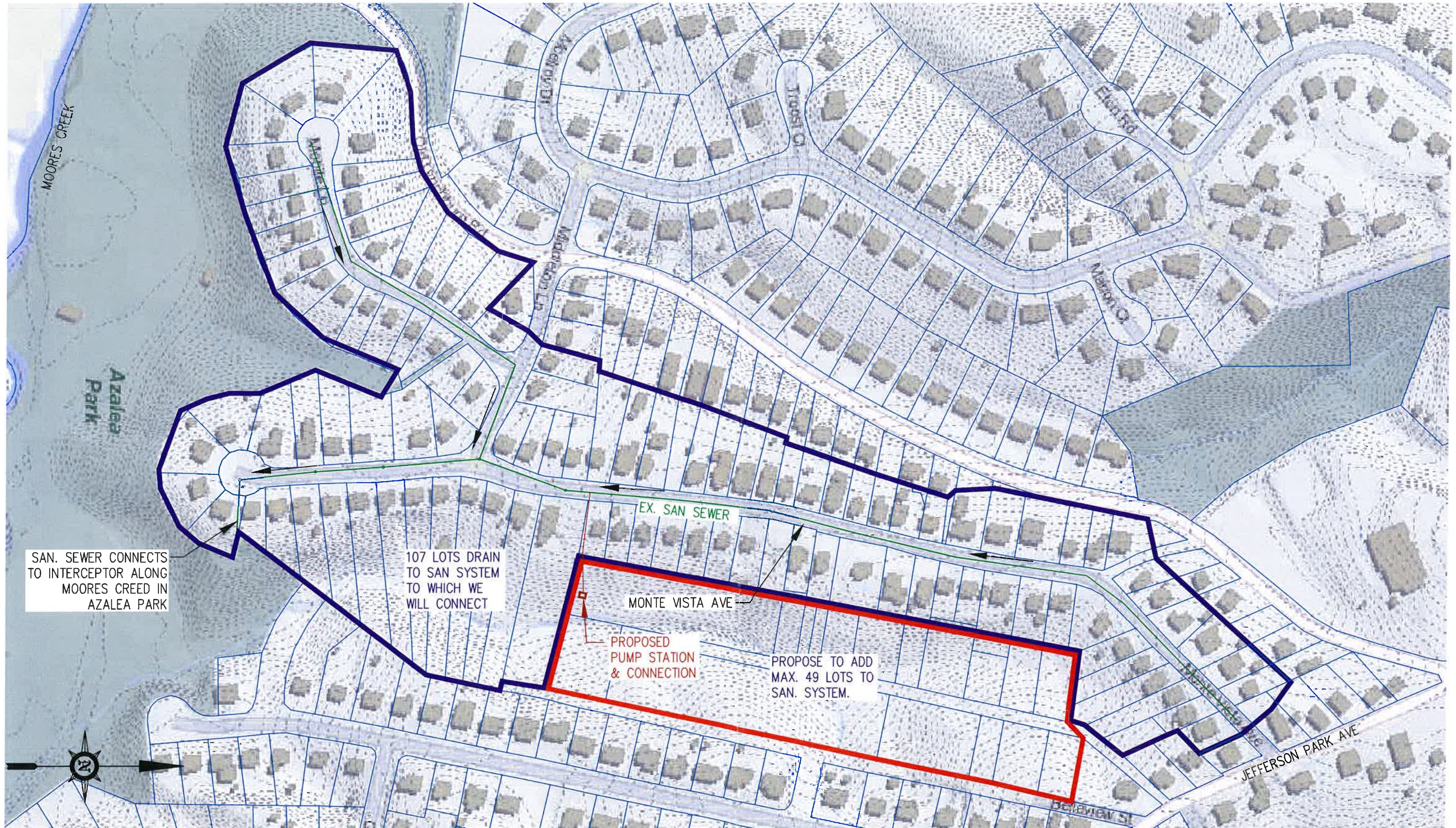
## Potential Adverse Impacts and Mitigation

If properly designed, constructed, and operated, there will be no adverse impact to neighboring properties from this pump station operation. The system will comply with all applicable DEQ and VA Department of Health ordinances to ensure the protection of the public. This system will be designed and operated so that potential adverse impact is eliminated. See below for the design choices ensuring this goal.

