

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, May 14, 2019 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. Minutes – April 9, 2019 – Pre- meeting and Regular meeting
2. Entrance Corridor – 1617 Emmet - Recommendation on SUP
3. Critical Slope – 915 6th Street SE

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. HINTON AVE APPLICATION DEFERED UNTIL JUNE MEETING

ZM-19-00001 – (750 Hinton Avenue) (**Hinton Avenue United Methodist Church**) – Hinton Avenue United Methodist Church (landowner) has submitted a rezoning petition to change the zoning district classification for a parcel of land located at 750 Hinton Avenue identified on City Tax Map 58 as Parcel 161 (“Subject Property”), having an area of approx. 0.76 acre. The rezoning petition proposes a change in zoning from the existing R-1S (low-density residential, small lot) to NCC (Neighborhood Commercial Corridor Mixed Use) subject to proffered development conditions. The purpose of the rezoning is to allow construction of a multifamily building containing up to 15 units (for a total density of 19.7 DUA). Within the current R-1S zoning district, multifamily dwellings are not permitted. The proffered conditions include: **(i) maximum residential density:** no more than 21 dwelling units per acre shall be permitted on the Subject Property; **(ii) affordable housing:** a minimum of four dwelling units in any multifamily dwelling shall be reserved for persons with developmental disabilities, and shall be restricted to residents with income at 80 percent or less of area median income for the Charlottesville Metropolitan Area; **(iii) resident safety:** access to all interior common areas serving residential units shall be controlled through the use of entry locks; **(iv) future land uses:** the landowner proffers that the Subject Property shall not be used for the following: **(a)** Bowling Alleys; **(b)** Tennis Club; **(c)** Swimming Club; **(d)** Skating Rinks; **(e)** Full-service and fast food restaurants larger than 750 square feet (SF) of gross floor area (coffee shops or similar small eateries will be allowed, but no such use, itself, will exceed 750 SF) ; **(f)** Drive through windows (for any use); **(g)** Consumer service businesses exceeding 1,000 SF; **(h)** General and convenience grocery stores; **(i)** Pharmacies; **(j)** Retail stores exceeding 1,000 SF; **(k)** Medical and Pharmaceutical laboratories. The Comprehensive Plan calls for Low Density Residential uses in this area (no greater than 15 units per acre). Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and->

[services/departments-h-z/neighborhood-development-services](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 may contact NDS Planner Brian Haluska by e-mail (haluska@charlottesville.org) or by telephone (434-970-3186).

2. **ZM18-00003 - Flint Hill PUD** – Landowners Belmont Station, LLC have submitted an application seeking a rezoning of approximately ten (10) acres of land, including multiple lots identified within City tax records as Tax Map and Parcel (TMP) 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and a portion of TMP 20-196 (collectively, “Subject Property”). The Subject Properties have frontage on two unimproved platted streets (Flint Drive and Keene Court) and are accessible by stub-outs on Longwood Drive and Moseley Drive. The requested rezoning would allow development of a planned unit development (PUD) referred to as “Flint Hill PUD” containing up to fifty (50) townhouses within the Subject Property at an approximate density of 5 dwelling units per acre (DUA), with open space in the amount of about 5.3 acres, and the following unique characteristics/ amenities: townhome style units, rear loading lots off Flint Drive, new dedicated Park land with improved trails, and a central teardrop road. The Subject Properties are currently zoned R-1S (Residential Small Lot), a zoning district which does not allow townhouse developments. The PUD Plan proposes construction of new streets to serve the constructed townhouses, and would require City Council to approve a vacation of Flint Drive and Keene Court, platted but unimproved streets; review of these items for consistency with the Comprehensive Plan will be conducted as part of the public review process. In order for the Landowners to implement the PUD Plan, they will need to disturb areas within Critical Slopes; this application also presents a request for a Critical Slopes Waiver per City Code Sec. 34-516(c). The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less). Information pertaining to this application may be viewed 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 may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.org) or by telephone (434-970-3636).

3. **SP19-00001 -1617 Emmet St. Drive Through** – Landowner Wells Fargo Bank, N.A. by its agent Riverbend Development, Inc. is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, to authorize a specific land use (drive-through window for a restaurant) for property identified on City Tax Map 40 C as Parcel 2 (“Subject Property”), having an area of approx. 0.5 acre. The Subject Property is zoned is zoned “HW” (Highway Corridor Mixed Use District) with Entrance Corridor Overlay and has frontage on Emmet Street North and Angus Road. The Comprehensive Land Use Map for this area calls for Mixed Use development. Information pertaining to request may be viewed 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 SUP application may contact NDS Planner Joey Winter by e-mail (winterj@charlottesville.org) or by telephone (434-970-3991).

IV. COMMISSION’S ACTION ITEMS

Continuing: until all action items are concluded

1. Entrance Corridor - Hydraulic Place - Old K-mart site

V. FUTURE MEETING SCHEDULE/ADJOURN

| | | |
|--------------------------------|--------------|-------------------|
| Tuesday, May 28, 2019 – 5:00PM | Work Session | Zoning Discussion |
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| Tuesday, June 11, 2019 – 4:30 PM | Pre- Meeting | |
| Tuesday, June 11, 2019 – 5:30 PM | Regular Meeting | |

Anticipated Items on Future Agendas

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements

SUP –MACAA (1021 Park Street), 167 Chancellor, 209 Maury Avenue

Subdivision – David Terrace, Landonia Circle

SUP and Critical Slopes – Seminole Square Apartments

Persons with Disabilities may request reasonable accommodations by contacting 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
4/1/2019 TO 4/30/2019**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
- 3. Site Plan Amendments**
 - a. Murray High School Canopy – March 26, 2019
 - b. Buford Middle School Drainage – April 11, 2019
 - c. Johnson Village Ting - April 18, 2019
 - d. Sigma Phi Epsilon – April 26, 2019
 - e. Burnley- Moran Elementary (1300 Long Street) – April 30, 2019
- 4. Subdivision**

Minutes

PLANNING COMMISSION REGULAR DOCKET
April 9, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 4:30 pm

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

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Lyle Solla-Yates, Taneaia Dowell, Gary Heaton, Hosea Mitchell, and Rory Stolzenberg

Staff Present: Missy Creasy, Lisa Robertson, Kari Spittler, Lauren Hildebrand, Roy Nester, Matt Alfele, and Joey Winter

Chairman Green called the meeting to order at 5pm. Ms. Creasy noted that the June 11 regular meeting will be on a Primary Election day and the Commission has the ability to move that meeting to the next available day per the bylaws. The Commission determined that they would like to keep the meeting on that day and would address it in the meeting this evening.

Chairman Green noted there would be one hearing this evening. Commissioner Mitchell asked a question concerning easements for the pump station. Mr. Alfele provided some background. Commissioner Dowell asked what happens if the applicant does not receive the SUP and what would happen if there was a concern with the system. Ms. Robertson reminded the Commission about the standards of review. Commissioner Mitchell noted that since the Commission is tasked with looking at things from a longer term basis, the long term status of how this would work was important. Commissioner Lahendro noted that there are different risks between Public Works and an HOA maintaining a system. Ms. Robertson noted that the code does provide for allowances and that Public Utilities does have some recommendations. She encouraged the Commissioners to review conditions which could assist in the decision making. Additional concerns about the project were noted which will be repeated during the public hearing.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Lyle Solla-Yates, Taneaia Dowell, Gary Heaton, Hosea Mitchell, Rory Stolzenberg, and Mr. Bill Palmer

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: Attended a BAR meeting on March 13, which was a makeup day for being snowed out in February. There were 9 projects presented, 7 of which were approved with conditions for COAs. There was 1 preliminary discussion and 1 deferred application. On March 19 there was another BAR meeting, for which he was not in attendance due to a conflict. During this meeting, 5 projects were approved on the consent agenda, 5 were approved with conditions for COAs, and 1 preliminary review. The Tree Commission met on April 2 where there was a discussion with NDS staff to provide an explanation of the process for site plans relative to trees in their

review and comment, as well as their protection and preservation during construction. Staff members from the Site Plan Review, Utilities, Traffic, Standards and Designs Manual, and Inspections were all in attendance. Arbor Day will be on April 26 and will be celebrated at Market Street Park at 10am. The ceremony will be held by a large basswood tree. It is a City ceremony in combination with the Charlottesville Area Tree Stewards and the Tree Commission. There is an open house for the Fontaine Avenue Streetscape project on April 18 at the Charlottesville Fire Station on Fontaine Ave from 5:30-7:00pm where preliminary plans and concepts will be presented.

Commissioner Solla-Yates: Attended a HAC meeting where the Charlottesville Affordable Housing Fund and budget was discussed, along with funding. There were discussions about how to use the funding that is already available to subsidize affordable housing but hasn't been spent, managed by the CRHA. Possibly an institutional support like a nonprofit would be needed to make the money flow. There was a discussion about the IMPACT annual assembly on April 11. We received an update from UVA for a new 400 bed housing project for upper class students going out for bid in the fall. Another first year building is in planning after that. Overall 900 beds would be coming. Councilor Hill indicated that there would be no additional SUPs approved for student housing on West Main.

Commissioner Dowell: No report.

Commissioner Heaton: Attended both the HAC meeting and the Transportation Advisory Committee meeting on April 12. At the Transportation Advisory Committee meeting there was a lot of discussion about rotaries (roundabouts). The Unity Days Committee is also still meeting every other week.

Commissioner Stolzenberg: Attended an MPO Tech meeting where the fate of the \$18 million that was left over from some of the 29 Solutions funds was discussed. There have been discussions about this with the Hydraulic Small Area Plan Committee and they would like to see it used for the Zan Road overpass, which will be a pedestrian, bike, and vehicle lane across Rt. 29 at Zan Road. It would cost about \$25 million, so there would be about \$7 million left that would have to be split by the City and County. The City would prefer that we instead spend the funds on a left turn lane off of 250 onto Hydraulic.

Commissioner Mitchell: No report.

B. UNIVERSITY REPORT

Bill Palmer: No report.

C. CHAIR'S REPORT

Chairman Green: Attended two TJPDC meetings and several discussions took place on the upcoming budget for the year, as well as personnel evaluations and performance reviews for the Executive Director. They are restructuring planning and transportation planners and they have some vacancies. We looked at the FY20 Rural Transportation Plan, which deals with the rural areas like Fluvanna, Green, Nelson, etc., so sometimes they have different priorities than that of the City. The Regional Housing Study has been released and it will be part of the discussion at the May meeting. She notes that she was on one of the interview committees for the new City Manager and a City Manager has been hired that will start on May 13. We are still awaiting more information regarding the RFP for the Housing Needs Assessment and the remainder of the Land Use Plan, as well as the Long Range Planner position.

D. DEPARTMENT OF NDS

Missy Creasy: The April work session was planned to be on the Standards and Designs Manual, however a community discussion needs to be had before they meet with Council and the Commission jointly, so that will not be ready for April's meeting. As of right now, there is not an item on April's work session. There is a bylaw allowance that allows the Commission to move the regularly scheduled meeting if it falls on an election day, which is the case for the June 11 meeting that falls on a Primary. The Commission will need to provide guidance on that so any logistics for the meeting can take place. NDS is still in the hiring process for some positions and will hopefully be filling them soon.

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

None.

F. CONSENT AGENDA

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

1. Minutes – March 12, 2019 – Pre- meeting and Regular meeting
2. Minutes – March 5, 2019 – Work Session

Commissioner Solla-Yates moves to approve the consent agenda as presented. Seconded by Commissioner Stolzenberg. Motion is approved 7-0.

Chairman Green: Our bylaws state that if the Planning Commission's meeting falls on an election day, we can vote to move that meeting to the next available date. There were conversations in the pre-meeting about this and the consensus was that we keep it as is since it is a primary rather than a major election.

Commissioner Heaton moves to keep the date for the June 11 Planning Commission meeting as assigned. Seconded by Commissioner Dowell. Motion is approved 7-0.

Commissioner Stolzenberg: Notes that he used to live in the Fry's Spring area off of Moseley Drive. In 2013 in Fry's Spring there were about 5 vacant parcels of land, however they are starting to fill in. The assessment of the value of the houses here are between \$150,000 and \$450,000. Between 2013 and now, 3 of them have started to fill in and will be almost completely filled in by the end of the year. Every single one of the houses that are coming in are significantly larger and more expensive than the existing houses. Many parcels that were built a long time ago were downzoned in the 1991 downzoning. The legal requirements we have put into place on these vacant lots and nonconforming buildings are causing this growth in new housing to be extremely high end, which changes the character the neighborhood in built form and in income level. Because there are 2 or 3 big vacant parcels left, all of which have been transacted in the last 2 years, the Planning Commission should do what we can to see that those new developments fit the existing value and built form of the neighborhood.

Commissioner Stolzenberg moves to initiate a zoning text amendment to re-designate 34 non-conforming parcels and 33 vacant parcels in Fry's Spring from R1 to R2. Seconded by Commissioner Heaton.

Chairman Green: There is a procedure that we need to follow for this and the best thing to do in these types of situations is to bring it forward in a work session to have the conversation and talk to legal about how to initiate a resolution of intent.

Ms. Creasy: How is this request different from the rezoning request put forth for Fry's Spring about 2 years ago?

Commissioner Stolzenberg: That was to rezone things from R2 to R1 and it involves different parcels entirely. Those were affecting Crestmont, and Cleveland and this would be for different nonconforming duplexes on Cleveland and Moseley, as well as vacant parcels on Flint, Belleview, etc.

Commissioner Mitchell: This requires a work session and public input.

Commissioner Stolzenberg: Believes that the process is to move to initiate it and then staff has 100 days to create a report, and then at that point there would be a public hearing about it.

Ms. Robertson: Commissioner Stolzenberg can make a motion to initiate a zoning text amendment and request staff to study it, however a time clock would not be on it because that only applies if City Council refers something to the Planning Commission. The study process would also require a review of land use patterns and there is an upcoming RFP that is about to be issued to have a consultant assist the City with updating the Comprehensive Plan. It is fine to look at it and develop information to give to the consultant, but you may also consider having it looked at in a broader context of updating the entire land use plan as part of the Comprehensive Plan update.

Commissioner Stolzenberg: Notes that he considered waiting for the full update of the zoning map, but at this point the RFP is out and we will still have the Comprehensive Plan process, which will be another 2-3 years before that happens. All of the vacant parcels have been transacted recently and are likely to be built on before that process ends. If we don't want to lock Fry's Spring into this future forever where it drastically changes, we need to take action now.

Ms. Robertson: Sometimes after an amendment of this nature has been initiated, it is discussed in a work session. Before it could be officially considered by the Commission, it would have to be typed up with a staff report and a public hearing.

Commissioner Mitchell: Notes that we should take our time and think about it. Recommends Commissioner Stolzenberg withdraw the motion and set up a work session to get the ball rolling.

Commissioner Stolzenberg: This is just to initiate the process of studying it, so if we pass this motion now then we have time to consider it.

Commissioner Stolzenberg moves to amend his motion to initiate a zoning text amendment and study it in order to re-designate parcels so that the future development of Fry's Spring is in conformance with the existing patterns. Seconded by Commissioner Heaton.

Ms. Robertson: Suggests postponing the discussion until after the agenda item.

Chairman Green moves to move this agenda item to the end of the agenda for the evening.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

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

1. SP18-00009 - Belleview Subdivision Utility Facility (Sanitary Pump Station)

Chairman Green: Landowners Core Azalea LLC and Azalea Cottages LLC, are requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, to allow construction of a Utility Facility (Sanitary Sewer Pumping Station) to serve the following properties: Tax Map and Parcel (TMP) No. 20-121, TMP 20-125, TMP 20-126, TMP 20 129, TMP 20-142, TMP 20-144, TMP 20-145, TMP 20-147, and TMP 20-148 (collectively, "Subject Property"). The Subject Properties are zoned R-1S (Residential Small Lot) and have frontage on Belleview Street, currently an unimproved platted street, as well as an unimproved alley, and are directly accessible by a stub out on Azalea Drive. The Subject Property includes approximately 6.80 acres and Landowners propose to construct up to 49 single-family dwelling units within the Subject Property (density of approximately 7.20 dwelling units per acre). The topography of the site does not allow for standard gravity-fed sewer service. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less).

Staff Report, Matt Alfele: About a year ago the Planning Commission held a meeting on a proposed subdivision to answer outstanding questions. The Commission had a preliminary discussion on December 11, 2018 regarding the sanitary pump station. The applicant is requesting this, as to tie into a gravity fed system would require going further south to tie into the Azalea system. They are proposing a sanitary pump station with an easement to the west to collect the sanitary sewer from the proposed by-right neighborhood and pump it up into the City's gravity fed system. The Public Utilities department is also here tonight to answer any technical questions.

COMMISSIONER QUESTIONS

Commissioner Solla-Yates: How common is it for an HOA to survive 20 years in the City?

Mr. Alfele: Staff does not want to speculate on how long they exist. The City has HOAs that are tied to a lot of different projects. PUDs are probably what the Commission is most familiar with, where an HOA is formed to maintain storm water systems, open spaces, etc. They are a common practice.

Commissioner Solla-Yates: For an HOA of about 40 homes, is that more or less likely to succeed, given the City's track record?

Mr. Alfele: In a City our size, we are fairly small so the HOAs are smaller. Typically larger HOAs of about 200 homes tend to do better because there is a board that is constantly being turned over and people don't get burned out. HOAs with about 25 or less can become a problem. This one is in the mid-range.

Commissioner Solla-Yates: What happens when one of these units fail?

Mr. Alfele: Utilities can speak to the details of a system like this, but on the land use side there would be a violation of the SUP and there is a system that goes through zoning. It would follow a pattern in terms of any zoning violation if you are not following what was approved in the SUP.

Commissioner Lahendro: Is the pump station on a private property?

Mr. Alfele: Yes. The way the code is written, you have to have a lot that has a habitable use on it. You cannot create a lot unless it is going to be created for habitation, meaning you cannot create a lot just for a pump station. That is why this lot has a house on it and the pump station is ancillary.

Commissioner Lahendro: So the development can't set aside land for the pump station and storm water retention devices even though it serves the entire development?

Mr. Alfele: Only a PUD can do that. You cannot do that in a by-right subdivision the way the code is written. You can have an easement that's dedicated to the HOA.

Commissioner Mitchell: The closest HOA that does this is Lake Monticello. Are there any others in Virginia that do something similar to this?

Mr. Alfele: Staff could not find anything at this scale. Everything was either very large run by the local utility company or some of the private ones were commercial oriented for strip malls.

Commissioner Dowell: If the SUP is not approved, how would you develop on this site?

Mr. Alfele: The applicant can speak on what they would like to do if the SUP is not granted.

Commissioner Mitchell: Where does the creek empty into that runs through it? It looks like the stream is about 15 ft. away from the pump station.

Mr. Alfele: The water goes through Azalea Park and goes into Moore's Creek. Notes that it is unclear how that body of water is defined by the Army Core of Engineers. The proposed development would pipe that water.

Chairman Green: What about if it fails?

Mr. Alfele: There is a valley where storm water is collecting and that water channel is going to be put underground, but it is not part of the pumping station.

Commissioner Lahendro: The write up of the application states that the topography of the site doesn't allow for standard gravity fed sewer system. Wouldn't it be more accurate to say that the topography doesn't allow for standard gravity fed sewer system within the property lines?

Mr. Alfele: That is a fair statement because you would need to procure those easements in order to tie into the gravity fed system.

Commissioner Stolzenberg: Are these easements always done through private transactions? Sewer lines seem like a normal place to have eminent domain.

Mr. Alfele: Not really. Typically, the developer would put in a new line if they are building a subdivision and it would be built to the City's standards where they accept it. The City hasn't come in and said they would take an easement for a new line. There have been cases where easements were never dedicated and they are discovered during the subdivision process and Utilities will ask for an easement over that existing line.

Commissioner Stolzenberg: When the sewer system was originally put in, were those lines all running through consenting property owners' parcels?

Ms. Creasy: In the subdivision that is currently there, the lots didn't even take that into consideration at that point in time. Anything that is coming forward now for greenfield development is because there was a difficult situation and now we are left with land where things aren't easy. As things get more complicated applications such as this

come forward. There are many lots that have been platted there for a long time but there are legitimate constraints for the actual development.

Applicant – Justin Shimp, Shimp Engineering.: This is an unremarkable thing and it's weird that Charlottesville doesn't have more of them because of the hilly terrain. For example, in Wintergreen on the mountainside there are 26 pump stations similarly sized to this one. It may be unusual to the City, but it is not a complicated engineering feat. As part of the study, we looked at capacity of the sewer to make sure it has available capacity for the lots and pump station. The sewer lines would be privately maintained within the neighborhood and drain by gravity down to the pump station and are then pumped up the hill about 300 ft. to the existing sewer line. The pump station will be in lot 1. The storm water management system has to have a fund to maintain it as well, which is a \$300,000-\$400,000 system that would need to be replaced if there was ever a problem with it. The HOA would have to put aside money for that, which is why we have HOAs in the City now. This pump station is about a \$50,000 item, which is quite small in the scale of the obligations of the HOA. The pump that sits down in a wet well/manhole is the sewer that gets pumped up to the gravity flow and there are floats in the wet well that kick on to pump it up the hill. It cycles on and off depending on the load throughout the day. It is about 31" tall and 14" wide and there are two of them to serve as a backup in case one has an issue. Questions that came up during the neighborhood meeting was smell, which can be a problem on older systems that aren't equipped with the correct technology. An air pump and a diffuser would avoid that and it's cycling frequently enough that you wouldn't smell it. There are also options for filters and other things that can be installed to take care of odors from the vent pipe, although it is not something that is expected to be an issue. As for the noise, the pump sits down in water. If you were standing on top of it you might hear the pumps running, but that's it. If you were in the yard around it you wouldn't know it existed. There will be a backup natural gas generator that would be part of the system if the power goes down. Again, it is a very small system and once it is built no one will know that it is there. There are a variety of safeguards built in with the redundancy of pumps, backup power, etc. The HOA will have a property manager and one requirement in staff's conditions is a yearly inspection report, which would be for the Utilities Department to verify maintenance. This is very common but it just happens to require a SUP in the City.

COMMISSIONER QUESTIONS

Commissioner Dowell: If this SUP is not approved, how else would you develop the site?

Mr. Shimp: We would have to require easements to go to the sewer downstream, which is a possibility. Alternatively, a wastewater plant could be built on the property, which would require a different type of permit.

Commissioner Dowell: Have you discussed with the neighbors about the possibility of getting the easement to tie into the City's system?

Mr. Shimp: The owner sent out letters to the 11 or 12 downstream properties. Only 1 or 2 responses were received and no one took him up on that offer. We didn't expect people to be keen on it because it would require going in a path behind their houses to build a sewer line.

Commissioner Stolzenberg: Have you considered raising the price and offering more?

Mr. Shimp: Notes that he does not make those decisions, however there is a cost to build the sewer down there. It's important to note that gravity sewers can also have failures. The City has improved this greatly, but the pump station also has a lot of safeguards so it isn't necessarily a worse system.

Commissioner Dowell: It's not that it's a worse system, but the City will maintain the other system. What is your take on having to report to the City annually for the maintenance of the pump?

Mr. Shimp: That would be fine. Our HOA will hire a professional operator who will turn in reports at least once a year and a copy of that would be turned into the City.

Commissioner Stolzenberg: How often do those HOAs have to lay out money to repair the storm water facilities compared to the pump stations?

Mr. Shimp: The cost cycling is 20 years and if the HOA put enough money into a fund every month, in 20 years they can pay for the whole cost of replacement. The lifespan of this is much longer. For instance, the pumps on the mountain at Wintergreen are almost all original and are 40 years old. At the time when something needs to be done, they should have twice as much money as they need. We haven't had these storm water facilities in the ground a long time and we will likely have more problems with those in 20 years than we will with pump stations.

Commissioner Solla-Yates: How did you arrive at the \$2,500 figure? Is that a standard amount?

Mr. Shimp: The number varies and it is pretty typical. We would usually offer a few thousand dollars for an easement. The cost of the easements alone will be about the cost of the pump station, let alone the cost of putting in the sewer line itself. The actual construction of the sewer line would be way more expensive.

Chairman Green: How many times do the pump station cycle throughout the day?

Mr. Shimp: It is probably about every 20-30 minutes, but it is multiple times per day.

Chairman Green: All of the vents that control the potential for smell are electric, which is a potential for failure. Will the generator be inside the shed as well?

Mr. Shimp: If the power goes out, the generator would kick on, but a fan could break. The generator could be inside the building.

Chairman Green: How many of these have you designed and built? How many have you put in for some of your developments?

Mr. Shimp: Notes that he has only designed one personally. This is being designed by Hurt Proffitt in Lynchburg. About a half dozen have been put in, which were in Louisa, Fluvanna, etc. They are typically more commercial, but the one in Louisa was an apartment complex with 150 units that was put in about 3-4 years ago.

Commissioner Stolzenberg: What does the failure mode look like? If both pumps die, does the whole system need to be replaced?

Mr. Shimp: The pumps can be replaced one at a time and it has an auto dialer that calls the technician automatically if something goes wrong. There would typically not be a situation where both of them fail because they are inspected frequently, but in the scenario that it did there are a few options. You could simply cut the water off in the neighborhood, but more likely you could bring a pump truck in and pump the wet well out every day until it is fixed. The downtime would be however long it takes to get a pump truck over to the site.

Commissioner Stolzenberg: What would be the turnaround on replacing the pumps?

Mr. Shimp: It depends. The water authorities in Nelson County keep them in stock and whoever operates this would probably be the same way. A licensed utility operator would likely have this and they would probably be maintaining multiple pumps around the area in Albemarle County.

Commissioner Heaton: Are there any in the City?

Mr. Shimp: There used to be one in the Woolen Mills neighborhood but it was taken offline because a gravity sewer was put in. It was taken offline because the lots across the street were being developed.

Chairman Green: You stated that Lake Monticello had something similar to this. Is that correct?

Mr. Shimp: They have a bunch of pumps and Aqua Virginia prefers the pumps because they don't have as much of a problem with inflow from runoff.

Commissioner Mitchell: Is there an audible alarm on these pumps?

Mr. Shimp: There is an audible alarm that will go off if it is not working and it is much more industrial grade. In order to stop the alarm, they will have to call the utility technician, who has a key to turn it off. They are on call 24/7. It's also possible they could turn off the siren remotely.

Chairman Green: Didn't Lake Monticello have failures with theirs where thousands of gallons of sewage went into the lake?

Mr. Shimp: Notes that he is unsure but they had trouble structurally because their setup wasn't good and it wasn't properly maintained, which created some problems. They haven't had any problems since Aqua Virginia took that over, but if that issue goes back beyond 5-10 years he is unfamiliar with it.

Commissioner Lahendro: You mentioned that a professional firm would be maintaining the lift station. How do we know that?

Mr. Shimp: It should be clarified in the conditions by staff and it is a legal requirement that has to be done.

Commissioner Lahendro: Would that be the HOAs responsibility? Who would be checking the HOA to see that they do have a professional service?

Mr. Shimp: The City's Utilities folks would handle that. When the report is turned in every year, it would be turned in by someone who is authorized to write it, which would be a professional engineer or a licensed utility operator.

Commissioner Lahendro: What is the annual maintenance for this and what are the other maintenance cycles involved? In other words, are there other things that need to be maintained over a period of time?

Mr. Shimp: The pumps are frequently maintained with typical mechanical maintenance and the pumps themselves have a grinder of sorts so a piece can be replaced periodically as part of the inspection. It is inspected all the time and need to be replaced every few years. On a monthly basis the generator can be cut on for 10-15 minutes to make sure everything is running properly. However, they are industrial grade so they are meant for

sitting for long periods of time and they sit inside a building. The people that go by to inspect it will look at the status of everything else to make sure it's working and the electrical palette wouldn't have any maintenance to it since it is in a building out of the weather. The pump itself would require the most maintenance.

Commissioner Lahendro: Is a lift station in this type of topography in a low area more prone to odor issues than at the top of hill?

Mr. Shimp: If it had an odor, the smell might be experienced differently based on the topography, but if it is functioning like it is supposed to then no odor is expected.

Commissioner Lahendro: What if you find out there is an odor after it is installed?

Mr. Shimp: If the aerator wasn't performing for some reason, it would have to be replaced but there would be a fix for it. It isn't new or advanced technology.

Commissioner Stolzenberg: Why not go with triple redundancy for the pumps to make it even less likely that none of them fail?

Mr. Shimp: That is not the standard.

Commissioner Stolzenberg: Is there redundancy on the air pumps that diffuse air into it so it doesn't go anaerobic?

Mr. Shimp: Notes that he isn't sure, but it probably could be done. It wouldn't be difficult to do.

Chairman Green: With the recent rainfall, how would that affect overflow with the ground being as saturated as it has been over the past year? Will it have any effect on this?

Mr. Shimp: No. The system is sealed tight so ground water does not have an effect on the pump itself. During the study there was over 30 days of testing where we looked at the capacity of the interceptor sewer line down by Moore's Creek where it eventually would tie into and some of that does peak when rainfall occurs. Because of this, it does affect the main sewer lines but it doesn't affect the pump station.

Councilor Galvin: Is the pump station in a flood plain and if you were to deed this to the City, would the City accept it? Why or why not?

Mr. Shimp: No, it is not in a flood plan. It would be the City's decision to deed it. In the HOA structure there is no intention to dedicate the sewer pump or the storm water systems to the local government, they would be permanently operated by the neighborhood. If it were deeded it would be City Council's call on accepting it, but as far as looking at City standards, the preliminary design does meet the standards. The comment that was received by Public Utilities was that even though it is private, it can't be built there unless it meets the standards. If it were ever taken over, it would be a City decision.

PUBLIC HEARING

Jessica Wegner: Many residents of Fry's Spring have significant concerns about the proposed SUP for the Belleview sanitary sewer pump station that would be located in the neighborhood. Notes that she spoke before the Commission during the preliminary discussion in December and spoke on behalf of an organized group of

more than 30 concerned households and tonight the organized group consists of more than 86 households. Some of the concerns include the odor and the environment. The proposed pump station is sited near an active stream channel, which is shown on the City's GIS map as well as the City's waterways map. There is year-round flowing water there, which means that the underground pump station could be installed in saturated soils that could lead to problems with groundwater infiltration and subsequent sanitary sewer overflows if the wet well is not sealed or installed properly. These sanitary sewer overflows would flow through neighboring backyards, through the Azalea Park wetlands and eventually into Moore's Creek, which is already impaired for bacteria. In addition, the proposed siting of the pump station is in a stream valley, so odors will linger. Odors can linger due to the topography because the proposed site is approximately 34 ft. below in elevation of Monte Vista Avenue to the west and 24 ft. lower than Azalea Drive to the east. Given the topography, the odors will be particularly pronounced during atmospheric inversions. Many municipalities require a study of prominent wind direction before a sanitary pump station can be installed. In this case with a pump station being surrounded by houses on all sides, there is no question that residents will be impacted by odors. There are many engineering solutions for the odors that the engineer touched on and on the surface these sound like a great option. These range from carbon filters, which have been proven to be ineffective in many installations, to chemical treatments, which attempt to mask the odors. Each of these engineering solutions to the odor problem does not actually solve the odor problem. These filters or chemical treatments are either attempting to absorb the smell or cover up one smell with another smell. They do not eliminate the actual odor because they don't remove the cause of the odor. Raw sewage smells and it smells even worse when the conditions become anaerobic, which produces the rotten egg odor of hydrogen sulfide. OSHA also lists both short and long term health effects from exposure to hydrogen sulfide. If you look online or speak to utility operators who maintain these in other municipalities, you'll learn odor is a common complaint. While it's easy for someone who doesn't live in the neighborhood to say it's no big deal, it doesn't take away the fact that there is an odor. The Woolen Mills pump station mentioned earlier was even removed due to odor complaints. Odor is a big deal considering that the proposed pump station will be completely surrounded by current and future Fry's Spring residents whose homes, property values, and potentially their health could suffer if this pump station is installed.

Casey Gioeli: On behalf of this group we express concerns that the sewer pumping station is proposed to be privately owned and operated. Per the draft provided by the developer, the Home Owner's Association will be responsible for common maintenance facilities. This includes the proposed sewer pumping station and sewer lines, retaining walls, and storm drainage facilities. According to Robert Nordlund from the consulting firm Association Reserves, as many as 70% of these HOAs are undercapitalized. We believe that the relatively small size of the proposed HOA, the scope of its responsibilities, and the unknown timeline for project completion places this HOA in the more than likely position of being undercapitalized. Any failure of this pump station may result in a human health hazard. Expecting the HOA to own, operate, maintain, and have sufficient funding to completely replace one of these systems is unreasonable. It is in the best interest of the community that the developer be required by this Commission and Council to provide an assessment of the envisioned capital adequacy of the HOA, not only in an expected case but in a case that contemplates unforeseen circumstances. At a minimum, this should include a reserve study and sample capital budget. These submissions should then be made available for public review and comment. This review is a prudent requirement to understand and manage the risk, not only for those who live or will live in the immediate area, but for all City residents, as they may be asked to fund remediation in the case of failure. Lastly, there have been preliminary discussions where it has been suggested that in the case of HOA failure, the City will assume responsibility for the sewer pumping station and make its own assessment to homeowners for the cost of maintenance. There is no guarantee for this and we don't see how this could easily be reassured given the number of unknown factors. Thank you for your serious consideration of this matter that could greatly affect the livability for the residents of the Fry's Spring neighborhood.

Jesse Harper: When we received the letter from the City about this application, it stated that a gravity fed sewer was not possible for this development given the topography. That statement is not factual. It is possible, as confirmed in a conversation by Matt Alfele. A gravity fed sewer was recommended by Roy Nester in his original response to the development. He said that the City prefers a gravity fed sewer for this development and it is still the best long term solution. The reason for this application is because Core Azalea, LLC did not procure easements from the adjacent property owners on Monte Vista because they didn't offer an amount that was commensurate with the value of what they were seeking to purchase. The reason that they aren't doing it is for cost savings and Mr. Shimp confirmed that. Ultimately it is not a cost saving measure for the City, it is a measure to maximize the profit margin of this development. The City Code section 34-157 sets the general standards for when to approve or deny an SUP and asks whether the proposed use or development will have any potential adverse impacts on the surrounding neighborhood, such as dust, odor, fumes and other factors that adversely affect the natural environment. There is more in that section and it is worthy of review because this application contradicts many of the guidelines in that section, noise and smell in particular. In the application, the applicant says that you wouldn't smell it unless you were standing on top of it. The validity of this claim was questioned and the sewage plant manager in Chesterfield County who is employed with the wastewater utility for 37 years was contacted. He said he was responsible for 32 of these pumping stations and laughed when the statement was read. He said the most common complains that they get for them concern the smell and the noise. Every solution offered only masks the smell. When asked about smell mitigation, he said it amounts to putting perfume on the sewage, the smell is still there because it is sewage. It stinks and there is no solution to that. When this application says it doesn't smell, there is an intent to mislead the Commission on the fact of the smell because a profit margin is at stake. If they are forced to do what the City and Utilities actually recommends, they will have to pay the owners a fair market price for the easements.

Samuel Johnston: Notes that he is an environmental attorney and a Fry's Spring neighborhood property owner where the proposed project borders on the property. The general purpose here is to provide information to the general public. Unfortunately we were not satisfied with many of those answers and we need more information, particularly with respect to the impacts. In any environmental assessment with a project like this, the public has a right to know what the impacts are going to be and how they will be minimized and then mitigated. The Chair has brought up the issue of rainfall and we need to have a much more detailed analysis of the cumulative impacts of the peak flows that are foreseeable in combination with rainfall from climate change. The impacts of the foreseeable water and sewage runoff from this project need to be analyzed. The peak flows need to be quantified and determine what the impacts will be on watersheds, wildlife, and neighboring values. Moore's Creek is also an impaired waterway and more analysis needs to be done on that. It was troubling to see staff hesitate to call the waterway that is going to be impacted and possibly destroyed a stream. It is a stream and may very well be federal jurisdictional water, which would implicate federal law and needs to be taken into consideration. The City's input for Virginia's phase 2 watershed implementation plan dated February 2012 calls for, among other policies, maintaining the designation of a 100 ft. riparian buffer on the City's three main waterways, one of which is Moore's Creek. If this is maintained, it would make sense to maintain at least a 50 ft. buffer on a tributary to that creek that would be impacted by this project. The Planning Commission is urged to maintain and remember their duties as trustees of the public to maintain the values of the public trust and public health.

Jason Bishop: Notes that he is the lead organizer and the community is engaged with this. We have spoken to a lot of people about this development and no one is in support of a development like this. It is simply not in concert with the surrounding neighborhood, especially if you look at the size of the houses relative to the size of the lots for the proposed development, as well as the already existing lots and their houses. This pump station is another way that it is not in concert with the surrounding neighborhood. There isn't another one in the whole City. We won't have everyone in the room speak for three minutes, but we hope that the Commission will take the considerations that we have stated seriously.

Susan Quinn: Notes that she is a resident of the Fry's Spring neighborhood, a member of the board of the Fry's Spring Neighborhood Association, and is here to read a statement from the FSNA. The FSNA welcomes appropriately designed in-fill and the new neighbors that it brings. The FSNA respects the rights of property owners to pursue all legal activity on their private property while recognizing that some activities can result in negative impacts elsewhere in our community. Regarding the application for an SUP for the proposed Belleview development, the FSNA and the community we represent have concerns that a sanitary sewer pump station could have long-term negative impacts on the adjacent properties and the neighborhood. Specifically, the FSNA has 5 concerns: 1) odors are a common issue with sanitary sewer pump stations and siting the pump station in a valley will result in lingering odor, 2) the planned location has a high-water table, evidenced by naturally occurring springs, and any flaws in the construction would allow water in, potentially resulting in failure and overflows, 3) Charlottesville City code does not currently specify best engineering practices for installing a pump station, 4) Charlottesville City code currently does not allow the City Utilities to step in if the pump station fails, a situation which could result in the release of raw sewage into the backyards of Fry's Spring residents, the adjacent Azalea Park and Moore's Creek, which is already impaired for bacteria, and 5) maintenance and replacement of the sanitary sewer pump station are planned as the responsibility of an HOA. If the HOA does not plan its finances properly or fails, the City may be forced to take action, potentially incurring substantial cost to the taxpayers. At the very minimum, the approval of an SUP to allow the installation of a sanitary sewer pump station should be delayed until the necessary regulations are in place to address how the City will handle cost, operation, maintenance, and replacement of a pump station located on a private property should the HOA fail. In summary, given the site conditions and lack of appropriate code to address contingencies, the FSNA does not support the proposed solution at this time and urges the City to deny the permit.

Stuart Wilson: Resides at 318 Monte Vista Avenue and worked with the Rivanna Water and Sewer Authority for 35 years. One of the main complaints that we would get from citizens was pump stations. Aeration doesn't work and carbon filters were pretty ineffective as well. There is a chemical solution that can aerate the water without agitating it that may be called bioxide. Rivanna has started using that with a lot of their pump stations, especially at the Farmington County Club pump station because there have been many complaints. Notes that when he bought his house almost 30 years ago he knew that a subdivision was platted in there, but had no idea it would require a pump station. Unlike the folks in Woolen Mills who bought houses with an existing pump station, these residents did not have that choice when they bought their houses. The noise can also be a problem because the air compressors make the most noise if they are used rather than the sewage pumps.

Christopher McQuale: Notes that he is a licensed professional wastewater engineer and his family has property on Monte Vista. The idea of having a package plant to treat the water and discharge it to the creek at the bottom of the hill and odors from that would only exasperate the problem. Regarding the discharge to the sewer line on Monte Vista Avenue, the hydraulic capacity for it to receive water coming from a pump station is questionable because it wasn't designed for that and it is a concern that should be looked into.

Nomi Dave: Resides in the Fry's Spring neighborhood. The experiences as residents with the Porter Avenue development, which is the most recent development that is still ongoing, have been that there is a lack of transparency on their behalf and a lack of enforceability. It seems like the development wants to try out an experiment in Fry's Spring and we've been told to accept their assurances that there won't be a smell, it won't have very much noise, etc. The experience with the developer in the case of Porter Avenue was that we were told that there would be a 4 way stop sign put at JPA that never happened. We were told that the tree line would be saved behind our house that never happened. There is a consistent problem with lack of transparency. There is also a lack of enforceability. Today NDS addressed the fact that if there is a failure in the system then zoning regulations kick in. There was also a point brought up about annual maintenance reports that the developer is

obligated to make to the City. However, NDS, both in a private meeting and in a City Commission meeting, admitted publically that they do not have the enforcement capacity to actually enforce some of the regulations that are in the books. In the case behind you we were told that City code regulates that developers must keep 20% of the tree canopy and if they cut down trees then they are obliged to replant so that 20% of the canopy is maintained. We were told that was confirmed, however the developer cut down all the trees and never maintained any of that canopy and have continued to violate that code. When this was brought up in a City Commission meeting in front of NDS and Andrew Baldwin regarding the new development, NDS said they don't have the capacity to enforce these regulations. This is an issue that must be addressed before we are expected to just believe the promises that these developers are making.

Peter Rightmyer: Lake Holiday Estates in Frederick County, VA is about 15 miles north of Winchester. It is a plan unit development HOA with a terrible track record. They have their own private utility and all of the equipment, and it was a colossal failure. It was not due to bad planning, it was due to disaffected voluntary board members, of which they had 15 on their utility board and 11 on their HOA. Ultimately that development was taken over by a special commissioner for Frederick County. Chuck Alton was in receivership for about 3.5 years before it was straightened out. If the Commission is inclined to believe that 41 homeowners are going to do their due diligence with collecting funding to provide for future reserves for this, the Commission is encouraged to look again.

COMMISSIONER QUESTIONS

Commissioner Lahendro: Does City Utilities have standards for a lift station?

Ms. Lauren Hildebrand, Public Utilities: No, there aren't any standards in the Standards and Designs Manual because we currently do not maintain or have any pump stations. The sewer system is entirely gravity fed and we maintain 170 miles of gravity sewer within the system.

Commissioner Lahendro: What standards would you use to evaluate the design?

Ms. Hildebrand: Currently, the Department of Environmental Quality has state-wide regulations that we have to follow. The short term is SCAT Regulations that were developed by the state that set standards for how wastewater treatment plants are designed, as well as pump stations and gravity sewers. We do have the ability to review the designs against the state standards.

Commissioner Lahendro: Why wouldn't the City take this on themselves since it is for the development of over 40 houses and the larger neighborhood area?

Ms. Hildebrand: It takes a little different expertise to maintain a pump station than a gravity fed system. It would take someone who is a little more familiar with control, electrical, and mechanical systems. Within our area, we consulted with Albemarle County Service Authority and they have maintain certain lift stations within their system, but they have people who are trained with those skillsets. They don't maintain all of the pump stations and there are some in the County that are also private, but that is generally because there is no gravity sewer in the area that could serve the system.