- The pump station will be installed underground.
  - Underground installation will remove noise when the pump operates
  - Underground installation will remove odors from the station – similar to sanitary manholes, residents and neighbors would have to stand on top of the pump station sump to detect unpleasant scents from the pump.
- The pump will be on a designed cycled operation.
  - Pumps are designed to cycle several times a day, limiting the time for potential noise from operation
  - Cycles will be designed to ensure that the station does not fill up with effluent
- The pump station will be electric and include a backup generator supplied by City of Charlottesville Natural Gas
  - Electric pumps are quiet and have many optimized designs
  - In the case of a power outage, City Natural Gas is a reliable source operated independently of the electric power
  - The backup generator will ensure that even in extreme operating conditions the effluent will be safely and reliably routed to the sanitary sewers
- The pump station will be screened from public view with fencing and landscaping
  - The portion of the station that will be visible from the surface is the backup generator. This will be further screened with a fence and shrubs.
  - Screening will further reduce noise and odors from the station.
  - Screening will blend the pump station into the standard residential features of the surrounding neighborhood
- The pump station will be placed in an easement owned by the HOA with direct access for timely maintenance response.
  - A maintenance agreement will be recorded with the easement dedication ensuring proper operation and maintenance are legally binding.
  - The pump station will and will be professionally maintained by a company such as Petrus Environmental. The owner has retained an attorney to draft a long-term contract for a professional maintenance company which will ensure proper operation of the pump station and guarantee timely solutions to any maintenance issues associated with the pump station.
  - The owner is also including funding allocation in the HOA bylaw documents, including contingency funds for station failure.



Attachment C  
SANITARY DRAINAGE EXHIBIT FOR  
BELLEVIEW ST. PUMP STATION  
SPECIAL USE PERMIT



IMAGERY AND DATA FROM THE CITY OF CHARLOTTESVILLE GIS

**SHIMP ENGINEERING, P.C.**

ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT

201 E MAIN ST, STE M CHARLOTTESVILLE, VA 22902 PHONE: (434) 227-5140 JUSTIN@SHIMP-ENGINEERING.COM



# PRELIMINARY SITE PLAN FOR BELLEVIEW STREET

## TAX MAP 20 PARCEL 142-148

### CITY OF CHARLOTTESVILLE, VIRGINIA

EXIST	NEW	DESCRIPTION
16" TC	x 12" TC	TOP OF CURB ELEVATION
16"	x 12"	SPOT ELEVATION
16" TW	x 12" TW	TOP OF WALL ELEVATION
16" BW	x 12" BW	BOTTOM OF WALL ELEVATION
		BENCHMARK
		STORM SEWER
		ROOF DRAIN
		SEWER LINE
		WATER LINE
		GAS LINE
		OVERHEAD ELECTRIC WIRE
		UNDERGROUND ELECTRIC
		OVERHEAD TELEPHONE LINE
		UNDERGROUND TELEPHONE LINE
		PROPERTY LINE
		ADJACENT PROPERTY LINE
		VACATED PROPERTY LINE
		BUILDING SETBACK
		DRAIN INLET (DI)
		SANITARY MANHOLE
		PLUG
		WATER VALVE & BOX
		FIRE HYDRANT
		WATER METER
		LIGHT POLE
		UTILITY POLE
		SANITARY EASEMENT
		GRADING EASEMENT
		DRAINAGE EASEMENT
		UTILITY EASEMENT
		WATER EASEMENT
		ACCESS EASEMENT
		STORM DRAINAGE EASEMENT
		TREE LINE
		FENCE
		STREAM
		INTERVAL CONTOUR
		INDEX CONTOUR
		STANDARD 6" CURB
		COMBINATION 6" CURB & GUTTER
		CONCRETE PAVEMENT / SIDEWALK
		RIPRAP
		ASPHALT
		GRASS
		EC-2 MATTING
		EC-3 MATTING
		WETLAND
		PARKING COUNT
		CROSSWALK
		HANDICAP ACCESSIBLE AISLE
		CG-12
		HANDICAP PARKING

NOTE: 1. THE SIZE OF THE SYMBOLS MAY VARY FROM WHAT IS SHOWN.



### SHEET INDEX

- C1 - COVER SHEET
- C2 - EXISTING CONDITIONS - LOTS
- C3 - EXISTING CONDITIONS - TOPOGRAPHY
- C4 - BOUNDARY LINE ADJUSTMENT PLAN
- C5 - SUBDIVISION LAYOUT PLAN
- C6 - LAYOUT & UTILITY PLAN
- C7 - LAYOUT & UTILITY PLAN
- C8 - GRADING PLAN
- C9 - GRADING PLAN
- ~~C10 - ROAD PLAN~~
- ~~C11 - ROAD PLAN~~
- ~~C12 - LANDSCAPING PLAN~~
- ~~C13 - SITE DETAILS~~
- ~~C14 - STORM SEWER PROFILES~~
- ~~C15 - BMP DETAILS & PROFILES~~
- ~~C16 - SANITARY SEWER PROFILES~~