Commissioner Lahendro: Are you familiar with the systems to speak to issues of odor and noise?

Ms. Hildebrand: Notes that she used to work for an authority where there were over 60 pump stations within the system. They do emit odors. The philosophy behind sewer systems is that they need to breathe a little bit and emit the odors into the air.

Commissioner Solla-Yates: There is a question about capacity of the sewer line. Have you looked at that?

Ms. Hildebrand: We have looked at the capacity of the adjacent gravity system along Azalea and the system they are proposing to pump to and it is an 8" line. Generally 8" lines have the capacity for about a ½ million gallons and this development will on average generate 20 thousand per day. It has enough capacity, but you have to be careful because you don't want to hold too much back and pump too much at one time when designing a pump station because it can be odorous. It should pump on a regular basis so the age of the sewer doesn't get too old.

Commissioner Solla-Yates: There was also a question about the shape of the land since this is bowl shape. Does odor linger or spread?

Ms. Hildebrand: Notes that she cannot speak to that issue.

Commissioner Dowell: To help mitigate the adverse impacts on the neighborhood, in the event that the pump stopped working and they didn't have enough money in their HOA to keep it going, how would the City handle it?

Ms. Hildebrand: Notes that she has developed additional language in the event that this moves forward to be more stringent in looking the HOA documents and making sure they had the right wherewithal to finance future capital improvements. One recommendation is a revision of staff's first recommended condition to change the 6th line to read three feet, by five feet in dimension, enclosing the SCADA controls to the pump station. Another recommendation is to revise the 8th line to read (v) a private sewer force main, as well as the operations and maintenance condition, which was revised to add that regular maintenance will be conducted by a qualified contractor that is approved by the Director of Utilities. Regular maintenance will be conducted to avoid an adverse impact on the City's sewer system. Additional proposed conditions include that 1. The design will incorporate the Department of Environmental Quality's Sewage Collection and Treatments regulations as well as provisions designated by the Director of Utilities as deemed necessary to assure that there is no negative impact on the City's sewer system, 2. During operation of the Pump Station, in the event the City's public sewer system experiences a negative impact, caused by hydrogen sulfide or any other cause, then the HOA will be responsible for the cost of repairs and remediation of the adverse impact to City's system. If these repairs or remedial actions cannot be made in a timely manner determined by the Director of Utilities, then the connection to the City's sewer system will be terminated, 3. The Landowner(s) shall provide the Director of Utilities a copy of the HOA documents, to allow the Director to verify that the provisions within the documents are adequate to ensure that the HOA will be responsible for all costs and has all necessary authority to make assessments to landowners within the development to cover all costs of construction, operation, maintenance and repair of the Pump Station. At no time shall the City of Charlottesville be responsible for any cost(s) associated with construction, operation, maintenance or repair of the Pump Station, 4. If a sanitary sewer overflow occurs, the overflow must be reported by the System Operator to the Virginia Department of Environmental Quality within 24 hours, and then the System Operator must submit to DEQ a 5-day follow-up report. A copy of the initial overflow report to DEQ, and the 5-day follow-up report shall be delivered to the City's Director of Utilities at the same time as the reports are delivered to DEQ.

Chairman Green: Clarifies that the proposed conditions for the SUP would be infringed upon the development of the HOA in addition to the conditions in the staff report if it were to pass.

Commissioner Heaton: Does City Utilities have a tap fee established or plans for how the City might do that?

Ms. Hildebrand: We have a facility fee, which is intended to handle the additional requirements for the capacity of the system that currently developers pay. It is set up by the size of the meter or the equivalent residential unit and it is prorated based on the size of the meter. The facility fee is applicable to the water meter set at the houses and it has a water component and a sewer component. The intent of the facility fee is to recoup monies that the City spends generating capacity within the system to adequately fund it, whether it is in our system or Rivanna's.

Commissioner Stolzenberg: You stated that there is nothing in the Standards and Designs Manual now, but it is under revision. Was that part of the discussion into the new Manual?

Ms. Hildebrand: As part of Utilities, we are having discussions about what will be included in the Standards and Design Manual and then the details on things like a pump station or gravity sewer would be in construction documents that would be referenced in the Manual.

Commissioner Stolzenberg: A few commenters noted that there aren't laws in place in the current City code to adequately manage this, especially in an HOA failure scenario. Are there parts of other cities' codes that are more comprehensive in how they handle pump stations? Should we look at a zoning text amendment for that?

Chairman Green: This is an SUP and all SUPs fall under the zoning ordinance, so it would be under zoning regulations.

Ms. Robertson: Public Utilities is in a different chapter of the City code and Ms. Hildebrand manages the public system in accordance with a parallel set of regulations and requirements in a different chapter.

Commissioner Stolzenberg: More broadly, what do other cities do?

Ms. Hildebrand: It varies, but if there is a gravity solution many places would prefer that over a pump station because of its long term maintenance cost from an electrical standpoint.

Commissioner Stolzenberg: When they do have pump stations, do they have regulations in the City code that do things similarly?

Ms. Hildebrand: There are design standards that would be followed.

Chairman Green: These are not typically occurring in cities, especially in urban environments. Is that the case?

Ms. Hildebrand: Usually you will find them located where there isn't a gravity solution. We do have a gravity system close by, but they do require easements.

Chairman Green: The City doesn't want to take that on because of the long term maintenance costs. Several Commissioners are concerned about affordability, so what do you think this will cost each homeowner in homeowner's association fees just for this particular system?

Ms. Hildebrand: It might not be applicable, but in the previous authority there was a contractor that would regularly maintain household pump stations and they were usually for government agencies. Generally the cost was about \$2,000 per month to do regular weekly checks on the pump station to make sure everything is working.

Notes that she did not check to see what people around here would charge. That figure does not include setting aside capital improvement funds.

Chairman Green: In the future if this were to fail, could this be converted into a gravity system in the future at the cost of the homeowners?

Ms. Hildebrand: Yes, if they could acquire the easements through the properties. The only way Utilities could get involved would be if we were expanding our system and there was a public health issue. We typically do not condemn for easements.

Chairman Green: If this were to fail and the HOA did not have enough money, even if they were preparing, and sewage was leaking, the last proposed condition says that the connection with the City sewer system will be terminated. In this case, how many homeowners would have their water cut off to prevent overflows?

Ms. Hildebrand: They would all have to be cut off. The only way to stop the health hazard would be to stop the water usage.

Commissioner Stolzenberg: Do we shut off people's water when people don't pay their bills?

Ms. Hildebrand: There is a long process for that.

Chairman Green: Is it true that it took about \$5.2 million for the Rivanna Water and Sewer Department to mitigate the odor control on that?

Ms. Hildebrand: That was at the treatment plant and it was close to \$10 million.

Councilor Hill: What is staff's general perspective on this project? What is preferred by staff?

Ms. Hildebrand: Since the City runs a gravity system that is preferred.

Councilor Hill: Do you have any concerns with this coming into one of our City's neighborhoods?

Ms. Hildebrand: Typically, the experience with pump stations has been to not site them close to the houses because they can be odorous.

Councilor Walker: Notes that she is concerned about homeowners losing access to a system where the only way we can mitigate the issues is to turn their system off. Future homeowners also shouldn't have to deal with this if the system failed.

Commissioner Solla-Yates: There was a recommendation from the public that we require financial disclosures from the HOA to see that they could actually take care of it if they had the money to do it. Can we require that?

Ms. Robertson: We can't do that under the zoning regulations. Copies of the HOA documents confirm the obligations and there are statutory obligations in the state where the members of the HOAs have fiduciary obligations to impose assessments and obtain enough capital reserves. It doesn't mean they will do it, but it isn't in the Commission's purview as zoning reviewers.

Commissioner Stolzenberg: There was mention that an alternative for this is an actual sewage treatment plant on site. Is that by-right?

Ms. Robertson: If it was allowed it would be the same type of permit process as this.

Chairman Green: In the City, if you have an SUP and someone violates the SUP conditions, how does the City mitigate that?

Ms. Robertson: There are a number of different ways. If something is presenting a serious issue you could go to court and seek an injunction to either preclude someone from doing something or to require them to do something. We rarely use that process, but it is available.

Chairman Green: In this scenario, what is the timetable to get a zoning case in the court in the City?

Ms. Robertson: To get that case through the court it would take quite a while. If there was urgency and you were dealing with a public health situation that could be called a public nuisance you could likely get an emergency injunction fairly quickly. The remedies for that would be quicker under the public utilities and public health codes. If an individual homeowner has a problem with their service lateral and it's causing a backup in a public sewer, it is a smaller scale but a similar process. The landowner is responsible for resolving any problems with the portion of the line they are responsible for and if it creates a public health situation there are remedies within the public utilities code that include shutting off the water or going to court to require them to fix it. It is not an unusual situation and there are health and utility codes that allow it to be dealt with, which would be quicker than the zoning route. There are also obligations under an MS4 permit and many substantial storm water facilities are being installed in common areas to be maintained by HOAs and if they fail it is a substantial burden. There are some legal remedies even within the development. If the HOA isn't producing their fiduciary duties the people within the development can bring private actions within them. Liens are placed against properties for charges that have been assessed and not paid, as well as special assessments that can be done quicker than routine annual assessments to cover unexpected expenditures.

Chairman Green: So this is passing all of the cost onto the individual homeowner?

Ms. Robertson: Yes, and for other requirements such as storm water as well.

Commissioner Stolzenberg: Do you mean the individual homeowner that owns the lot it's on, rather than the other 48?

Ms. Robertson: No, it is all 49 lots collectively.

Commissioner Stolzenberg: Do the neighbors have standing to bring private action against the HOA if there are odors out of compliance with this?

Ms. Robertson: Probably not under the HOA arrangement, but there is a right of action called a public nuisance that could be brought up.

Commissioner Solla-Yates: Ms. Hildebrand notes that in more rural areas, there should be a certain amount of space between a pumping station like this and other residences. What is a reasonable buffer?

Ms. Hildebrand: It is typically in the back of a subdivision in a low lying area because everything had to gravity feed to it.

COMMISSIONER DISCUSSION

Commissioner Heaton: Municipalities that are utilities all over the state are finding ways to develop and we have housing issues in Charlottesville and we are growing. There is a high level of confidence in alternative systems and our Utilities should begin exploring what that looks like. In a growing population, you have to find alternative systems.

Chairman Green: Is this an alternative system or a way to pass the extra cost onto the property owners?

Commissioner Heaton: Gravity systems are better, but they are becoming less mandatory because there are more people. If we don't have contingency plans for decades out for continued population growth, our Utilities might begin making some of those.

Chairman Green: This is not a place where it can't be done, it is where the easements have not been acquired.

Commissioner Heaton: This will happen again. It may be the first special exception before the Commission but it won't be the last, so we should have a review so we have guidelines as opposed to a special exception every time.

Commissioner Dowell: Charlottesville is only a 10 sq. mile radius and we aren't going to be growing that much more to need the pump. As far as the review goes, we need more information before we can say that this is actually a good alternative.

Commissioner Heaton: Utilities need to provide us with where we are going in 20 years because we are going to grow. Municipalities with gravity systems are having to look how to grow.

Chairman Green: This is not an alternative system, it is a rural system and you were one of the biggest proponents for density and urbanism.

Commissioner Heaton: Exactly. There are systems in place in old municipalities that are also utilities where you have to look at how you can accommodate a higher population. It won't always be gravity.

Chairman Green: That's fine, but we are passing along cost unnecessarily to people that are about to own homes. It could also have more lots if we don't put a pump station there to give more housing.

Commissioner Heaton: It's illegal, so it's a special exception and it won't be the last one we see, especially as the population stress continues. We need a study to determine where we are going to go so we don't have to have special use permits over and over.

Chairman Green: We are not going to need SUPs for this because people are going to tie into the City's Utility system. We are creating an urban environment and this SUP would put a rural system in an urban environment because the developer doesn't want to potentially pay the costs to get the easements.

Commissioner Heaton: Agrees, but we shouldn't always be talking to developers. We need the City Utilities to provide some guidance for how to deal with this 20 years in the future.

Chairman Green: Notes that it is a great thing, but this is the first one she has seen in 18 years with the City.

Commissioner Stolzenberg: Shouldn't the people be mad at the 10 selfish property owners? It is understandable that \$2,500 is a low ball and they could ask for more money, but they didn't even respond and now they are going to force it on all of them.

Commissioner Mitchell moves to deny the application. The potential adverse impacts of the sanitary pump could create problems in the neighborhood, specifically in the matter of noise, lights, dust, odor, fumes, vibrations, and other factors which adversely affect the natural environment and the surrounding environment. Seconded by Commissioner Dowell.

Commissioner Dowell: Notes that she is very concerned that this can have impacts on the surrounding neighborhood, but there are also concerns about how we will develop the property. If we aren't going to approve the pump but the property owners will not grant the easements, where do they go from here? Will we just not develop the property or are we back at another SUP? Notes that she is against the pump because of the impacts to the neighborhood, but at the same time we are going in circles because if the developer cannot get the easements it can't be developed.

Chairman Green: Absolutely, but we are putting Utilities in a Zoning issue. We talk about density and affordability a lot and we are not making these lots affordable by having this system put into the place. They could rezone it and make more lots and more density, but we need to tie into the systems that we do have and know they work and that the City is going to maintain. The costs should not be passed along to these property owners and new homeowners, who are not going to read all of the content and have no idea what they are signing on to until it fails and they have to pay for it. We cannot talk about affordability and density and allow a suburban rural pump station in the middle of one of our most urban areas.

Commissioner Dowell: If the developer can't get the easements, what happens next?

Chairman Green: We can come up with some solutions for that. There are better alternatives than a rural area system.

Commissioner Heaton: What we do with this permit is one thing, but we can learn from this moment and ask Utilities to plan for what is going to come so we have some capacities and alternatives.

Chairman Green: Notes that this area is going to develop eventually.

Commissioner Mitchell moves to deny the application. The potential adverse impacts of the sanitary pump could create problems in the neighborhood, specifically in the matter of noise, lights, dust, odor, fumes, vibrations, and other factors which adversely affect the natural environment and the surrounding environment. Seconded by Commissioner Dowell. Motion for denial is approved 6-1.

2. ZM18-00003 - Flint Hill PUD

Deferred by applicant until at least May 2019.

3. New Business – Fry’s Spring Zoning Text Amendment Proposal by Commissioner Stolzenberg

Commissioner Dowell: What is the goal in going from R1 to R2? Is it to create more density or to create more affordability?

Commissioner Stolzenberg: About 34 of the parcels in mind are already single family attached and they are non-conforming and it would be great to bring those into conforming status because it seems unreasonable that they have been downzoned like that. As for the remaining ones, right now we are seeing many large, expensive houses pop up in Fry’s Spring, which is not what Fry’s Spring looks like even though the northwest side is expensive. It is mostly \$150,000 - \$200,000 houses and if left as is, the giant expensive houses are all you can build and it doesn’t make sense if we want to have homes people can afford.

Commissioner Dowell: That is a general thing going on across the City, it isn’t just Fry’s Spring. What makes Fry’s Spring different than any other neighborhood?

Commissioner Stolzenberg: It isn’t fundamentally different and broader zoning reform would be beneficial too. It is being brought up now because there is a sense of urgency. Of those 5 vacant greenfield areas, all of them have been transacted or are about to be built on. While it would be great to do this across the whole City in the new Comprehensive Plan and Zoning Code, we already have consensus that we’re going to allow up to fourplexes in every zone and this is probably going to happen faster than that.

Chairman Green: Nothing has been passed on that. We are the Planning Commission and that hasn’t gone to the City Council.

Commissioner Stolzenberg: That is true, but that is why we need to get it to City Council and into the zoning ordinance.

Commissioner Heaton: The process is set in place so there can be quick action from the public. Commissioner Stolzenberg was asking for this to be taken into consideration.

Chairman Green: As Planning Commissioners we should take our place on the Commission as a governmental body for the people, not for personal wants and desires. We should not have an agenda and it is unclear what body Commissioner Stolzenberg is representing other than himself.

Commissioner Stolzenberg: Notes that he doesn’t live in Fry’s Spring anymore, so it isn’t about him. An observation was made as a Planning Commissioner that the face of Fry’s Spring is changing based on the laws we put in place and are entrusted with the stewardship of. When Fry’s Spring neighborhood association introduced a downzoning in 2014 they didn’t have authority to do that. They didn’t own any of the pieces of property so they couldn’t make a petition to Council to change that, they had to get a sympathetic Councilor to do it for them.

Commissioner Lahendro: Notes that he does not feel comfortable voting on something that is brand new and it is not a benign request because it does take staff time. We have to look at the staff workload and understand what the priorities are before we start to commit them to doing something else. We should put this off until a work session to frame what we are going to talk about so research can be done ahead of time.

Chairman Green: We also have a housing needs assessment that the HAC has looked at and that is being very much researched so that we have a plan to do this as opposed to picking an area because we used to live there and like it. We have a plan and it does take staff time.

Commissioner Stolzenberg: Reiterates that this is just to initiate the discussion and the natural result of initiating it would be having a work session.

Commissioner Dowell: We need to be aware of things like this, not only in Fry's Spring but throughout the City so people who have lived here can continue to, but it may not have been delivered in the best approach and that is why it isn't getting the best feedback. If we are going to be a body, everything has to move together.

Commissioner Stolzenberg: What is the best practices way to propose something like this? Notes that he apologizes for how it was presented and he doesn't have an ulterior motive, but his understanding of how the ordinance was written is that now would be the proper time to make a motion in the meeting and once we initiate discussion the rest of it happens.

Chairman Green: Agrees, but staff didn't even have the knowledge of it. Ms. Creasy could have offered advice. Don't we have a work plan from Council?

Ms. Creasy: It is on hold. In fact, any zoning idea that is more than a small tweak that wouldn't require significant communication public-wise would refer to that process, which is currently not in our control. The RFP is being constructed and staff hopes that the position will be filled before the RFP hits the streets because it would be much more helpful if there was something to start with and they guide it before it goes out so they have ownership of the process. We are awaiting the next steps on the RFP and we would get pushback on anything that wasn't simple for that process. Right now we have been guided on the path to the RFP and the position to happen in some timeframe and then that process will move forward our processes here. It would also be helpful to structure the conversations in such a way that there are potential outcomes to a concern so that you aren't talking in circles and it is a productive experience.

Chairman Green: The housing strategy is a huge part of this, have we heard anything else about that strategy?

Commissioner Solla-Yates: The last time the HAC discussed it, we were waiting on details from the Planning Commission, so hopefully that will move forward and we will be able to get that done. As the Chair of the Planning subcommittee, two years ago HAC recommended updating the ADU ordinance and nothing has been done. About a year ago it was recommended to update the frontage and minimum lot size requirements and nothing has been done. There is a whole pipeline of quick fixes.

Ms. Creasy: They aren't quick fixes, they are significant discussion items. There are a number of boards and commissions around the community that have been putting together a lot of good information and the Commission went through a number of issues, including those, and noted that frontages need to be done in the context of other things. The most recent quick fix from a zoning perspective was allowing for a drive-thru restaurant in the Highway Corridor and even that was controversial. It wasn't an easy conversation and that would be considered a quick fix. Things like frontage changes will need a lot of discussion from a lot of community partners.

Ms. Robertson: Part of the reason we are in this fix is we haven't been following the methodology we are supposed to use. The Comprehensive Plan does not give us adequate guidance and since 2003 we have been coming up with ideas that are not in furtherance of strategic goals and objectives. Until we get that framework in place that is a guiding document, we can't fix the problems that we want to fix. It just can't be done. The Streets That Work document was a great adoption, as it gives very specific guidance and if the rest of the Comprehensive Plan gave as much guidance as that does, we could make great progress.

Chairman Green: The zoning ordinance would then have to match the Comprehensive Plan.

Ms. Robertson: A great result out of this would be a Comprehensive Plan update with very specific concentration on the Land Use Plan including affordable housing and having simultaneous ordinance provisions to implement those recommendations. As always, we are waiting to take the first step.

Chairman Green: A third part of that is the housing strategy. It has been very frustrating that these parts don't talk to each other at all and the biggest mistake we made was not making the changes to the zoning ordinance on the 2013 Comprehensive Plan.

Ms. Robertson: Historically we wanted to incorporate a lot of interest and values in the Comprehensive Plan, but we have been short on practical guidance.

Ms. Creasy: The Comprehensive Plan can tell you whatever you want it to say to you and we have had a difficult time in the community with taking hard lines on things. It has to be a decision that we take or at least a range of something because it has been so difficult to get folks to grasp as a larger community. Change is hard and we have tried a few bigger zoning things and the time wasn't right. Hopefully tying these things together and bringing in a group that can guide the community with outside expertise will allow for steps to be taken to move forward.

Commissioner Lahendro: We started this with seven lay people that were told to redo the Comprehensive Plan that no one had ever done before. If we would have had the professional guidance from the beginning, it would have helped and given us structure.

Commissioner Dowell: When we started on the update we were fine being seven lay people. The incidents that have occurred in Charlottesville about 2 years ago have blown up and we are trying to find the solutions of over 300-400 years in one document at one time. Sometimes we need to take a step back and start over. We cannot wrap everything into one thing because it would never work.

Ms. Creasy: All of these things take time as well. We have had some changes that have come over time, but they are slow.

Chairman Green: It's important to remember that we are an advisory Commission to Council and it doesn't mean that they are going to vote for what we advise.

Commissioner Heaton: We have been reminded by the public of our duties and we've done a good job. Commissioner Stolzenberg demonstrated before the public that there are ways to bring things forward, as well as staff's approach to make sure we have a workable workload. Both of those are in the system for a reason. Additionally, having Chair Green tell the public that the site is going to be developed when they didn't want to hear that was great. Maybe our new City Manager can help this body realize that we need to serve what our duty is in front of the public. The public does need to see that we can be responsive.

Chairman Green: The wheels just move very slowly, especially when it comes to enforcement. An enforcement action under the zoning ordinance can take up to 4 months to get to a judge to get an action. It is a slow process that isn't fun, but the flip side is that if it moves too fast and the pieces aren't all put together, it can fail.

Commissioner Stolzenberg: Going back to the motion on the floor, given that there is a sense of urgency here because in two years it will already have happened and we will be locked in for the next 50 years, the goal was

that this could be a manageable chunk that we could look at with the existing set of tools. The existing Comprehensive Plan calls for up to 15 dwelling units per acre.

Chairman Green: Would this be more of the form of a small area plan but it is an entire neighborhood?

Ms. Robertson: Let's pick a workshop where information will be provided about the categories of things that the Commission is supposed to look at when making this type of zoning change. Then the Commission can decide if they are ready now or if you want to roll it into the Comprehensive Plan process to undertake the studies and analysis that is needed to move forward with that type of change.

Chairman Green: Let's plan on discussing this at the April work session.

Ms. Robertson: We need to have a big picture discussion and the work for staff do to a good analysis takes time when looking at a whole area very specifically. It's usually preferable to do this at the same time that the Comprehensive Plan is updated.

Chairman Green: Anything we do has to have community outreach and engagement. We can't just initiate a zoning text amendment and in July we make a zoning change.

Ms. Robertson: Notes that it hasn't been unusual over the years for someone to initiate a change on an agenda and then to study it. The question is what level of study staff has capacity for and if you want to start right now before the larger Comprehensive Plan update gets finished.

Commissioner Dowell: No. That is half of the reason why we are in this situation now. Let's get our Comprehensive Plan done first. That is not to say that this is a bad idea because it's great to get more information and learn about our City, but we don't need to be running in circles. It is important but if we wait and do it at the right time it can be done at once.

Chairman Green: If Ms. Robertson brings us what it would take to look at this we would also need to look at the zoning we have in place because we can't redo the zoning for just the Fry's Spring neighborhood because we don't have a form based code right now and the zoning is for the City as a whole.

Commissioner Stolzenberg: This would only be for some minor tweaks to the map. We are running in place right now. Notes that what really prompted this discussion was that there was a site visit last month before the Lyman Street application and he spoke to someone who was rooting for the houses to go in there because it would raise his property value so much. He was hoping that the drinking and smoking neighbors that live behind him that have lived there for 50 years would get priced out of their neighborhood.

Chairman Green: Agrees, however we don't the tools in place to zone that in right now.

Commissioner Stolzenberg: We need a ton of changes to the zoning ordinance and a whole new Comprehensive Plan and there is a lot of work to be done. That's why we should start doing something and take this little chunk to make 30 parcels able to have single family attached houses. It isn't making ground breaking changes here and half of them already have single family attached houses on them that are just non-conforming.

Ms. Robertson: The motion was initiated and someone seconded it. The Commission needs to determine if they want to initiate it, and if so what is the first step in the process to study how to develop the amendments that might later be brought forward for a public hearing. Alternatively, Commissioner Stolzenberg can call the Chair

and Ms. Creasy and add an agenda item on the April work session to discuss it and determine if it should be taken any further at this point in time.

Ms. Creasy: Commissioner Stolzenberg can also get some bullet points on paper to discuss for a work session.

Commissioner Stolzenberg withdraws his motion and requests to add the topic to the April work session.

IV. ADJOURNMENT

8:45 pm – Commissioner Lahendro moves to adjourn until the second Tuesday in May 2019.

CITY OF CHARLOTTESVILLE
Department Of Neighborhood Development Services
Staff Report to the Entrance Corridor Review Board (ERB)



**Entrance Corridor (EC)
Special Use Permit Request**

Date of Planning Commission Meeting: May 14, 2019

Property Street Address: 1617 Emmet Street North

Zoning: Urban Corridor Mixed Use (URB)

Entrance Corridor: Corridor 1, Route 29 North Sub-Area A

Tax Parcel: 40C002000

Site Acreage: 0.5 acres

Date of Hearing: May 14, 2019

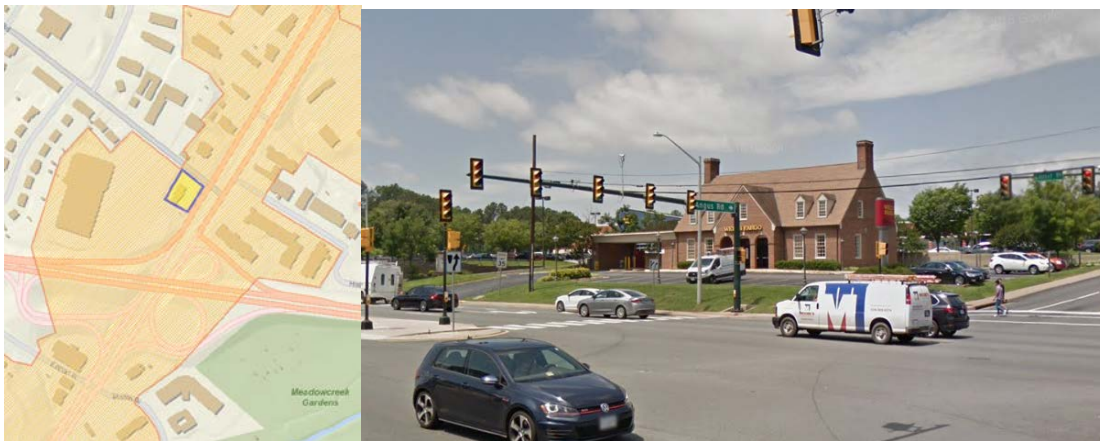
Application Number: SP19-00001

Staff report prepared by: Jeff Werner, Preservation and Design Planner

Relevant Code Section: Sec. 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.

Background:

This proposal involves an existing structure that had served as a bank, including a two-lane, covered drive-through. There is no record of this site previously being the subject of an ERB review.



Entrance Corridor Design Guidelines:

Within the City's EC Design Guidelines there is nothing specific to drive-through windows, however the *Recommended General Guidelines* for this sub-area acknowledge that this is an auto-oriented corridor intended for commercial retail development. No changes are proposed to the existing structure, however site improvements will include increased plantings, consistent with the *General Guideline* recommendation for *planted parking lots to reduce visual impact*. New plantings to include five large canopy tree, three medium canopy trees, four evergreen trees, 20 dwarf fothergill, and 14 dwarf holly.

The *Guidelines Specific to the Zoning* within this sub-area acknowledge that the intent 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.*

(Full text is in the addendum.)

Discussion: Before City Council takes action to permit the proposed use, they must consider the ERB’s opinion whether there are any adverse impacts to the Entrance Corridor (EC) district that could be mitigated with conditions. An SUP is an important zoning tool that allows City Council to impose reasonable conditions to make a use more acceptable in a specific location, and to “protect the welfare, safety and convenience of the public.”

The parcel’s zoning allows for a drive-through window via a SUP. In reviewing such a request, the first factor to be considered is if the proposed use will be *harmonious with existing patterns of use and development within the neighborhood*. Under the circumstances, allowing the continued use of the existing drive-through would not introduce something new or different; neither as a use nor as constructed feature.

The EC Guidelines, in general, speak to maintaining *compatibility* with the existing character of a corridor, while promoting new development that is *consistent with the vision* for that corridor. Retaining the existing resolves the question of compatibility. The proposed new use and landscaping improvements are consistent with the vision for this sub-area.

Recommendation: For the reasons stated above, design staff recommends a finding that approval of the requested SUP will not adversely impact Sub-Area A of the 29 North Entrance Corridor.

Suggested Motion: I move to find that, as related to the city’s Entrance Corridor Design Guidelines, the proposed Special Use Permit to allow in the existing building at 1617 North Emmet Street a coffee shop that would use the existing drive-through window will not have an adverse impact on the Route 29 North [Emmet Street] Entrance Corridor.

Alternate Motion: I move to find that, as related to the city’s Entrance Corridor Design Guidelines, the proposed Special Use Permit to allow in the existing building at 1617 North Emmet Street a coffee shop that would use the existing drive-through window will, for the following reasons, have an adverse impact on the Route 29 North [Emmet Street] Entrance Corridor...

Addendum:

Excerpts from *Entrance Corridor Design Guidelines* (Chapter V; pages 6, 7, and 10)

Corridor 1: Route 29 North from the corporate limits to Ivy Road

Sub-Area A: Northern corporate limits to 250 overpass

Description: The U.S. Post Office, Seminole Square Shopping Center, and the older K-Mart Shopping Plaza occupy most of the land area north of Hydraulic Road and east of Route 29. South of Hydraulic Road both sides of Route 29 contain older retail businesses and motels, a grocery store complex, and a big box retail store that recently replaced an older motel.

- Streetscape: Landscaped edges, significant street trees and plantings, overhead utilities, cobra-head lights, numerous curb cuts, auto-oriented, 4 lanes + 1-2 turn lanes

- Site: Pole and monument backlit signs, sites below road and many buildings set deeply back on lots, individual site lighting, post office with parking in front.
- Buildings: Hotels, gas stations with canopies, retail chains, large retail, 1-story, national chains, some roof equipment visible, some outparcels developed. Differing scale, architectural forms, materials, and varying setbacks.

Vision: As Route 29 traffic enters the City this area should serve to calm traffic and create a transition from auto oriented, suburban development to more pedestrian friendly, urban scale development. Planting and maintaining street trees along the existing Route 29 sidewalks, and locating buildings close to the road will assist in this effort. Although wide roads and large traffic volumes discourage pedestrian crossings, a pedestrian environment can be encouraged within developments. Providing walking and driving linkages between developments and providing for transit will also create alternatives to having to drive on Route 29. Individual building designs should complement the City’s character and respect the qualities that distinguish the City’s built environment. This corridor is a potential location for public way-finding signage.

Recommended General Guidelines

- Larger scale commercial retail development
- Limited residential and mixed-use
- Auto-oriented
- Surface or structured parking behind buildings
- Pedestrian connectivity within developments
- Articulated building forms to reduce mass
- Divided and planted parking lots to reduce visual impact

Guidelines Specific to the Zoning

(HW) 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.

- Height regulation:
 - Maximum height: 7 stories, recommend one to three stories.
- Setbacks:
 - Primary street frontage: 5 feet, minimum; 30 feet, maximum.
 - Linking street frontage: 5 feet, minimum; 20 feet, maximum.
 - Side and Rear, adjacent to any low density residential district: 20 feet, minimum.
 - Side and Rear, adjacent to any other zoning district: none required.
- Buffer regulations:
 - Adjacent to any low-density residential district, side and rear buffers shall be required, 10 feet, minimum.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A WAIVER: CRITICAL SLOPES

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: May 14, 2019

Project Planner: Carrie Rainey
Date of Staff Report: May 3, 2019
Applicant: Rayonix, LLC
Applicant's Representative(s): Shimp Engineering P.C.
Current Property Owner: Rayonix, LLC

Application Information

Property Street Address: 915 6th Street SE ("Subject Property")
Tax Map/Parcel #: Tax Map 27 Parcel 36
Total Project Area (Limits of Disturbance): 0.77 acres
Total Area of Critical Slopes on Parcel: 0.26 acres | 34% of total site area
Area of Proposed Critical Slope Disturbance: 0.21 acres | 27% of total site area | 78% of total critical slopes area
Comprehensive Plan (General Land Use Plan): Mixed Use
Current Zoning Classification: Downtown Extended Corridor (DE)

Background

Rayonix, LLC submitted an application for waiver of critical slopes at 915 6th Street SE on February 8, 2019. Proposed improvements associated with this project will impact critical slopes on-site and approval of a critical slope waiver is required per Section 34-1120(b). The applicant previously provided a preliminary site plan proposing a multi-family development. The applicant has since amended the development to include a commercial component, as reflected in the provided materials for this critical slope waiver request, and the final site plan must conform to all requirements and standards prior to approval.

Application Details

Rayonix, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for construction of a mixed use development that would include two (2) buildings with 28 one- and two-bedroom multi-family residential units and commercial use, and a surface parking lot with vegetated canopies.

Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (Attachment 2) and include portions of one building, sidewalk and stairs providing access to 2nd Street SE, portions of the parking lot and parking canopies, and portions of the proposed retaining walls.

Existing critical slopes areas located on this Property include 0.26 acres or 34 percent of the site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

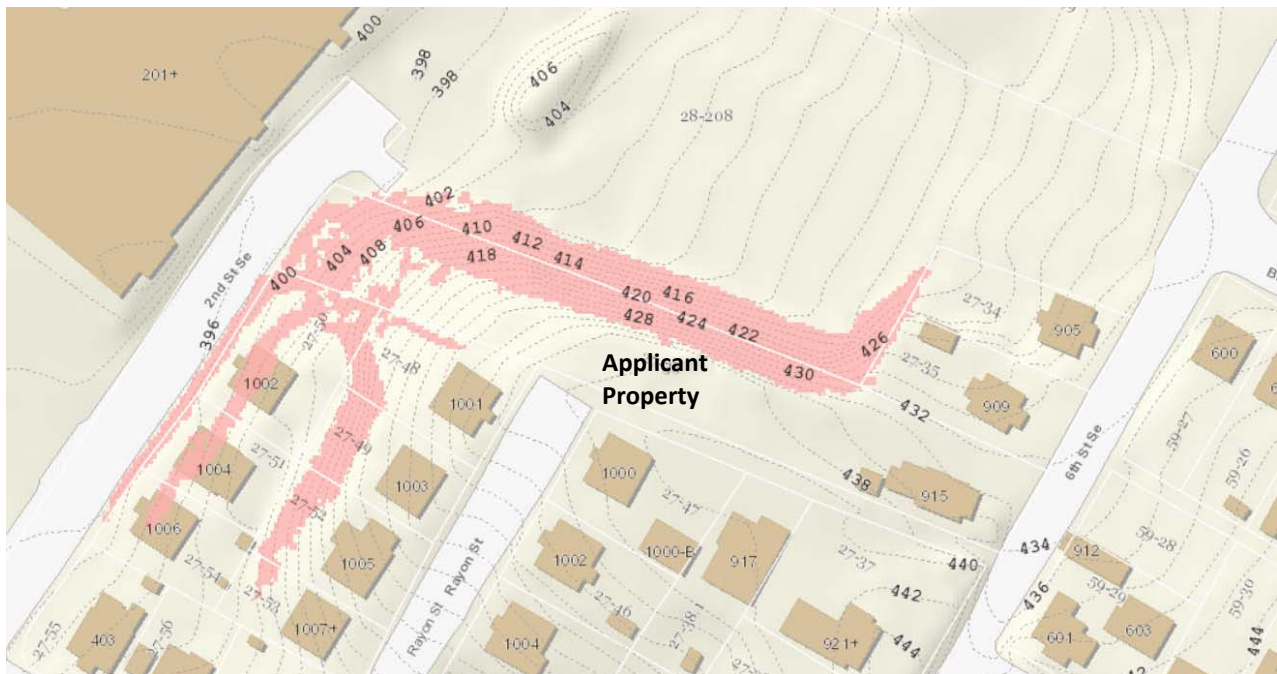
The following information is relevant to the evaluation of this request:

- Large stands of trees: **Much of the site is wooded. A single family home is located on the site near 6th Street SE.**
- Rock outcroppings: **None.**
- Slopes greater than 60%: **4,406 SF (36%) of the total critical slopes on site are greater than 60%. 2,701 SF of critical slopes great than 60% are proposed to be disturbed, accounting for 30% of the critical slope disturbance. See Attachment 2 for location of slopes greater than 60%.**
- Waterway within 200 feet: **The day-lighted portion of Pollocks Branch is located within 200-feet of the critical slope area that is located on the proposed project site.**
- Location of other areas of the Property, outside critical slopes areas, that fit the definition of a “building site” and could accommodate this proposed development: **The applicant proposes two buildings, one of which is located almost entirely in the critical slope areas. In addition, a portion of the proposed surface parking lot and associated grading is located within the critical slope areas. The proposed development, as shown with surface parking, could not be accommodated outside of critical slope areas. However, a development of similar use and residential density could potentially be accommodated outside of critical slope areas with a different site design.**

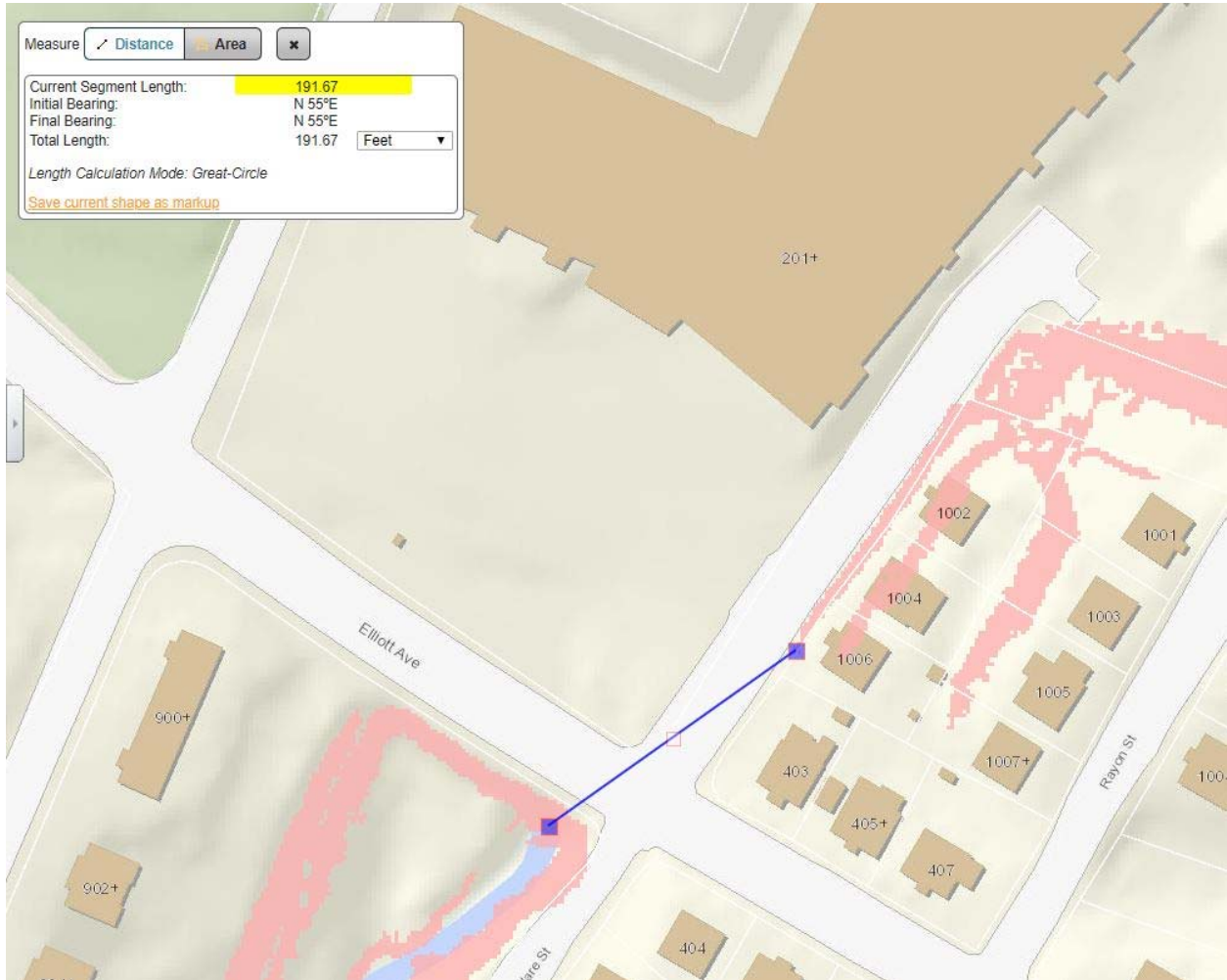
Vicinity Map



Topography Map



Pollocks Branch Relative Location Map



Additional Images



Views from 2nd Street SE

Standard of Review

A copy of Sec. 34-1120(b) (Critical Slopes Regulations) is included as Attachment 3 for your reference. The provisions of Sec. 34-1120(b) must guide your analysis and recommendations.

It is the Planning Commission's responsibility, when a waiver application has been filed, to review the application and make a recommendation to City Council as to whether or not the waiver should be granted based off the following:

- i. The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- ii. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the Planning Commission may also make recommendations as to the following:

- i. Whether any specific features or areas within the proposed area of disturbance should remain undisturbed (for example: large stands of trees; rock outcroppings; slopes greater than 60%, etc.)?
- ii. Whether there are any conditions that could be imposed by City Council that would mitigate any possible adverse impacts of the proposed disturbance?

Project Review and Analysis

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). In order to grant a waiver, City Council is required to make one of two specific findings: either (1) public [environmental] benefits of allowing disturbance of the critical slope outweigh the benefits afforded by the existing undisturbed slope per City Code 34-1120(b)(6)(d.i), or (2) due to unusual physical conditions or existing development of a site, the critical slopes restrictions would unreasonably limit the use or development of the property, see City Code 34-1120(b)(6)(d.ii.). The applicant has provided information in the attached critical slopes waiver narrative for Findings #1 and #2.