### NOTES

1. All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
2. The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct. The contractor shall locate all underground lines and structures as necessary.
3. The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements. Contractor shall immediately report any discrepancies to the engineer of record.
4. The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
5. Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility to repair. This expense is the contractor's responsibility.
6. All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
7. An erosion and sediment control plan is required with this site plan.
8. All slopes and disturbed areas are to be fertilized, seeded and mulched. The maximum allowable slope is 2:1. Where it is reasonably obtainable, lesser slopes of 3:1 or better are to be achieved.
9. Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
10. All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
11. Unless otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
12. All material inside concrete forms shall be clean and free of all rocks and other loose debris. Sub-base material shall be compacted by mechanical means. Remove all standing water from area inside forms.
13. Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising. Material shall not be placed on frozen subgrade.
14. All existing curbs, curb and gutters and sidewalks to be removed shall be taken out to the nearest joint.
15. Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2016. Removal shall be done in such a manner as to not tear, bulge or displace adjacent pavement. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
16. The contractor shall exercise care to provide positive drainage to the storm inlets or other acceptable drainage paths in all locations.
17. Contact information for any necessary inspections with City, E&S Inspector, NDS-970-3182 (for the E&S inspections) Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc) Water and Sanitary Sewer-Public Works 970-3800 Street cut, Public Works 970-3800 Other public ROW issues-City Engineer 970-3182.
18. Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City Inspector shall be repaired at the contractor's expense.
19. A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.

### PROPERTY INFORMATION

**OWNER:** AZALEA COTTAGES, LLC  
660 HUNTERS PL. STE. 101  
CHARLOTTESVILLE, VA 22911

**DEVELOPER:** CORE REAL ESTATE  
600 WATER STREET EAST  
CHARLOTTESVILLE, VA 22902

**LEGAL REFERENCE:** INSTR. 2010-193  
INSTR. 2009-193  
DB 855 PG 769  
DB 309 PG 284

### ZONING

Zoned R-1S

### SETBACKS

Front: 25'  
Side: 5'  
Rear: 25'  
Corner: 20'

### PARCEL AREA SUMMARY

AREA OF DEVELOPMENT: 6.80 AC  
DISTURBED AREA: 7.50 AC

### LAND USE SUMMARY

EXISTING	AREA	%
Building	0 Ac.	0%
Pavement	0 Ac.	0%
Sidewalk	0 Ac.	0%
Impervious Area	0 Ac.	0%
Pervious Area	6.80 Ac.	100%
Total	296,345 sf	(6.80 Ac.)

PROPOSED	AREA	%
Building	61,746 SF	00.0%
Driveway	16,768 SF	12.1%
Road/SW	47,767 SF	5.2%
Impervious Area	126,191 SF	42.6%
Pervious Area	170,154 SF	57.4%
Total	296,345 SF	(6.80 Ac.)

### EXISTING USE

81 Vacant Lots of Record

### PROPOSED USE

This development will occur following a boundary line adjustment (BLA) for the existing 81 lots on the parcels owned by Azalea Cottages, LLC. This BLA will create new lots that are more conforming than the existing lots per Sec. 34-1145 (b). The new lots will have more total area and more frontage width. After the approval of this BLA, Lot A (see Plan Sheet C4) will be used for a Public ROW dedication, upon which the street and ROW regulations will apply to this Lot A.

Of the remaining lots from the BLA, 36 will be developed as Single Family Residential Lots. 3 Lots will be dedicated as Open Space to be owned and maintained by the HOA. This development will be served by a Public Street with on-street parking on one side.

Proposed Gross Residential Density:  
36 Units/6.80 Acres = 5.29 Units Per Acre

### HOA & MAINTENANCE NOTES

Prior to final plan approval, an HOA shall be formed in accordance with the Virginia Property Owners' Association Act. All private easements shown on plan shall be owned by the HOA. HOA will own and maintain private sanitary sewer, BMP's, ditches, and retaining walls on plan.

### ELECTRIC / TELEPHONE / CABLE TV

If feasible, all new service lines for electricity, telephone and cable TV are to be installed underground. Care is to be taken to assure their location does not conflict with any other aspects of the proposed site plan.

### WATER & SANITARY SERVICES

All materials used for water and sanitary sewer service lines are to comply with requirements as outlined in both the BOCA Code and the regulations used by the Department of Public Works for the City of Charlottesville. Water demand will be served with public infrastructure. Sanitary effluent will be collected with a private system and connected to public sewer. A Certificate to Construct (CTC) shall be received from DEQ and submitted to the City prior to beginning any water or sewer construction on this project. A Certificate to Operate (CTO) shall be received from DEQ and submitted to the City prior to requesting any water meters on this project. Private sewer mains and manholes shall be inspected and tested by the city prior to requesting any water meters on this project.

Water Demand: Estimated 4,800 gpd max, 7,200 gpd peak  
Sewer Demand: Estimated 16,000 gpd avg, 40,000 gpd peak

Water & Sewer Demand assumes 40 total single-family homes, allowing for 4 additional future connections beyond what is shown on these plans.