Applicant's Justification for Finding #1

The applicant states this development is consistent in use and scale with the 2013 Strategic Investment Area (SIA) Plan, an amendment to the 2013 Comprehensive Plan. The applicant states the parcel is designated in the SIA Plan to be mid-rise multi-family use, and the proposed development would be the first development along 6th Street SE to realize the SIA Plan.

Applicant's Justification for Finding #2

The applicant states combining the same number of residential units in one building fronting on 6th Street SE (outside of critical slope areas) will require a building double in size. The applicant notes the development increases the City's housing stock, but a single larger building would not fit in with the surrounding residential area. The applicant also notes the development will provide commercial space and residences in a desirable area, which already reflects a mixed area (Downtown Extended Corridor).

Applicant's Information on Potential Impacts

Per Section 34-1120(b)(1), the purpose and intent of the critical slopes provisions

- A. **Erosion affecting the structural integrity of those features:** The applicant notes *stormwater will be conveyed to Pollocks Branch, reducing run-off and erosion across adjacent slopes. Retaining walls will be used to minimize the grading of slopes where possible.*
- B. **Stormwater and erosion-related impacts on adjacent properties:** The applicant states *all run-off from the site will be conveyed with the exception of two areas, totaling 0.13 acres out of the site total of 0.77 acres. The run-off from these areas will flow through the adjacent parking lot into a drainage inlet. The stormwater will flow directly into existing stormwater systems, avoiding erosion of the surrounding land.*
- C. **Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands:** The applicant *states there are no wetlands or streams on or immediately near this site, as they have been previously undergrounded.* The applicant states the critical slopes on the property are *based on a previous condition which has been altered by neighboring developments.*
- D. **Increased stormwater velocity due to loss of vegetation:** The applicant states *there will be a loss of vegetation across the site to make way from the buildings and required*

parking area. To make up for the loss of vegetation over the parking area, a vegetated canopy has been proposed to provide covered parking.

- E. **Decreased groundwater recharge due to changes in site hydrology:** The applicant states *groundwater recharge from this area will be reduced. The developer is open to working with the City on developing stormwater BMPs such as pervious pavers, although the applicant does not know whether existing soil would be suitable.*

- F. **Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community, such as loss of tree canopy, forested areas and wildlife habitat:** The applicant states *the surrounding area has been highly altered from a native condition, and notes portions of Pollocks Branch have been undergrounded, a commercial building was constructed across 2nd Street SE, and new homes have been intensely altered in the area.*

Staff Analysis

1. Efforts should be made to limit the disturbance of critical slopes on site to the maximum extent practicable, and particular care should be taken to minimize or avoid impacts to slopes that are greater than 60%.
2. As the site currently has significant tree canopy coverage (including on the critical slopes) which is largely proposed to be removed, the site will produce significantly more stormwater in the post-development condition. This additional stormwater should be managed on-site to avoid impacts to Pollocks Branch, to which the site discharges. Given that Pollocks Branch has significant water quality and quantity challenges, all water quality and quantity requirements associated with site development should be completed on-site. This includes not claiming the 1% rule for water quantity compliance. If not managed properly on site, this additional stormwater will leave the site with increased velocity and have the potential to cause increased pollutant loading and erosion and sedimentation in Pollocks Branch.
3. The critical slope areas that are proposed to be disturbed that will not have improvements on them should be stabilized with heavy planting of locally native woody and herbaceous vegetation.

Engineering Department Comments: A significant area of the critical slopes for the site is 60% or greater. Uncontrolled stormwater runoff over these slopes will likely cause these slopes to erode. The displaced soil will travel to the adjoining property or the public right-of-way.

Planning Department Comments: The property is zoned Downtown Extended Corridor (DE), for which the intent as stated in Section 34-541(2) is

Downtown area. The proposed development has a residential density of approximately 36

The General Land Use Plan of the 2013 Comprehensive Plan calls for the subject property to be Mixed Use. The Comprehensive Plan describes Mixed Use as *zones where the City encourages development of a moderate or high intensity, and where a variety of uses will be permitted, including many commercial uses, residential uses, and some limited research and manufacturing where appropriate.* The applicant has indicated (Attachment 1) that 28 one- and two-bedroom multi-family units are proposed, as well as a commercial component will be included in the building fronting on 2nd Street SE. The applicant has not identified the commercial use but states it will be in line with other businesses in the area. In the previously submitted preliminary site plan, the applicant stated the western building (fronting on 2nd Street SE) will be approximately 49-feet tall and the eastern building (fronting on 6th Street SE) approximately 38-feet tall.

The property is designated as Mixed-Use Urban Corridor (Transect T5) in the Regulating Plan- Transect Character Areas (page VI-4) of the SIA Plan. The Plan states the first floor of buildings should be primarily retail with secondary uses of office and civic space. The SIA Plan states Transect T5 should have low- and mid-rise buildings of approximately four (4) to five (5) stories in height with buildings set close to the sidewalk. The SIA Plan's Regulating Plan- Housing Typologies (page VI-10) designates the property as mid-rise multi-family housing type.

The proposed development, as shown, could not be accommodated outside of critical slope areas. A development of similar use and residential density could potentially be accommodated outside of critical slope areas with a different site design. Alternative site layouts may reduce impacts to critical slope areas, but may also impact other development factors such as overall building height or housing affordability. The development must conform to a maximum setback of 15 feet along 6th Street SE per Section 34-578(b)(1). 2nd Street SE is not listed as a primary or linking street per Section 34-541(2) and does not have a setback requirement. However, the proposed development does generally conform to the SIA Plan's guidance for building heights and setbacks.

Staff Recommendation

The purpose and intent of the critical slope provisions in Section 34-1120(b)(1) are to protect topographic features whose disturbance may cause negative impacts. Staff recommends the Planning Commission consider the following when making a recommendation to City Council:

Erosion affecting the structural integrity of the critical slopes, adjacent properties, or environmentally sensitive areas. Both the Environmental Sustainability and Engineering Departments have expressed concern regarding impacts to the 60% critical slopes areas and subsequent effects on adjacent properties and Pollocks Branch. Erosion and sediment control measures can be conservatively designed to minimize the risk for discharge to the critical slopes

remaining on the adjacent parcel. For example, wire reinforced silt fence or super-silt fence could be prescribed.

Stormwater impacts to adjacent properties or environmentally sensitive areas. Both the Environmental Sustainability and Engineering Departments have expressed concern regarding impacts to the 60% critical slopes areas and subsequent effects on adjacent properties and Pollocks Branch. All water quality and quantity requirements associated with site development can be required to be completed on-site, without claiming the 1% rule for water quantity compliance, to ensure additional stormwater will not leave the site with increased velocity and have the potential to cause increased pollutant loading and erosion and sedimentation in Pollocks Branch.

Loss of tree canopy and wildlife habitat that contribute to the natural beauty and visual quality of the community. The site currently has significant tree canopy coverage (including on the critical slopes) which is largely proposed to be removed. In addition, wildlife habitat is likely to be reduced by the clearing of existing mature canopy and understory growth on the site. The Virginia Department of Game and Inland Fisheries recommends varying levels of vegetation (herbaceous layer, shrub layer, sapling layer, and canopy) to promote a diversity of species. The planting of locally native woody and herbaceous vegetation can be required to both stabilize remaining slopes and minimize impacts to vegetative canopy and wildlife habitat.

Comprehensive Plan and Land Use. The General Land Use Plan of the 2013 Comprehensive Plan calls for the subject property to be Mixed Use. The property is designated as Mixed-Use Urban Corridor (Transect T5) in the Regulating Plan- Transect Character Areas of the SIA Plan. The SIA Plan states Transect T5 should have low- and mid-rise buildings of approximately four (4) to five (5) stories in height with buildings set close to the sidewalk. Per Section 34-1120(b)(6)(d)(ii), the shape and location of the critical slopes may unreasonably restrict the use and development of the subject properties in a manner in accordance with the Comprehensive Plan and the SIA Plan.

Conditions

Per Section 34-1120(b)(6)(e), City Council may impose conditions upon a critical slope waiver to ensure the development will be consistent with the purpose and intent of the critical slope provisions. Should the Planning Commission find recommendation of the waiver to be appropriate, staff recommends the Planning Commission consider including the following conditions to mitigate potential impacts:

Staff recommends City Council require **erosion and sediment control measures** that exceed minimum requirements in order to mitigate potential impacts to the undisturbed critical slope areas, Pollocks Branch, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a-c). Staff recommends City Council condition the use of super silt fence with wire reinforcing and six (6) feet stake spacing to ensure adequate protection of the aforementioned items, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.

Staff recommends City Council require all water quality and quantity requirements associated with site development be completed on-site, without claiming the 1% rule for water quantity compliance, in order to mitigate potential **stormwater** impacts to Pollocks Branch and adjacent properties, per Section 34-1120(b)(1)(b-c), to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.

Staff recommends City Council require protection of existing **tree canopy** and additional **habitat redevelopment** in order to mitigate potential impacts to existing tree canopy and wildlife habitat per Section 34-1120(b)(1)(f). Staff recommends City Council condition the installation of a fixed, immovable barrier to protect root zones of existing trees identified to be preserved on the final site plan at the drip line to remain throughout full completion of the construction, and additional species of native woody and herbaceous plantings in the critical slope areas not to contain buildings, the parking lot, sidewalks, and other built improvements, to be detailed and on the site plan and approved by the Environmental Sustainability Department prior to final site plan approval.

Suggested Motions

Recommended Motion

1. "I move to recommend approval of the critical slope waiver for Tax Map 27 Parcel 36 based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i), and due to unusual physical conditions, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).

And this motion for approval is subject to the following conditions:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to the undisturbed critical slope areas, tributary stream, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a-c); use of super silt fence with wire reinforcing and six (6) feet stake spacing to ensure adequate protection of the aforementioned items, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
2. Require all water quality and quantity requirements associated with site development be completed on-site without claiming the 1% rule for water quantity compliance, in order to mitigate potential stormwater impacts to Pollocks Branch

- and adjacent properties, per Section 34-1120(b)(1)(b-c), to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.
3. Require a fixed, immovable barrier to protect root zones of existing trees identified to be preserved on the final site plan at the drip line to remain throughout full completion of the construction, and additional habitat redevelopment in order to mitigate potential impacts to existing tree canopy and wildlife habitat per Section 34-1120(b)(1)(f); and the installation of additional species of native woody and herbaceous plantings in the critical slope areas not to contain buildings, the parking lot, sidewalks, and other built improvements, to be detailed and on the site plan and approved by the Environmental Sustainability Department prior to final site plan approval.

Alternative Motions

2. "I move to recommend approval of the critical slope waiver for Tax Map 27 Parcel 36, as requested, with no reservations or conditions, based on a finding that [*reference at least one*):
 - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)
3. "I move to recommend denial of the critical slope waiver for Tax Map 27 Parcel 36"

Attachments

1. Application and Narrative
2. Critical Slope Exhibit
3. Critical Slopes Ordinance



WAIVER REQUEST FORM

RECEIVED

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

FEB 08 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. *additional application form required
For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description 915 6th Street Parcel Number 434-227-5140
Address/Location 915 6th Street, 4th
Owner Name Rayonix, LLC Applicant Name Shimp Engineering, P.C.

Applicant Address: 912 E High St
Phone (H) 434-227-5140 (W) (F)
Email: Kendra@shimp-engineering.com

- Waiver Requested (review Zoning Ordinance for items required with waiver submissions):
Sidewalk
*Contact Staff for Supplemental Requirements
Site Plan Review
Landscape
Setbacks
Communication Facilities
Stream Buffer Mitigation Plan
Drainage/Storm Water Management
Off-street Parking
Lighting
Signs
[X] Critical Slopes *additional application form required
Other

Description of Waiver Requested: Request to disturb critical slopes for residential building

Reason for Waiver Request: Site plan requires slope disturbance

Applicant Signature [Signature] Date 2/8/19

Property Owner Signature (if not applicant) [Signature] Date 2/8/19

For Office Use Only: Date Received:
Review Required: Administrative Planning Commission City Council
Approved: Denied: Director of NDS
Comments:

PI9-0014 - parcel \$500.00

Critical Slopes Waiver Application for City of Charlottesville

Applicant: **Shimp Engineering, P.C.**

Property Owner: **Rayonix, LLC**

Type of Development (please check one):

Redevelopment

New Development

Project Description: What are you proposing to do on this site? **Two residential buildings with 28 units total.**

Existing Conditions: **Single Family Dwelling**

Total Site Area: **.77 AC**

Zoning (if applying for rezoning-please note existing and intended change):

Existing: DE (Downtown Extended Corridor)

Percentage of Area greater than or equal to 25% slopes: (critical slopes make up **.26** acres of the site's **.77** acres, or **34** % of the site area.)

Review of Modification of Section 34-1120b to allow activity on critical slopes.
Critical Slope Ordinance effective January 17, 2006.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120b.5. Modification or waiver. This application will help the Engineering Department make their recommendation for approval or denial to the Planning Commission.

***Please see attached guidelines for suggestions to fulfill each requirement.*

The planning commission may grant a modification or waiver, upon making one or more of the following findings:

Requirement #1: That a strict application of requirements would not help to achieve the goals of the critical slope restrictions. For each applicable purpose/intent (1a-1g) provide justification below.

1a. To protect and conserve steep hillsides.

As much hillside is being conserved as possible considering size of lot and development. A retaining wall is proposed on the edge of the parking area to reduce additional grading across the hillside.

1b. To recognize the increased potential for soil erosion.

The current condition is primarily a result of previously disturbed/graded land from prior development (see exhibits). Portions of the western side of the slope may be native, but it is difficult to interpret to due to the heavily disturbed surroundings.

1c. To recognize increased potential for sedimentation and water pollution.

Stormwater will be conveyed off the site, reducing the potential erosion of adjacent slopes. The addition of a retaining wall will decrease the potential of sedimentation from disturbing existing slopes.

1d. To recognize that development of critical slopes may result in rapid or large-scale movement of soil and rock.

The critical slopes proposed to be disturbed will be the site of a residential building, which is terrace into the hillside. The proposed condition will eliminate the movement of soil and rock, because the building foundations will stabilize the hillside.

1e. To recognize that development of critical slopes may result in concentrated and/or excessive stormwater runoff.

The developer is open to working with NDS to develop potential on-site BMPs.

1f. To recognize that development of critical slopes may result in siltation of natural and man-made bodies of water.

Critical slopes are left undisturbed where possible through the use of a retaining wall.

1g. To recognize that development of critical slopes may result in the loss of aesthetic resources.

-There will be a loss of many on-site trees, due to the construction of 28 residential units on what is now a single dwelling.

-We are adding a planted canopy over a portion of the parking area to provide shade and additional planting area.

-The critical slopes on the site are contiguous with a slope that has been heavily modified.

Requirement #2. Alternatives proposed by the developer that would satisfy the purpose and intent of these critical slopes provisions to at least an equivalent degree.

The only way to reach the same amount of units on the parcel would be to increase the size of the building fronting 6th street, creating a high-rise residential building. A building of that size would be far from the character of the current condition and not within the Strategic Investment Area (SIA) vision. The current layout adheres to Charlottesville's SIA master plan, creating mid-rise housing on 6th and along the IX development.

Requirement #3. Due to unusual size, topography, shape, location or other unusual physical conditions of a property one or more of the critical slopes provisions would effectively prohibit or unreasonably restrict the use of such property or would result in significant degradation of the site, or adjacent properties.

If the Downtown Extended zoning designation is to be utilized and the SIA vision is to be realized, frontage should be present on either end of the lot. The preservation of critical slopes, prevents the development of the site from becoming how it has been zoned and visualized (SIA).

Requirement #4. Granting the proposed modification or waiver would serve a public purpose of greater import than would be served by a strict application of the requirements of these critical slopes provisions.

See attached 'Critical Slopes Waiver Request Supplement'

Please list all attachments that should be viewed as support to the above explanations.

1. **Critical Slopes Waiver Request Supplement**
2. **Critical Slope Waiver Exhibits**

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.



Property Owner



Applicant

Please do not write below this line. For office use only.

Planner's Comments/Recommendations:

Engineer's Comments/Recommendations:



February 8, 2019

Carrie Rainey
Neighborhood Development Services
610 East Market Street
P.O.Box 911
Charlottesville, VA 22902

Regarding: 915 6th Street

Ms. Rainey,
Below are the responses to the Critical Slope Waiver Request Supplement:

**City of Charlottesville
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT**

Applicant: Shimp Engineering, P.C.

Property Owner: Rayonix LLC

Project description: (28) 1-2 Bedroom Residential Units with Associated Parking

Existing Condition: Single Family Residential

Total Site Area: .77 acres

Zoning: Downtown Extended Corridor (DE)

Total Critical Slope Area:
Critical Slopes 0.26 acres of total site (.77), or 34% of total site area.

Critical Slope Area Disturbed:
.21(78%) Acres of the total critical slope area identified above will be disturbed.

Description of Critical Slopes:
The majority of the sloped area on TMP 27-36 is a mixed deciduous forest with a mixture of native and disturbed slope conditions. The primary area of forestation is on the northern facing slope, which looks to have been disturbed during the extension of Blenheim Ave. and the construction of a parking area roughly in the 1970s (see attached exhibit of historic maps from USGS). The western slope appears to be a native condition that was once part of the Pollocks Branch stream drainage area. The continuity of the western slope has been interrupted multiple times, by both small retaining walls and stairs, but are shown on GIS as contiguous. Pollocks branch, in the immediate vicinity of the site, was undergrounded at roughly the same time as the Blenheim Ave. road construction.

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

- **The development is consistent in use and scale to the City of Charlottesville Strategic Investment Area Plan 2013 (SIA). The parcel is marked as mid-rise multifamily (see pages 134-137 of the SIA), and is depicted in both plan and axon. 915 6th Street would be trailblazing the SIA vision, by being the first development along 6th street to realize the SIA plan.**
- **A commercial component to the western building would be in line with the adjacent development (IX). Providing housing and commercial space to the southern end of the IX development would contribute to the business activity.**
- **This project will serve to connect the property to 2nd Street SE, as it is currently a steep hill facing the street. The development will reduce runoff on the adjacent hillside.**

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

- **This property has frontage on both 6th Street and 2nd Street with maximum building setbacks of 15 and 20 feet, respectively. The critical slopes are closer to the Second Street portion of the site, meaning that the building fronting on Sixth Street would be doubled in size (to keep the same unit count) without the critical slopes waiver. The project hopes to add to the City's housing stock, but the increased size building would not fit in with the surrounding residential area.**
 - **2nd Street is an area intended to be developed as it is zoned Downtown Extended Corridor, and the critical slopes provisions would prohibit that.**
 - **The development could provide commercial space and residences in a desirable area, which already reflects a mixed area (Downtown Extended Corridor).**
1. Erosion affecting the structural integrity of those features.
The stormwater will be conveyed to Pollocks Branch, reducing the runoff/erosion across the adjacent slopes. Retaining walls will be used to minimize the grading of slopes where possible.
 2. Stormwater and erosion-related impacts on adjacent properties.
 - **All runoff from the site will be conveyed except for two small areas, 0.13 acres total out of the 0.77 acre site. The runoff from these areas will flow through the adjacent parking lot into a drainage inlet.**
 - **The stormwater will flow rate directly into the existing stormwater systems, avoiding erosion of the surrounding land.**
 3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
There are no wetlands or streams on or immediately near this site, as they have been previously undergrounded. The steep slopes on the property are critical based on a previous condition which has been altered by neighboring developments. Please see the attached picture of the site and critical slopes from the City GIS. The dimension is drawn to point out a small contiguous portion of the slopes are within 200 feet of Pollocks Branch, which have themselves been altered by staircases and retaining walls.
 4. Increased stormwater velocity due to loss of vegetation.

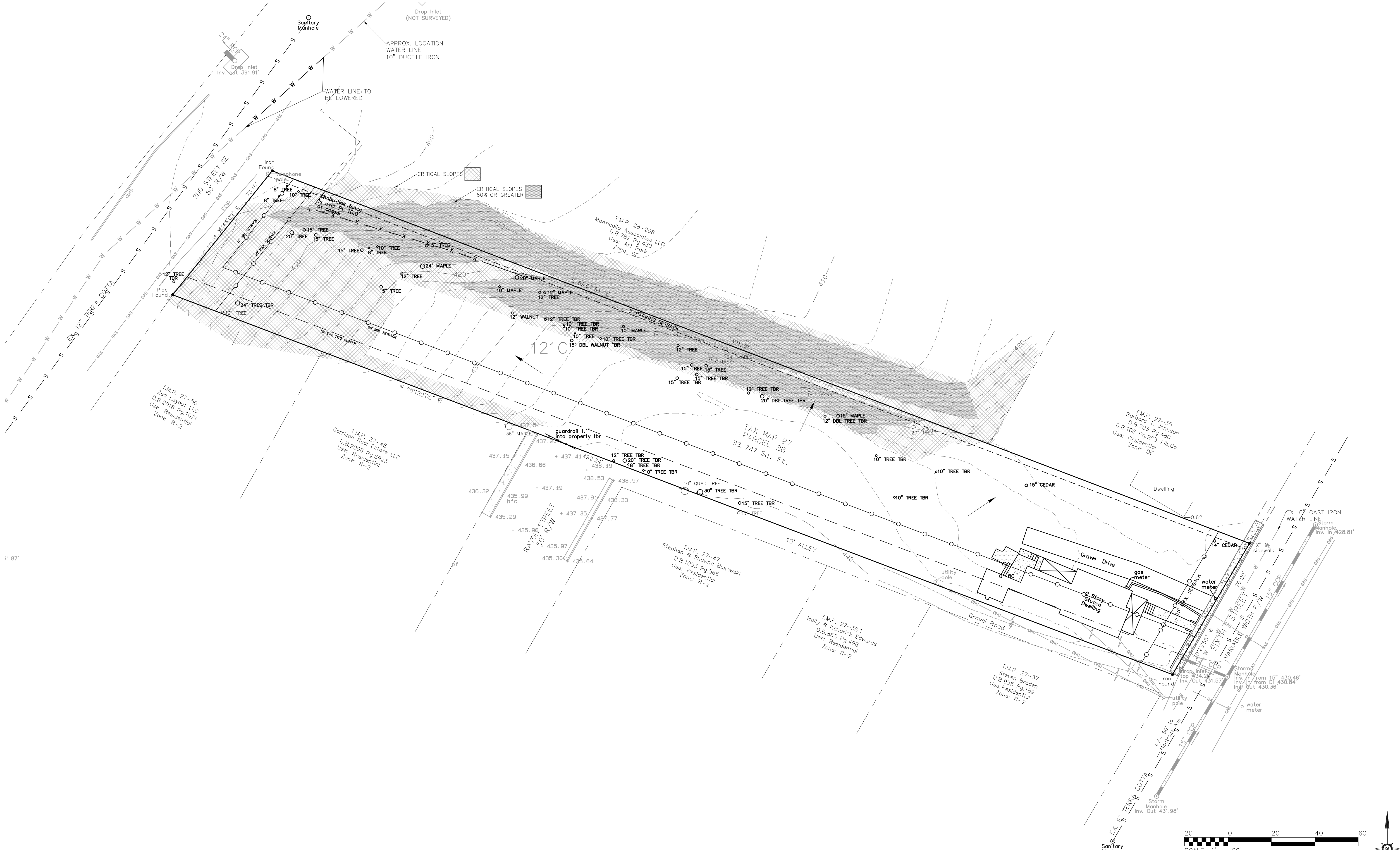
- **There will be a loss of vegetation across the site to make way for the buildings and large required parking area. To make up for the loss of vegetation over the parking area, a vegetated canopy has been proposed to provide covered parking.**
5. Decreased groundwater recharge due to changes in site hydrology.
Groundwater recharge from this area will be reduced. The developer is open to working with NDS on developing stormwater BMPs, such as pervious pavers, though it is not known whether existing soil would be suitable.
 6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.
The surrounding area has been highly altered from a native condition, the adjacent portion on Pollocks branch has been undergrounded, an industrial (now commercial) building was constructed across 2nd street, a parking lot constructed, and new homes have intensely altered the area. The loss of habitat and tree canopy is an unfavorable effect of development, but within the context of an urbanized area we believe the development is appropriate by providing residential and commercial space. We hope to contribute to the urban canopy as the trees, specified on the landscape plan, mature over time.

Please list all attachments that should be viewed as support to the above explanations.

- 1) City GIS Exhibit
- 2) Existing Staircase Exhibit
- 3) Historic USGS Maps

Thank you again for your time and please let us know if you have any additional questions about what is shown in this document.

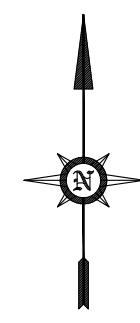
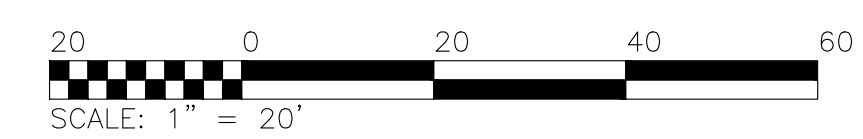
Best Regards,
Kendra Patrick
Shimp Engineering, P.C.



SOILS LEGEND

121C - Culpeper - Urban Land Complex 7 to 15% Slopes

→ Overland Flow Direction



EXISTING CONDITIONS AND DEMOLITION

PRELIMINARY SITE DEVELOPMENT PLAN
915 Sixth Street
 CITY OF CHARLOTTEVILLE, VIRGINIA

| | |
|-----------|------------|
| Date | 04/26/2017 |
| Scale | 1" = 20' |
| Sheet No. | C2 OF 7 |
| File No. | 16.045 |

| Rev # | Date | Description |
|-------|----------|---------------|
| 1 | 04/17/17 | City Comments |
| 2 | 11/06/17 | City Comments |
| 3 | 05/04/18 | City Comments |

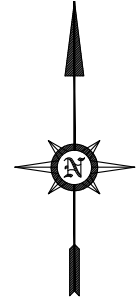
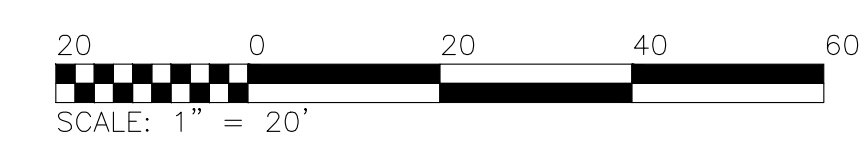
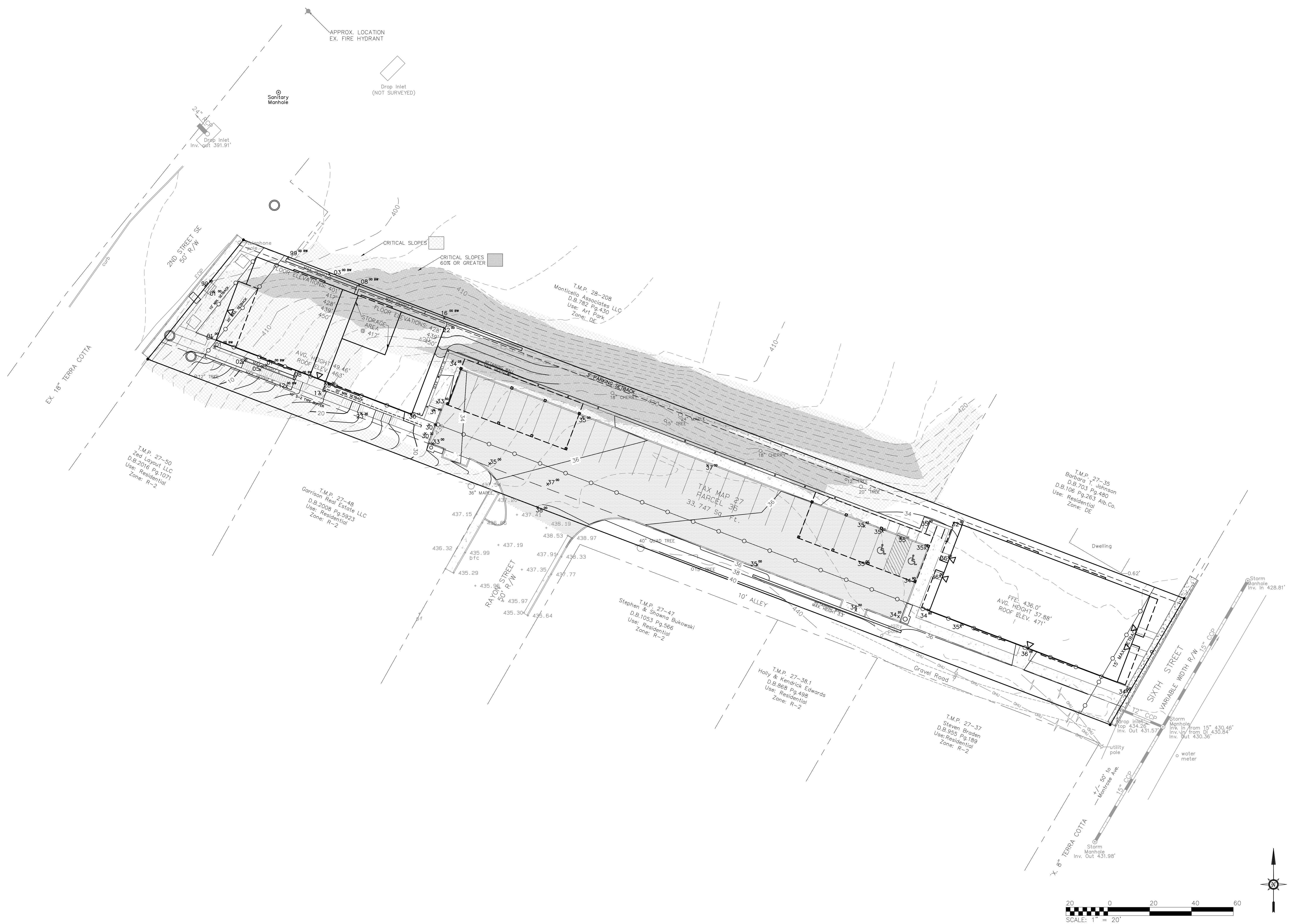


GRADING PLAN

| Rev. # | Date | Description |
|--------|----------|---------------|
| 1 | 11/06/17 | City Comments |
| 2 | 05/04/18 | City Comments |
| 3 | | City Comments |

PRELIMINARY SITE DEVELOPMENT PLAN
915 Sixth Street
 CITY OF CHARLOTTEVILLE, VIRGINIA

| | |
|-----------|------------|
| Date | 04/26/2017 |
| Scale | 1" = 20' |
| Sheet No. | C4 OF 7 |
| File No. | 16.045 |



Sec. 34-1120. - Lot regulations, general.

(a) *Frontage requirement.* Every lot shall have its principal frontage on a street or place (i) that has been accepted by the city for maintenance, or (ii) that a subdivider or developer has been contractually obligated to install as a condition of subdivision or site plan approval and for which an adequate financial guaranty has been furnished to the city. Except for flag lots, stem lots, and cul-de-sac lots, or other circumstances described within the city's subdivision ordinance, no lot shall be used, in whole or in part, for any residential purpose unless such lot abuts a street right-of-way for at least the minimum distance required by such subdivision ordinance for a residential lot.

(b) *Critical slopes.*

(1) *Purpose and intent.* The provisions of this subsection (hereinafter, "critical slopes provisions") are intended to protect topographical features that have a slope in excess of the grade established and other characteristics in the following ordinance for the following reasons and whose disturbance could cause one (1) or more of the following negative impacts:

- a. Erosion affecting the structural integrity of those features.
- b. Stormwater and erosion-related impacts on adjacent properties.
- c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
- d. Increased stormwater velocity due to loss of vegetation.
- e. Decreased groundwater recharge due to changes in site hydrology.
- f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

These provisions are intended to direct building locations to terrain more suitable to development and to discourage development on critical slopes for the reasons listed above, and to supplement other regulations and policies regarding encroachment of development into stream buffers and floodplains and protection of public water supplies.

(2) *Definition of critical slope.* A critical slope is any slope whose grade is 25% or greater and:

- a. A portion of the slope has a horizontal run of greater than twenty (20) feet and its total area is six thousand (6,000) square feet or greater; and
- b. A portion of the slope is within two hundred (200) feet of any waterway as identified on the most current city topographical maps maintained by the department of neighborhood development services.

Parcels containing critical slopes are shown on the map entitled "Properties Impacted by Critical Slopes" maintained by the department of neighborhood development services. These critical slopes provisions shall apply to all critical slopes as defined herein, notwithstanding any subdivision, lot line adjustment, or other action affecting parcel boundaries made subsequent to the date of enactment of this section.

- (3) *Building site required.* Every newly created lot shall contain at least one (1) building site. For purposes of this section, the term building site refers to a contiguous area of land in slopes of less than 25%, as determined by reference to the most current city topographical maps maintained by the department of neighborhood development services or a source determined by the city engineer to be of superior accuracy, exclusive of such areas as may be located in the flood hazard overlay district or under water.
- (4) *Building site area and dimensions.* Each building site in a residential development shall have adequate area for all dwelling unit(s) outside of all required yard areas for the applicable zoning district and all parking areas. Within all other developments subject to the requirement of a site plan, each building site shall have adequate area for all buildings and structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.
- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to Article VII of this chapter:
 - a. No building, structure or improvement shall be located on any lot or parcel within any area other than a building site.
 - b. No building, structure or improvement, nor any earth disturbing activity to establish such building, structure or improvement shall be located on a critical slope, except as may be permitted by a modification or waiver.
- (6) *Modification or waiver.*
 - a. Any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property may request a modification or waiver of the requirements of these critical slopes provisions. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the purpose and intent of these provisions.
 - b. The director of neighborhood development services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written

notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.

- c. All modification or waiver requests shall be submitted to the department of neighborhood development services, to be reviewed by the planning commission. In considering a requested modification or waiver the planning commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.
- d. The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:
 - (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
 - (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.

- e. In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;
- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

- (7) *Exemptions.* A lot, structure or improvement may be exempt from the requirements of these critical slopes provisions, as follows:

- a. Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any

structure for which a site plan was approved or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.

- b. Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first single-family dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.
- c. Driveways, public utility lines and appurtenances, stormwater management facilities and any other public facilities necessary to allow the use of the parcel shall not be required to be located within a building site and shall not be subject to the building site area and dimension requirements set forth above within these critical slopes provisions, provided that the applicant demonstrates that no reasonable alternative location or alignment exists. The city engineer shall require that protective and restorative measures be installed and maintained as deemed necessary to insure that the development will be consistent with the purpose and intent of these critical slopes provisions.

(9-15-03(3); 11-21-05; 1-17-06(7); 1-17-12; 7-16-12)

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: May 14, 2019
APPLICATION NUMBER: ZM19-00001

Staff Report Author: Brian Haluska, AICP
Presenter: Matt Alfele, AICP
Date of Staff Report: April 29, 2019

Applicant: Hinton Avenue United Methodist Church
Applicants Representative: Sue Woodson
Current Property Owner: Hinton Avenue United Methodist Church

Application Information

Property Street Address: 750 Hinton Avenue
Tax Map/Parcels #: Tax Map 58, Parcel 161
Total Square Footage/ Acreage Site: Approx. 0.758 acres (33,018 square feet)
Comprehensive Plan (General Land Use Plan): Low Density Residential
Current Zoning Classification: R-1S
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)

Sue Woodson of Hinton Avenue United Methodist Church, owners of Tax Map 58 Parcel 161 ("Subject Property") has requested a rezoning to Neighborhood Commercial Corridor (NCC), with proffers. The Subject Property is currently zoned R-1S and is the location of the Hinton Avenue United Methodist Church.

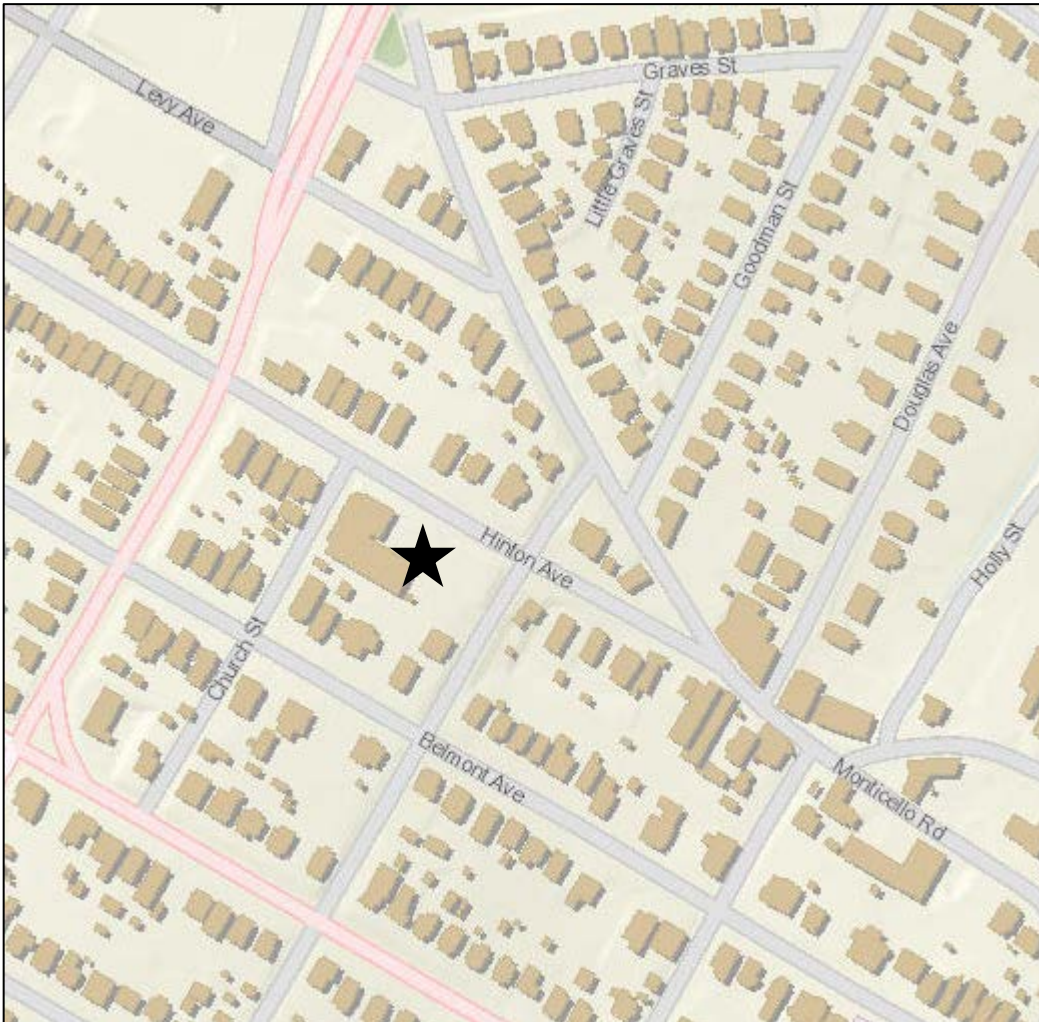
The draft proffer statement dated May 3, 2019 would:

- limit the maximum number of residential units on the Subject Property to 15

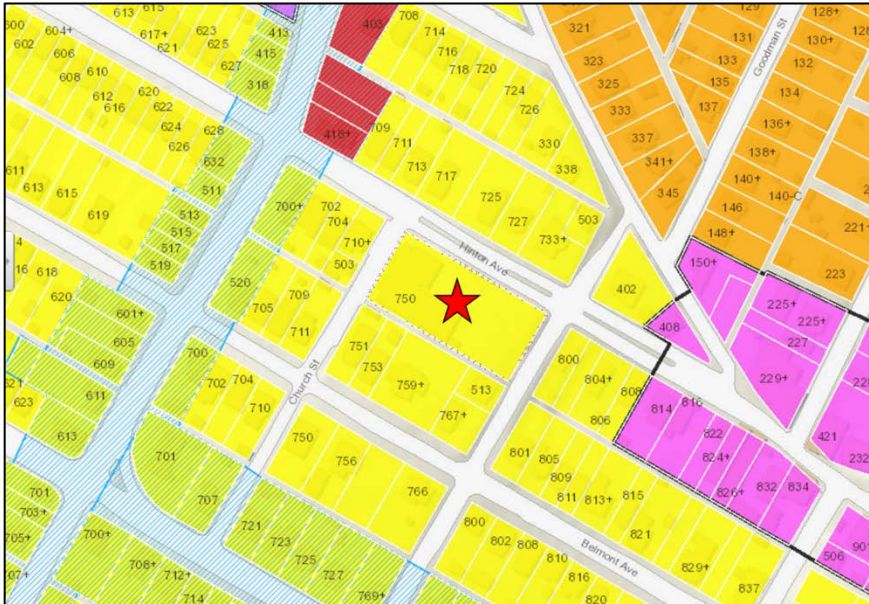
units

- designate at least 4 units as affordable housing units
- mandate internal locks within the building for security
- limit the amount of commercial space within the project to no more than 1,800 gross square feet as well as limit the types of commercial uses, and
- close the existing Hinton Avenue entrance to the property upon issuance of a building permit for the new multi-family structure.

Vicinity Map

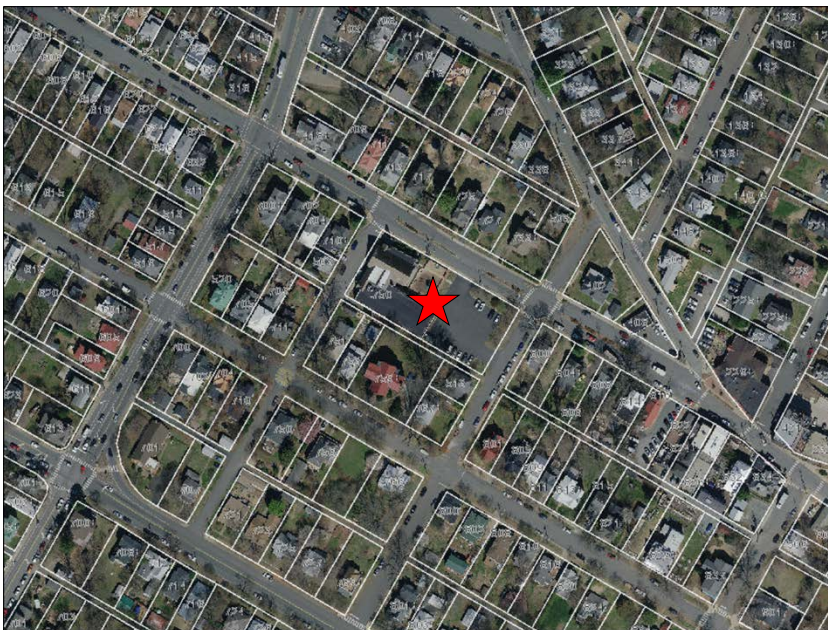


Zoning Map

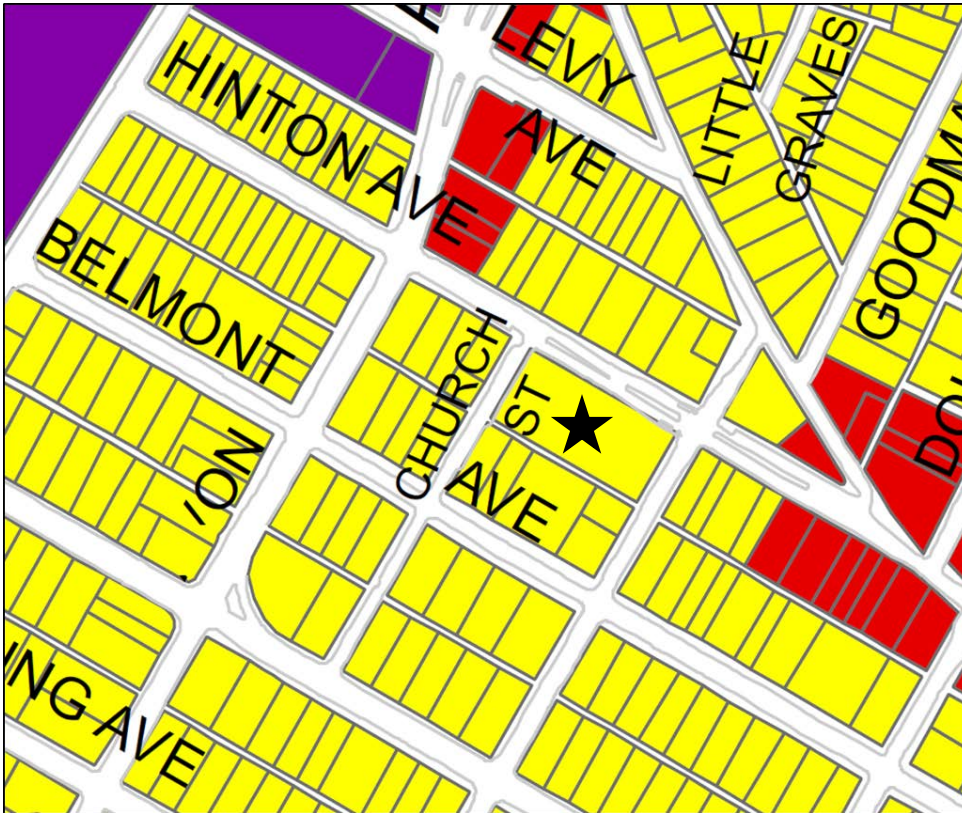


KEY - Yellow: R-1 – Single Family, Low-Density Residential; Orange: R-2 – Two-Family, Low-Density Residential; Magenta: Neighborhood Commercial Corridor (NCC); Red: B-2 - Business

2016 Aerial



2013 Comprehensive Plan Land Use Map



KEY – Maroon: Business & Technology; Purple: Mixed Use; Yellow: Low Density Residential; Red: Neighborhood Commercial

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 to NCC with the stated intent of developing a multi-family residential structure. Under the current zoning, multi-family residential development is not permitted. If rezoned to NCC the subject properties DUA would be:

- **By-right:** 21 dwelling units per acre.
- **Special Use Permit** (per Z.O. Sec. 34-700) permits the applicant to seek up to 43 dwelling units per acre, but the applicant has proposed a proffer to limit the residential density on the Subject Property to 21 dwelling units per acre.

NCC zoning would also permit some commercial uses on the property. The applicant has submitted a proffer statement that would reduce the number of commercial uses permitted on the property to: consumer service businesses, general retail, coffee shops and/or small eatery. The total amount of commercial space would be limited to 1,800 gross square feet.

Zoning History of the Subject Property

| Year | Zoning District |
|------|------------------------|
| 1949 | A-1 Residence District |
| 1958 | R-2 Residential |
| 1976 | R-2 Residential |
| 1991 | R-1A Residential |
| 2003 | R-1S 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 Comprehensive Plan Analysis section of the proposed rezoning application on Page 5 of the Supplemental Information.

The applicant has proffered that non-residential uses – with the exception of day care and educational facilities – shall be limited to 1800 gross square feet. The proffer further explicitly prohibits specific commercial uses.

Staff Analysis

The 2013 Comprehensive Plan’s General Land Use Plan specifies the Subject Property and the surrounding properties as Low-Density Residential. Low-Density Residential use is designated for areas where the city does not envision density greater than 15 units per acre. The proposed development would be 19.7 units per acre.

The Subject Property is bordered by:

| Direction | Zoning District | Current Use |
|-----------|-----------------|-------------------------------------|
| East | R-1S | Single-Family Residential |
| South | R-1S | Single and Multi-Family Residential |
| West | R-1S | Single-Family Residential |
| North | R-1S | Single-Family Residential |

Staff finds the proposed rezoning is not consistent with the City’s Comprehensive General Land Use Plan Map. The proposed residential density exceeds that of the future Land Use Map, and the potential for commercial development is not contemplated by the City’s long-range plan for the area.

b. 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 on Page 5 of the Supplemental Information.

Staff Analysis

As mentioned in the applicant’s application materials, the proposed rezoning would allow the development of a project that would attempt to meet the City’s Goal of “Quality Housing Opportunities for All”. The proposed project is intended to provide housing for developmentally disabled individuals.

Along these same lines, the applicant cites the City’s Goals of growing the City’s housing stock and providing a range of housing options, especially for those presently underserved as Goals the project aims to achieve.

City staff concurs with the applicant in this regard, and finds that the proposed project does meet the Comprehensive Plans goals for Housing.

c. 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 on Page 5 of the Supplemental Information.

Staff Analysis

The property is not within any of the City's design control districts. The proposed change would alter the maximum permitted height on the property and setbacks. Currently, the property is permitted a maximum building height of 35 feet. The required side and rear yard setbacks are 50 feet, and the required front yard setback is the average established setback along the street. The current building is non-conforming with regards to setbacks on the Hinton Avenue, Church Street and alley sides of the property.

The proposed zoning change would raise the maximum permitted building height to 45 feet. It would reduce the side and rear yard setbacks to 10 feet, eliminate the minimum front yard setback, and impose a 10 foot maximum front yard setback.

Several members of the public have raised objections over the increase in allowable footprint and height the rezoning would permit. Staff finds that the increase in the overall volume permitted on the property would be a significant change from the current zoning regulations.

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 Project Narrative section of the proposed rezoning application on Page 3.

Staff Analysis

Staff finds that a zoning change to NCC, could benefit the surrounding community by providing additional residential housing options, including unit types that are not permitted under the current zoning of the property.

Additionally, while several members of the public have asked whether another zone might be a better zoning classification in light of the proposed project, staff notes NCC is the zone that enables the proposed use the applicant has submitted in conjunction with the request.

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 to NCC in the Project Narrative section of their application on Page 3 of the Supplemental Information.

Staff Analysis

The property currently is zoned for low-density residential development. The applicant has indicated in their proposal the desire for housing for developmentally disabled individuals. The goal of providing residential development, particularly to an underserved population in the community is supported by the Housing chapter of the

Comprehensive Plan.

- 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 property is currently served by existing public utilities and facilities. The applicant has provided a narrative statement on adverse effects and mitigation in their application materials on Page 7 of the Supplemental Information.

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 applicant has proffered that the entrance on Hinton Avenue would be closed upon issuance of a building permit for the construction of the multi-family building. This would direct all traffic entering or exiting the parking lot onto Rialto Street.

One of the main concerns raised by nearby residents is the amount of parking that is currently housed on-site will be reduced with the proposed expansion, which will in turn increase the demand on on-street parking in the surrounding neighborhood. The applicant notes that the existing parking surface at the church is not striped, and is not sized to be used efficiently as a parking lot, thus yielding just 27 spaces that comply with City standards. Redesigning the parking lot within the site plan process will result in no net decrease in on-site parking that meets City standards. Staff notes that more than 27 cars may be parking in the current lot during periods of high demand.

The purpose set forth per Z.O. Sec. 34-541(8) is:

“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.”

In relation to the purposes set forth at the beginning of the proposed district classification, staff finds the development would meet the intent of the NCC district.

Public Comments Received

Per Sec. 34-41(c)(2), the applicant held a community meeting on December 3, 2018. Neighborhood concerns gathered from the community meeting are listed below.

- The size of the proposed addition would be out of character with the surrounding low-density residential properties.
- The multi-family residential units will have HVAC systems that create a noise impact for the surrounding properties.
- The potential for commercial activity on the site is an extension of the commercial district beyond the current bounds of the NCC zone and downtown Belmont, which would present a host of impacts in terms of parking and traffic.
- The proposed reduction of on-site parking on the property will negatively impact on-street parking availability in the surrounding area.
- The minimum required parking under the Zoning Ordinance would not result in adequate parking for the surrounding area.

Staff has spoken with several members of the public regarding the request. In staff's opinion, there appears to be almost unanimous opposition to any commercial activity on the site. Public opinion on the multi-family residential proposal is more varied, with some members of the public supporting a strictly residential development, and other raising opposition to the potential impacts of the increased intensity of the site.

Staff has attached several letters from the public to this staff report.

Staff Recommendation

The application as presented raises an interesting question regarding the weight given to different elements of the Comprehensive Plan when evaluating a rezoning. Opponents of rezonings will often cite the Future Land Use Map in their arguments. The map was approved in 2013 and in many ways mirrors the current zoning of the City. As referenced above, staff finds that this proposal is in conflict with this element of the Comprehensive Plan.

The text of the various chapters, however, give the City additional guidance in terms of the vision of the community. As the applicant notes in their presentation, many of the City's Housing goals reference the need to increase the number of housing units in the City – especially units that are affordable and serve underserved populations. Staff finds that this proposal meets those goals. In addition, the project location offers excellent connections to the surrounding community for residents that may not be able to rely on an automobile for transportation. The site features good pedestrian connectivity via sidewalk to the downtown Belmont commercial area, and the Downtown Mall. As stated above, the site is within walking distance to two of the City's bus routes.

Ultimately, whether or not the residential portion of the project complies with the Comprehensive Plan is based on how City Council chooses to weigh the disparate elements

throughout the plan. City staff continually stresses that the Comprehensive Plan is a guide, and that proposals need not comply with all items in the plan to receive approval. In evaluating the proposed residential use, staff weighs more heavily the Housing chapters goals, and supports the potential modification of the zoning of the Subject Property to permit multi-family residential development.

The proposal is complicated, however, by the dimensional requirements of the NCC zone. The zone requires buildings sit no more than 10 feet from a primary street, and permits buildings as tall as 45 feet. The applicant has provided drawings of how the proposed new building would look on the site. While the peaked roof would serve to lessen the visual impact of the building somewhat, the building would be out of character with the surrounding properties, including the commercial buildings in the downtown Belmont area, because of the long frontage and minimal setbacks.

Additionally, staff finds that the concerns raised by adjacent residents regarding the extension of commercial uses into the 700 block of Hinton Avenue to be a compelling argument against the application. The applicant has stated they do not intend to have any commercial uses in the immediate future, and the application reflects this. The applicant has further stated that the commercial allowance will permit the property owner to meet the needs of the residents, should such a need arise in the future. In fact, the location of the potential multifamily building near existing commercial areas would ideally eliminate the need of the property owner to operate a commercial use.

All of these considerations come in light of the prior rezoning of 814 Hinton Avenue. In that rezoning, staff felt that 814 Hinton Avenue was an ideal endpoint to commercial activity along Hinton Avenue. The Subject Property (750 Hinton) is several properties further down Hinton Avenue from 814 Hinton Avenue.

Based on the concerns regarding the potential expansion of commercial uses beyond the existing limits of downtown Belmont, and the dimensional requirements of the NCC zone, staff recommends that the application for rezoning be denied.

Suggested Motions

1. I move to recommend approval of this application to rezone the subject property from R-1S to NCC, with proffers, 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-1S to NCC, on the basis that the proposal would not service the interests of the general public and good zoning practice.

Attachments

- A. Rezoning Application Received March 19, 2019
- B. Re-Zoning Petition Application Supplemental Information
- C. Draft Proffer Statement Received May 3, 2019
- D. Applicant's Public Meeting Details, dated December 6, 2018
- E. Public Correspondence Received as of May 6, 2019



City of Charlottesville

Application for Rezoning

Project Name: RACHEL'S HAVEN
HINTON AVE. UNITED METHODIST CHURCH

Address of Property: 750 HINTON AVE. CHARLOTTESVILLE, VA 22902

Tax Map and Parcel Number(s): 580161000

Current Zoning: R-1s

Proposed Zoning: NCC

Comprehensive Plan Land Use Designation: LOW DENSITY RESIDENTIAL

RECEIVED

MAR 19 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

Applicant: HINTON AVE. UNITED METHODIST CHURCH / Sue Woodson

Address: 750 HINTON AVE., CHARLOTTESVILLE, VA 22902

Phone: (434) 293-7049 Email: church@hintonavenueumc.org

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

Owner Owner's Agent Contract Purchaser

Owner of Record: HINTON AVENUE U. METHODIST CHURCH

Address: 750 HINTON AVE. CHARLOTTESVILLE, VA 22902

Phone: (434) 293-7049 Email: church@hintonavenueumc.org

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

(1) Signature Sue A Woodson Print Sue A Woodson Date 3/14/19

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

(2) Signature Sue A Woodson Print Sue A Woodson Date 3/14/19
Other (specify): CHAIR OF TRUSTEES

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

Other (specify): CHAIR OF TRUSTEES



City of Charlottesville

Pre-Application Meeting Verification

Project Name: RACHEL'S HAVEN

Pre-Application Meeting Date: FEB. 27, 2018

Applicant's Representative: ANDREW S. THOMAS, ARCHITECT

Planner: BRIAN HALUSKA

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.

2.

3.

4.

5.

Planner Signature: _____



City of Charlottesville

Application Checklist

Project Name: RACHEL'S HAVEN

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
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature Sue A. Woodson Print Sue A. Woodson Date 3/14/19

By Its: CHAIR OF TRUSTEES

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



City of Charlottesville

Community Meeting

Project Name: RACHEL'S HAVEN

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: Sue A. Woodson

By:

Signature Sue A. Woodson Print Sue A. Woodson Date 3/14/19

Its: CHAIR OF TRUSTEES (Officer, Member, Trustee, etc.)



City of Charlottesville

Personal Interest Statement

Project Name: RACHEL'S HAVEN

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): REV. GARY HEATON (CHARLOTTESVILLE DISTRICT OF THE UNITED METHODIST CHURCH)

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: Sue A. Woodson

By:

Signature Sue A. Woodson Print Sue A. Woodson Date 3/14/19

Its: CHAIR OF TRUSTEES (Officer, Member, Trustee, etc.)

Commonwealth of Virginia

City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 14th day of March, 2019 by Sue A. Woodson.

Notary Signature [Signature]

Registration #: 7511470 Expires 09/30/2019





City of Charlottesville

Owner's Authorizations

(Not Required)

Project Name: RACHEL'S HAVEN

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 rezoning application.

Owner: HINTON AVENUE UNITED METHODIST CHURCH Date MAR. 18, 2019

By (sign name): Sue A Woodson Print Name: Sue A Woodson

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): CHAIR OF TRUSTEES

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 rezoning, 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: Bob Braden

Name of Corporate or other legal entity authorized to serve as agent: Vice Chair, Hinton Ave. UMC

Owner: Sue A Woodson Date: 3/14/19

By (sign name): Sue A Woodson Print Name: Sue A Woodson

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): Chair of Trustees



City of Charlottesville

Disclosure of Equitable Ownership

Project Name: RACHEL'S HAVEN

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 _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Attach additional sheets as needed. PLEASE SEE THE ATTACH HINTON AVENUE UNITED METHODIST CHURCH BOARD OF TRUSTEES LIST

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: HINTON AVENUE UNITED METHODIST CHURCH

By:

Signature Sue A Woodson Print Sue A Woodson Date 3/14/19

Its: CHAIR OF TRUSTEES (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

| Application Type | Quantity | Fee | Subtotal |
|--------------------------|----------|-----------------------------|------------------|
| Rezoning Application Fee | 1 | \$2000 | \$2000. |
| Mailing Costs per letter | | \$1 per letter | |
| Newspaper Notice | | Payment Due Upon Invoice | |
| TOTAL | | | \$2000.00 |

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____



REZONING PETITION

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

For a PUD please include \$1500 application fee. For any other type of project, please include \$1200 application fee. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

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

Reasons for Seeking This Change TO ENABLE THE "RACHEL'S HAVEN" APARTMENT PROJECT AT HINTON AVE. UNITED METHODIST CHURCH PROJECT, AS DESCRIBED IN THE SUPPLEMENTAL INFORMATION DOCUMENT.

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

1. 258 feet of frontage on HINTON AVENUE (name of street)
2. Approximate property dimensions: 258 feet by 127 feet.
3. Property size: 0.7580 (square feet or acres)
4. Present Owner: HINTON AVE U. METHODIST CHURCH (name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court. SEE ATTACHED PROPERTY INFORMATION SHEET.
5. Mailing Address of Present Owner: 750 HINTON AVE. CHARLOTTESVILLE, VA 22902
6. City Real Property Tax Map Number _____, Parcel(s) _____; Lot(s): _____
SEE ATTACHED PROPERTY INFORMATION SHEET.

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) HINTON AVENUE UNITED METHODIST CHURCH
 Petitioner Mailing Address: 750 HINTON AVE. CHARLOTTESVILLE, VA 22902
 Work Phone: _____ Fax _____
 Home Phone: _____ Email _____
 Does Petitioner currently own the property where the rezoning is requested? YES
 If no, please explain _____

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

| Property Owner Name | Mailing Address | City Tax Map and Parcel # |
|---------------------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

1. A sketch plan filed with this petition showing property lines of the property to be rezoned, adjoining property, buildings, land uses, zoning classifications and streets. SEE ATTACHED
2. Other attachments as required by Section 34-41 or Section 34-516 of the City Code (office use: Submitted _____)
3. A rezoning petition filing fee of ~~\$1,500~~ for a PUD, OR ~~\$1,200~~ for all others, made payable to the City of Charlottesville; (Signature also denotes commitment to pay the invoice for the required mail and newspaper notices). \$1200.00

Bruce Alwoodson

Signature of Petitioner(s)

For Office Use Only (Sign Posting)

I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date: _____

Signature _____

Date Paid: _____ Amt. Paid: _____ Cash/Check #: _____ Recorded by: _____

Hinton Avenue United Methodist Church
Property Ownership Information
March 2019

Current assessed owner of parcel id no. 580161000
Lots 1-7
Hinton Avenue Methodist Church

Recorded Deed Book number and page with the Clerk of the Circuit Court

Lot 1 and east half (20') of Lot 2
Deed Book 229, Page 317

Lot 3 and west half (17') of Lot 2
Deed Book 207, Page 2

Lot 4
Deed Book 182, Page 385

Lot 5
Deed Book 205, Page 13

Lot 6 & Lot 7
Deed Book 139, Page 394, Plat Page 395

Hinton Avenue United Methodist Church
750 Hinton Ave. Charlottesville, VA 22902

Adjacent Property Ownership Information
(based on the City GIS base map)
March 2019

| Property Owner Name | Mailing Address | City Tax Map & Parcel # |
|--|--------------------|-------------------------|
| Hinton House LLC | 513 Hinton Ave. | 580173000 |
| Viewmont Associates LLC | 759 Belmont Ave. | 580172000 |
| Gardner, Amy E | 753 Belmont Ave. | 580171000 |
| Williams, Julia V | 751 Belmont Ave. | 580170000 |
| Helenius, Ira M | 711 Belmont Ave. | 580169000 |
| Suchak, Sanjay | 503 Church St. | 580162000 |
| Taylor, Stuart W | 710 Hinton Ave. | 580162100 |
| Krosby, H Peter, Quincy & Paige | 713 Hinton Ave. | 580150000 |
| Lorenzoni, Peter David | 717 Hinton Ave. | 580151000 |
| Murphy, Grier R & Kevin D | 725 Hinton Ave. | 580153000 |
| Murphy, Kevin D & Grier R | 727 Hinton Ave. | 580154000 |
| Pfaff, Raman | 733 Hinton Ave. | 580156000 |
| Monticello Manor Housing LLC | 402 Monticello Rd. | 580268000 |
| Morris, Hoover & Rose S | 800 Hinton Ave. | 580267000 |
| Hackett, Jeffrey Colin Harper, Mary Katherine | 801 Belmont Ave. | 580247000 |

**Hinton Avenue United Methodist Church
Board of Trustees
March 2019**

| Name | Address |
|------------------------|--|
| Sue A Woodson, Chair | 105 Gloucester Ct., Charlottesville, VA 22901 |
| Bob Braden, Vice Chair | 3005 White Oak Lane, Charlottesville, VA 22911 |
| Irene Dorrier, Sec | 506 2 nd St NE, Charlottesville, VA 22902 |
| Sandy Walton | 1684 Shady Grove Ct., Charlottesville, VA 22902 |
| John Wilkinson | 1601 Antoinette Ave, Charlottesville, VA 22903 |
| Harvey Brown | 1126 Meriweather St., Charlottesville, VA 22902 |
| Neil McLaughlin | 2309 Dellmead Lane, Charlottesville, VA 22901 |
| Gary Bibb | 513B Stewart St., Charlottesville, VA 22902 |



Rachel's Haven
Apartment Project
Hinton Avenue United Methodist Church
750 Hinton Avenue, Charlottesville

Re-zoning Petition Application
Supplemental Information



**Rezoning Application
Supplemental Information**

Date: March 18, 2019

Project: Rachel's Haven

Applicant: Hinton Avenue United Methodist Church

Owner: Hinton Avenue United Methodist Church

Project site: Hinton Avenue United Methodist Church, 750 Hinton Ave., Charlottesville, Va. 22902

Property Zoning: currently R-1s, petition for rezoning to NCC zone

Index of Supplemental Information

| | pages |
|--|--------------|
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| 2) Project Narrative | 3-4 |
| 3) Comprehensive Plan Analysis | 5-6 |
| 4) Impacts on Public Facilities and Infrastructure | 7-10 |
| 5) Maps | 11-16 |
| 6) Impacts on Environmental Features | 17-21 |
| 7) Concept Plan | 22-31 |
| End notes | |

Introduction

This project is being planned because there is a large need in our community for independent housing for people who are developmentally disabled. It is a renovation and addition of the Hinton Avenue United Methodist Church to provide 15 apartment units. About one third of the units will be rent-supported and will provide independent housing for the developmentally disabled and the balance seen as workforce housing for the city. This project is in alignment with the City's Comprehensive Plan goals to provide housing for residents of all income levels and for those with disabilities –challenges that would otherwise prevent independent living.



1) Project Brief and Vision Statement

- This project is the work of the Charlottesville District of the United Methodist Church. The group that is leading this project across the district consists of about twelve people called the Vision Team. Some of us are clergy; most are not. What we have in common is that we are all volunteers and we all feel God tugging on our hearts about one group in particular. That group is adults with developmental disabilities.
- Our desire is to create another housing option for people with developmental disabilities so that they can live safely, meaningfully, and as independently as possible.
- Our proposed project on the site of Hinton Avenue United Methodist Church would consist of 15 apartments. Four to six of those apartments could be set aside for people with developmental disabilities. The remaining apartments would be rented to the public. People with disabilities and those without disabilities will live as neighbors to each other.
- Our motivation for this project is the shortage of residential options for people with developmental disabilities. Many adults with developmental disabilities live at home with their parents, and so you often have parents in their 60's, 70's, or 80's who are still playing a very active parenting role. All of those parents struggle with the question, "What will happen to my son or daughter when I'm no longer able to provide care?" That is an awful question to have to wrestle with.
- Another reason we want to do this project is that people with developmental disabilities are just like the rest of us in that many of them want their own place. They want to live on their own, decorate their own living room, decide what they want for dinner, and decide what they will do today.
- We want to do what we can to enable people with developmental disabilities to thrive and live lives that are meaningful to them. While an independent living situation is not suitable or preferred by every person with a developmental disability, for many people with developmental disabilities, an independent living situation best supports a meaningful, fulfilling life.
- We see the potential for so much beauty in this project, not just in terms of the architecture, but also in how lives are lived. We intend to foster a sense of community so that the neighbors in the apartments know each other, value each other, and help each other. One neighbor helps the other figure out who to call to dispute a credit card charge, the other neighbor helps carry the groceries in, or reaches the high box on the shelf in the closet.
- Having Hinton Avenue United Methodist Church attached to the apartment building adds even more potential for people to know and support each other.
- Our Vision Statement: We envision a supportive community where each person feels that his unique gifts and talents are valued and utilized for the good of the community, where each person feels respected and enjoyed, and where each person looks out for his neighbors. We long for a community that is welcoming and safe for all people, including people with developmental disabilities.



2) **Project Narrative**

- a. Detailed written statement of the project
- b. Public need or benefit addressed
- c. The applicable zoning district classification—how the project satisfies its purpose, intent or objectives

Rachel's Haven—residences serving the diverse needs of Charlottesville's community

a. This project is being planned because there is a large need in our community for independent housing for people who are developmentally disabled. The Charlottesville District of the United Methodist Church began the vision for this project with the guidance of the Heart Havens organization to serve adults with developmental disabilities. There is a desire to advocate for the quality of life and independence for people in this population. The effort here is to empower these adults to live as independently as possible, while receiving the support they need to be successful.ⁱ

The model they hit upon was a relatively new one. It is to provide adults who have developmental disabilities an apartment that, as much as possible, is just an apartment. There are a few of these types of apartment buildings already in use, challenging these adults to live independently.ⁱⁱ The vision is to build a group of apartments where a significant portion, probably around one-third, are set aside as available to those with developmental disabilities. The Hinton Avenue United Methodist Church wanted to participate in this vision. They saw their education wing underutilized day to day, so they suggested that it could be the location for the apartments. The Hinton Avenue Church was a good candidate because it is such an established part of the Belmont Neighborhood, is a well-placed location for transportation, jobs and services, and, most of all, was a need that the congregation really wanted to support. The added plus was that the balance of the apartments could help serve the need in the Charlottesville community for workforce housing.

To make this vision and the apartment project happen here, the current zoning for single family houses needs to change to a zone that provides for multifamily uses. Because the Hinton Avenue Church wants to continue to be a vibrant part of the community it is appropriate that the zoning for the parcel be changed to the Neighborhood Commercial Corridor, or NCC, zone so that the Church can remain on the parcel, as well as the apartments as a mixed use. The majority of downtown Belmont is in the NCC zone.

With the zoning change, the proposed project is to renovate a portion of Hinton Avenue Church's education wing into apartments. There would also be an attached compatible addition that would include apartments, giving the apartment project its own front door and identity, separate from the church. Other components of the project include parking, landscaping and other amenities. The church and the apartments may share the community hall space and kitchen. This allows the space to be well utilized throughout the week, giving the apartment residents a place for communal events, meetings, and shared recreational space. The church plans to continue to function in its current capacity as a community of faith.

b. Because service to the needs of the developmentally disabled community is the prime reason for undertaking this project, the church is not interested in undertaking a project based on providing just market rate apartments. That said, this project, as envisioned, will serve a diverse cross section of the public. The Hinton Avenue Church will continue to occupy its place of service within the Belmont Community, much as it has done since the early 20th century. The apartment project will serve developmentally disabled people as well as the larger population with a diversity of abilities. It is seen as fulfilling a public need for workforce housing that is desirable because of its location. From a planning and architectural perspective, it is seen as a positive to enliven a space that might

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



otherwise be vacant. Both the church's education wing and its parking lot could be enhanced by the provision of the new apartments along with their residents and landscaping.

c. 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.ⁱⁱⁱ This apartment project, including about 15 units, is seen as contributing to the pedestrian nature of Hinton Avenue (listed as one of the primary streets in the zone). The building addition concept is designed to fit the compact character of the neighborhood, work in concert with the historic adjacent church, and the use fits within the 21 dwelling units per acre provision of the zone. Because it is likely that there are not a large percentage of individual car drivers, the population served is highly dependent on the pedestrian environment for work, activities and for service. This project is seen almost as in a symbiotic relation between its residents and the larger neighborhood—each serving needs that the other has—adding to the “localness” of the life in Belmont.



2) Comprehensive Plan Analysis

- a. Detailed statement of the project's consistency with the comprehensive plan
- b. Land use map and any small area, strategic investment area or other plan for the applicable development area.

Value 3 in the Charlottesville Comprehensive Plan 2013, Community Values is for Quality Housing Opportunities for All. "Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, *life stages, and abilities.*"^{iv} It goes on to say that our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.

From the Housing chapter of the Charlottesville comprehensive Plan 2013, Goal 2 is to maintain and improve "housing stock for residents of all income levels." It seeks to "accommodate the housing needs of low-income households, seniors and *those with disabilities.*"^v It promotes the incorporation of "standards that address *visit-ability and live-ability.*" And it supports "*those with challenges that would otherwise prevent independent living.*"^{vi}

The main goal of this project, providing independent living for those with developmental disabilities, puts it squarely in line with this goal of Charlottesville's Comprehensive plan. This project and its required rezoning, specifically seeks to provide housing units that encourage those with developmental disabilities to live as independently as possible.

The design of the apartment units and the apartment complex is to have a high degree of accessibility. Units are to include accessible bathrooms, kitchens as well as the other spaces. The building is to include accessible routes to the units and to the amenities (ie. laundry, recreational areas, outdoor landscaped activity and lounge areas, common spaces, etc.). This fits with and goes well beyond the City of Charlottesville's Comprehensive Plan's goal for the incorporation of standards that address visit-ability and live-ability.

While not specifically targeting low income populations, by providing services and support for the developmentally disabled, this project will essentially provide affordability to people that otherwise find independent housing not only non-affordable, but, beyond that, not available.

Also from the Housing chapter, Goal 3 is to grow the city's housing stock, specifically providing affordable housing, achieving a mixture of incomes and uses in as many areas of the City as possible. It encourages "the creation of new, onsite affordable housing as part of *rezoning applications.*" It suggests the consideration of the range affordability proposed in *rezoning applications*, "with emphasis on provision of affordable housing *for those with the greatest need.*"^{vii}

It could be said that the developmentally disabled, who have few if any other options for living a full and independent life, have a great need for housing that they can afford. This rezoning application is being brought to the City of Charlottesville to try to enable the alleviation of this great need in a location where it can be realized and implemented in the most effective way.

From the Housing chapter, Goal 7, Design Options, is to offer a range of housing options to meet the needs of Charlottesville's Residents, including *those presently underserved*, in order to create vibrant residential areas or reinvigorate existing ones. To the greatest extent feasible, ensure affordable housing is *aesthetically similar to market rate.* It promotes *visit-ability/live- ability features* and market inclusion.^{viii}

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



In its design, this project seeks to include the presently significantly underserved population of the developmentally disabled in a building that doesn't visibly differentiate between the apartments of the developmentally disabled and those that are market rate or serving as workforce housing. The units will include significant visit-ability/live-ability features throughout the building. The project seeks to fit in into its context in its scale, materials and in its design.

The Housing chapter, Goal 8, Sustainability practices, encourages mixed-use and mixed-income housing developments. It promotes redevelopment and *infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.*^{ix}

This project both infills vacant / underused space and provides an adaptive reuse of built fabric that is currently under- or un-used. Its reuse of existing buildings and materials is promoted within the principals of "green building" and will upgrade the energy efficiency of the existing structure. It is very likely that the (developmentally disabled and other) population that will be living in this building will be pedestrians and bicycle riders and public transit denizens before they even think about getting in a single occupancy automobile. The project is pedestrian oriented, with its main door on Hinton Avenue, an accessible route around and within the building, and it has several bike lockers planned.

This mixed-use project, and the rezoning to NCC zone that it requires, is in line with the thinking in the City's Comprehensive plan on the design for and implementation of housing for underserved populations in its housing of the developmentally disabled as well as in its provision of market rate housing. Because of the support that Hinton Avenue Church is providing, as well as the connectivity to the neighborhood and city needed by the residents as described above, this location is critical for the rezoning requested. By allowing for diverse needs and gifts, including those of people with developmental disabilities, we can make ours a more humane City.



3) Impacts on Public Facilities and Infrastructure

- d. Narrative statement detailing the project's impacts on public facilities and infrastructure
- e. Pedestrian facilities/sidewalks
- f. Transportation facilities
 - i. Bicycle
 - ii. Public transit
 - iii. Motor vehicle
- g. Storm sewers
- h. Existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance

a. Narrative statement detailing the project's impacts on public facilities and infrastructure

Streets and Alleys:

The Hinton Avenue United Methodist (HAUMC) is accessed by City Streets along three of the property boundaries: Church Street (West); Hinton Avenue (North) and Rialto Street (East). There is an unnamed public alley to the South of the property. None of these streets is designated within the Streets That Work Design Guide – though these streets seem to be analogous to a Neighborhood B Street Typology since there are no dedicated bicycle facilities and inconsistent sidewalk provisions.

Currently, the HAUMC parking lot is accessed in two locations, from Hinton Avenue and from Rialto Street. As a part of the proposed work, access will be provided only from Rialto Street and the Hinton Avenue entrance will be removed. This decision will eliminate a conflict point between pedestrians walking along the sidewalk and vehicles entering the parking area.

Evaluating the Peak Hour Trips based on ITE Trip Generation Data: the Peak our trip increases from 11 Peak Hour Trips (Pre-Redevelopmet) to 20 peak hour trips including the Apartment Units as shown in Figure 1, below.

| ITE TRIP GENERATION | | | | | | WEEKDAY TRAFFIC | | | | | | |
|----------------------|----------|-----------------|------------|--------------|-----------------|------------------|------------------|--------------|-------|----------|-------------|-----------|
| Use Description | ITE CODE | UNITS | TRIPS/UNIT | QTY OF UNITS | TRIP REDUCTION* | VEHICLES PER DAY | PEAK HOUR FACTOR | PM PEAK HOUR | | | TOTAL TRIPS | |
| | | | | | | | | % IN | % OUT | IN | | OUT |
| Church | 560 | 1,000 SF | 9.11 | 6.99 | - | 64 | 0.55 | 48% | 52% | 2 | 2 | 4 |
| Apartment | 220 | 1 Dwelling Unit | 6.65 | 15.00 | - | 100 | 0.62 | 65% | 35% | 6 | 3 | 9 |
| General Office | 710 | 1,000 SF | 11.01 | 4.60 | - | 51 | 1.49 | 17% | 83% | 1 | 6 | 7 |
| <i>SITE TOTALS =</i> | | | | | | 215 | | | | 9 | 11 | 20 |

Figure 1 – Trip Generation Data of Proposed Re-Development

Utilities:

The Hinton Avenue United Methodist Church (HAUMC) is accessed by City Streets and utilities provisions are supplied by public utilities. Within the public Right-of-Way along Hinton Avenue the following public utilities are provided:

- City Water
- City Sewer
- City Gas

Currently the existing HAUMC utility connections are all provided from Hinton Avenue and will continue to be as a part of this proposed work.



It is noteworthy to express that each of the three (3) City streets which border this parcel: Hinton Avenue, Church Street and Rialto Street have access to public utilities. Furthermore, the public utilities that require a pressure network to operate (Water and Gas) are both shown to exist as a looped network – which allows for a steady pressure and reliable service.

The additional utility demands generated by this rezoning petition are not anticipated to have a negative impact on the shared public infrastructure.

| UTILITY DEMAND: | | | | |
|---|--------------------------|----------|--------------|--|
| WATER FLOW (AVERAGE DAILY DEMAND) ¹ | | | | |
| USE | DESIGN UNIT | QUANTITY | FLOW PER USE | |
| GENERAL OFFICE | 200 GPD PER 1,000 SF GFA | 4.60 | 920 | |
| CHURCH SANCTUARY ² | 250 GPD PER 1,000 SF GFA | 3.76 | 940 | |
| APARTMENT - 2 BR | 300 GPD PER UNIT | 14.00 | 4,200 | |
| APARTMENT - 3 BR | 400 GPD PER UNIT | 1.00 | 400 | |
| TOTAL WATER FLOW (GPD) | | | 6,460 | |
| AVERAGE FLOW PER HOUR (GPH) | | | 269 | |
| MAX HOUR (3 x AVERAGE HOUR) (GALLONS) | | | 808 | |
| PEAK HOUR (1.5 x AVERAGE HOUR) (GALLONS) | | | 404 | |
| SEWER FLOW (AVERAGE DAILY FLOW) | | | | |
| USE | DESIGN UNIT | QUANTITY | FLOW PER USE | |
| GENERAL OFFICE | 200 GPD PER 1,000 SF GFA | 4.60 | 920 | |
| CHURCH SANCTUARY ² | 250 GPD PER 1,000 SF GFA | 3.76 | 940 | |
| APARTMENT - 2 BR | 300 GPD PER UNIT | 14.00 | 4,200 | |
| APARTMENT - 3 BR | 400 GPD PER UNIT | 1.00 | 400 | |
| TOTAL SEWER FLOW (GPD) | | | 6,460 | |
| AVERAGE FLOW PER HOUR (GPH) | | | 269 | |
| PEAK HOUR (4 x AVERAGE HOUR) (GALLONS) | | | 1,077 | |
| Note 1: Average Flow Rates (From Table 9.2 Charlottesville Standards and Design Manual - Draft) | | | | |
| Note 2: Sanctuary Flow Rates as compared to "Shopping Centers" | | | | |
| GPD = GALLONS PER DAY | | | | |
| GPH = GALLONS PER HOUR | | | | |

Figure 2 - Utility Calculations

b. Pedestrian facilities/sidewalks

Currently – there are pedestrian accommodation adjacent to this property along Church Street (West) and Hinton Avenue (North). As a part of the proposed work a new sidewalk will be provided along Rialto St. (East). Thus pedestrian facilities will be available on all sides of this property (not including the alley). The addition of this sidewalk along Rialto Street supports the Vision of the Streets that Work Design Guide by providing a sidewalk (highest priority) where there currently is none.

Also, a previously stated, a vehicular entrance along Hinton Avenue will be removed as a part of this work; thus, a conflict-point between pedestrians walking along the sidewalk will be eliminated.



c. Transportation facilities

i. Bicycle

Currently no bicycle facilities are provided, nor proposed, along Hinton Ave., Church St., or Rialto St. Given the proximity of the project to the Belmont, Downtown, IX, Mainstreet and other nearby districts we anticipate bicycle use by those residing on this property to be high. As such, ten (10) bicycle lockers will be provided with this project. Additionally, the provision of ten (10) bicycle lockers allows this project to claim a parking reduction of four (4) spaces.

ii. Public transit

The measured distance from the HAUMC property to the nearest Charlottesville Area Transit stop is 289 feet. As a result of this proximity the project seeks to claim a parking reduction of four (4) spaces.

iii. Motor vehicle

Given the nature of the currently building use: most visitors frequent the property on Sunday mornings. Per Section 34-984 of the zoning code places of worship can count available on street parking within 1,000 feet of the property. Because of this provision – there are approximately 82 on-street parking spaces available within this distance. Alone, more than adequate for the parking demand.

However, due to the nature of this rezoning petition and the planned uses of the property the following parking required and provides can be found in Table 1. As can be seen in this table, this project satisfies the requirements for off-street parking based on the planned uses.

Given the nature of the adjacent urban neighborhood street network near this parcel and the low increase in peak hour demand of the property we do not anticipate any negative effect of this project on macro-traffic movements and/or congestion.



| PARKING CALCULATIONS - ASSUMING NCC ZONING | | |
|--|--|------------------|
| USES: | | |
| | Mixed Use; Total Gross Floor Area (GFA) | 28,630 SF |
| | Church Office, General | 4,690 SF |
| | Church Sanctuary, Fixed Seats | 263 Seats |
| | Church Community Spaces, Non Fixed Seats | 3,230 SF |
| | Multifamily Dwelling (2 BR Unit) | 14 UNITS |
| | Multifamily Dwelling (3 BR Unit) | 1 UNIT |
| PARKING REQUIRED: | | |
| <i>PER 34-984</i> | Church Office, General (1 space per 500 SF of GFA) = | 9 SPACES |
| | Church Sanctuary, Fixed Seats (1 space per 6 seats) = | 44 SPACES |
| | Church Community Spaces, Non Fixed Seats (1 space per 200 SF of GFA) = | 16 SPACES |
| | Multifamily Dwelling (2 BR) (1 space per unit) = | 14 SPACES |
| | Multifamily Dwelling (3 BR) (2 space per unit) = | 2 SPACES |
| | TOTAL REQUIRED PARKING = | 85 SPACES |
| PARKING REDUCTIONS: | | |
| | Distance to CAT Bus Stop | 289 FT |
| <i>PER 34-985 B</i> | Proximity to City Bus Route Reduction = | 4 SPACES |
| | Bicycle Locker Reduction (10 lockers provided) = | 4 SPACES |
| | TOTAL PARKING REDUCTION = | 8 SPACES |
| | TOTAL PARKING REQUIRED AFTER REDUCTION = | 77 SPACES |
| OFFSITE PARKING PROVIDED: | | |
| <i>PER 34-984</i> | Available On Street Parking within 1,000 feet | 82 SPACES |
| | On Street Parking Applied toward Assembly Use Requirement | 44 SPACES |
| | TOTAL OFFSITE PARKING PROVIDED = | 44 SPACES |
| ONSITE PARKING PROVIDED: | | |
| | Traditional On-Site Parking Spaces | 25 SPACES |
| | High Occupancy Van Only Spaces (2 spaces provided) | 6 SPACES |
| <i>PER 34-974</i> | Cooperative Parking Arrangement (applied to 1 space) | 2 SPACES |
| | TOTAL ONSITE PARKING PROVIDED (EXCLUDING BONUSES) = | 28 SPACES |
| | TOTAL ONSITE PARKING PROVIDED (INCLUDING BONUSES) = | 33 SPACES |
| | TOTAL OFFSITE AND ONSITE PARKING PROVIDED = | 77 SPACES |

Table 1 – Parking Calculations

d. Storm Sewers

The parcel is essentially located near the top of a hill. Within the adjacent rights-of-way there are currently no stormwater conveyance systems. The project will need to plan to convey the stormwater discharge (which will be reduced in the post-development condition) to the nearest network which is approximately 350 linear feet away. The improvement will be made within existing Right-of-way and may provide an opportunity for the City to improve their stormwater network as well.

e. Existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance (including alleys).

Of the four (4) boundaries of the property, three of them (West, North and East) are all improved City Streets. To the South of the property is an existing Alley which is not-improved. The proposed project does not intend any improvements or disturbance to this existing alley.