### SOIL TESTING REQUIREMENTS

Prior to constructions of City roads CBR testing of soil needs to be conducted by third party tester for City review.

### ITE TRIP GENERATION

Proposed use: Single family detached dwellings, ITE code 210.  
Subdivision: 36 dwellings, projected AADT = 360 trips/day  
Peak Hour = 47 Trips

### LIGHTING

Street lighting will not be provided.

### FLOOD ZONE

According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0269D), this property does not lie within a Zone A 100-year flood plain.

### CITY PERMITS

1. The contractor shall be responsible for obtaining a street cut permit from the City.
2. A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer. The contractor contact information will be provided with the final plans.

### BMP INFORMATION

Type of BMP's:  
1. Underground Detention  
Includes (3) 110 LF 120" CMP Pipes.  
2. Biofiltration Basin

BMP's shall be owned and maintained by the Belleview St. HOA. The BMP's capture runoff from 21.85 acres and drains into Moore's Creek via intermittent stream.

### SOURCE OF BOUNDARY & TOPO

Boundary information from a field survey by:  
Chambers Land Surveying  
13652 James Madison Hwy.  
Palmira, VA 22963

Topographic field survey completed on 05/24/2018 by:  
Roudabush, Gale, & Associates  
914 Monticello Road  
Charlottesville, VA 22902

Storm drain inlet locations verified by Shimp Engineering, Inc. on 06/12/18 during a site visit.

Benchmark: Drop Inlet at #2744 McElroy Drive.  
Elevation=394.84

### BUILDING HEIGHT

Maximum: 35' By Right

### FIRE MARSHALL'S NOTES

- SITE PLAN:
1. IFC 505-The building street number to be plainly visible from the street for emergency responders.
  2. VSFP 507.5.4-Fire hydrants, fire pump test header, fire department connections or fire suppression system control valves shall remain clear and unobstructed by landscaping, parking or other objects.
  3. VSFP 503.2.1-Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
  4. VSFP 3312.1-An approved water supply for fire protection shall be made available as soon as combustible material arrives on the site. Fire hydrants shall be installed and useable prior to the start of any building construction.
  5. All pavement shall be capable of supporting fire apparatus weighing 85,000 lbs.
  6. Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

- CONSTRUCTION & DEMOLITION:
1. IFC 1404.1 - Smoking to be allowed in only designated spaces with proper receptacles.
  2. IFC 1404.2 - Waste disposal of combustible debris shall be removed from the building at the end of each workday.
  3. IFC 1410.1-Access to the building during demolition and construction shall be maintained.
  4. IFC 1404.6 - Operations involving the use of cutting and welding shall be done in accordance with Chapter 26, of the International Fire Code, addressing welding and hotwork operations.
  5. IFC 1414.1-Fire extinguishers shall be provided with not less than one approved portable fire extinguisher at each stairway on all floor levels where combustible materials have accumulated.
  6. Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections, if any.

### CRITICAL SLOPES

Steep Slopes above 25% grade within the site are shown with a hatch. Steep Slopes do not meet the City definitions of Critical Slopes.

### SUBDIVISION AND ROAD NOTES

1. All proposed lots contain a building site (shown on sheet C3) that complies with City of Charlottesville Building Codes.
2. This site contains no known pieces of burial.
3. This site does not lie within an agricultural-forestral district.
4. This site does not contain stream buffers.
5. Proposed Road name: Belleview Ave.
6. Roads shall be publicly owned and maintained.
7. Design Speed Limit: 25 mph w. 3% estimated truck traffic.
8. All signs and pavement markings shall conform with the MUTCD 2009 Guidelines.

### WATERS OF THE U.S.A. NOTES

1. Stream determination for the property: NAO 2018-00379 - March 5, 2018 made by the US Army Corps of Engineers.
2. 299 linear feet of the stream shall be disturbed under a Nationwide 18 Permit.
3. No wetlands have been observed on this site.
4. Proposed development shall comply with all local, commonwealth, and federal mandates.

### APPROVALS:

DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES DATE



COVER SHEET

PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
CITY OF CHARLOTTESVILLE, VIRGINIA

Date	01/19/2018
Scale	
Sheet No.	C1 OF 16
File No.	17.052

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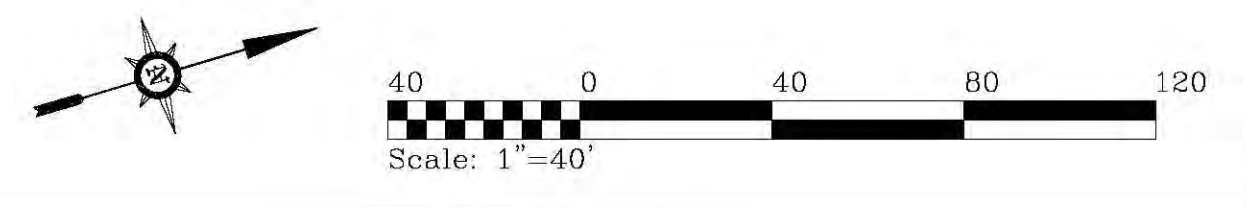