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



4) Maps

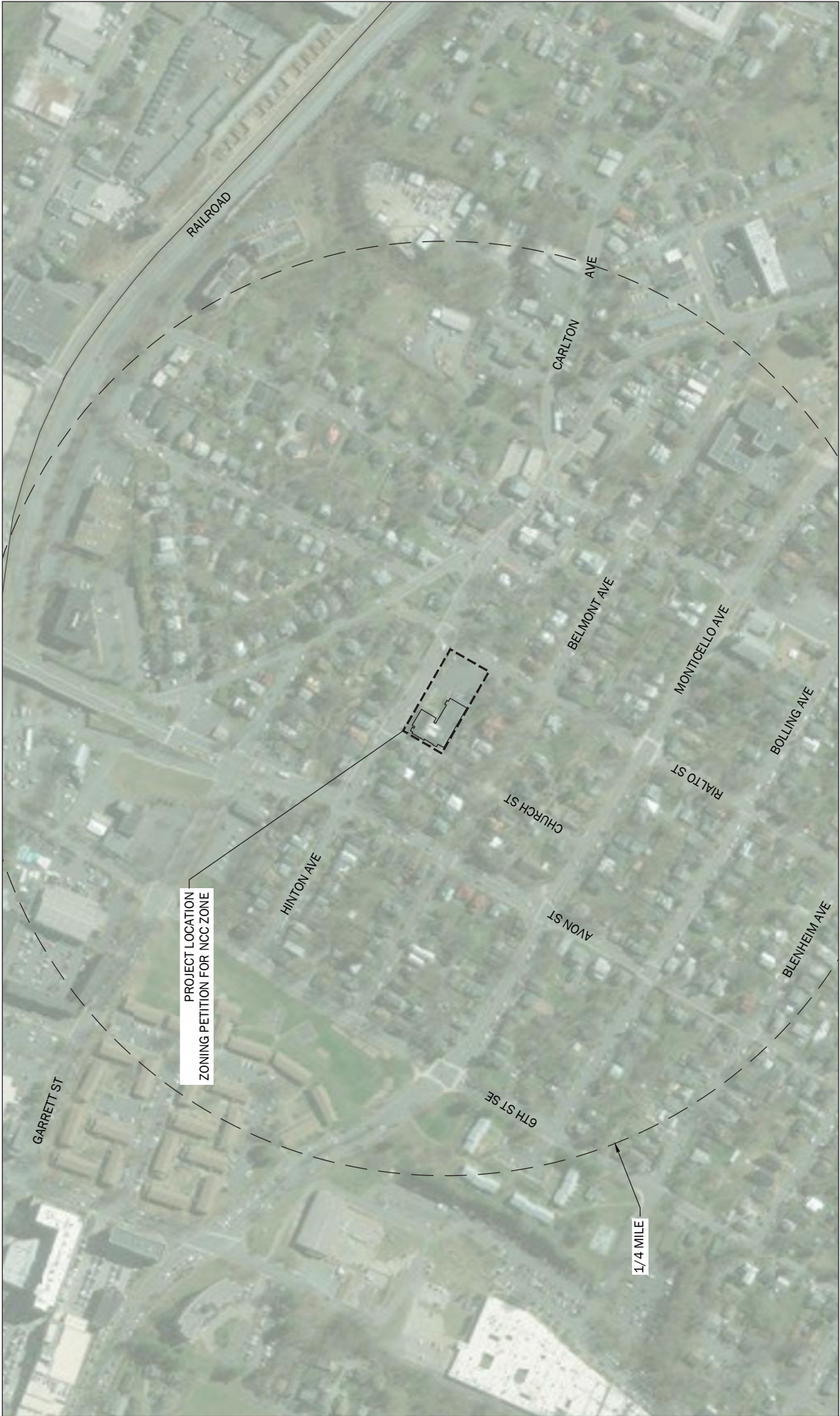
- a. Zoning map
- b. Existing natural conditions
- c. Existing man-made conditions
- d. Existing topography
- e. Neighborhood context –land use



ZONING MAP (0.25 MILE RADIUS)

1" = 250' 250' 500'





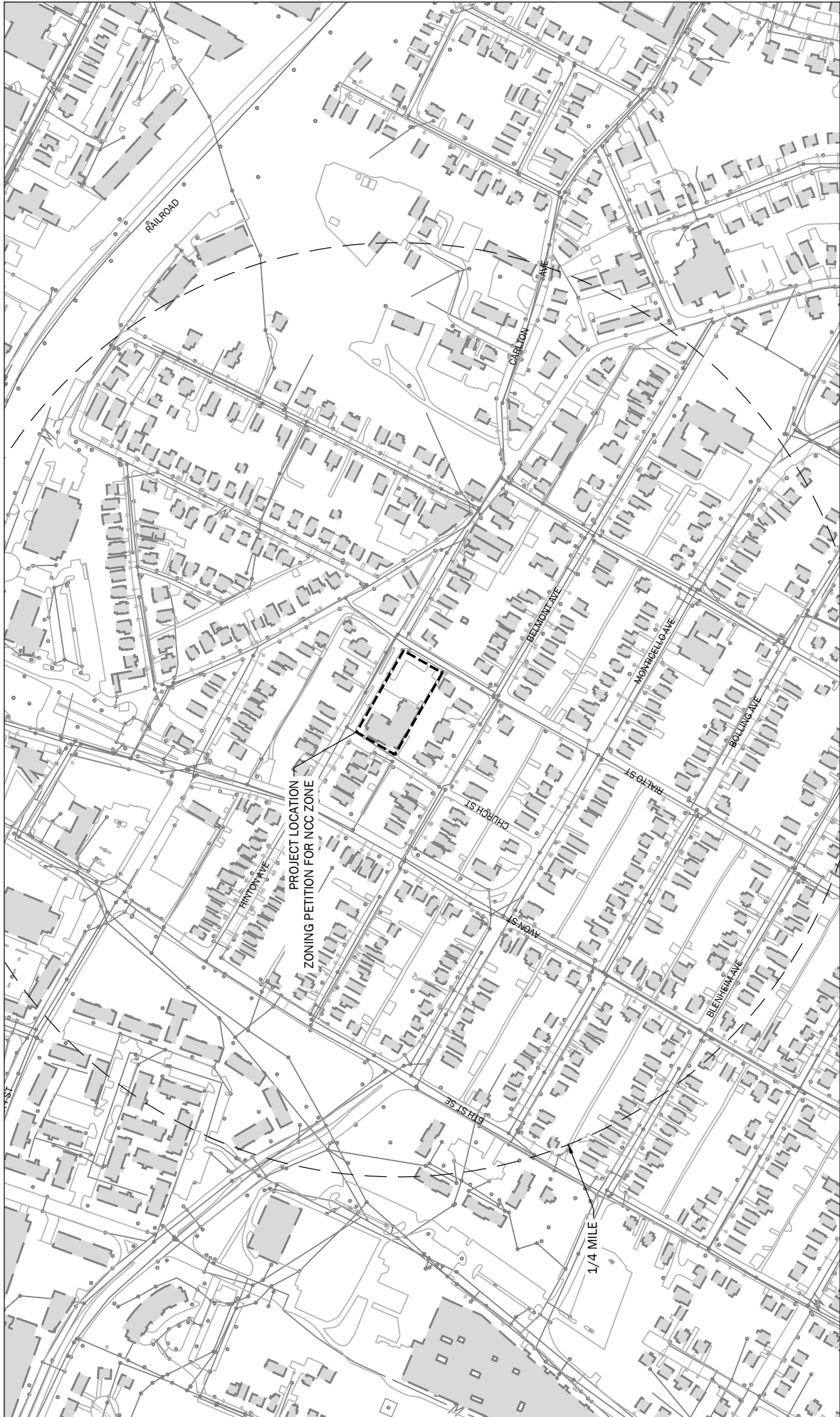
PROJECT LOCATION
ZONING PETITION FOR NCC ZONE

1/4 MILE

EXISTING NATURAL CONDITIONS MAP (0.25 MILE RADIUS)

1" = 250' 500'



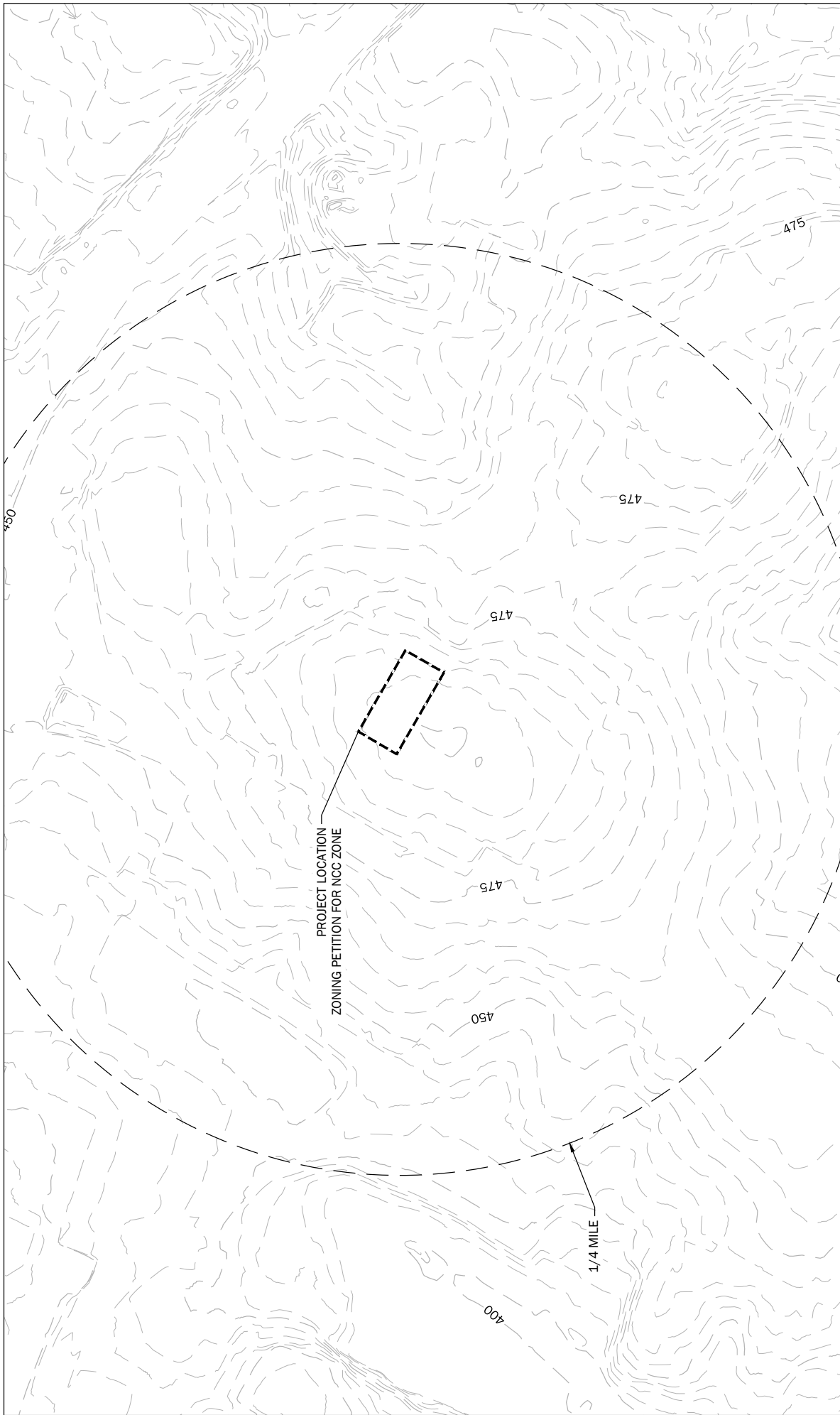


PROJECT LOCATION
ZONING PETITION FOR NCC ZONE

EXISTING MAN-MADE CONDITIONS MAP (0.25 MILE RADIUS)

1" = 250' 250 500





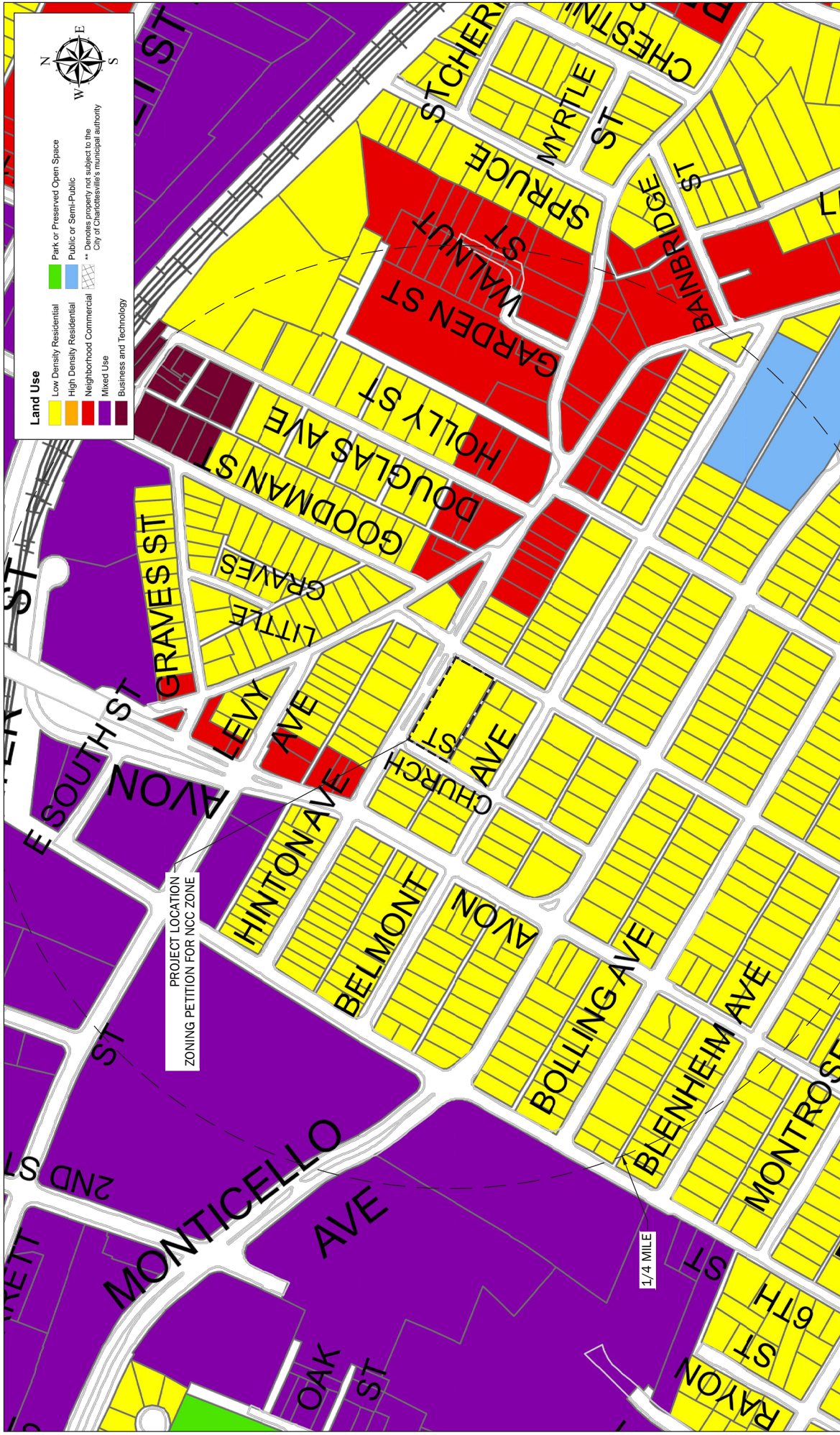
PROJECT LOCATION
ZONING PETITION FOR NCC ZONE

1/4 MILE

EXISTING TOPOGRAPHY MAP (0.25 MILE RADIUS)

1" = 250' 250 500





LAND USE PLAN (0.25 MILE RADIUS)





5) Impacts on Environmental Features

- a. Trees
- b. Existing pervious surfaces
- c. Steep slopes
- d. Streams

Appendix: photos of features

a. Trees

Several existing native dogwood trees, an existing Korean Dogwood, and several rose bushes will be removed to support the proposed work. These plants appear in the current areas buffering the parking area from Rialto Street and Hinton Avenue. Other than the rose bushes, the planting layer beneath the low existing trees consists of lawn. In accordance with the City's screening requirements, the proposed plan will provide additional native canopy, medium sized, understory, evergreen trees and shrubs. Interior planting associated with the parking lot will be included as well. Currently, the parking area exists as one expansive space of impermeable paving. The new parking area will include a planted median which is also proposed as a rain garden-like area that will receive stormwater runoff.

The proposed planting screen will be more dense and diverse than the existing conditions in its scale and type of plants. The scheme will introduce more native plantings as well as evergreens into the buffer screening and include ground plane plantings other than lawn to aid in screening from the streets and adjacent properties

b. Existing pervious surfaces

Surface coverage of the site can be described as follows:

Existing Impervious Cover: 22,893 SF (70%)
Existing Pervious Cover: 9,978 SF (30%)

Proposed Impervious Cover: 25,751 SF (78%)
Proposed Pervious Cover: 7,120 SF (22%)

As can be seen from this break-out the percent pervious cover on the site is reduced by 8% or, 2,630 SF. However, given the implementation of Runoff Reduction Strategies associated with the Stormwater Management Plan, the effective Impervious Cover will be reduced by some percentage.

c. Steep slopes

In several select locations near the perimeter of the site there are steep slopes, according to City GIS topographic data. As can be seen from Figure 1, below, the only steep slopes to be impacted are adjacent to the proposed parking area and these slopes will be lessened as a result of the proposed grading scheme. The resulting on-site steep slope disturbance is estimated at 772 SF.

However, upon visual inspection of the site these "steep slopes" appear to be the result of a retaining wall which the GIS contours could not accurately reflect.

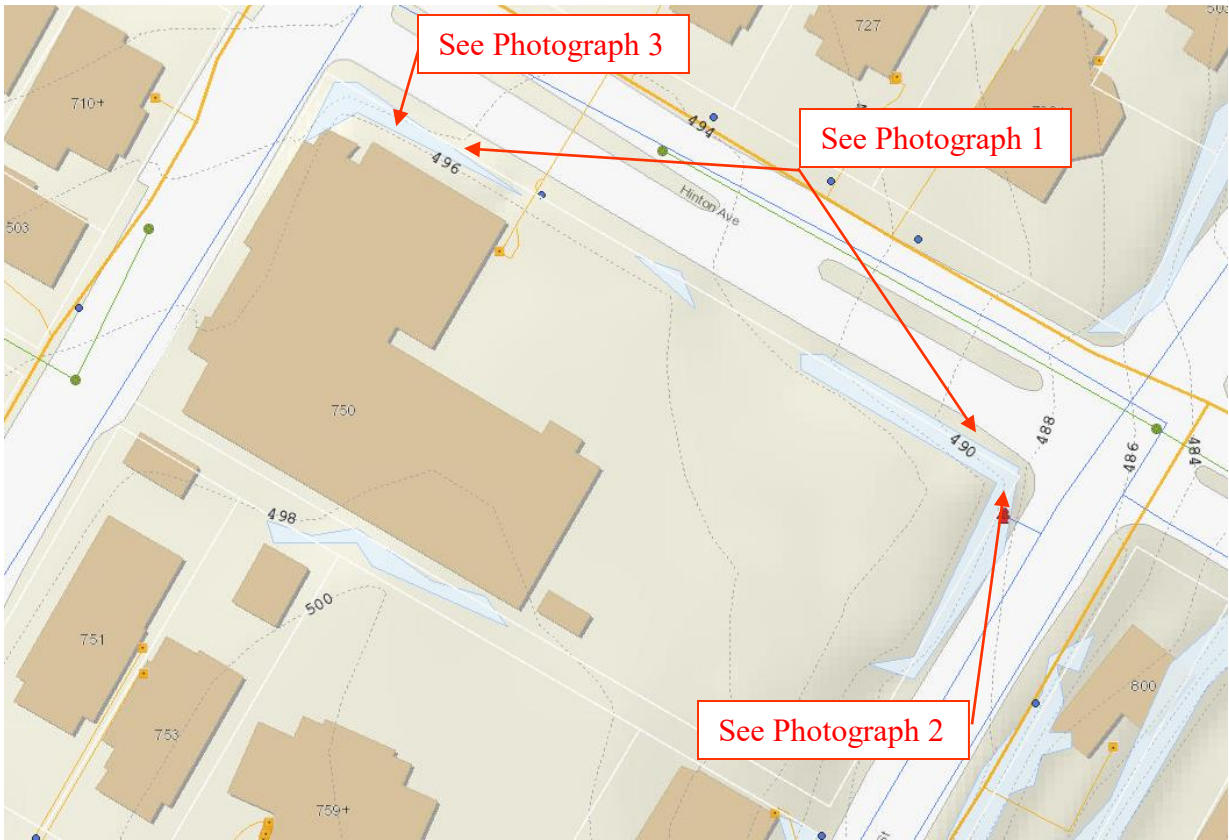


Figure 3 -

d. Streams

There are no streams on, or near, the parcel.

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



Appendix: photos of features

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



Photograph 1 – Elevation of Subject Property looking southward across Hinton Avenue



Photograph 2 – Looking at Existing retaining wall at the corner of Hinton Avenue and Rialto St.

Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church

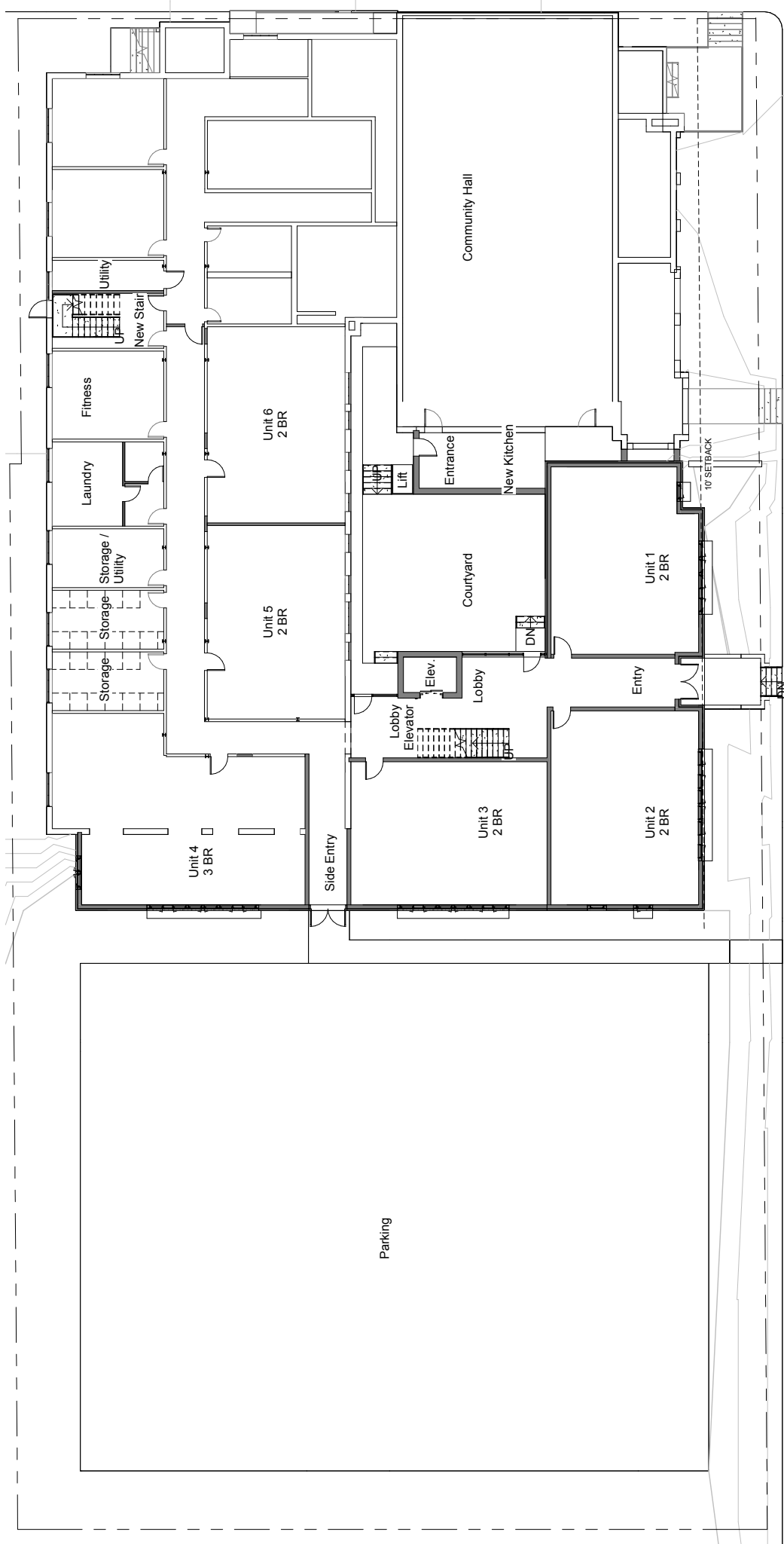


Photograph 3 - Looking at Existing Entrance at the corner of Hinton Ave. and Church St.

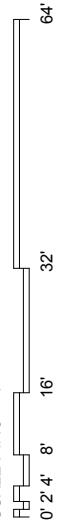


6) Project concept plan

- First floor plan schematic
- Second floor plan schematic
- Exterior elevations schematic
- Exterior elevations schematic
- Site concept plan
- Site perspective
- Northeast view of the building-schematic
- North view of the building-schematic
- Northwest view of the building-schematic



SCALE : 1/16" = 1'



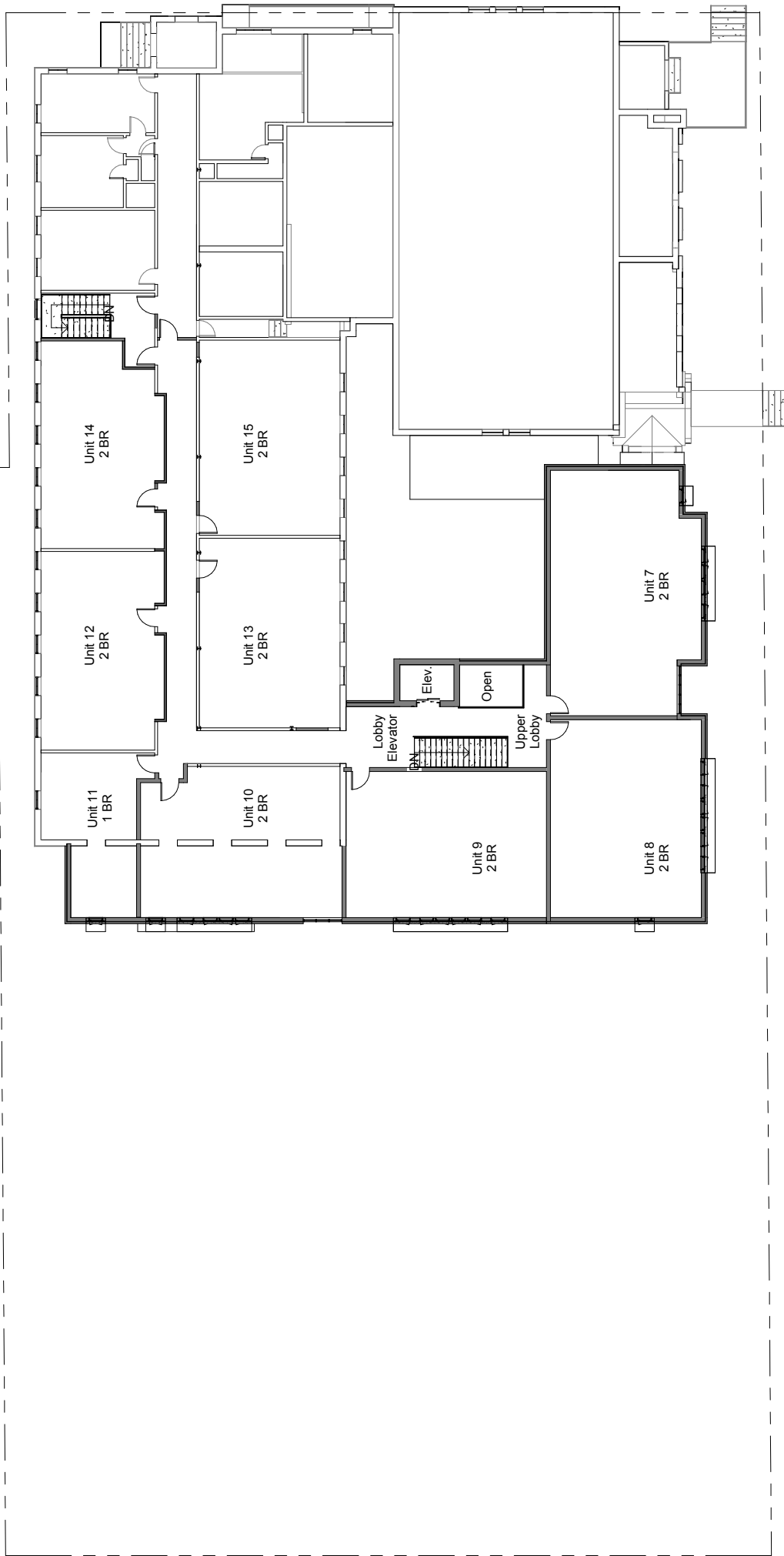
Andrew Thomas Architect p.l.l.c.
 Copyright Andrew S. Thomas, Architect, p.l.c.
 Charlotte, NC 28202
 437-998-5281

First Floor Plan

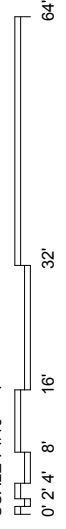
Rachel's Haven Apartment Project
Schematic

750 Hinton Avenue, Charlottesville VA

DATE: MARCH 18, 2019

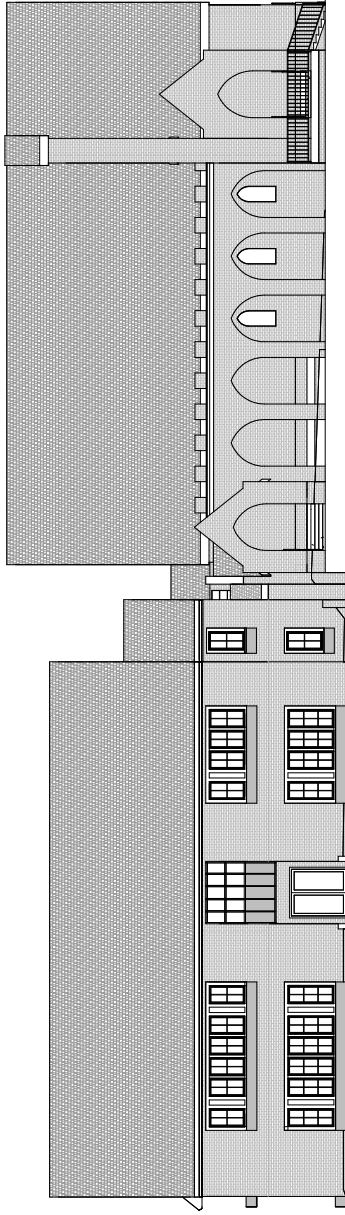


SCALE : 1/16" = 1'

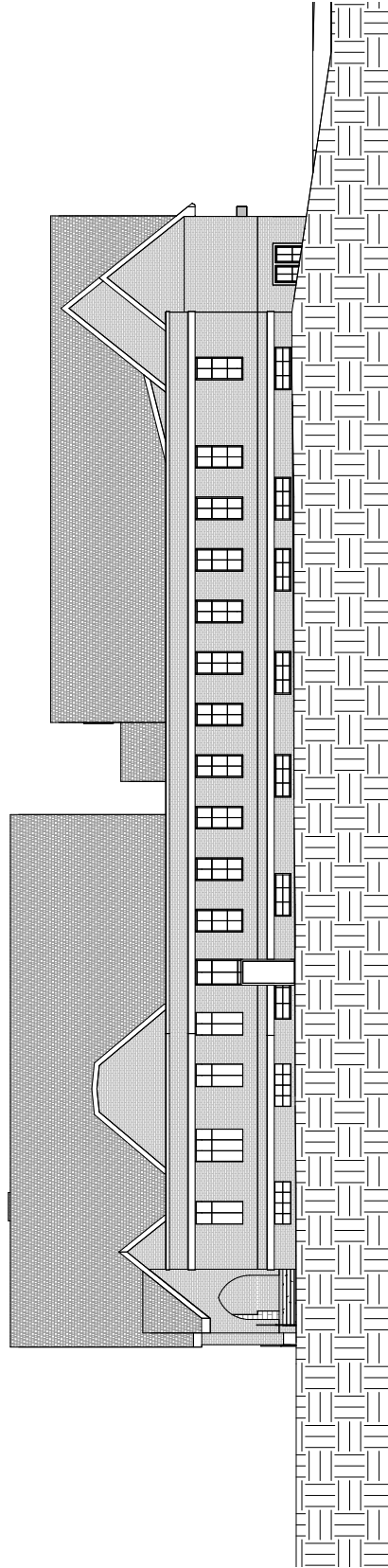


Andrew Thomas Architect, p.l.l.c.
 Second Floor Plan
 copyright Andrew S. Thomas, Architect, p.l.c.
 DATE: MARCH 18, 2019

Rachel's Haven Apartment Project
 Schematic
 750 Hinton Avenue, Charlottesville VA

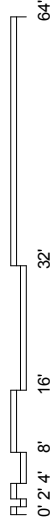


① North Elevation
1/16" = 1'-0"



② South Elevation
1/16" = 1'-0"

SCALE: 1/16" = 1'



Andrew Thomas Architect
plc

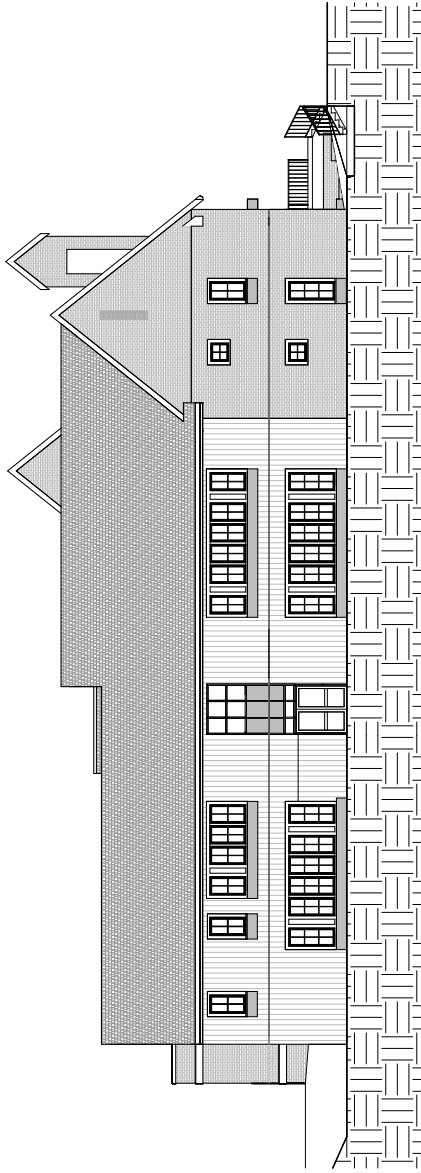
copyright
Andrew S. Thomas, Architect, plc

DATE: MARCH 18, 2019

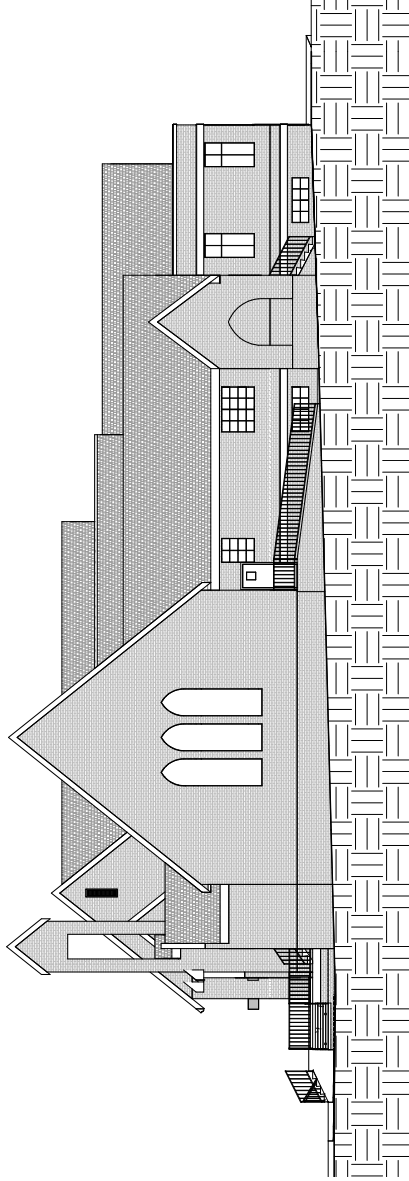
Exterior Elevations

Rachels Haven Apartment Project
Schematic

750 Hinton Avenue, Charlottesville VA

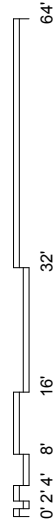


① East Elevation
1/16" = 1'-0"



② West Elevation
1/16" = 1'-0"

SCALE: 1/16" = 1'



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 Charleston, West Virginia 453-998-5261
 DATE: MARCH 18, 2019

Rachel's Haven Apartment Project Schematic
 750 Hinton Avenue, Charlottesville VA



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SITE CONCEPT PLAN
REZONING SUBMISSION
copyright
Andrew S. Thomas, Architect, pllc
DATE: March 18, 2019

Andrew Thomas Architect pllc
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Rachel's Haven Apartment Project
Schematic
750 Hinton Avenue, Charlottesville VA



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SITE PERSPECTIVE
 REZONING SUBMISSION
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 DATE: March 18, 2019

Rachel's Haven Apartment Project
Schematic

750 Hinton Avenue, Charlottesville VA



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Northeast View of the Building

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Andrew S. Thomas, Architect, p.l.c.

DATE: March 18, 2019

Rachel's Haven Apartment Project
Schematic

750 Hinton Avenue, Charlottesville VA



Andrew Thomas Architect, PLLC
North View of the Building

copyright
Andrew S. Thomas, Architect, PLLC

DATE: March 18, 2019

Rachel's Haven Apartment Project
Schematic

750 Hinton Avenue, Charlottesville VA



Andrew Thomas Architect, p.l.l.c.
Northwest View of the Building

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Andrew S. Thomas, Architect, p.l.l.c.
Charlottesville, VA 22902
434.989.5281

DATE: March 18, 2019

Rachel's Haven Apartment Project

Schematic

750 Hinton Avenue, Charlottesville VA



End Notes

ⁱ Heart Havens website <http://www.hearthavens.org/services/group-homes/>

ⁱⁱ For one regional example see the Faison Residence website <https://www.faisonresidence.net/>

ⁱⁱⁱ Code of the City of Charlottesville, Chapter 34 Zoning, Art.VI Mixed use corridor districts, Sec. 34-541. Mixed use districts—intent and description, (8) Neighborhood Commercial Corridor district.

https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH34ZO_ARTVIMIUSCODI_DIV1GE_S34-541MIUSDINTDE

^{iv} Charlottesville Comprehensive Plan 2013, Community Values, p.2

<http://www.charlottesville.org/home/showdocument?id=35055>, italics by the author.

^v HAC Housing Policy 1 Objectives for Use of Affordable Housing Funds And Criteria/Priorities for Award of Funds includes in its Target Populations the “*Special Needs Population.*” p.2, <http://www.charlottesville.org/home/showdocument?id=12131> , italics by the author.

^{vi} Charlottesville Comprehensive Plan 2013, Housing, p. 2 <http://www.charlottesville.org/home/showdocument?id=35049> , italics by the author.

^{vii} Ibid, p. 3

^{viii} Ibid, p. 7

^{ix} Ibid, p. 7

PROFFER STATEMENT

May 2, 2019

Before the City Council of the City of Charlottesville, Virginia
In re: Petition for Rezoning Petition by Hinton Avenue United Methodist Church

Project Name: Rachel's Haven

City of Charlottesville Rezoning Application No.: ZM19-00001

Zoning: Neighborhood Commercial Corridor ("NCC") zoning district

RECITALS

WHEREAS, Hinton Avenue United Methodist Church is the owner of real property described as Lots 1 through 7 of Block 12 in the Belmont Subdivision, being located at 750 Hinton Avenue in the City of Charlottesville, Virginia and further described in the tax records of the City of Charlottesville as Tax Parcel Number 580161000 (the "Subject Property"); and

WHEREAS, Hinton Avenue United Methodist Church (the "Applicant") has petitioned for rezoning of the Subject Property to the Neighborhood Commercial Corridor ("NCC") zoning district with associated proffers;

NOW THEREFORE, the Applicant as owner of the Subject Property hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property shall be subject to, and the Applicant and all others as may be in legal possession of the Subject Property or any portion thereof shall abide by, the following conditions:

1. Residential Density: No more than 15 dwelling units shall be permitted on the Subject Property.
2. Affordable Housing: A minimum of four residential units within a multifamily dwelling building shall be restricted to residents with income at 80 percent or less of area median income ("AMI") as defined by the United States Department of Housing and Urban Development for the Charlottesville Virginia Metro Area.
3. Resident Safety: Access to all interior common areas serving residential units shall be controlled through the use of entry locks.
4. Uses: All non-residential uses other than educational facilities (non-residential) and day care facilities, which are not accessory to a house of worship located on the Subject Property, shall be limited to a maximum total of 1800 square feet gross floor area.

The following uses shall not be permitted on the Subject Property:

- a. Bowling Alleys
- b. Tennis Club

- c. Swimming Club
- d. Skating Rinks
- e. Full-service and fast food restaurants provided a single coffee shop or similar small eatery not exceeding 900 square feet gross floor area may be permitted
- f. Drive through windows (for any use)
- g. Consumer service businesses exceeding 900 square feet gross floor area
- h. General and convenience grocery stores
- i. Pharmacies
- j. Retail stores exceeding 900 square feet gross floor area
- k. Medical and pharmaceutical laboratories
- l. Banks

5. Access: Permanent vehicular ingress and egress to the Subject Property shall be restricted to Rialto Street, provided that this restriction on vehicular access shall not take effect until such time as a building permit is issued for construction of any multifamily building. The City may require any site plan for any multifamily building proposed on the Subject Property to adhere to the vehicular ingress and egress limitation under this condition.