**EXISTING CONDITIONS - LOTS**

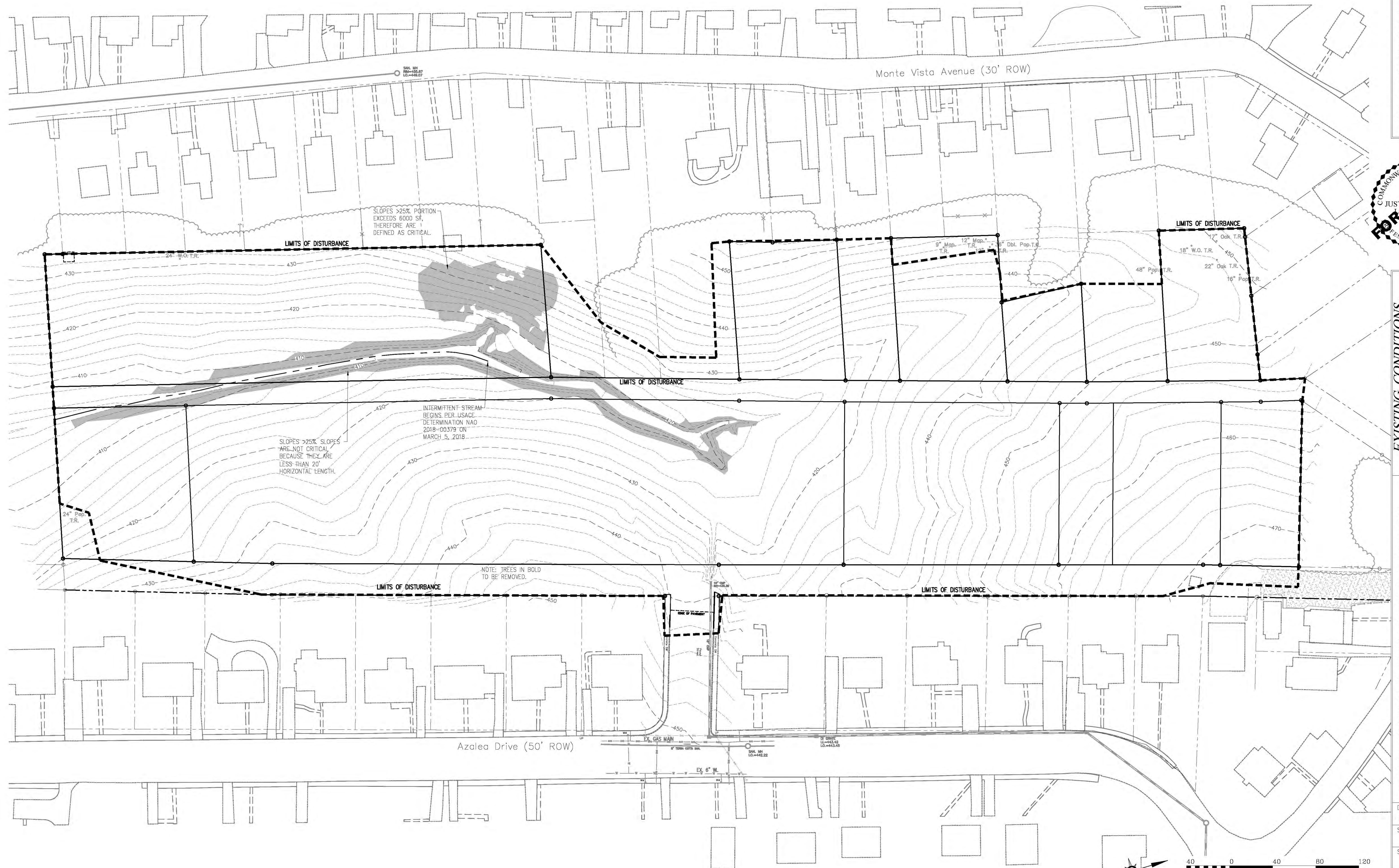
Rev #	Date	Description
1	8/07/18	City Comments
2	8/07/18	City Comments
3	8/07/18	City Comments

**PRELIMINARY SUBDIVISION PLANS FOR:**  
**BELLEVIEW ST.**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	01/19/2018
Scale	1" = 40'
Sheet No.	C2 OF 16
File No.	17.052







**SHIMP ENGINEERING, P.C.**  
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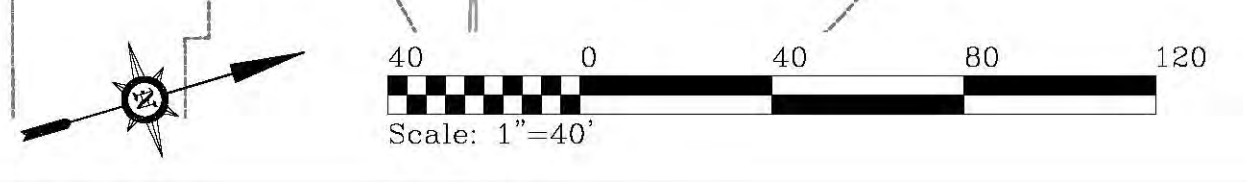


EXISTING CONDITIONS - TOPOGRAPHY

Rev. #	Date	Description
1	06/19/2018	City Comments
2	07/13/2018	Big Set Updates
3	10/22/2018	City Comments

PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	01/19/2018
Scale	1" = 40'
Sheet No.	C.3 OF 16
File No.	17.052





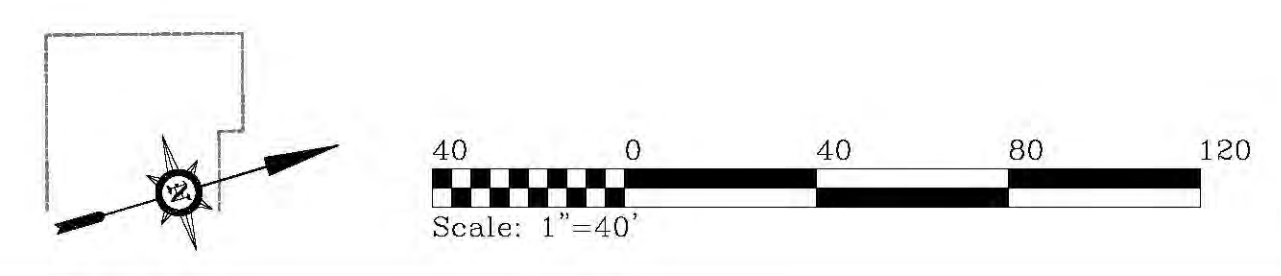


**BOUNDARY LINE  
 ADJUSTMENT PLAN**

Rev #	Date	Description
1	06/19/2018	City Comments
2	07/13/2018	BC Set Updates
3	10/22/2018	City Comments

PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	01/19/2018
Scale	1" = 40'
Sheet No.	C4 OF 16
File No.	17.052











Per the Virginia Department of Health Waterworks Regulations (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc.) shall have a backflow prevention device installed within the facility. This device shall meet specifications of the Virginia Uniform Statewide Building Code, shall be tested in regular intervals as required, and test results shall be submitted to the Regulatory Compliance Administrator in the Department of Utilities.

All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, oil, or grease shall install a grease trap. The grease trap shall meet specifications of the Virginia Uniform Statewide Building Code, maintain records of cleaning and maintenance, and be inspected on regular intervals by the Regulatory Compliance Administrator in the Department of Utilities.

Please contact the Regulatory Compliance Administrator at 970-3032 with any questions regarding the grease trap or backflow prevention devices.

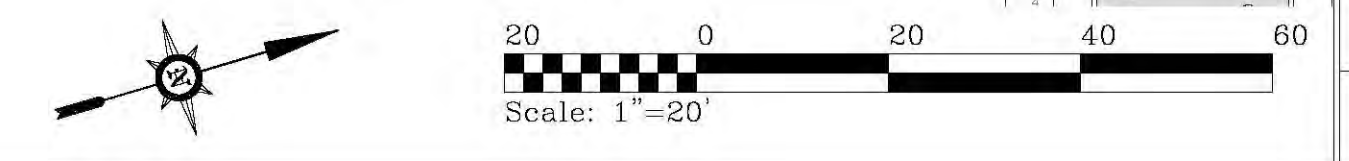


**SUBDIVISION LAYOUT  
& UTILITY PLAN**

**PRELIMINARY SUBDIVISION PLANS FOR:  
BELLEVIEW ST.  
CITY OF CHARLOTTEVILLE, VIRGINIA**

Rev #	Date	Description
1	06/19/2018	City Comments
2	07/13/2018	B/C Set Updates
3	10/22/2018	City Comments