The Applicant stipulates and agrees that use and development of the Subject Property shall be in conformity with the conditions stated hereinabove, and that said conditions shall run with the land and be binding on the Applicant as landowner, and the Applicant's successors-in-interest, until such time as the conditions may be amended or removed by further legislative action of the City Council of the City of Charlottesville in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this ____ day of _____, 2019

Hinton Avenue United Methodist Church, Applicant

By: _____

Title: _____

A n d r e w S . T h o m a s , A r c h i t e c t p l l c
P.O. Box 1324, Charlottesville, VA 22902 (434) 296-9361 www.athomasarch.com

Brian Haluska
City of Charlottesville
Dept. of Neighborhood Services
Charlottesville, Virginia

Dec. 6, 2018

Project: Charlottesville Apartment Project at Hinton Avenue United Methodist Church;
Client: Vision Team, the Charlottesville District of the United Methodist Church

Dear Brian

In anticipation of submitting for a rezoning request for this property, I am including here the following:

- Sign in sheet for our meeting on Dec. 3, 2018 at Hinton Avenue United Methodist Church, sanctuary
- Notes from that meeting
- List of addresses that notification of this meeting were mailed to. Letters were mailed out on Nov. 5, 2018, for receipt more than 2 weeks prior to this meeting. The letter also noted the Nov. 12 presentation.
- Nov. 5, 2018 Letter that was sent to neighbors.

In addition to this meeting the Vision Team provided presentations at 2 other meetings as follows:

- Sept. 6, 2018, immediate neighbors were invited to the church sanctuary for a presentation, and shared their questions and comments
- Nov. 12, 2018, presentation, q & a, as part of the Belmont Carlton Neighborhood Association meeting.

The project was also presented to individuals in the neighborhood over the last few months.

Thank you.

From: Andy Thomas

12.3.18

| Name | Address |
|----------------------|------------------------------|
| ANDY THOMAS | 1016 DRUID AVE. |
| Ken Grant | Deepwood Farm Dr. |
| Brenda Grant | |
| Fred Schneider | (HAVMC) 506 Second Street NE |
| Kim Crater | 1780 Decca Ln, Charlotte |
| Jack + Carolyn MARRS | 808 Hinton Ave, Coville |
| Robert Lewis | 1415 Melbourne Rd, Coville |
| BOB BRADEN | 3005 WHITE OAK LN, COVILLE |
| Julia Williams | 751 Belmont Ave |
| Deb Jackson | 210. Douglas Ave |
| Laurie Nichols | 16672 LOUISA Rd LOUISA VA |
| Kimber Hawkey | 709 Belmont Ave |
| Trudy Neofotis | 759 Belmont Ave — |

Notes from the second meeting with the neighbors of Hinton Avenue UMC held on 12/3/2018

Charlottesville Apartment Project at Hinton Avenue United Methodist Church-preliminary concept for a rezoning request

By the Vision Team, the Charlottesville District of the United Methodist Church

We invited neighbors to Hinton Ave. United Methodist Church sanctuary to present our apartment project concept. After the Vision Team's presentation, questions and the Team's responses were as follows:

- One neighbor stated that she could not support the project without proffers. She wanted the proffers to include height restrictions and guarantees that the property would not be used for anything other than apartments and a place of worship.
- The NCC zone has a height restriction of 45' and the existing sanctuary is higher than that. The height of the planned addition will be well within the 45' limitation.
- Another neighbor asked if we were going to pursue a Special Use Permit. We are only considering applying for the zoning change to NCC.
- Insufficient parking was still a concern, with particular attention to Sunday mornings. By the end of the meeting, however, the general feeling was that providing 28 spaces on site should be adequate.
- One person's comment was that the city code (parking) requirements are minimal requirements and often give very little consideration to being respectful of the neighbors. The hope is that our project will give greater consideration to neighbors' concerns.
- The Vision Team explained once again why we are not planning to have more than four to six units to be occupied by individuals with developmental disabilities. We plan for a unit ratio rather than a resident ratio. So each of those 4-6 units will be occupied by at least one individual with a developmental disability.
- One person asked if there were going to be more affordable units, other than the (4-6) units to be occupied by individuals with developmental disabilities? We explained that although we have considered having additional, or even all, units be affordable, we are concerned about the financial viability of doing so. We do not seek to make a profit, but it is highly important that we do not financially jeopardize the church. At this point in our planning, only those four to six units are to be the affordable units. If a safe way to offer additional affordable units becomes apparent, we will be happy to consider it.
- One person's comment was that we need to be as transparent as possible by publishing the details of our planning in various ways including using the NextDoor social media application. We noted the extensive amount of information that has been provided at several neighborhood meetings and on the Charlottesville District of the United Methodist Church website (web address provided at the meeting: <http://charlottesvilledistrictumc.org/archives/4069>).

- One person suggested that this neighborhood meeting was not properly advertised to all neighbors. It was noted that letters advertising this meeting were mailed to all property owners of the 137 addresses on the list of neighboring properties provided by the City of Charlottesville Dept. of Neighborhood Services.
- Will all of the apartments be handicap accessible? Yes. This is to accommodate those with developmental disabilities as well as others who would benefit from accessibility including, potentially, the elderly.
- How will site stormwater drainage be handled? Flow rates and water quality will be addressed within the site, as per city requirements, probably utilizing rain-garden space/on site storage. It was noted that the planned drainage will be much better than the drainage from the current parking area.
- The project is to include laundry facilities? Yes.
- There were some worries about the location of and the noise from the mechanical systems. Some components may be located on the roof. If so, we can plan for visual and acoustical buffers. We are not at the stage of designing mechanical systems, but Andy said that today's split system type heating and cooling systems are much quieter than they once were.
- There was also some concern that the some parts of the building might be open to the public. There will be entry locks/controls, such as a coded entry system or possibly even some kind of fingerprint recognition technology at each entrance. As planned, the courtyard in the center of the project will generally only be accessible by residents and church members.
- One person asked how will we protect residents with developmental disabilities from being taken advantage of? The balance between providing for safety while still adhering to fair housing practices is difficult. The involvement of case managers will enhance safety, as will technologies such as cameras. We will research how other similar facilities handle these concerns. We intend to develop a plan for safety in conjunction with our future partner(s), who will have expertise in housing and/or serving people with developmental disabilities.
- We will be able to restrict the number of residents per apartment as any property owner has the right to.
- One person suggested that we should try to set the addition as far back from Hinton Avenue as possible and still stay within the 10' maximum setback requirements of the NCC zone. This way the end of the building won't look so stark at the edge of the property.
- Where will the handicap access to the building be located? It will probably be from the parking lot entrance.
- Will there be an on-site property manager? How the property will be managed is to be determined with our future partner(s).
- Where will service providers be located within the building? The service providers will be from other organizations that work with people with disabilities. Although they will be in their clients' homes frequently, they may or may not have permanent office space in the building. This is another matter that we will decide with our future partner(s).
- Two attendees expressed the feeling that the use of NCC zoning within the Belmont community has not been successful. The stated intention of the zoning is for commercial development that will support the community and provide for diversity of use. With the creation of all of the

restaurants within the zone, developers seem to be more concerned about making money than considering the impact on the neighborhood. This has created some real angst among some residents. One person felt that our statement that the NCC zone is in "nearby downtown Belmont" is incorrect, because it is not really nearby and that by stating in our proposal that we are requesting the zoning change to be in keeping with the already existing NCC zoning in Belmont is not a real selling point for our project.

WOOD PROPERTY INVESTMENTS,
LLC
216 HIGHVIEW LN
CHARLOTTESVILLE VA 22901

CH'VILLE RED & HOUSING
AUTHORITY
P O BOX 1405
CHARLOTTESVILLE VA 22902

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504 WESTMORELAND CT
CHARLOTTESVILLE VA 22901

PARSONS, MARGARET
413 AVON STREET
CHARLOTTESVILLE VA 22902

JOHNSON, MILDRED H
504 WESTMORELAND CT
CHARLOTTESVILLE VA 22901

JOHNSON, MILDRED H
504 WESTMORELAND CT
CHARLOTTESVILLE VA 22901

DIXON, SHARON D
1000 AVON ST
CHARLOTTESVILLE VA 22902

FREE, LONDON & DANIELLE
PETROSKY
615 BELMONT AVE
CHARLOTTESVILLE VA 22902

HINTON AVENUE METHODIST
CHURCH
750 HINTON AVENUE
CHARLOTTESVILLE VA 22902

PAULSON, SCOTT & JOCELYN
LEWIS
519 AVON STREET
CHARLOTTESVILLE VA 22902

MILBY, JOSEPH T & LINDSAY
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CHARLOTTESVILLE VA 22902

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NORFOLK VA 23508

SPRINKLE, LINDA A
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CHARLOTTESVILLE VA 22902

408 MONTICELLO ROAD, LLC
87 TURK MOUNTAIN LN
WAYNESBORO VA 22980

MELCP, LLC
5355 STUDELEY AVE
NORFOLK VA 23508

STINELY, JANE & MARY KAY
KOTELEC
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FRANK, KENNETH ET AL TR-
CH'VILLE ME
701 MONTICELLO AVENUE
CHARLOTTESVILLE VA 22902

SPARTINA, LLC
824 HINTON AVE
CHARLOTTESVILLE VA 22902

SPARTINA, LLC
824 HINTON AVE
CHARLOTTESVILLE VA 22902

HINTON 826, LLC
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SHAH, TAYJES M &
717 LEVY AVE
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CAROLINA BEACH NC 28428

FREILICH, TIMOTHY A & LEIGH S
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CAMPBELL, DOUGLAS & TRACEY
HOPPER
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NEW YORK NY 10026

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JUST RIGHT REAL ESTATE
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LD TR
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MUNRO, KEVIN W & HANNAH
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GRAVES, LEE A
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CORCORAN, THEODORE &
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LITCHFIELD CT 06759

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SEITZ, CHRISTOPHER GEORGE
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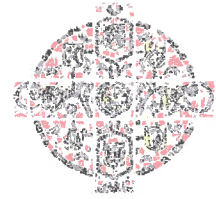
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The people of
Hinton Avenue United Methodist Church



*Seek Christ, Serve Christ, Share Christ
in Belmont and Beyond*

November 5, 2018

Dear Neighbors,

You are a close neighbor of Hinton Avenue United Methodist Church. We are writing to invite you to a meeting which will keep you informed of potential changes that are being considered to the inside and outside of the church building. Because of these changes, we will seek rezoning of the church property.

The Charlottesville District of the United Methodist Church has been working in the world to bring about healing through love and service. We have especially sought to reach out to people on the margins of society, those who struggle and who are often forgotten. One group of people that particularly touches our hearts are those with developmental disabilities. For a number of years, the Charlottesville District of the United Methodist Church has been working towards building more housing for people with developmental disabilities. We envision a small apartment building in which some of the apartments will be set aside for people with developmental disabilities.

Hinton Avenue United Methodist Church has a long history of serving the community. Out of a sense of love and service, the congregation is now considering offering part of their building as a starting point for the project we envision. The sanctuary portion of the building will remain untouched, but renovations to and a modest expansion of the “educational wing” would accommodate a small number of apartments. Site access and parking would also be modified.

We would like to invite you to a meeting to present our plans thus far on **December 3, 2018 at 7:00 PM** at Hinton Avenue United Methodist Church (750 Hinton Avenue). At this meeting, we will describe our ideas to you and show you the architectural plans and renderings. Most importantly, we will answer your questions and listen to any concerns you may have.

If you are unable to attend that meeting, you can hear a briefer introduction about our project during the Belmont-Carlton Neighborhood Association Meeting on November 12 at 7:00 at Clark Elementary School. You can also view information about our proposed project online at <http://charlottesvilledistrictumc.org/archives/4069>. We invite you to contact us if you have questions or concerns. You may contact Kim Crater at 434-296-4764 (land line) or omo@ths85.net.

We look forward to meeting you on December 3rd.

Sincerely,

Kim Crater
Vision Team of the Charlottesville District of the United Methodist Church

750 Hinton Avenue ✉ Charlottesville, VA 22902 ✉ (434) 293-7049
church@hintonavenueumc.org ✉ www.hintonavenueumc.org ✉ www.facebook.com/HintonAvenueUMC

Charlottesville Apartment Project at Hinton Avenue United Methodist Church-preliminary concept

The Vision Team, the Charlottesville District of the United Methodist Church

On Sept. 6, 2018 we invited adjacent neighbors to Hinton Ave. United Methodist Church sanctuary to present our apartment project concept for the church. Based on the concept, our responses to the questions asked at the meeting are as follows:

1) *Why are you only considering reserving four to six of the apartments for adults with intellectual disabilities?*

While we, too, would like to serve as many people with developmental disabilities as possible, we also want to do it as well as possible. We believe that the best model we could follow is one that builds an integrated, inclusive community where people with varying ability levels can be neighbors to each other. We all benefit when we live in integrated communities, regardless of differences in abilities, race, economic status, etc. We believe that all people are made in the image of God, and that we all are diminished when certain groups of people are kept separate from the rest. Life was meant to be lived together, regardless of differences. As a result, we would like our apartments to be occupied by people with a range of abilities.

Because an inclusive model is currently viewed as a best practice, the public funding sources which we will likely need to access require such a model. What this means is we not only want our project to include people of diverse abilities, we will be REQUIRED to include people of diverse abilities. Public funding sources limit the percentage of apartments that can be designated for people with developmental disabilities in a project such as ours. The frustrating aspect of this is that the limits are not entirely clear until a government agency contacts you about an infraction. We are working with Virginia Dept. of Behavioral Health and Developmental Services to get more clarity on what is allowed. From the information we currently have, it appears that we may be allowed to have between four and six apartments for people with developmental disabilities out of our total of fifteen apartments.

2) *Why not just build a group home?*

We believe that having the opportunity to make even the smallest of choices has a huge impact on life satisfaction. Many people, including people with developmental disabilities, want their own place where they have the freedom to make those small, but important, choices, such as how to decorate the living room, what to have for dinner, and how to spend their free time. These individual choices are not as easily available in a group home setting.

We want to do everything we can to make it possible for people with developmental disabilities to thrive and live lives that are meaningful to them. We feel the apartment model is more conducive to this kind of life. We know that good care can certainly be provided (and is being provided!) in group home settings, and for some people, group home care will still be their

preferred choice. We, however, want to offer the apartment model because we believe in the benefits of it and we know many people are waiting for an independent living option like what our project will offer.

3) *How will you guarantee the safety of the residents with developmental disabilities?*

The safety of our future residents is a concern of ours, as well. Our architect has visited an apartment complex in Richmond that includes a significant portion of the apartments set aside for people with disabilities, which is already up and running, to see what architectural and technological features they use to keep people safe. We have also obtained input from Heart Havens, which is a non-profit that provides services to people with developmental disabilities, about how to keep people with developmental disabilities safe. We know that technology is not a complete answer, however, and that having ready access to human help is essential. Once we have completed the rezoning process on the Hinton Avenue United Methodist Church property, then we will focus our attention on finding agencies to partner with us in meeting these safety and service needs. We will develop specific plans for safety in conjunction with our new partner(s), but we can imagine such a plan might include having a person live on-site or very nearby who is available 24-hours a day for emergencies.

4) *How much screening of market rate residents can be done?*

We understand that people with developmental disabilities are a vulnerable population, so we want to do what is legally possible to ensure their safety. We plan to develop a policy for screening potential tenants, including the use of background checks, with our future partners who will have expertise in this matter. We also plan to work hard to build a sense of community among the residents, so that they know each other, notice each other, and are willing to alert someone or take action if they are concerned for a neighbor's safety or well-being. Fair housing laws protect people who may be prejudicially perceived as dangerous from being denied housing solely based on their race, color, religion, gender, age, familial status, handicap, or national origin. We want our community to be inclusive of all differences, and so we agree with the importance of the Fair Housing Act and will do our best to abide by it.

5) *What is the targeted completion date for this project?*

Hinton Avenue United Methodist Church has leased part of their facility to a tenant until 2020, so that date is the absolute earliest that construction could begin. In reality, however, we still have considerable fundraising to do, which will likely take longer than just two years. We do not have a date in mind for the beginning of construction, since we do not know how long the fundraising will take.

6) *Is the church a partner in the endeavor?*

Yes, Hinton Avenue United Methodist Church is seriously considering devoting part of their facility and land for the use of this project. This is a huge gift! This congregation has a longstanding reputation as a “missional” church, meaning that they take seriously the command to love and serve their neighbors. The donation of part of their space is just another example of their willingness to love and serve. To be clear, even after the apartments are built, the sanctuary will remain intact and the church will continue to function as a church.

7) *Will any of the housing be designated as low-income?*

Yes. The four to six apartments that will be used by people with developmental disabilities will be low-income apartments. People with developmental disabilities typically have a very low income (30-40% of area median income). In Charlottesville few apartments are affordable for people at 30-40% AMI, so our apartments will be filling a true need not only in terms of disabilities but also in terms of finances. Although we would like to build in additional apartments for low-income people who do not have disabilities, we suspect that our own finances will limit our ability to do so. We will still strive to make the market rate apartments as affordable as possible.

8) *What do you mean by affordable market rate?*

Although the majority of our apartments will likely not qualify as low-income apartments, we intend to keep the rents as low as we can. Our plan is to keep construction costs low by using durable but basic finishes in the apartments. For example, our apartments will have no high-end features such as granite countertops and stainless-steel appliances.

9) *Why are you pursuing NCC zoning instead of some other zoning classification or special use permit?*

While we could consider pursuing rezoning to a multi-family (i.e. R-3) zoning district to enable this project, the intentions and the uses of the NCC zoning district much more closely match the mixed use character of our project concept. The NCC zoning district allows both a house of worship use and a multifamily residential use as a mixed use. Our plans include both the existing house of worship (church) use and the new multifamily residential use on the same lot. From a comprehensive planning viewpoint, the NCC zone has precedent, being already a prevalent zoning classification on the street and in the nearby neighborhood. While our planned uses, being residential and house of worship, are much different than most of the other uses in the NCC zone, which are substantially commercial, the NCC zoning district classification aligns with the multifamily & mixed use nature of our planned project.

10) *Will you adhere strictly to the definition of the NCC zone, unlike what is currently going on in the other NCC zoned regions in Belmont?*

Yes, our plan is to follow the regulations of the Neighborhood Commercial Corridor (“NCC”) Zoning Division classification in the Zoning chapter of the Code of the City of Charlottesville. Our project concept does not include commercial space uses, so is different than many of the other locations in the NCC zoning district. The uses planned for our project concept are 15 apartments and the house of worship.

11) Is the setback a minimum or maximum of 10 feet?

The NCC zone regulations include no minimum, 10 feet maximum required setback at the primary street frontage. Side and rear setbacks, adjacent to a low density residential district is 10 feet minimum (Sec. 34-698, (b) Setbacks).

12) --- What alternatives can you pursue to make certain that this project won't exacerbate the parking problem in Belmont?

Our concept includes full compliance with the parking requirements of the Off-Street Parking division in the city zoning code. This means that our plans will include the provision of off-street parking to serve the project as required in the code (some other single-family, residential, and business uses in the immediate neighborhood for example likely do not provide code compliant off-street parking). It is worth noting that, while we will be providing the zoning code-required parking spaces for the apartments, it is very likely that many of our residents will not be car drivers, given the population we intend to serve. This means that, instead of residents with the need to park cars, we will likely have many residents who ride the bus/van, ride bikes, and are predominantly pedestrians. The location of this project, being near downtown and downtown Belmont, is well situated for those who use these forms of “alternative” transportation to privately owned cars. That is one of the reasons that make the Hinton Avenue United Methodist Church location so viable for this project intended to serve people who are developmentally disabled.

13) Will the zoning change apply to the whole block or just the parcel belonging to the church?

The proposed zoning change will apply only to the parcel belonging to the church.

14) What proffers are you willing to offer in order to get neighborhood approval?

We may be willing to consider proffering zoning conditions beyond the requirements of the NCC zoning district. Proffers that really support our project concept, i.e. that the project site include residential and/or church (house of worship) uses, would likely be the most appropriate.

15) If the revenue formula for the fifteen apartments does not work out, will you consider adding more stories to make more market rate apartments and thus more revenue available?

Currently, the plan that we have set before the neighborhood is the only plan in our minds; we do not have a Plan B. It is our sincere intent to build the project as described, and we are doing everything we can to do just that. Having said that, we have already had to change our vision numerous times when realities around us have changed. If it becomes impossible for us to build this project, we will have to back up and look at other options again. We are hoping not to have to do that. Our hearts are set on completing the project just as we have described it to you.

16) What will be the impact on the community if the parcel is rezoned to NCC but the project fails?

If in the future the project fails, the property remains the responsibility of Hinton Avenue United Methodist Church. As always, the church will seek to use the land for missional purposes which are consistent with applicable zoning requirements and the aims of the United Methodist Church.

17) Will you be seeking investors, or will you only be going after public funding?

The money that we have raised so far has come primarily from donations and fundraising done by members of the United Methodist churches in the Charlottesville District. We are appreciative of the generosity of all these people, most of whom have nothing personally to gain from our project. We plan to continue this kind of fundraising, but once the rezoning process is completed, we will also pursue other types of funding, such as grants and public funding. We also intend to find one or more partner organizations who are experts in managing housing and/or serving people with developmental disabilities. It is our hope that such partners will share not only their expertise, but also financial support. We do not plan to have stockholders.

18) Will the project be managed by a non-profit?

Our plan is to obtain one or more partners with expertise in housing and/or serving people with developmental disabilities. While it is likely that such partners will be from the non-profit community, we have not ruled out the possibility of partnering with a for-profit organization.

19) How can we stay informed of the evolving plans for this project and of the answers to our questions?

Information about our project will be posted here on the website of the Charlottesville District of the United Methodist Church (www.charlottesvilledistrictumc.org). When our project takes big steps forward, we will notify the Belmont-Carlton Neighborhood Association so that they can alert the neighborhood to check the website for updates.



**Charlottesville Apartment Project at
Hinton Ave. United Methodist Church**
preliminary concept Nov. 2018

neighborhood meetings:

**@ Belmont Carlton Neighborhood Assn., Clark School,
1000 Belmont Ave.— Monday, Nov. 12, 2018, 7pm**

**@ Hinton Avenue United Methodist Church, sanctuary,
750 Hinton Ave.— Monday, Dec. 3, 2018, 7pm**

Project Description

This project is the work of the Charlottesville District of the United Methodist Church. The group that is leading this project across the district consists of about twelve people called the Vision Team. Some of us are clergy; most are not. What we have in common is that we are all volunteers and we all feel God tugging on our hearts about one group in particular. That group is adults with developmental disabilities.

- Our desire is to create another housing option for people with developmental disabilities so that they can live safely, meaningfully, and as independently as possible.
- Our proposed project on the site of Hinton Avenue United Methodist Church would consist of 15 apartments. Four to six of those apartments could be set aside for people with developmental disabilities. The remaining apartments would be rented to the public. People with disabilities and those without disabilities will live as neighbors to each other.
- Our motivation for this project is the shortage of residential options for people with developmental disabilities. Many adults with developmental disabilities live at home with their parents, and so you often have parents in their 60's, 70's, or 80's who are still playing a very active parenting role. All of those parents struggle with the question, "What will happen to my son or daughter when I'm no longer able to provide care?" That is an awful question to have to wrestle with.

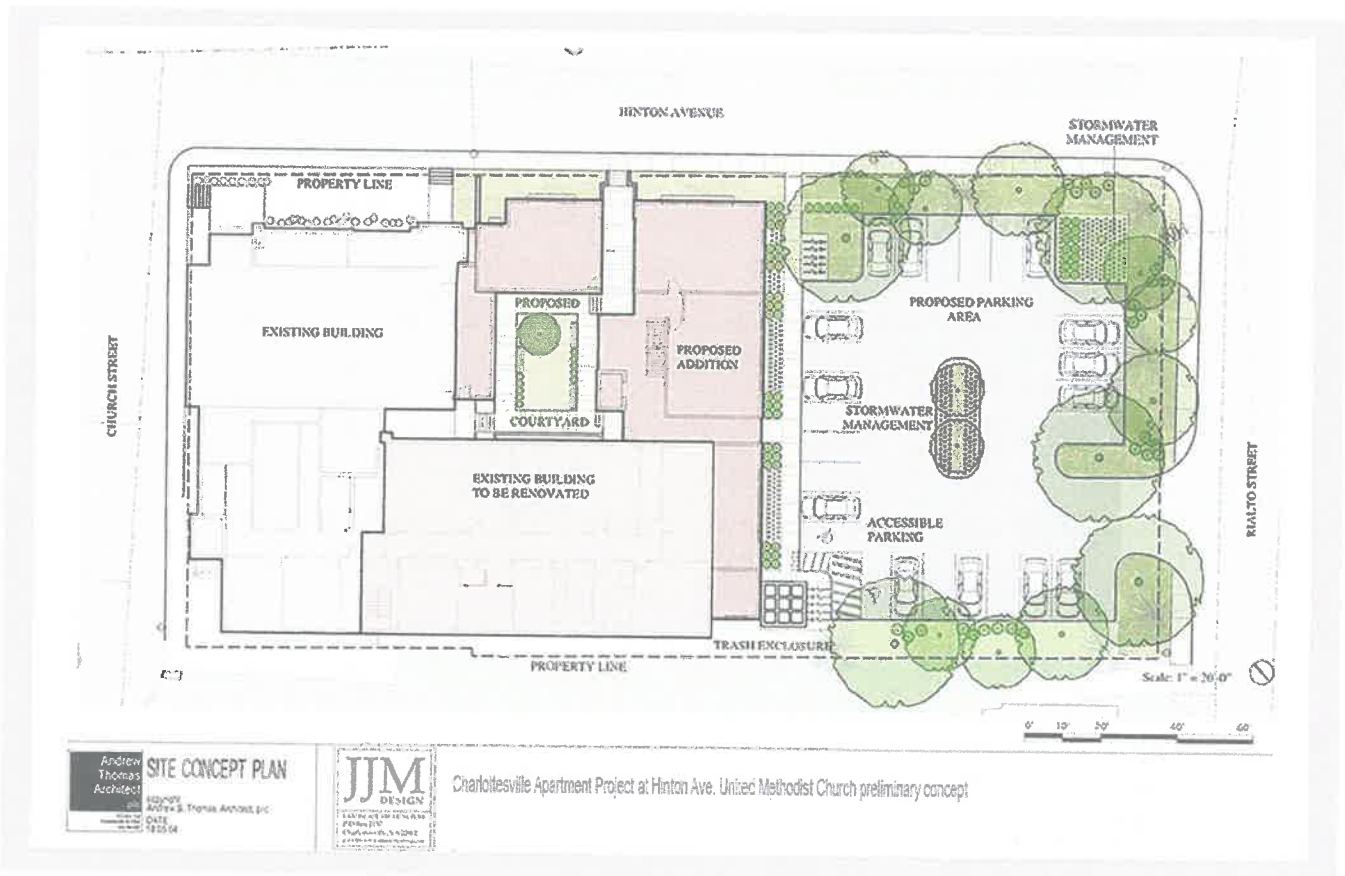
- Another reason we want to do this project is that people with developmental disabilities are just like the rest of us in that many of them want their own place. They want to live on their own, decorate their own living room, decide what they want for dinner, and decide what they will do today.
- We want to do what we can to enable people with developmental disabilities to thrive and live lives that are meaningful to them. While an independent living situation is not suitable or preferred by every person with a developmental disability, for many people with developmental disabilities, an independent living situation best supports a meaningful, fulfilling life.
- We see the potential for so much beauty in this project, not just in terms of the architecture, but also in how lives are lived. We intend to foster a sense of community so that the neighbors in the apartments know each other, value each other, and help each other. One neighbor helps the other figure out who to call to dispute a credit card charge, the other neighbor helps carry the groceries in, or reaches the high box on the shelf in the closet.
- Having Hinton Avenue United Methodist Church attached to the apartment building adds even more potential for people to know and support each other.
- Our Vision Statement: We envision a supportive community where each person feels that his unique gifts and talents are valued and utilized for the good of the community, where each person feels respected and enjoyed, and where each person looks out for his neighbors. We long for a community that is welcoming and safe for all people, including people with developmental disabilities.
- To make this vision and the apartment project happen here, the current zoning for single family houses needs to change to a zone that provides for multifamily uses. Because the Hinton Avenue Church will continue to be a vibrant part of the community it is appropriate that the zoning for the parcel be changed to the Neighborhood Commercial Corridor, or NCC, zone so that the Church can remain on the parcel, as well as the apartments as a mixed use. The majority of nearby downtown Belmont is in the NCC zone.
- With the zoning change, the proposed project is to renovate a portion of Hinton Avenue Church's education wing into apartments. There would also be an attached compatible addition that would include apartments, giving the apartment project its own front door and identity, separate from the church. Other components of the project include parking, landscaping, courtyard and other amenities. The church and the apartments may share the

community hall space and kitchen. This allows the space to be well utilized throughout the week, giving the apartment residents a place for communal events, meetings, and shared recreational space. The church will continue to function as a neighborhood community of faith.

- The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the particular areas that recognize their compact nature and their pedestrian orientation. This apartment project, including about 15 units, is seen as contributing to the pedestrian nature of Hinton Avenue. The building addition concept is designed to fit the character of the neighborhood, and work in concert with the historic adjacent church. Because it is likely that there will not be a large percentage of individual car drivers, the population served is anticipated to depend on the pedestrian environment for work, activities and for service. This project is seen almost as in a symbiotic relation between its residents and the larger neighborhood.
- Value 3 in the Charlottesville Comprehensive Plan 2013, "Our neighborhoods retain a core historic fabric while

offering housing that is affordable and attainable for people of all income levels, racial backgrounds, *life stages, and abilities.*" It goes on to say that our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.

- From the Housing chapter of the Charlottesville comprehensive Plan 2013, Goal 2 is to maintain and improve "housing stock for residents of all income levels." It seeks to "accommodate the housing needs of low-income households, seniors and *those with disabilities.*" It promotes the incorporation of "standards that address *visit-ability and live-ability.*" And it supports "*those with challenges that would otherwise prevent independent living.*" The main goal of this project, providing independent living for those with developmental disabilities, puts it squarely in line with this goal of Charlottesville's Comprehensive plan. This project and its required rezoning, specifically seeks to provide housing units that encourage those with developmental disabilities to live as independently as possible.



May 6, 2019

Dear Planning Commissioners,

I am writing regarding the re-zoning application by the Hinton Ave Methodist Church to change their property from R-1S to NCC.

I have lived in the Belmont Carleton neighborhood for over 15 years, have been an active member of the BCNA and was recently reelected to the BCNA board. That disclosed, I am not writing you as a BCNA board member but rather as a concerned resident and property owner of a house on Belmont Avenue. Below are my thoughts and concerns.

The vision of the church is laudable and seems to align with needs for housing of a variety of occupant types. I support the church's mission, but I have great concern about changing zoning for this property to NCC. If another residential zoning type does not work and NCC is the only avenue possible, I could support NCC re-zoning if the proffer statement excluded more uses, but also limited zoning-controlled aspects of the building envelope to mitigate impact and to better work with the surrounding residential area. The church is on a prominent site, adjacent to the historic Belmont farmhouse (mansion), at the peak of a hill, and on a significant corridor into Belmont Carleton Neighborhood; the site is not in the commercial, restaurant "Downtown" part of Belmont. These features of the site mean that development allowed by NCC, which reduces setbacks (an especially significant impact along Hinton Avenue, a major pedestrian route through Belmont and to Clark School) and extends the allowable building height beyond the limits of the current zoning and existing building, will have a significant impact on the residential character and pedestrian experience.

Below are additional proffered limits that would help mitigate NCC zoning impact for this project:

1. Building envelope to be more consistent with existing neighborhood:
 - Minimum setbacks to match existing building setbacks along Hinton Ave and use R-1S or existing building setbacks for other sides, whichever is smaller.
 - Maximum height to match the existing building: eave for new sloped roof, existing parapet for new flat roof. (I believe this could still allow for a 3-story building with proposed courtyard concept design)

2. Additional uses to add to those already
 - Non-residential uses: General and Misc. Commercial to exclude:
 - Art Studio that produce noise, fumes, hazardous and food waste at any time, traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
 - Art workshop that produce noise, fumes, hazardous and food waste at any time, traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
 -
 -
 - Clinics: any over 1,000 sqft gross and that produce noise, fumes, hazardous and food waste at any time, and traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
 - Communications Facilities
 - Data centers

May 6, 2019

- Educational for Artistic Instruction over 1,000 sqft gross and that produce noise, fumes, hazardous and food waste at any time, and traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
- Offices: that produce noise, fumes, hazardous and food waste at any time, and traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
- Recreational facilities: that produce noise, fumes, hazardous and food waste at any time, and traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
- **All** Restaurant
- Technology-based business: that produce noise, fumes, hazardous and food waste at any time, and traffic/parking needs before 8am, after 5pm (Are these impossible to proffer? If so, proffer all.)
- Transit facility
- Non-residential uses: Retail to exclude:
 - Consumer Service Businesses under 900 sqft gross not related to the church or special needs housing function and that produce noise, fumes, hazardous and food waste at any time.
 - Grocery stores
 - Pharmacies
 - Other retail stores
- Non-residential: Industrial exclude all

I have additional thoughts, but I am not sure they can be mitigated through zoning and proffers:

- Mechanical noise: provide acoustical screen for any new rooftop mechanical equipment from adjacent neighbors.
- Site lighting: provide controls on building perimeter and parking lot lighting to prevent site lighting from spilling onto neighbor's property and align with dark sky principles. (Maybe occupancy sensors and significant year-round vegetative screening could be implemented at parking lot to diminish impact on Hinton, Rialto and alley neighbors.)
- Trash & recycling management: provide a system that does not put trash & recycling bins on the street or sidewalk except on pickup days and limits pickup days to once a week, as typical for residential neighborhood.

In summary I feel the re-zoning application including the revised proffer statement (based on Proffer Analysis received 5/4/19 from Brain Haluska's) does not adequately mitigate impacts on the existing residential neighborhood. In addition, this re-zoning conflicts with a justification made by the City when re-zoning 814 Hinton to NCC, that 814 Hinton created a better zoning line/buffer between R-1S and NCC, and thus this re-zoning has the feel of spot zoning.

I greatly appreciate the care you are taking to shape the future of our neighborhoods and the service you provide the city. Thank you for your consideration of these concerns.

Sincerely,

Julia Williams
751 Belmont Avenue
Charlottesville VA, 22902
(434)531-2570

Dear Members of the Planning Commission for the City of Charlottesville,

I write today as a 20 year neighbor (across the street) of the Hinton Avenue United Methodist Church concerning the proposed change from the current R1S zoning to the possible designation of NCC.

Let me start by saying that we have loved having the Church as neighbors. The congregation takes great pride in it's appearance and are a lovely group of individuals as are the many groups that use the church on a regular basis for meetings.

The primary concern does NOT lie in the church's plan to provide a affordable housing for developmentally disabled individuals, though I do have several concerns about the specifics of how this will be accomplished with the current plan that I would still like to discuss, but rather with the specific zoning designation the church seeks to gain.

None of the immediate Belmont neighbors or nearby residents can deny the changes, good and bad, that the restaurants and businesses in the downtown Belmont area have brought to our desirable area of Charlottesville. The traffic, noise, litter, and parking issues have been many. Personally, my vehicle has been struck 3(!) times while **parked** outside my home, two of which have caused my car to be TOTALLED. It has also had windows broken into twice to search for valuables. I did not have a single incident prior to these restaurants and businesses moving to the area.

The concern I have with the NCC zoning designation is that, while we believe the church to be serving an important need in earnest, should they elect not to move forward now or in the future with said planned project, any number of large scale commercial enterprises could find that spot to be ripe for development thereby changing the quality of life for the surrounding homes indefinitely. I remember the change in zoning on the 800 block of Hinton when Southern Crescent came along and while concerns were raised about similar issues then, there seemed to be more of an effort to be clustering the commercial businesses and restaurants to a clearly defined area. The same can not be said for jumping the intersection at Rialto and Hinton where all but one home on the 700 block of Hinton is owner occupied, many of which housing very young children.

In the 20 years that we have loved living on Hinton Ave, we have watched the demographic change drastically from rental/investment properties with a huge amount of deferred maintenance to largely owner occupied homes filled with families of young children who are investing in improvements to their homes in favor of putting down roots and living in a walkable residential neighborhood with character rich older homes. All but one home on the 700 block of Hinton is owner occupied and modifying the parcel that the church occupies to NCC does not seem in keeping with the idea of being "harmonious with it's surroundings". Despite the fact that the restaurants are only one block down the hill, most patrons find the 800 block farther than they'd like to park except for on prime weekends. While it can be very attractive to have the ability to walk to great businesses nearby, the idea that they are clustered together makes so much more sense. No one moved to this neighborhood to have business dotted throughout in between homes and allowing a NCC zoning change has the very real potential for that in the future. In my opinion that would be terribly detrimental to the quality of life in Belmont. The project the Church is seeking doesn't even conform to what the NCC designation provides. It's very clear that a zoning modification for a multifamily residence is much more appropriate.

I urge you to consider the negative changes that NCC zoning could make to the residential area of Belmont and to deny the request to allow the commercial encroachment to continue. It seems to me, and many of my neighbors, that modifying the zoning to something more like R-3 (multi-family) would satisfy both the intended uses for the church at present day and would protect the nearby residents from further impacts that commercial spaces may create. While there seem to be some R3 requirements that are not contained in the church's current proposal, perhaps there could be some exceptions made.

Thank you for your consideration.

Respectfully, Grier Murphy

Dear Missy,

As a resident of Belmont for 11 years and as a parent of 2 children at the International School of Charlottesville, I have some real concerns for the proposed zoning for the Hinton Avenue Methodist Church.

The church and all that it offers has been an ideal community partner for as long as I have been here. It does not create traffic, it serves many important uses to the community (including the school, the church, meeting space and a clothes closet).

That said, I have many concerns about changing the property to NCC zoning, especially as it is proposed now. The proposal is way too open, allows for too many and undefined uses, and I worry that there is no effort to mitigate impact on the neighborhood and to work well with the Belmont residents.

We moved to Belmont from NYC because we wanted a vibrant, colorful and mixed use place to live. However, the recent growth seems unbridled and we residents are suffering the consequences. Traffic and noise levels have increased tremendously and with a new development on that important corner, I fear that traffic and chaos will only increase.

We do NOT want Belmont to become an extension of the Downtown Mall. We are asking for your help in deciding to have mindful growth for Belmont. If we do not make wise choices, we will lose the essential character that is key to Belmont.

Thank you for all that you do and please make wise decisions for our future.

Best,

Emmie Wright

Dear Ms. Creasy,

As a resident of 711 Hinton Avenue, I was excited by the initial redevelopment plans for the Hinton Avenue United Methodist Church at 750 Hinton Avenue, as presented at a community meeting in, I believe, the spring of 2018. It was my understanding then that their intention was to create approximately 15 units of higher density housing to serve primarily lower-income and developmentally

disabled citizens. In spite of some myopic concerns expressed by some neighbors about parking pressures that that redevelopment plan might create on Sunday mornings and some weekday evenings when the church is especially active, I supported that initiative whole-heartedly as one that would help address some important housing, equity, and environmental needs in our Charlottesville community.

Regarding the modified proposal to include retail space in the redevelopment, however, I have considerably more concerns around traffic, parking, and safety, which I will share, along with a couple of potential stipulations that could help alleviate those concerns. First, within a two block vicinity, a very high percentage of homes is occupied by families with children, and on the north side of Hinton Avenue, children ranging in age from 5-18 live in five consecutive residences from 709 Hinton through 717, and several more who live on the 600-800 blocks of Belmont Avenue and frequently come to and cross Hinton Avenue at the intersection of Church Street and Hinton Avenue. With the street being the primary main artery into the downtown Belmont area, and traffic calming measures currently in place on the 700-800 block of Hinton Avenue, little wiggle room remains for additional and perhaps considerable everyday traffic and parking pressures likely to be created by possible retail business. Already, neighbors who park on the north side of the street across from the church have on multiple occasions over the years had their parked cars hit by passing vehicles. Whether the retail spaces were positioned along Rialto, Hinton, or Church, parking adjacencies for those businesses would be very tight and/or very hard to come by. And in a neighborhood with so many children and in an era of so much distracted driving, I think safety for all could become a very legitimate concern in this scenario.

I offer two suggestions as potential solutions for consideration. First, perhaps the zoning for the building parcel under consideration could be altered to an R3 high-density residential designation rather than the mixed-use zoning currently being sought. Alternatively, if businesses were to be allowed within the new zoning designation, I wonder if it would be possible to at least discourage vehicular flow in favor of foot-traffic by establishing new restrictive parking codes that would allow only neighborhood residents or drivers with legally designated disabilities to park anywhere on the 700-800 blocks of Hinton Avenue, Church Street, and Rialto Street during the hours in which the businesses would be open, thus incentivizing the kinds of alternative modes of transportation that our city ought to be encouraging to reduce environmental impacts, traffic congestion and safety hazards, and promote public health through increased walking and bicycling.

I thank you and the entire team at NDS for your always very conscientious and capable work to promote thoughtful, sensible, and informed development and building in our community. If any of my concerns or suggestions are unclear and it would be helpful for me to elucidate, please just let me know.

Sincerely,

Eric Anderson

Dear Missy,

My wife and I have been residents of Belmont for 11 years and are parents of 2 children. I have some concerns for the proposed zoning for the Hinton Avenue Methodist Church.

The proposal is way too open and allows for too many undefined uses. Development isn't bad. What doesn't work which we have all seen in the last several years is not having a clearly communicated plan that is enforced.

We are asking for your help in deciding to have mindful growth for Belmont.

Thank you for all that you do and please make wise decisions for our future.

Best,

Jon Wright, CFA
Managing Director

Missy-

I just wanted to drop you an email with a few of my thoughts about the rezoning for the church on Hinton Ave. I'll be brief, since I know how long days can be in the digital world.

I've lived at 733 Hinton for sixteen years, and have seen things change quite a bit. I fear my words won't make any difference based on recent years. In any case, I am opposed to the rezoning for many reasons. My top reason is that once an area has been rezoned for business, there is absolutely no doubt that more will follow, and the residential community will fade away.

I'm sure others will point out the numerous concerns. Noise from people, vehicles, HVAC, and early morning trash service. Lights on the building and within the units remove the feeling of a residential area. Several dozen new cars driving down a small road where people walk their dogs in the morning will cause unease, along with people that choose to park on the road, honk horns when picking someone up, or emergency vehicles having to deal with issues at a higher density building. Turning Hinton into another dark Main Street tunnel.

As I said, I'm sure others will be speaking up, so I'll stop.

I'll be attending the meeting next week. From what I have heard I'll have three minutes to speak. I won't take that long, but I am glad I get a chance to speak my thoughts.

Raman Pfaff

Dear Planning Commission,

We are the Lorenzonis. We have lived across the street from the Hinton Avenue Methodist Church since 2000. We are fortunate to have them as our neighbors. We realize the Congregation has had to find ways to sustain the Church. We are supportive of the concept of affordable housing and feel it would be a nice addition to our community. At the same time, we are very concerned with the request to alter the zoning to Neighborhood Commercial Corridor.

Any possibility of adding more commercial activity to this part of Belmont would "tip the balance" to a historic neighborhood that has had to already digest a large influx of commercial activity in recent years. Our concern goes beyond parking, traffic, noise. It is the character of the neighborhood that is in jeopardy. Belmont is a very unique part of our city, in large part because the sensitive balance of commerce to residences. If this property were to eventually incorporate any commercial activity, that balance would be lost. Please carefully consider this.

Thanks for your consideration.

Peter, Cari, and Roman Lorenzoni

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: May 14, 2019
APPLICATION NUMBER: ZM18-00003

Project Planner: Matt Alfele
Date of Staff Report: May 2, 2019

Applicant: Belmont Station, LLC
Applicants Representative: Charlie Armstrong (Belmont Station, LLC)
Current Property Owner: Belmont Station, LLC

Application Information

Property Street Address: 100 – 109 Keene Ct., 304 -306 Flint Dr., and 306 Camellia Dr.
Tax Map/Parcels #: Tax Map 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and a portion of TMP 20-196.

The Subject Property has frontage on Flint Drive (the unimproved portion) and Keene Court (unimproved), and is accessible by stub-outs on Longwood Drive and Moseley Drive. The entire development contains approximately 9.81 acres or 427,323 square feet.

Total Square Footage/ Acreage Site: Approx. 9.81 acres (427,323 square feet)

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

Current Zoning Classification: R-1S

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 and (Z.O.) Sec. 34-490.

Other Approvals Required: Critical slopes waiver (P19-00013); as part of the PUD application.

The vacation of Keene Court and Flint Drive from City Council.

Comp Plan Land Use Goal: The City’s Comprehensive Plan and Land Use Map calls for the area to be used and developed for low density residential uses. Low density residential in the Comprehensive Plan is defined as single or two-family housing types with a density of no greater than 15 DUA.

Applicant’s Request (Summary)

The proposed PUD Development Plan is titled “ Flint Hill PUD Development Plan dated April 17, 2019”.

Charlie Armstrong (of Belmont Station, LLC, landowner) has submitted an application pursuant to City Code 34-490 et seq., seeking a zoning map amendment to change the zoning district classifications of the following thirteen (13) parcels of land: 100 – 109 Keene Ct., 304 – 306 Flint Dr., and a portion of 306 Camellia Dr. (Tax Map 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and a portion of TMP 20-196) (together, the “Subject Property”). The application proposes to change the zoning classification of the Subject Property from “R-1S” (Residential Small Lots) to “PUD” (Planned Unit Development) subject to proffered development conditions.

Summary of Proffers: The proffered development conditions include:

- (i) **density:** the density shall not exceed a maximum of 50 residential units;

Staff Comment: The proposed number of units renders approximately 5 dwelling units per acre (DUA). For purposes of comparison: in the current R-1S zone, in theory 9.81 acres of land (427,323 square feet) could have a maximum by-right buildout of 71 units. $427,323\text{sqft} / 6,000\text{sqft minimum lot requirement} = 71$ single family lots (townhouse developments are not allowed within R-1S zones). This is an approximation that does not take into considerations site limitations and road placement. The true number would be lower, but not low as 5 DUA.

This calculation is not taking into consideration Accessory Apartments which are permitted in the proposed proffered Use Matrix (**Attachment C, page 5**). The application materials do not indicate how Accessory Apartments (internal or external) will function in the development. There is the possibility of conflict, with the development reaching the proffered maximum “50 residential units” before all townhouses shown are completed. If 25 townhouses are built and each unit has an Accessory Apartment, no additional townhouses could be built. If 50 townhomes are constructed, there will be no ability to include accessory apartments

(ii) new City Park: prior to project completion, the developer shall offer approximately 3 acres of land to the City to be added to the adjacent Longwood Park;

Staff Comment: While City Parks & Rec would be glad to have additional acreage within Longwood Park, the wording of this proffer is unclear: what is the specific indicator of “project completion”? Is the developer offering the City an opportunity to purchase the land, or is the developer offering to dedicate the land for public use at a later date. In the meantime, will the approximately 3 acres be indicated on the subdivision plats as being “reserved”?

(iii) affordable dwelling units: (a) the developer shall cause a minimum of 5 affordable dwelling units to be built on site as defined in Sec. 34-12(c) for a minimum of 10 years (b) during home construction ADUs shall be provided incrementally such that at least 1 incremental ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy (c) As an alternative to the Developer building the ADUs, as is contemplated in Proffer 3.b. above, the Developer may deed the ADU lots to a non-profit affordable housing provider for construction by the non-profit entity. If the required ADU lots are deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b. then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b.

Staff Comment: This proffer doesn't speak to how the ADUs will be guaranteed. Will there be deed restrictions requiring the promised number of units to be reserved for the minimum 10 years, so that any transfer to a non-profit or others will be subject to the restriction? What documentation will be provided to the City over the course of the 10-year period to ensure compliance with the proffer and that the dwellings are in fact occupied by income-qualified households?

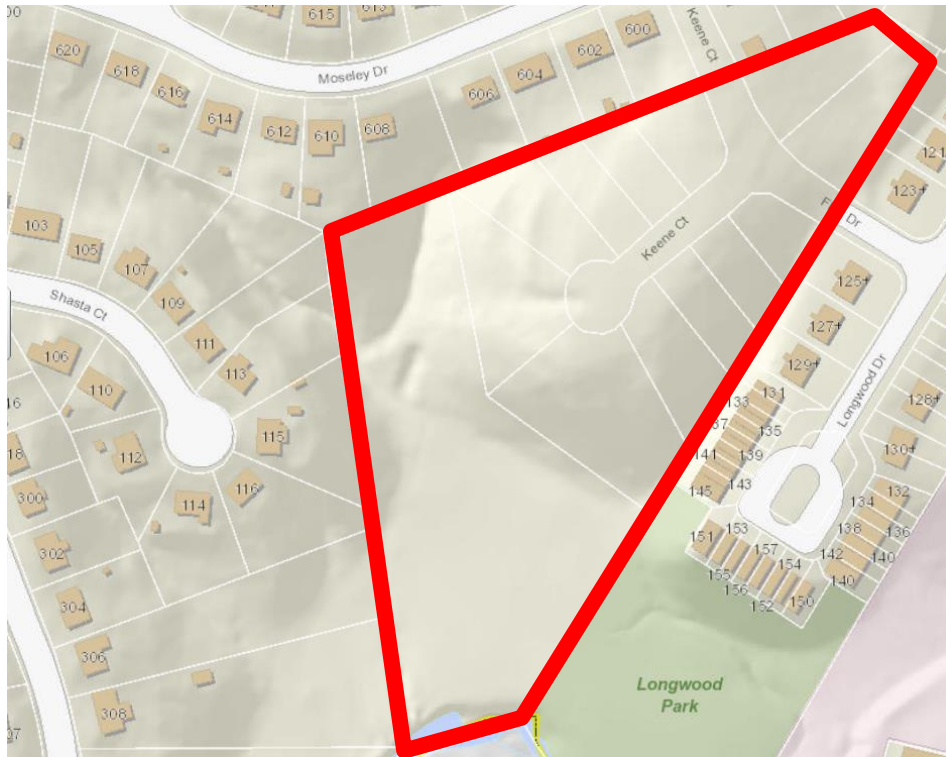
Even if at least 1 ADU must be under construction prior to issuance of every 10 COAs, what's the relative timeline on which the ADU's must be completed? Also: the affordable housing proffer contains the following qualifier: “if the required ADU lots are deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b; then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b”. Staff notes that this is not an optimal or “best practice” that will achieve ADUs reasonably concurrently with market-rate units.

Key Features and material Representations about the Specifics of the Proposed PUD Development: The PUD Development Plan for this proposed development includes the following key components and the applicant's representations as to the elements that will be included within the development:

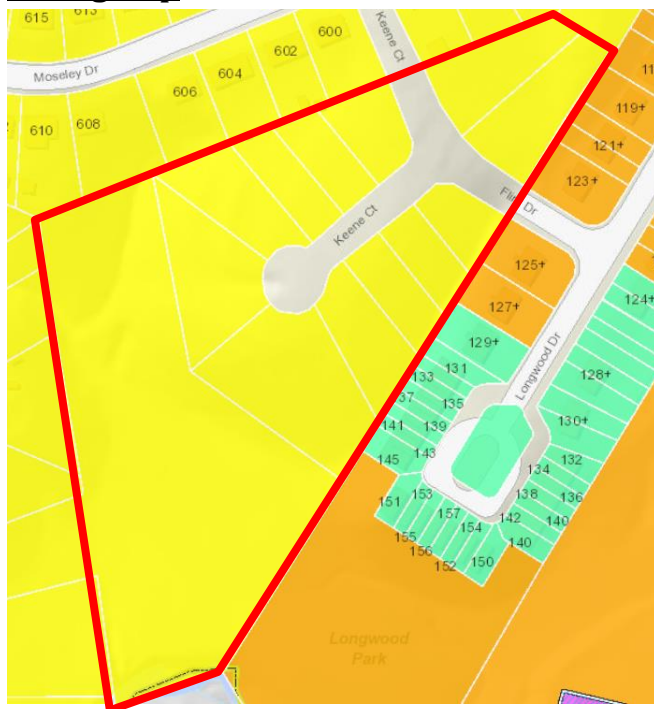
- 8 rows of townhouses, in the general or approximate locations depicted within the PUD Development Plan, with architectural elements as follows: mix of two and three story townhouses with traditional and modern facades illustrated in the PUD application materials.
- The PUD narrative states that a variety of housing sizes will be included, as follows: the development will primarily be single housing type to encourage density, but will promote inclusion of houses of various size, architectural styles, and price points with varying width and square footages, including some townhouses with rear-alley-loaded garages.
- The PUD narrative states an Architectural Review Board will be established by the homeowner association to create a coordinated architectural style.
- 5.1 acres of open space, in the general or approximate location(s) depicted with the PUD Development Plan. Among other specific promises, the applicant is promising to preserve 60% of existing tree, streams, and sensitive topography on site.
- The new dedicated park land will account for approximately 3 acres of the 5.1 acres of open space.
- Sheltered 5' sidewalks located along Keene Court and Flint Drive; natural trails dedicated for public use within the development site to provide access to Longwood Park.
- On-street parking generally located as depicted within the PUD Development Plan. Rear loaded parking will be provided behind townhouses constructed on Flint Drive.
- A teardrop layout of Keene Court. This layout is not an option under the City's standards within the Standards & Design Manual.
- A preliminary landscape plan promising the following key features, which would not otherwise be required by the City's standard landscaping regulations:
 - Preservation of the wetlands and buffer along the tributary streams 1 and 2 and Moores Creek. The application contains no information about how the preservation will be accomplished, either through restrictive covenants, or otherwise.
- A use matrix that allows residential and related uses such as single-family attached, townhouses, family day home, and residential treatment facilities up to 8 residents; non-residential uses such as house of worship, ball fields, and swimming pools. The use matrix prohibits such uses as multifamily apartment, nursing homes, animal shelters, and gas stations.

- No phasing. The PUD is proposed to be developed all at once.

Vicinity Map

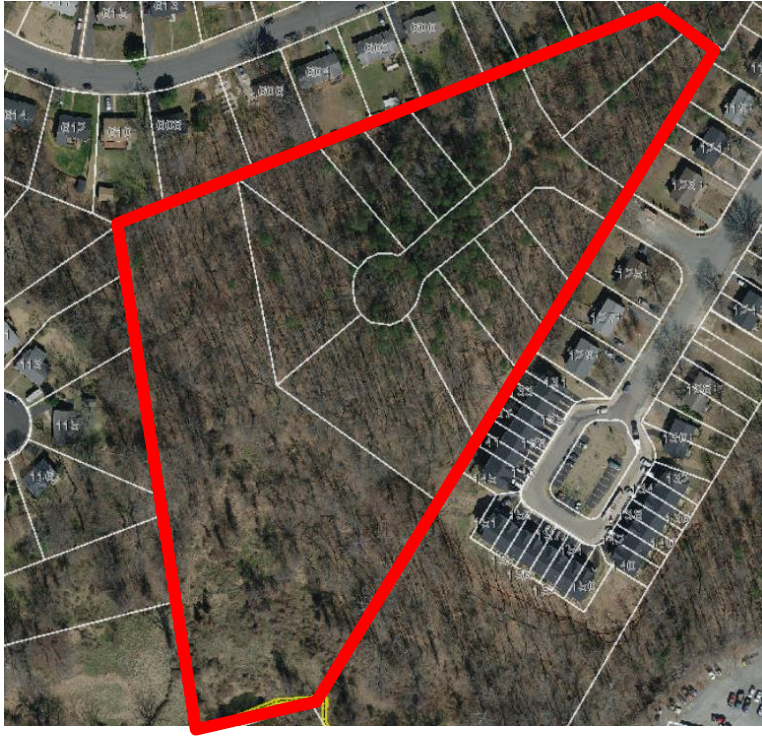


Zoning Map

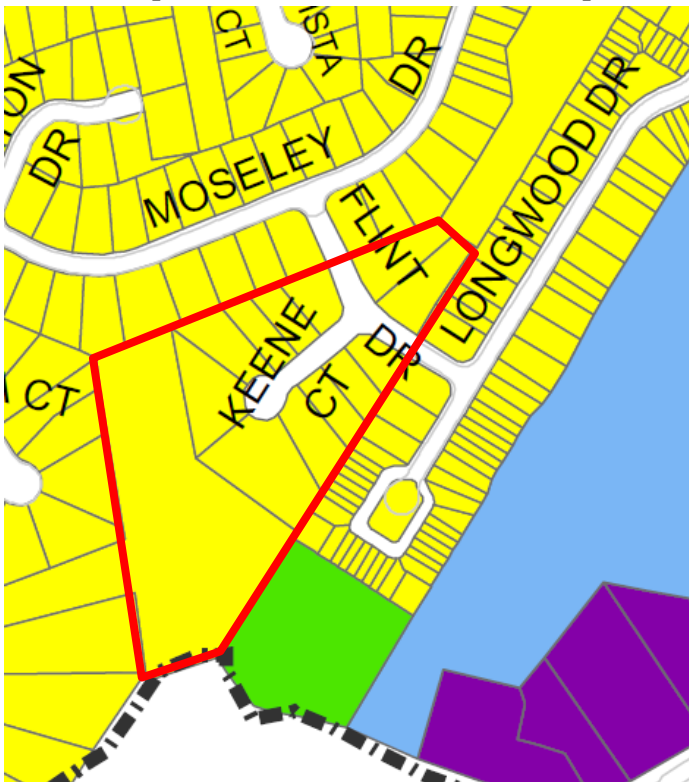


Yellow: (R-1S) Residential Small Lots, **Orange:** (R-2) Residential two-family, **Green:** (PUD) Longwood Drive

2018 Aerial



2013 Comprehensive Plan Land Use Map



Yellow: Low Density Residential, **Blue:** Public or Semi-Public; **Purple:** Mixed Use, **Green:** Parks

Rezoning 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.

Planned Unit Development Standard of Review

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

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
3. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;

7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Preliminary Analysis

The applicant is proposing the rezoning in conjunction with a critical slope waiver and a road vacation request to accommodate the construction of up to fifty (50) townhouses distributed within eight rows. The proposed development would also re-plat the right-of-ways for Flint Drive and Keene Court and involve road improvements that would connect Longwood Drive to Mosely Drive. Currently Flint Drive and Keene Court are unimproved platted roads with subdivided lots of record that have never been developed. A by-right development at this location would result in twelve single family homes and the connection of Keene Court to Longwood Drive, Mosely Drive, or both.

Zoning History of the Subject Property

| Year | Zoning District |
|------|------------------------------------|
| 1949 | Subject Property was in the County |
| 1958 | Subject Property was in the County |
| 1976 | R-2 Residential |
| 1991 | R-2 Residential |
| 2003 | R-1S Residential Small Lots |

Z.O. 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

development plan and supplemental information packet (**Attachment C & D**).

Staff Analysis

The Subject Property is currently zoned R-1S. The R-1S district was established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is the single-family dwelling. R-1S districts consist of low-density residential areas characterized by small-lot development. The 2013 Comprehensive Plan Land Use Map indicates the Subject Property remain Low Density Residential. Low Density Residential is described as land occupied by single or two-family types of housing. The density in these areas by-right should be no greater than 15 units per acre.

The applicant is requesting a rezoning of the Subject Property to PUD to accommodate a different type of housing unit that is not currently allowed in the R-1S district or in the Low Density Residential areas of the City. Although the overall density for the site would be below the max 15 DUA as designated for Low Density Residential (the DUA for this site would be approximately 5) townhouses are not permitted in the R-1S district or Low Density Residential areas. Due to the townhouses configuration of the site, the subject property would be considered High Density Residential per the 2013 Land Use Map. High Density Residential includes all land intended to be occupied by multi-family residential types of housing (townhouses, apartment, condominiums. The density in these areas should be greater than 15 units per acres.

According to the Development Plan Use Matrix (**Attachment C**) uses permitted within the PUD would be consistent with most of the current R-1S uses, with some exclusions and additions. Rowhouse/Townhouse, two-family, surface parking lot, surface parking lot (more than 20 space), and temporary parking facilities are added while libraries are removed.

Should the rezoning be approved, the overall density for the site will decrease from 7 DUA to 5 DUA. With a maximum DUA of 5 this development would conform to the 2013 Land Use Map. With the building type of townhouse, this development would not conform to the 2013 Land Use Map.

The Subject Property is bordered by:

| Direction | Zoning District | Current Use |
|-----------|-----------------|--|
| East | R-2 and PUD | Duplexes and Townhouses on Longwood Drive |
| South | R-1S | Undeveloped land |
| West | R-1S | Single family homes on Mosely Drive |
| North | R-1S | Single Family homes that front on Mosely Drive |

Staff finds the proposed rezoning is consistent with the City’s Comprehensive General Land Use Plan Map for density, but not consistent with housing type. The development may contribute to other goals within the Land Use chapter of the Comprehensive Plan. Staff also finds the type of use, residential, would be consistent with the existing development pattern in this area. A transition from the higher intensity development on Longwood Drive (townhouses) to the lower intensity development on Mosley Drive (single family detached) would be more appropriate on the subject property than a continuation of townhouses that would abut single family homes.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis

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. Each of these departments reviewed the Development Plan and provided the following analysis.

- Public Utilities: Per Z.O. Sec. 34-517(a)(7), the City’s Public Utilities Department has verified that water and sewer infrastructure has capacity for the proposed land uses.

- Fire Protection: Per Z.O. Sec. 34-517(a)(8), the City’s Fire Marshal verified that adequate fire flow service exists for the proposed land uses.
 - No details were provide as to the type of curbing to be used. Roll-over curbing is the preferred standard for fire in townhouse development.
 - The location of “No Parking” signs are not included in the application materials.
- Parks & Recreation:
 - Staff is appreciative of the possibility of additional land being donated and incorporated into the City’s Park system for public use. Staff is concerned that the application materials do not clearly indicate how the City would obtain access to the additional park land for maintenance. A larger easement and suitable trail could address this issue.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis

Staff finds no direct conflict with Chapter 3 (Economic Sustainability) of the Comprehensive Plan with a change of use from R-1S to PUD as the allowable uses will stay the same.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis

The Development Plan was reviewed by the City’s Environmental G Department and provided the following analyses.

- *Goal 2.2 in the Environment Chapter of the Comprehensive Plan references expanding and protecting the overall tree canopy in the city.*
 - Preservation of the existing tree canopy by nearly 55% of the site that is proposed open space is commendable, and helps meet the goal of protecting existing tree canopy. However the preliminary landscape plan does not, at this time, provide

information as to the composition of the existing canopy (for example, what percentage are trees in the excess of 8" caliper? What species of trees are present, etc.) or indicate how this preservation will be accomplished.

- *Goal 3.2 in the Environment Chapter of the Comprehensive Plan references providing an interconnected system of green space and buffers along streams.*
 - Preservation of the wetlands and buffer along the tributary Streams 1 and 2 and Moores Creek, which are contiguous to existing wetlands and stream buffer, furthers this goal.
- *Goal 3.3 in the Environment Chapter of the Comprehensive Plan references providing additional habitat corridors.*
 - Preservation of the wetlands and buffer along the tributary Streams 1 and 2 and Moores Creek, which are contiguous to existing wetlands and stream buffer, furthers this goal.
- *Goal 5.1 in the Environment Chapter of the Comprehensive Plan references creating policy and financial incentives to encourage increased building and site performance.*
 - Both staff and the applicant acknowledge that this application presents no provisions for enhanced energy performance features for the welling within the development.
- *Goals 6.1 and 6.2 reference reducing energy demand, increasing energy efficiency community-wide by 30%, and pursuing renewable energy generation.*
 - The applicant has stated the importance of energy efficiency as one of the pillars of its business, particularly over the past 5 years, and referenced energy performance ratings (HERs scores) for a number of homes it built during that period. The HERs scores indicate an average level of energy performance that meets, and exceeds, Goal 6.1's target of 30%. However as noted above, this application makes no particular commitment in that regard.
 - The applicant states that solar PV systems are offered to every customer, but are not a standard inclusion.
- *Goal 6.3 supports reductions in vehicle-related emissions through a variety of efforts including reducing vehicle miles traveled.*
 - The application supports this goal to some extent through increased street network connectivity (connection of Mosely to Longwood) and through connections to the Parks and Rec trail

systems. The nearest bus stop is located at Longwood and Harris Road, approx. 0.3 miles away (<10 min walk), the proximity of which helps to enable transit use.

- *Goal 8 supports waste reduction through increased recycling, composting, and waste diversion.*
 - The application is silent on this goal. Having insufficient storage space for containers for multiple waste streams (trash, recycling, and composting) can impede waste reduction. The application does not mention (and staff did not ask in the first round of comments) whether the HOA bylaws will commit to multiple waste streams, whether there is sufficient storage space for more than a single trash can per unit, and if the HOA will utilize city-provided curbside waste services. As such, staff is unable to comment on whether this goal is supported or not by this application.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis: see analysis of the Housing Proffer on page 3 of this report.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis

The Development Plan was reviewed by the City's Traffic Department and provided the following analysis:

- Parking for this development would meet minimum standards. The 104 spaces being proposed would provide each unit with two spaces per unit.
- Staff is concerned the layout of Keene Court would not conform to the City's Standards & Design Manual or good traffic engineering principals. The design could also create future maintenance problems for the City's Public Works Department as it relates to snow removal and maintenance. Staff is concerned with the bottleneck intersection

of Keene Court at Flint Drive and the turning radius for large automobiles such as firetrucks. The one-way design of the road creates conflicts for cars entering or leaving Keene Court from Flint Drive at the same time. At the narrowest point (approximately 10') one car would block the entire intersection. The City would not accept the streets, which would not meet requirements of the Standards & Design Manual or allow them to be private as they cannot be built safely as designed.

Streets that Work Plan

The Streets that Work Plan (approved September 2016 as an amendment to the Comprehensive Plan) and can be viewed at:

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>

Keene Court and Flint Drive are platted streets, but have never been improved and accepted into the City's street network. As part of the PUD application, the developer is requesting the vacation of Keene Court and Flint Drive from City Council. They would then re-plat the streets in generally the same area, but with modifications to accommodate the proposed PUD layout. As the streets would be new, they would not be listed in the current Street Typology. Based on the location and use associated with this development, the new streets would have a typology of Local Streets.

Local streets are found throughout the City, and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and ROW, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards. Local Streets do not have priorities and Neighborhood A or B should be looked at when determining design elements.

As part of the Commission's review of this application, the Commission should consider whether the vacation of Keene Court and Flint Drive, as currently platted, and re-establishment in a slightly different layout would be substantially in accord with the Comprehensive Plan. As Keene Court and Flint Drive would be new streets, Neighborhood A typology should be examined for design elements. The Streets that Work Plan notes the highest

priority design elements for Neighborhood A Streets are sidewalks with a minimum of five (5) to six (6) feet of clear zone and bicycle facilities such as 5 feet bike lanes and 6 feet climbing lanes. On street parking is also a high priority for Neighborhood A Streets. Staff believes the new Keene Court and Flint Drive would meet these criteria.

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 proposed rezoning application materials (**Attachment C & D**).

Staff Analysis

The proposed PUD is not within or adjacent to any of the City Architectural Controlled Districts. Staff also reviewed the development based on Urban Design and notes the following:

- The proposed layout does not create a development of a higher quality than otherwise allowed by zoning which is one of the objectives of a PUD per PUD Objective One, see Section 34-490(1). The proposed development is non-distinguishable from a typical townhouse development that would be allowed by-right in other zoning districts in the City.
- The application does not promote a variety of housing types, only one type (townhouses). The PUD narrative materials state that a variety of housing sizes will be included, which is shown to some degree in the illustrative graphics and supporting photos, but the plan graphics show building footprints of relatively the same size and the narrative does not specify a range of square footages that will be included. The application does not indicate what measures will be taken prior to final site plan approval to implement homes of various sizes (square footages).
- While varying building heights and varying materials can help to visually break up large building masses, horizontal variation is also important. The application does not indicate by elevations, or otherwise, how architectural features referred to will actually be delivered. To that extent, the application materials do not demonstrate that PUD Objective 8 will be satisfied.
- In staff's opinion, the application as presented, does not do an excellent job of ensuring that development will be harmonious with existing uses and character of adjacent properties (PUD Objective 6) transitioning from higher density (the proposed townhouses) to

lower density (the existing single family homes on Moseley). This development could also be a great opportunity for transitioning from higher density to lower density.

- PUD Objectives 9 and 10 call for coordinated linkages and facilitated pedestrian access systems. The sidewalk around Keene Court requires pedestrians to cross many driveways. This is not a pedestrian-friendly pedestrian system.
- The open space within the traffic loop does not provide much beyond visual interest and use of the southern open space is limited due to steep slopes.

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 C & D**).

Staff Analysis

Staff finds that a land use change from R-1S to PUD, with proffers, as described in the application materials, could benefit the surrounding community by providing additional residential housing of a type that is not prevalent in this area of the City and substantial open space.

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

Staff Analysis

According to the City's 2013 Future Land Use Map, this portion of the City should be Low Density Residential and allow single and two-family dwellings types. The proposed PUD would not alter the density range in this area of the City, but would change the housing type allowed (townhouse). Based on the application materials presented, staff are not of the opinion that the proposed development would further the PUD Objectives in Sec. 34-490 or promote the public welfare, convenience or good zoning practice.

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 is currently undeveloped, but would be served by public utilities and facilities.

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 any development contemplated by the Comprehensive Plan for this area. Staff is concerned the roads (Keene Court and Flint Drive), as designed and presented in the application materials, will not be acceptable as a publicly maintained City road.

Planned Unit Development Standard of Review

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

- 1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;**

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

Staff finds the development of townhouses at this location, with the architectural features and sizes proposed, would be equal in quality to townhouses located in other areas of the City that are by-right. Staff does not see anything in the proposal that would indicate buildings within the development or their location would be of higher quality. Although townhouses might be appropriate in this location, the same building type could be achieved by rezoning to an existing district (like R-3). Staff does find that the addition of open space and the preservation of sensitive areas adjacent to Moores Creek introduce elements that are of a higher quality than a new subdivision of single-family homes under the R-1S standards, or construction of townhouses under City standards within an R-3 zoning at this location.

Staff does find the portion of the development that fronts on Flint Drive to be designed to a higher quality than otherwise required by the strict application of the zoning district regulations. These townhouses are sited close to the road and activate the street while providing a comfortable pedestrian experience. The

parking is located behind the buildings and the properties enjoy a shared open space to the north.

2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

Staff does find the portion of the development that fronts on Flint Drive to be designed in an innovative arrangement with regards to building placement and open space. The proposed donation of approximately 3 acres for extending Longwood Park is a benefit to the community and shows environmentally sensitive design but is not particularly innovative in concept or programming.

3. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

Staff finds the developer is proposing only one housing type (townhouse). Within this housing type the developer says that it is proposing a variety of sizes and styles, but the differences aren't significant either from an architectural diversity perspective, or from an affordability perspective. The applicant has indicated the size will vary from 16 to 20 feet in width and some could be as much as 25% larger in square footage than others.

4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

The development plan indicates the townhouses will be clustered in a way that will preserve open space.

5. To provide for developments designed to function as cohesive, unified projects;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

As this is a townhouse development, nothing indicates it would not function as a cohesive project. Nothing in the plan indicates this is a phased development, in fact, the application materials indicate that there will be no phasing. Because this is not a phased development, the City will require all public improvements, and site amenities be in place prior to issuing the first CO.

6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

The development is not harmonious in use (residential) to the surrounding neighborhood because no transition is provided between the higher density use (townhouse) to the existing single-family dwelling pattern of development on Longwood Drive and Moseley Drive. The applicant is proposing robust landscape screening on the western edge of the development to screen it from the single family homes on Moseley Drive, but landscape screening is common per the normal City development standards.

7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

The development will impact critical slopes and require the removal of some large existing trees. By clustering the townhouses, large portions of the property can be preserved as open space.

8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

The application materials indicate a variety of architectural styles that could be used in the development. They include a mix of two and three story townhouses with traditional and modern facades. All the styles would be compatible with the surrounding built environment.

9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

Coordinated linkages among internal buildings, open space, and the surrounding neighborhood is provided and to scale with the neighborhood. Residents of the development and the neighborhood would have access to the new park land by a trail on the western edge of the development. A key element of the proposal would be the linkage of Longwood Drive to Mosely Drive by way of an improved Flint Drive. This would create more connectivity in the neighborhood for pedestrians, bicycles, and vehicles. The portion of the development that fronts on Flint Drive provides a friendly pedestrian experience as the parking is located behind the buildings and the townhouses are sited closer to the street.

The sidewalk around Keene Court requires pedestrians to cross many driveways. This is not a pedestrian-friendly pedestrian system.

10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

The applicant's own analysis of the development's consistency with the standard of review is found in the Development Plan (**Attachment C page 7**).

Staff Analysis

Sheltered 5' sidewalks will provide better pedestrian access for the neighborhood and create an alternative route for students to Jackson-Via Elementary. No new bus route is planned, but the development would be served by CAT route 4 (Cherry Ave & Harris Rd.).

Public Comments Received

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

On December 13, 2018 the applicant held a community meeting at City Hall in the Neighborhood Development Services' Conference Room. The applicant gave an overview of the project as it related to the need for a rezoning. Six members of the public attended the meeting and voiced the following concerns:

- The density is too high. The City does not have the infrastructure to support more development (roads, sidewalks...)
- Traffic will be a problem.
- The land that is being given to Parks also needs to be programmed and money provide so it does not end up being just "land" like at the back of Longwood PUD.
- Need more pedestrian connectivity.
- This development could lower the quality of life for people in the area by increasing traffic and removing forest.
- Could the developer work with Habitat on the affordable units?
- Parking is always as problem with new developments.
- Would like to see more parking.
- The townhouses might be too close to the existing on Moseley Drive.

As of the date of this report (March 26, 2019), staff has received the following concerns through email, phone calls or in person conversations (any email staff received was forwarded to Planning Commission and City Council **Attachment G**):

- The number of units and type of development in this area is not appropriate. The development should include a mix of single family homes, duplexes and townhouses.
- Concerned about construction noise and environmental damage.
- 50 townhouses will add unwanted traffic

Staff Recommendation

Staff finds the proposed development, as presented in the application materials could contribute to some goals within the City's Comprehensive Plan. The uses presented in the proposed development are consistent with the current R-1S District. As presented in the application, staff finds the PUD to be desirable as to open space, density, and connectivity along the Flint Drive. Staff is concerned about other aspects and recommends denial for the following:

1. Significant portions of the development as presented are very similar to townhouse developments allowed by-right in the R-3 districts. The portion of the development fronting on Flint Drive is more constant with innovative Urban Design promoted by PUD Objectives 2 and 9.

2. Staff is concerned with the layout of Keene Court and the intersection with Flint Drive. In the current configuration Keene Court and Flint Drive are not safely designed and could not be accepted for maintenance as public streets or function as private streets.
3. Staff is concerned with the affordable dwelling unit language in the proffer statement. It does not address several key administrative details or provide sufficiently concrete information regarding establishment of a firm affordability period.

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 change.*

(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 an impact on public services or facilities (road layout for Keene Court and utility layout for sanitary sewer).*

Suggested Motions

1. I move to recommend that City Council should approve ZM18-0003, including the critical slope waiver requested in P19-00013, on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the proposed PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare and good zoning practice.

OR,

2. I move to recommend that City Council should deny approval of ZM18-00003 and P19-00013.

Attachments

- A. Rezoning Application Dated November 16, 2018
- B. Proffer Statement Dated October 10, 2018
- C. Flint Hill Development Plan Dated April 17, 2019
- D. Flint Hill Supplemental Information Packet Dated April 17, 2019
- E. Flint Hill Preliminary Plat dated February 7, 2019
- F. Flint Hill Right-of-way Vacation and Dedication Dated February 7, 2019
- G. Emails received prior to May 2, 2019
- H. Link to Critical Slope Wavier Application:
<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2019-agendas>



City of Charlottesville

Application for Rezoning

Project Name: Flint Hill

Address of Property: 101 Keene Court

Tax Map and Parcel Number(s): 20-259.37, 259.38, 259.26, 259.27, 259.28, 259.29, 259.30, 259.31, 259.32, 259.33, 259.34, 259.35, 196

Current Zoning: R-1S

Proposed Zoning: PUD

Comprehensive Plan Land Use Designation: Low Density Residential

RECEIVED

NOV 16 2018

NEIGHBORHOOD DEVELOPMENT SERVICES

Applicant: BELMONT STATION, LLC

Address: 170 S. PANTOPS DR, CHARLOTTESVILLE, VA 22901

Phone: 434-245-0894 Email: CHARLESA@SOUTHERN-DEVELOPMENT.COM

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

- Owner
- Owner's Agent
- Contract Purchaser

Owner of Record: BELMONT STATION, LLC & MOSELEY GARDENS, LLC

Address: Same as above 660 Hunters Pl, Ste 101
Charlottesville, VA 22911

Phone: Same Email: Same

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

(1) Signature [Signature] Print Charlie Armstrong Date 10/10/18

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): _____

(2) Signature [Signature] Print Richard L. Beyer Date 10/10/18

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): _____

ZM18-00003



City of Charlottesville

Pre-Application Meeting Verification

Project Name: Flint Hill

Pre-Application Meeting Date: October 10, 2018

Applicant's Representative: Dustin Greene, Charlie Armstrong'

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. See attached sheet
2.

3.

4.

5.

Planner Signature:  10/10/18



City of Charlottesville

Application Checklist

Project Name: Flint Hill

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
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature  Print Charlie Armstrong Date 10/10/18

By Its: Member

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



City of Charlottesville

Community Meeting

Project Name: Flint Hill

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: Belmont Station, LLC

By:

Signature

Print

Charlie Armstrong

Date

10/10/18

Its:

Member

(Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Project Name: Flint Hill

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 rezoning application.

Owner: *Richard K. Byer* Merdy Gardens LLC Date 10-10-18

By (sign name): *Richard K. Byer* Print Name: Richard K. Byer

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 rezoning, 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: _____

Name of Corporate or other legal entity authorized to serve as agent: Belmont Station, LLC

Owner: *Charlie Armstrong* Belmont Station, LLC Date: 10/10/18

By (sign name): *Charlie Armstrong* Print Name: Charlie Armstrong

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Personal Interest Statement

Project Name: Flint Hill

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: Belmont Station, LLC

By:

Signature [Signature] Print Charlie Armstrong Date 10/10/18

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

Commonwealth of Virginia

City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 10th day of October, 2018 by Charlie Armstrong, as Member of Belmont Station, LLC,
a Virginia limited liability company.

Notary Signature [Signature]

Registration #: 298946 Expires 7-31-2020

LOIS A. HAVERSTROM
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2020
REGISTRATION NO. 298946



City of Charlottesville

Disclosure of Equitable Ownership

Project Name: Flint Hill

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 Rick Beyer Address 660 Hunters Way Ste 101 22911

Name Charlie Armstrong Address 170 S. Pantops Dr 22911

Name Frank Bellis Address 170 S. Pantops Dr 22911

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: [Signature] Belmont Station, LLC

By:

Signature [Signature] Print Charlie Armstrong Date 10/10/18

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



City of Charlottesville

Fee Schedule

| Application Type | Quantity | Fee | Subtotal |
|--------------------------|----------|-----------------------------|----------|
| Rezoning Application Fee | x | \$2000 | |
| Mailing Costs per letter | | \$1 per letter | |
| Newspaper Notice | | Payment Due Upon Invoice | |
| TOTAL | | | |

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: Flint Hill

Pre-Application Meeting Date: October 10, 2018

Applicant's Representative: Dustin Greene, Charlie Armstrong'

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. See attached sheet

2.

3.

4.

5.

Planner Signature: *Matt Alfele*

10/10/18

Sheet 2 –A Supplemental Information required for a completed application package (October 10, 2018)

Sec. 34-490: site plan / schematic plan, phasing plan if development will not be completed in one phase, open space plan, examples of housing type (if only one type examples different sizes), massing plan, inventory of natural features, examples of housing type compared to existing units around the property, internal (and adjacent) linkage plan (pedestrian and/or transit plan),

Sec. 34-500: development plan (site plan) that list the restrictions on height, area, location and arrangement of buildings and structures, lot area requirements, uses, and required yards (this can be represented in tables or spreadsheets).

34-501: diagram showing any low-density residential zoning that is within 75 feet of the proposed PUD

Sec. 34-501(b)(1): massing plan

Sec. 34-501(b)(2): site plan

Sec. 34-501(b)(3): inventory of natural features

Sec. 34-501(b)(4): utility plan, pedestrian systems and bicycle path plan (and/or transit plan), easement plan.

Sec. 34-501(b)(5): Can be within the narrative statement.

Sec. 34-502: Existing Tree plan with graphic distinction on trees of 8" caliper and larger and in-place natural buffers, landscaping plan per Sec. 34-861,

Sec. 34-503: A plan showing any sensitive areas (floodway and wetlands).

Sec. 34-504: Parking Plan

Sec. 34-505: Phasing Plan

Sec. 34-515: Unofficial preliminary studies

Sec. 34-517: Survey plat, utility plan, (existing and proposed), street layout, proposed land use plan, landscape plan, phasing plan, statement from the City's

Utilities Department verifying whether water and sewer infrastructure capacity exist, statement from the fire marshal verifying fire flow,

Sc. 34-517(a)(9):

- Traffic study as determined by the City Traffic Engineer.
- Use Matrix
- Information that may be in the site plan/ development plan, but will also need to be standalone sheets
 - Phasing Plan
 - Open Space Plan
 - Examples of Housing types (can be architectural drawings or photographs) comparative housing (can be photos of homes in the area compared to the proposed housing type)
 - If only one housing type, examples of different sizes
 - Massing Plan
 - Plan showing an inventory of natural features (existing tree plan Sec. 34-502)
 - Linkage plan (a plan showing pedestrian and bike paths, and transit)
 - Preliminary Plat
 - Easement Plan
 - diagram showing any low-density residential zoning that is within 75 feet of the proposed PUD
 - Parking Plan
 - Critical Slope map as defined in the Subdivision code (29-3)
 - Critical Slope map as defined in the Zoning code (34-1120(b)(2))
 - Preliminary BMP / Stormwater Management Plan (not detailed, but enough information to insure it is viable per City Engineering)
 - Preliminary Land Disturbance Plan (not detailed, but enough information to insure it is viable per City Engineering)
- Work Session with Planning Commission prior to a Public Hearing

**AFFIDAVIT OF MAILING
NOTICE OF COMMUNITY MEETING**

To: The City of Charlottesville, Virginia

I, Frank T. Ballif, as the Manager of Belmont Station, LLC, a Virginia limited liability company (the "Company"), do hereby state the following:

1. The Company acknowledges that on November 21, 2018 that it mailed a Notice of Community Meeting ("Notice"), via U.S. First Class mail postage pre-paid, to a list of addresses provided by the City of Charlottesville, and related to a copy of the Notice that is attached hereto and made a part hereof.
2. A true and correct copy of the Notice is attached hereto.
3. This affidavit is made pursuant to Section 34-41(c)(2) of the Code of the City of Charlottesville, requiring applicants seeking a rezoning and/or special use permit to hold a community meeting and to provide notice the same.

The undersigned further states that he is familiar with the nature of an oath and with the penalties provided by the laws of the Commonwealth of Virginia for falsely swearing to statements made in an instrument of this nature.


BELMONT STATION, LLC, a Virginia limited liability company

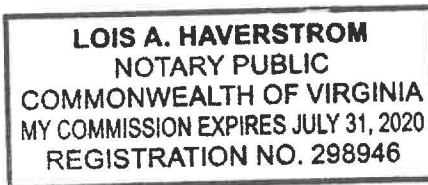
By: 
Frank T. Ballif, Manager

Commonwealth of Virginia,
County of Albemarle:

I, the undersigned, a notary public in and for the jurisdiction aforesaid, do hereby certify that Frank T. Ballif, Manager of Belmont Station, LLC, a Virginia limited liability company, who is known to me, appeared before me on the 21st day of November, 2018, and acknowledged the foregoing instrument under oath.

My commission expires: 7-31-2020


Notary Public/ID # 298946



November 20, 2018

NOTICE OF COMMUNITY MEETING

RE: Flint Hill, approximately 10 acres of land off Flint Drive and Keene Ct

SUBJECT: Application for Rezoning to Planned Unit Development (PUD)

DATE: December 13, 2018

TIME: 6:30pm

LOCATION: Neighborhood Development Services Conference Room, City Hall, 605 E Main St.

Dear Neighbor:

An application to rezone approximately 10 acres of land off of Flint Drive and Keene Court is being processed by the City of Charlottesville. The application currently depicts a plan for 42 homes, with a maximum of 50 homes allowed in the proposed zoning. The application also proposes a minimum of 5 affordable housing units and a donation of approximately 3 acres to the City of Charlottesville to enlarge an existing City park adjacent to the property.