Date	01/19/2018
Scale	1" = 20'
Sheet No.	C6 OF 16
File No.	17.052







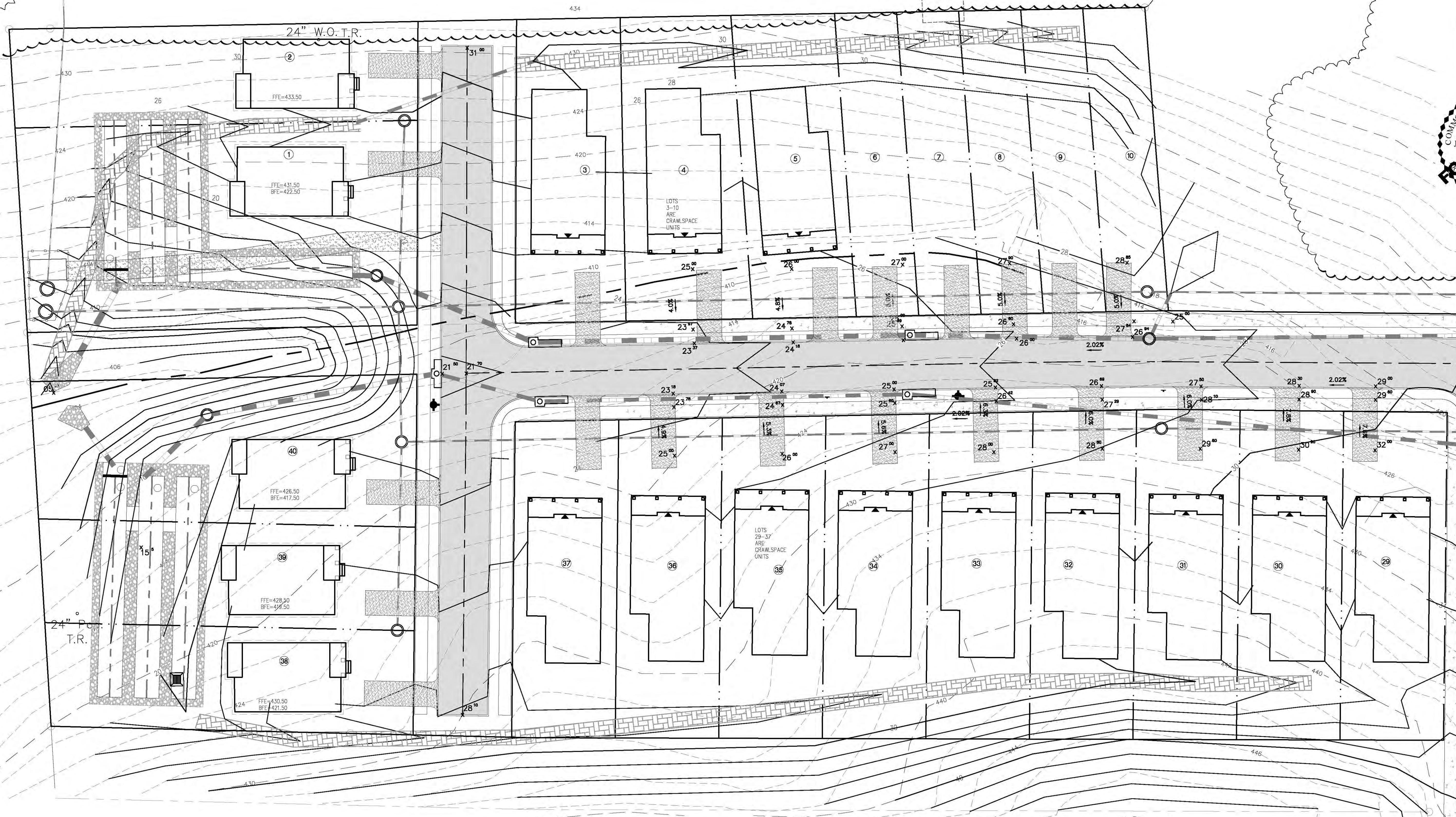
**SUBDIVISION LAYOUT  
& UTILITY PLAN**

PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Rev #	Date	Description
1	06/28/2018	City Comments
2	07/13/2018	City Updates
3	10/22/2018	City Comments

Date: 01/19/2018  
 Scale: 1" = 20'  
 Sheet No.: C7 OF 16  
 File No.: 17.052



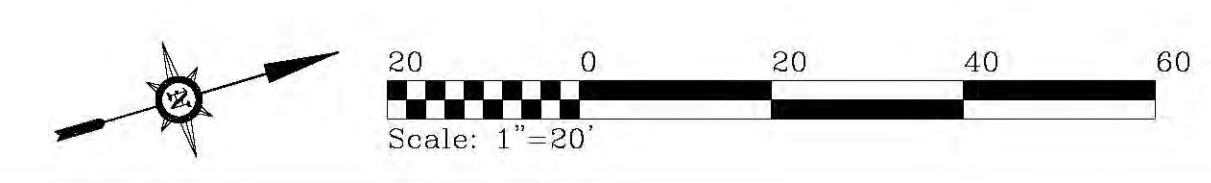


SUBDIVISION  
GRADING PLAN

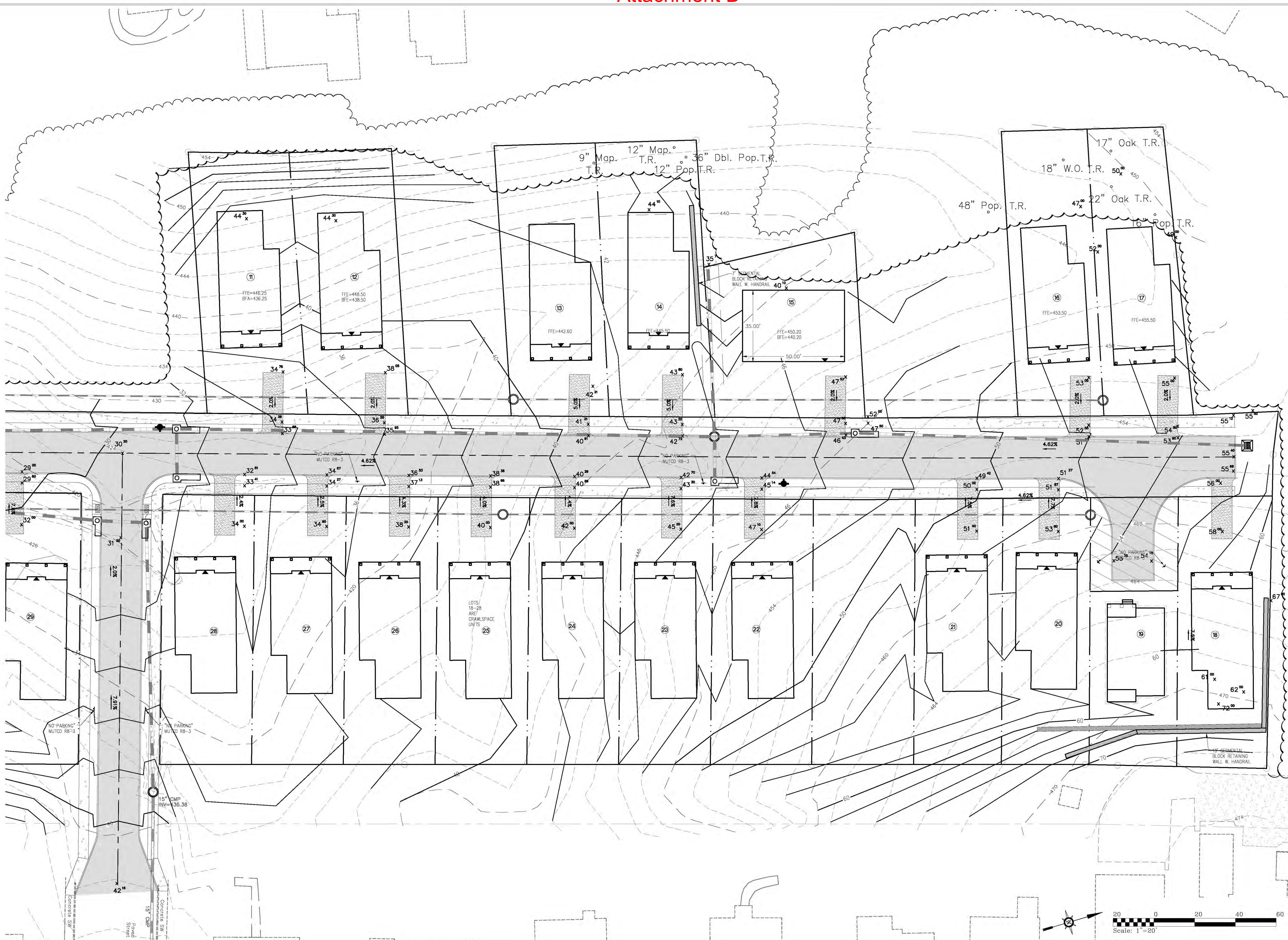
PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
CITY OF CHARLOTTEVILLE, VIRGINIA

Rev #	Date	Description
1	06/19/2018	City Comments
2	07/13/2018	BC Set Updates
3	10/22/2018	City Comments

Date	01/19/2018
Scale	1" = 20'
Sheet No.	C8 OF 16
File No.	17.052







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**SUBDIVISION GRADING PLAN**

Rev #	Date	Description
1	06/19/2018	City Comments
2	07/13/2018	Big Set Updates
3	10/22/2018	City Comments

PRELIMINARY SUBDIVISION PLANS FOR:  
**BELLEVIEW ST.**  
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date: 01/19/2018  
 Scale: 1" = 20'  
 Sheet No.: C9 OF 16  
 File No.: 17.052