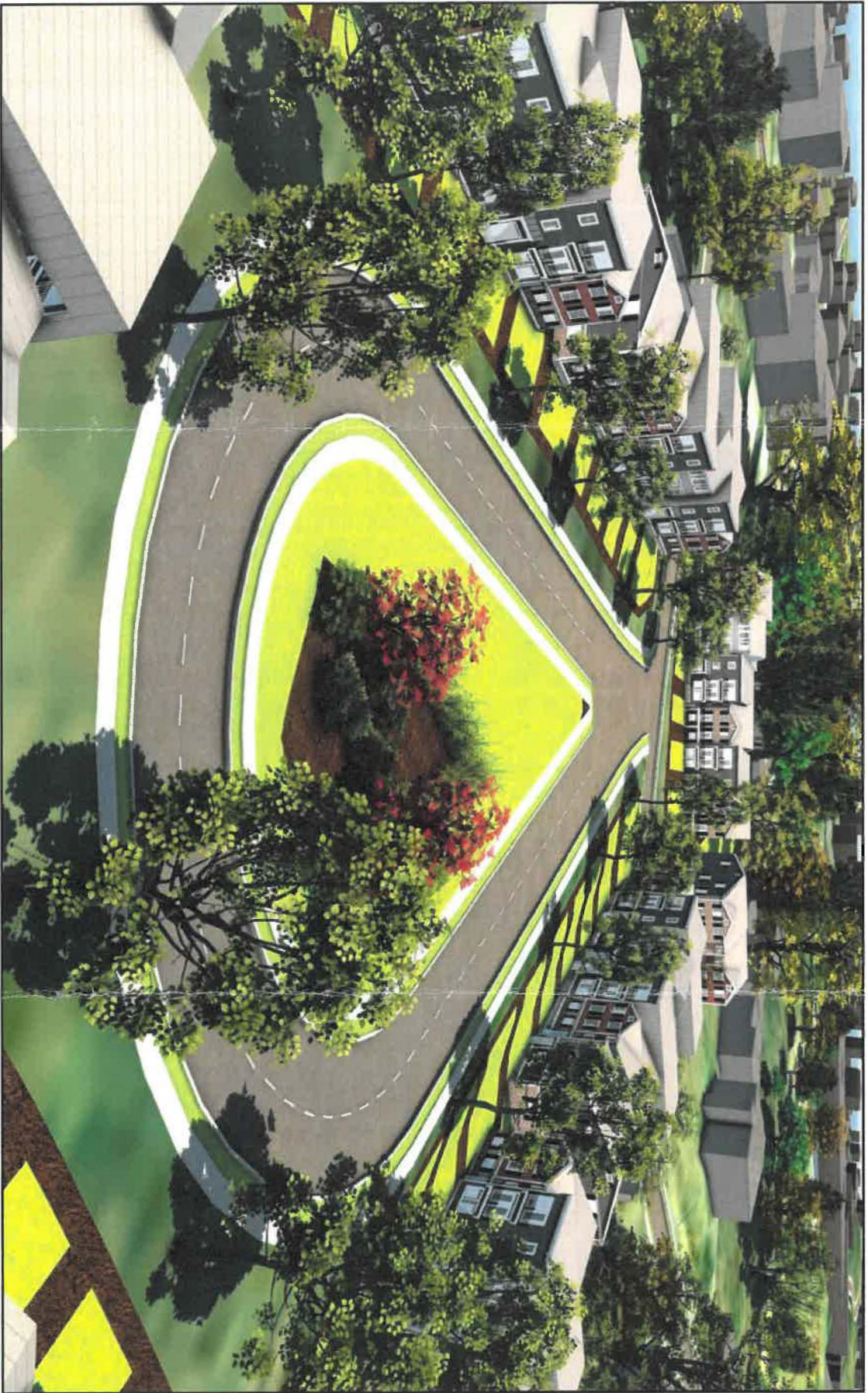
If you would like information about the proposal or have feedback or ideas about the proposal the applicant would welcome your participation in the meeting at 6:30pm on December 13th in the Neighborhood Development Services Conference Room in City Hall. The applicant's goal is to improve the housing stock in the City by satisfying the goals set out in the City's Comprehensive Plan and meet several vital community needs.

A rendering of the layout of the proposed homes is enclosed.

Sincerely,



Charlie Armstrong
Owner/Applicant
Belmont Station, LLC



Massing Plan III

Plint Hill
Charlottesville, Virginia

Roundbush, Gale & Associates, Inc.
Charlottesville, Virginia



City of Charlottesville

Community Meeting

Project Name: Flint Hill

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.
Meeting date = 12/13/18
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: Belmont Station, LLC

By:

Signature [Signature] Print Frank T. Ballif, as Manager Date 11/26/18

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

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-18-xxxxx)
STATEMENT OF draft PROFFER CONDITIONS
For the Flint Hill PUD
Dated as of October 10, 2018

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

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

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

1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing
 - a) The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c), with affordability over a term of a minimum of 10 years.
 - b) During home construction ADUs shall be provided incrementally such that at least 1 incremental ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy.
 - c) As an alternative to the Developer building the ADUs as is contemplated in Proffer 3.b. above, the Developer may deed the ADU lots to a non-profit affordable housing provider for construction by the non-profit entity. If the required ADU lots are deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b. then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b.

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

Respectfully submitted this XXth day of XX, XXX.

Owner:
Belmont Station, LLC

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

By: _____
Frank Ballif, Manager

Flint Hill

PUD Development Plan

April 17th, 2019

TABLE OF CONTENTS
PUD Development Plan (Sec 34-517)

This PUD Development Plan (Pages 1 through 7) meets the requirements of Charlottesville City Code Section 34-517(a). The below table of contents lists PUD requirements and references where in the PUD Development Plan the requirements are illustrated or described.

Contents:

- 34-517(a)(1)** A survey plat describing and depicting the entire land area to be included within the PUD development site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.
Page 2: Existing Conditions
- 34-517(a)(2)** A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.
Page 8: Narrative
- 34-517(a)(3)** A conceptual development plan, supporting maps, and written or photographic data and analysis which show:
a. Location and size of existing water and sanitary and storm sewer facilities and easements;
Page 2: Existing Conditions
b. Layout for proposed water and sanitary sewer facilities and storm drainage facilities;
Page 4: Land Use Plan
c. Location of other proposed utilities;
Page 4: Land Use Plan
d. Location of existing and proposed ingress and egress from the development;
Page 4: Land Use Plan
e. Location and size of existing and proposed streets;
Page 4: Land Use Plan
f. Location of existing and proposed pedestrian and bicycle improvements, including connections to nearby schools;
Page 4: Land Use Plan. Note: City sidewalks and bicycle lanes provide pedestrian and bicycle connectivity to Jackson Via elementary school Via Longwood Drive and Harris Road.
g. An inventory, by tax map parcel number and street address, of all adjacent parcels within a five hundred-foot radius of the perimeter of the PUD, indicating the existing zoning district classification of each.
Page 1: Cover Page
h. A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands; topography, shown at intervals of five (5) feet or less, critical slopes; and other similar characteristics or features; and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.
Page 2: Existing Conditions; and
Page 3: Environmental Features; and
Page 4: Land Use Plan
- 34-517(a)(4)** A proposed land use plan. Such plan will identify:
a. Proposed land uses and their general locations, including without limitation, building and setbacks;
Page 4: Land Use Plan; and
Pages 5-6: Use Matrix
b. Proposed densities of proposed residential development;
Page 4: Land Use Plan
c. Location and acreage of required open space;
Page 4: Land Use Plan
d. Square footage for non-residential uses;
Non-residential uses are not proposed.
e. Maximum height of buildings and structures in uses of PUD.
Page 4: Land Use Plan
- 34-517(a)(5)** A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;
Page 4: Land Use Plan.
- 34-517(a)(6)** Phasing plan if needed. Each phase shall individually meet the requirements of this section.
Phasing is not proposed.
- 34-517(a)(7)** A statement from the city public utilities department verifying whether water and sewer infrastructure capacity does or does not exist for the proposed land use(s).
A statement has been provided from the city public utilities department that water and sewer infrastructure capacity does exist for the proposed uses. Water is available via a 6" water main in Flint Drive off of Longwood Drive and an 8" water main in Flint Drive off of Moseley Drive. Sanitary sewer is available via an 8" sewer line behind lots along Longwood Drive.
- 34-517(a)(8)** A statement from the fire marshal verifying whether adequate fire flow service does or does not exist for the proposed land use(s).
The fire flow tests have been provided and our modeling will be provided under separate cover.

500' radius for adjacent properties

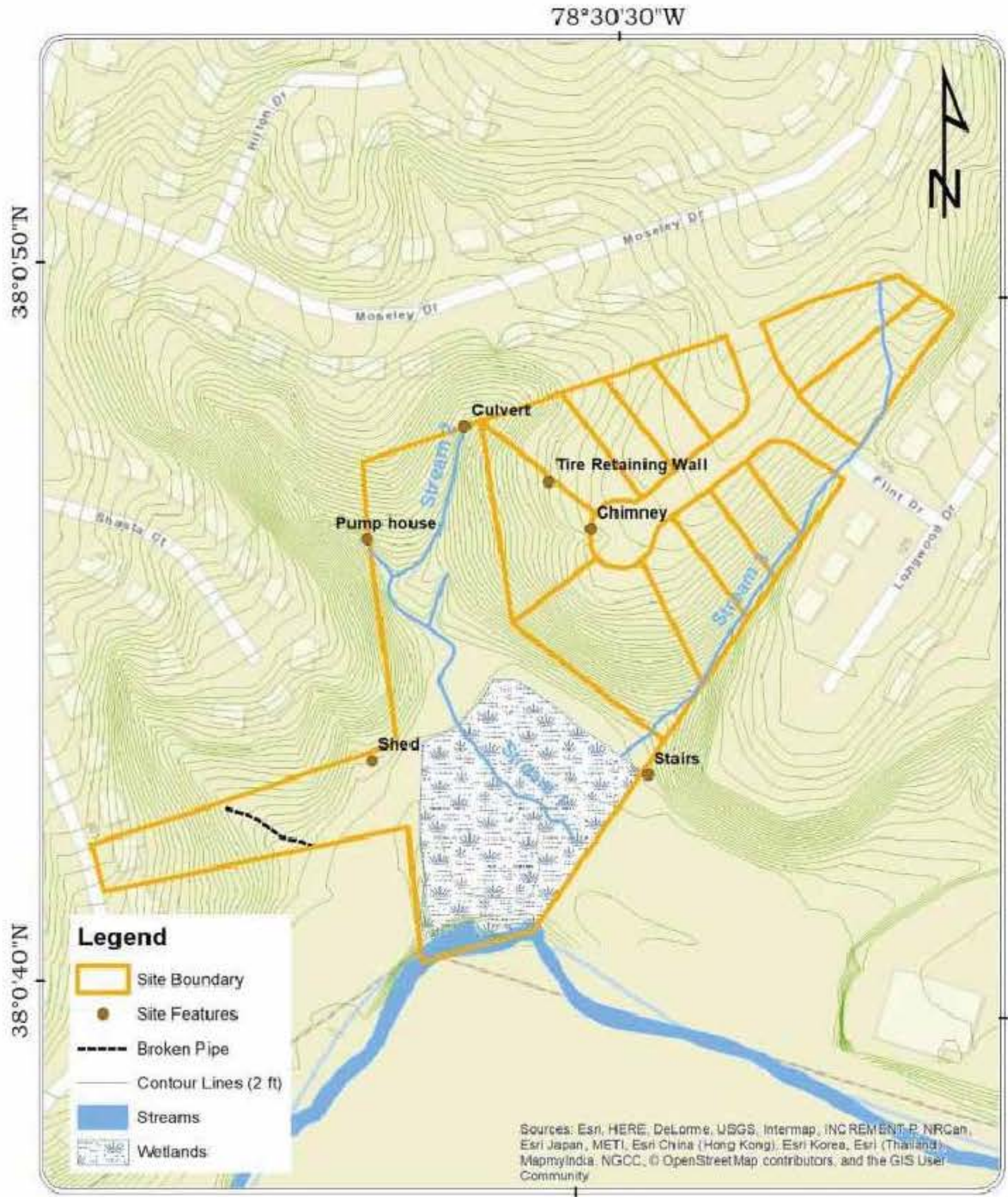
| Owner | Address | City / State | ZP | Property Address |
|------------------------------------|---------------------------|-------------------|-------|-------------------|
| WHITE CLARA R | 871 MOSELEY DRIVE | CHARLOTTEVILLE VA | 22003 | 871 MOSELEY DR |
| WINKLER CHARLES M | 863 MOSELEY DRIVE | CHARLOTTEVILLE VA | 22003 | 863 MOSELEY DR |
| WINKLER CHARLES M | 863 MOSELEY DRIVE | CHARLOTTEVILLE VA | 22003 | 863 MOSELEY DR |
| ROGERS JOHN & BARBARA C TR | 871 MOSELEY DRIVE | CHARLOTTEVILLE VA | 22003 | 871 MOSELEY DR |
| CHAMBERS TIMOTHY & SARAH MOORE | 324 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 324 CAMELLIA DR |
| BROWN JAMES C & IDA B | 322 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 322 CAMELLIA DR |
| FRANK MICHAEL | 105 THOMPSON COURT | CHARLOTTEVILLE VA | 22003 | 320 CAMELLIA DR |
| MEMBER LLC | 3108 ROLLING RD | SCOTTSDALE VA | 24520 | 318 CAMELLIA DR |
| ABBOTT BETTY D TRUSTEE | 318 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 318 CAMELLIA DR |
| HARRY MICHAEL R & KATHLEEN E | 314 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 314 CAMELLIA DR |
| SHEPARD BETTY Y | 312 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 312 CAMELLIA DR |
| MC DADE LAURE & DAVID HANNAH | 310 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 310 CAMELLIA DR |
| MIYA MOHAMMAD AL & AMIAD A AL | 308 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 308 CAMELLIA DR |
| DEMOISE MARK A | 306 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 306 CAMELLIA DR |
| HUSTON D MERRILL & JOANNE E | 315 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 315 CAMELLIA DR |
| SCHNEIDER R RICHARD & PORTIA L | 305 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 305 CAMELLIA DR |
| ORAMILLER ARTHUR C & LISA S | 307 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 307 CAMELLIA DR |
| MELISH PATRICIA S | 3 WORDEN CT | ANNAPOLIS MD | 21401 | 303 CAMELLIA DR |
| MC GAULEY JESSE JR & MARY T | 301 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 301 CAMELLIA DR |
| BOHROG RYAN P & | 303 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 303 CAMELLIA DR |
| SCHROEDER JUSTIN & LAUREN | 330 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 330 CAMELLIA DR |
| BEACH DANIEL S | 334 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 334 CAMELLIA DR |
| CAMELLIA GROUP LLC | 709 ST CLAIR AVE | CHARLOTTEVILLE VA | 22003 | 334 CAMELLIA DR |
| STEPHENS ALVIS BELT JR & BETTY H | 320 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 330 CAMELLIA DR |
| REITER JUSTIN A & MELISSA M | 328 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 328 CAMELLIA DR |
| ROCKE WILLIAM H & JOANNE H | 340 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 340 CAMELLIA DR |
| LAMBERGER ERN A | P O BOX 253 | IVY VA | 22943 | 337 CAMELLIA DR |
| CONLEY L WILYTH M | 335 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 335 CAMELLIA DR |
| SHIPP JAMES B JR | 3033 SAVY RD | FARMAX VA | 22611 | 335 CAMELLIA DR |
| FREIGHT MARI S | 305 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 335 CAMELLIA DR |
| HEIMONT STATION LLC | 170 S PHANTOM DR | CHARLOTTEVILLE VA | 22011 | 309 CAMELLIA DR |
| COLEMAN REBECCA A & PATRICK J | 304 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 304 CAMELLIA DR |
| STEPHENS JULIAN | 302 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 302 CAMELLIA DR |
| GREEN CO ADRIAN W & TERESA A | 300 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 300 CAMELLIA DR |
| BLUMER PATRICK M A | 298 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 298 CAMELLIA DR |
| MC CLURY CHARLES W & SHARON | 296 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 296 CAMELLIA DR |
| AMT MICHAEL L & AMY S MARIN | 294 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 294 CAMELLIA DR |
| BALOOK DOUG B S E | 292 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 292 CAMELLIA DR |
| KIRBY MARY H & JOSEPH P | 108 SHASTA CT | CHARLOTTEVILLE VA | 22003 | 306 SHASTA CT |
| PANCICARO JOSEPH & ANN ADAMS | 1812 GALLANT FID LN | IRLAND TX | 75081 | 108 SHASTA CT |
| FRISA DENNIS V & SANDRA B | 112 SHASTA COURT | CHARLOTTEVILLE VA | 22003 | 112 SHASTA CT |
| PIVNEY NICOLE D A | 114 SHASTA CT | CHARLOTTEVILLE VA | 22003 | 114 SHASTA CT |
| SHAN WILLIAM W & SALLY P TRUSTEES | 321 CARBONROCK DR | CHARLOTTEVILLE VA | 22003 | 116 SHASTA CT |
| HARRI JOHN H & JIM M TR | 306B BRICKMAW DR | CHARLOTTEVILLE VA | 22003 | 115 SHASTA CT |
| MOON WILLIAM F JR & MARIL A | 113 SHASTA COURT | CHARLOTTEVILLE VA | 22003 | 113 SHASTA CT |
| WANA MARTIN S LYNN | 409 CORTE MADERA AVE | CORTE MADERA CA | 94022 | 111 SHASTA CT |
| MUSJO MICHAEL J & ANGELE M | 2420 CHILHAM PLACE | POTOMAC MD | 20854 | 99 SHASTA CT |
| FRANCK JOHN W & CHARLENE H | 107 SHASTA COURT | CHARLOTTEVILLE VA | 22003 | 97 SHASTA CT |
| FENDIG BLOTT R | 105 SHASTA COURT | CHARLOTTEVILLE VA | 22003 | 95 SHASTA CT |
| HANVELLY LANE | 103 SHASTA CT | CHARLOTTEVILLE VA | 22003 | 93 SHASTA CT |
| WEBBER DAVID J | 1213 HAZEL ST | CHARLOTTEVILLE VA | 22002 | 105 GARDEN DR |
| WOLTER JABEEN A | 107 GARDEN DR | CHARLOTTEVILLE VA | 22003 | 107 GARDEN DR |
| TAMMEL SANIY & NIM S | 215 CAMELLIA DR | CHARLOTTEVILLE VA | 22003 | 215 CAMELLIA DR |
| JENSEN ARNOLD W & MARIANNE S | 213 CAMELLIA DRIVE | CHARLOTTEVILLE VA | 22003 | 213 CAMELLIA DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 130-B LONGWOOD DR |
| CHANG TAI YAN | 1501 THIEFEN ST UNIT 401W | PHILADELPHIA PA | 19157 | 102 LONGWOOD DR |
| BUSTOS FRANCIS P & CRISTINA C | 131 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 131 LONGWOOD DR |
| NEIGHBORHOOD DEVELOPMENT INC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 0 LONGWOOD DR |
| MADON JANE CLAIR | 117 MOSELEY DRIVE | CHARLOTTEVILLE VA | 22003 | 87 MOSELEY DR |
| SASSORAGON LLC | 977 SEMINOLE TR #254 | CHARLOTTEVILLE VA | 22001 | 0 NAVY DR ST |
| SASSORAGON LLC | 977 SEMINOLE TR #254 | CHARLOTTEVILLE VA | 22001 | 219 NAVY DR ST |
| SASSORAGON LLC | 977 SEMINOLE TR #254 | CHARLOTTEVILLE VA | 22001 | 203 NAVY DR ST |
| SASSORAGON LLC | 977 SEMINOLE TR #254 | CHARLOTTEVILLE VA | 22001 | 201 NAVY DR ST |
| 184TH THOMAS M | 208 WYMAN RD | CHARLOTTEVILLE VA | 22003 | 103 LONGWOOD DR |
| METZGER JUSTIN & MARIEN J | 137 ALBERE AVE | CHARLOTTEVILLE VA | 22003 | 102 LONGWOOD DR |
| CRITCHFIELD CYRIL S DANIEL & NANCY | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 8-A LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 100 LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-B LONGWOOD DR |
| NEIGHBORHOOD DEVELOPMENT INC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120 LONGWOOD DR C |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-B LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-A LONGWOOD DR |
| NEIGHBORHOOD DEVELOPMENT INC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120 LONGWOOD DR |
| NEIGHBORHOOD DEVELOPMENT INC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120 LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-B LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-A LONGWOOD DR |
| FORCHES ELLEN D | 1296 KILWOOD LN | CHARLOTTEVILLE VA | 22003 | 120-A LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 120-B LONGWOOD DR |
| NEIGHBORHOOD INVESTMENTS LLC | 810 CATALPA CT | CHARLOTTEVILLE VA | 22003 | 114-B LONGWOOD DR |
| MC CONNELL JUSTIN R & HEATHER M | 8107 BILOT CT | JEFFERSON VA | 22724 | 135 LONGWOOD DR |
| AMSTRONG JOSHUA & ANNIE L | 133 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 133 LONGWOOD DR |
| BUCKWOLD AUGUST J & MELANIE | 137 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 137 LONGWOOD DR |
| GOPALAN VARUN S | 130 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 130 LONGWOOD DR |
| ISAAC SHARUL & KRISTIA M | 141 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 141 LONGWOOD DR |
| METZGER JUSTIN C & MARIEN J | 137 ALBERE AVE | CHARLOTTEVILLE VA | 22003 | 141 LONGWOOD DR |
| SOLARIA CHARP P | 145 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 145 LONGWOOD DR |
| ABBOTT STEPHEN H & BORMA L | 151 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 151 LONGWOOD DR |
| AVAT SARAH | 1214 STOREGATE WAY | CHRYST VA | 22933 | 151 LONGWOOD DR |
| CHEON HEE JIN | 155 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 155 LONGWOOD DR |
| HOOKER BERRY TRIT & MARIETTA | 157 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 157 LONGWOOD DR |
| PRICE AL KANDER B | 5311 N 86TH ST | SEATTLE WA | 98115 | 156 LONGWOOD DR |
| METZGER JUSTIN C & MARIEN J | 137 ALBERE AVE | CHARLOTTEVILLE VA | 22003 | 150 LONGWOOD DR |
| HATHWAY PHILIP | 157 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 150 LONGWOOD DR |
| BONILLA JERRY H | 150 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 150 LONGWOOD DR |
| SPEZIA KEVIN M | 140 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 140 LONGWOOD DR |
| SAVERNOT NERRE | 8466 FRIEDRICHSBURG RD | BARBOURVILLE VA | 22023 | 140 LONGWOOD DR |
| COLEMAN JEFFREY B | 144 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 144 LONGWOOD DR |
| STEWART MARY | 873 BURCH CREEK RD | CROSETT VA | 22022 | 134 LONGWOOD DR |
| JOJO ZIVVI | 2070 BRANNITOM LN | CHARLOTTEVILLE VA | 22003 | 134 LONGWOOD DR |
| DEYER J JOHN H IV | 136 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 134 LONGWOOD DR |
| DAVIS STEPHEN L | 132 LONGWOOD DR | CHARLOTTEVILLE VA | 22003 | 132 LONGWOOD DR |

Existing Conditions



WILDGINGER FIELD SERVICES

NOTE: ON-SITE CONSULTATION WITH ACOE HAS DETERMINED THAT STREAM 3 IS NOT A STREAM



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

**Created by
Wild Ginger Field Services, LLC
Charlottesville, VA**

ENVIRONMENTAL FEATURES

Land Use Plan

OWNER: BELMONT STATION, LLC

DEVELOPER: BELMONT STATION, LLC

DESIGN: ROUDABUSH, GALE & ASSOCIATES

SOURCE OF BOUNDARY SURVEY: PLAT OF RECORD

SOURCE OF TOPOGRAPHY: EXISTING TOPOGRAPHY PROVIDED BY ROUDABUSH, GALE & ASSOCIATES DEC, 2018

THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 51003C0288D, DATED 02-04-2055

MAXIMUM BUILDING HEIGHT: 35' IN HEIGHT

DENSITY: 5.2 UNITS/ACRE MAXIMUM

CURRENT USE: VACANT LOTS

PROPOSED USE: UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

OPEN SPACE OWNERSHIP: ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

LIGHTING: NO LIGHTING FIXTURES SHALL EXCEED 3000 LUMENS.

BUILDING SETBACKS:

FRONT: 0'
SIDE: 0'
REAR: 10'

*10' MIN BETWEEN ROWS OF TOWNHOMES 15' MINIMUM DRIVEWAY LENGTH

LAND USE SUMMARY

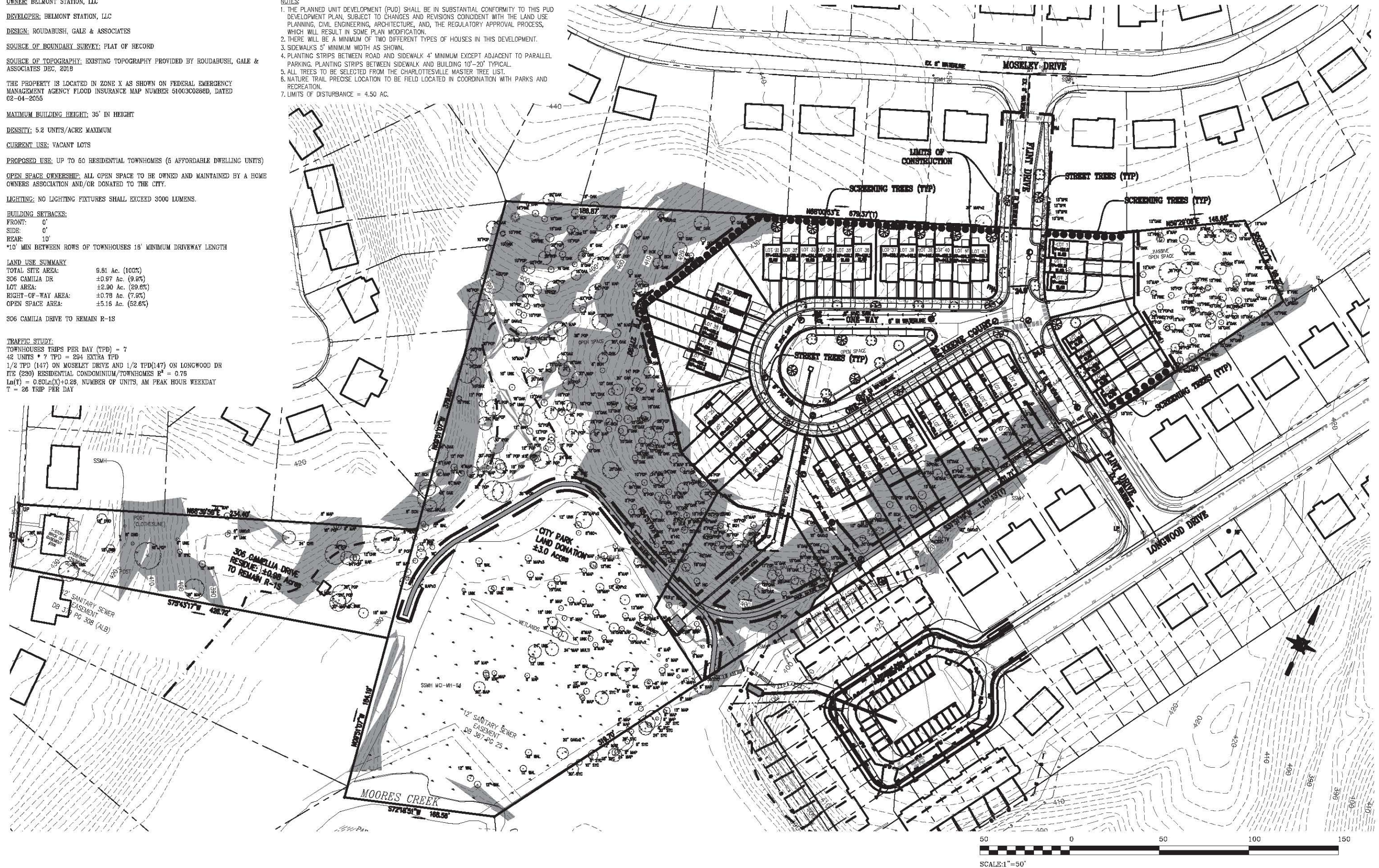
| | |
|--------------------|-------------------|
| TOTAL SITE AREA: | 9.61 Ac. (100%) |
| 306 CAMILLA DR | +0.97 Ac. (9.8%) |
| LOT AREA: | +2.90 Ac. (29.8%) |
| RIGHT-OF-WAY AREA: | +0.78 Ac. (7.9%) |
| OPEN SPACE AREA: | +5.16 Ac. (52.6%) |

306 CAMILLA DRIVE TO REMAIN R-1S

TRAFFIC STUDY:

TOWNHOUSES TRIPS PER DAY (TPD) = 7
42 UNITS * 7 TPD = 294 EXTRA TPD
1/2 TPD (147) ON MOSELEY DRIVE AND 1/2 TPD(147) ON LONGWOOD DR
ITE (290) RESIDENTIAL CONDOMINIUM/TOWNHOMES R² = 0.76
 $Ln(T) = 0.60Ln(X)+0.28$, NUMBER OF UNITS, AM PEAK HOUR WEEKDAY
T = 26 TRIP PER DAY

- NOTES:**
1. THE PLANNED UNIT DEVELOPMENT (PUD) SHALL BE IN SUBSTANTIAL CONFORMITY TO THIS PUD DEVELOPMENT PLAN, SUBJECT TO CHANGES AND REVISIONS CONCURRENT WITH THE LAND USE PLANNING, CIVIL ENGINEERING, ARCHITECTURE, AND, THE REGULATORY APPROVAL PROCESS, WHICH WILL RESULT IN SOME PLAN MODIFICATION.
 2. THERE WILL BE A MINIMUM OF TWO DIFFERENT TYPES OF HOUSES IN THIS DEVELOPMENT.
 3. SIDEWALKS 5' MINIMUM WIDTH AS SHOWN.
 4. PLANTING STRIPS BETWEEN ROAD AND SIDEWALK 4' MINIMUM EXCEPT ADJACENT TO PARALLEL PARKING. PLANTING STRIPS BETWEEN SIDEWALK AND BUILDING 10'-20' TYPICAL.
 5. ALL TREES TO BE SELECTED FROM THE CHARLOTTESVILLE MASTER TREE LIST.
 6. NATURE TRAIL PRECISE LOCATION TO BE FIELD LOCATED IN COORDINATION WITH PARKS AND RECREATION.
 7. LIMITS OF DISTURBANCE = 4.50 AC.



Matrix of Use Types-Flint Hill PUD

| Use Types | Flint Hill PUD | Existing Zoning - R-1S (for reference) |
|---|----------------|--|
| RESIDENTIAL AND RELATED USES | | |
| Accessory apartment, internal | P | P |
| Accessory apartment, external | P | P |
| Accessory buildings, structures and uses | B | B |
| Adult assisted living | | |
| 1—8 residents | B | B |
| Greater than 8 residents | | |
| Adult day care | | |
| Amateur radio antennas, to a height of 75 ft. | B | B |
| Bed-and-breakfast: | | |
| Homestay | B | B |
| B & B | | |
| Inn | | |
| Boarding: fraternity and sorority house | | |
| Boarding house (rooming house) | | |
| Convent/monastery | S | S |
| Criminal justice facility | | |
| Dwellings: | | |
| Multifamily | | |
| Single-family attached | B | |
| Single-family detached | B | B |
| Rowhouse/Townhouse | B | |
| Two-family | B | |
| Family day home | | |
| 1—5 children | B | B |
| 6—12 children | S | S |
| Home occupation | P | P |
| Manufactured home park | | |
| Night watchman's dwelling unit, accessory to industrial use | | |
| Nursing homes | | |
| Occupancy, residential | | |
| 3 unrelated persons | B | B |
| 4 unrelated persons | B | B |
| Residential density (developments) | | |
| Maximum of 50 units in the PUD | B | |
| 22—43 DUA | | |
| 44—64 DUA | | |
| 65—87 DUA | | |
| 88—200 DUA | | |
| Residential treatment facility | | |
| 1—8 residents | B | B |
| 8+ residents | | |
| Shelter care facility | | |
| Single room occupancy facility | | |
| Temporary family health care structure | T | T |

| Use Types | Flint Hill PUD | FLINT HILL Existing Zoning - R-1S (for reference) |
|--|----------------|--|
| NON-RESIDENTIAL: GENERAL and MISC. | | |
| COMMERCIAL | | |
| Access to adjacent multifamily, commercial, industrial or mixed-use development or use | | |
| Accessory buildings, structures and uses | | |
| Amusement center | | |
| Amusement enterprises (circuses, carnivals, etc.) | | |
| Amusement park (putt-putt golf; skateboard parks, etc.) | | |
| Animal boarding/grooming/kennels: | | |
| With outside runs or pens | | |
| Without outside runs or pens | | |
| Animal shelter | | |
| Art gallery: | | |
| GFA 4,000 SF or less | | |
| GFA up to 10,000 SF | | |
| Art studio, GFA 4,000 SF or less | | |
| Art workshop | | |
| Assembly (indoor) | | |
| Arena, stadium (enclosed) | | |
| Auditoriums, theaters | | |
| Houses of worship | B | B |
| Assembly (outdoor) | | |
| Amphitheater | | |
| Stadium (open) | | |
| Temporary (outdoor church services, etc.) | T | T |
| Assembly plant, handcraft | | |
| Assembly plant | | |
| Automobile uses: | | |
| Gas station | | |
| Parts and equipment sales | | |
| Rental/leasing | | |
| Repair/servicing business | | |
| Sales | | |
| Tire sales and recapping | | |
| Bakery, wholesale | | |
| GFA 4,000 SF or less | | |
| GFA up to 10,000 SF | | |
| Banks/ financial institutions | | |
| Bowling alleys | | |
| Car wash | | |
| Catering business | | |
| Cemetery | S | S |
| Clinics: | | |
| Health clinic (no GFA limit) | | |
| Health clinic (up to 10,000 SF, GFA) | | |
| Health clinic (up to 4,000 SF, GFA) | | |

Matrix of Use Types–Flint Hill PUD

| Use Types | FLINT HILL | |
|---|----------------|--|
| | Flint Hill PUD | Existing Zoning - R-1S (for reference) |
| Public health clinic | | |
| Veterinary (with outside pens/runs) | | |
| Veterinary (without outside pens/runs) | | |
| Clubs, private | S | S |
| Communications facilities and towers: | | |
| Antennae or microcells mounted on existing towers established prior to 02/20/01 | B | B |
| Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure | B | B |
| Attached facilities not visible from any adjacent street or property | B | B |
| Attached facilities visible from an adjacent street or property | | |
| Alternative tower support structures | | |
| Monopole tower support structures | | |
| Guyed tower support structures | | |
| Lattice tower support structures | | |
| Self-supporting tower support structures | | |
| Contractor or tradesman's shop, general | | |
| Crematorium (independent of funeral home) | | |
| Data center | | |
| Daycare facility | S | S |
| Dry cleaning establishments | | |
| Educational facilities (non-residential) | | |
| Elementary | S | S |
| High schools | S | S |
| Colleges and universities | S | S |
| Artistic up to 4,000 SF, GFA | | |
| Artistic up to 10,000 SF, GFA | | |
| Vocational, up to 4,000 SF, GFA | | |
| Vocational, up to 10,000 SF, GFA | | |
| Electronic gaming café | | |
| Funeral home (without crematory) | | |
| GFA 4,000 SF or less | | |
| GFA up to 10,000 SF | | |
| Funeral homes (with crematory) | | |
| GFA 4,000 SF or less | | |
| GFA up to 10,000 SF | | |
| Golf course | | |
| Golf driving range | | |
| Helipad | | |
| Hospital | | |
| Hotels/motels: | | |
| Up to 100 guest rooms | | |
| 100+ guest rooms | | |
| Laundromats | | |
| Libraries | | B |
| Manufactured home sales | | |

| Use Types | FLINT HILL | |
|---|----------------|--|
| | Flint Hill PUD | Existing Zoning - R-1S (for reference) |
| Microbrewery | | |
| Mobile food units | | |
| Movie theaters, cineplexes | | |
| Municipal/governmental offices, buildings, courts | S | S |
| Museums: | | |
| Up to 4,000 SF, GFA | | |
| Up to 10,000 SF, GFA | | |
| Music halls | | |
| Offices: | | |
| Business and professional | | |
| Medical | | |
| Philanthropic institutions/agencies | | |
| Property management | | |
| Other offices (non-specified) | | |
| Outdoor storage, accessory | | |
| Parking: | | |
| Parking garage | | |
| Surface parking lot | A | |
| Surface parking lot (more than 20 spaces) | A | |
| Temporary parking facilities | A | |
| Photography studio | | |
| Photographic processing; blueprinting | | |
| Radio/television broadcast stations | | |
| Recreational facilities: | | |
| Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. | | B |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. | B | B |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private) | B | S |
| Restaurants: | | |
| Dance hall/all night | | |
| Drive-through windows | | |
| Fast food | | |
| Full service | | |
| 24-hour | | |
| Taxi stand | | |
| Towing service, automobile | | |
| Technology-based businesses | | |
| Transit facility | | |
| Utility facilities | S | S |
| Utility lines | B | B |

Narrative per Sec. 34-517(2)

Narrative Project Description
Flint Hill PUD
April 17th, 2019

Flint Hill is a PUD on Flint Drive adjacent to the Longwood PUD. The PUD is intended to provide increased density and housing affordability, and meets the objectives in Sec. 34-490 of the Planned Unit Development ordinance as follows:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;

This proposal is of equal or higher quality than otherwise required by the strict application of zoning district regulations that currently govern because it proposes to provide higher density and more affordable housing options than would be built on the existing platted, but unbuilt, 13 parcels that make up the project. If built by-right, the existing 13 parcels would be large single-family homes on large lots that cost substantially more than what will be provided in the proposed PUD. In addition to the natural increase in affordability provided by townhomes versus single-family homes, the developer is proffering additional deed-restricted affordable housing that will remain affordable even if the market prices of other homes rise.

The PUD also proposes to donate a large parcel of park land along Moore's Creek to the City of Charlottesville for preservation, conservation, and/or passive recreation uses, and proposes to construct a pocket park or rain garden in a central open space within the PUD and a pocket park on the north end of the site.

2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;

The proposed arrangement of buildings avoids the large areas of steep slopes, avoids the riparian areas along Moore's creek, builds on an upland area already subdivided for development long ago, and preserves large areas of open space providing efficient, attractive, flexible and environmentally sensitive design.

3. To promote a variety of housing types, or within a development containing only a single housing type, to promote inclusion of houses of various sizes;

The development will primarily be of a single housing type to encourage density, but will promote inclusion of houses of various sizes, architectural styles, and price points by including townhomes of varying widths and square footages, including some townhomes with rear-alley-loaded garages, and by proffering guaranteed affordable housing.

4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;

The proposed PUD clusters the new single-family housing on less than 4 upland acres of the site and preserves more than half the site, while donating land to the City for addition to an existing park as well as preservation of other open spaces.

5. To provide for developments designed to function as cohesive, unified projects.

The proposed PUD will be cohesive and unified in its form and function, and will have a homeowners association to assure its long-term success.

6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;

The project will have housing types very similar to what was built in the adjacent Longwood PUD. The PUD also causes 306 Camellia Drive to remain as a large 1-acre lot, consistent with development patterns along that street.

7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography.

The proposed PUD preserves the trees, streams, and sensitive topography on roughly 60% of the site, a significant achievement in a development that also provides significant density and affordability.

8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and

The proposed PUD will have coordinated architectural styles, governed by an Architectural Review Board that is part of the homeowners association.

9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

The proposed PUD provides coordinated road and pedestrian linkages via a new road and sidewalks that will connect Moseley Drive to Longwood Drive. The PUD will also provide for trail connections to Moore's Creek and the adjacent Longwood Park owned by the City.

10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

The proposed PUD will have the public pedestrian systems mentioned above. It is located only one block from Charlottesville Area Transit (CAT) Route 4. In addition, the construction of the road and new sidewalks on Flint Drive will connect Moseley Drive to Longwood Drive, allowing pedestrians, particularly students that live on Garden Dr, Camellia Dr, Shasta Ct, Hilton Dr, and Moseley Dr, to walk to Jackson Via Elementary School and the Food Lion shopping center on neighborhood streets, spending less time walking along Harris Rd, a busier street.

Proffer Conditions

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-18-xxxxx)
STATEMENT OF draft PROFFER CONDITIONS
For the Flint Hill PUD
Dated as of October 10, 2018

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

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

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

1. Density shall not exceed a maximum of 50 residential units.
2. At or prior to project completion, the Developer shall offer to donate approximately 3 acres of land to the City of Charlottesville to be added to the adjacent Longwood Park.
3. Affordable Housing
 - a) The Developer shall cause a minimum of 5 affordable dwelling units (ADUs) to be built on site (as defined in City Code §34-12 (c), with affordability over a term of a minimum of 10 years.
 - b) During home construction ADUs shall be provided incrementally such that at least 1 incremental ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy.
 - c) As an alternative to the Developer building the ADUs as is contemplated in Proffer 3.b. above, the Developer may deed the ADU lots to a non-profit affordable housing provider for construction by the non-profit entity. If the required ADU lots are deeded to a non-profit affordable housing provider in accordance with the incremental timing specified in 3.b. then the transfer of the lot shall be deemed to have satisfied the timing requirement specified in 3.b.

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

Respectfully submitted this XXth day of XX, XXX.

Owner:
Belmont Station, LLC

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

By: _____
Frank Ballif, Manager

**SUPPLEMENTAL INFORMATION REQUESTED BY STAFF
IN ADDITION TO PUD DEVELOPMENT PLAN CONTENTS**

OWNER:
HELMONT STATION, LLC
DEVELOPER:
HELMONT STATION, LLC
DESIGNER:
ROUDABUSH, GALE & ASSOCIATES
SOURCE OF BOUNDARY SURVEY:
PLAT OF RECORD
SOURCE OF TOPOGRAPHY:
EXISTING TOPOGRAPHY PROVIDED BY ROUDABUSH, GALE & ASSOCIATES DEC, 2018
THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FEDERAL EMERGENCY
MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 510000028D,
DATED 02-04-2005

MAXIMUM BUILDING HEIGHT:
35' IN HEIGHT
DENSITY:
6.2 UNITS/ACRE MAXIMUM
CURRENT USE:
VACANT LOTS
PROPOSED USE:
UP TO 60 RESIDENTIAL TOWNHOMES (6 AFFORDABLE DWELLING UNITS)
OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS
ASSOCIATION AND/OR DONATED TO THE CITY.
LIGHTING:
NO LIGHTING FIXTURES SHALL EXCEED 3000 LUMENS.
BUILDING SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 10'
*10' MIN BETWEEN ROWS OF TOWNHOUSES
18' MINIMUM DRIVEWAY LENGTH

LAND USE SUMMARY

| | |
|--------------------|-------------------|
| TOTAL SITE AREA: | 8.81 Ac. (100%) |
| 305 CAMILIA DR | ±0.47 Ac. (5.3%) |
| LOT AREA: | ±2.40 Ac. (27.2%) |
| RIGHT-OF-WAY AREA: | ±0.78 Ac. (8.9%) |
| OPEN SPACE AREA: | ±5.16 Ac. (58.6%) |

305 CAMILIA DRIVE TO REMAIN R-19

TRAFFIC STUDY:
TOWNHOUSES TRIPS PER DAY (TPD) = 7
42 UNITS * 7 TPD = 294 EXTRA TPD
½ TPD (147) ON MOSELEY DRIVE AND ½ TPD (147) ON LONGWOOD DRIVE
178 (200) RESIDENTIAL CONDOMINIUM/TOWNHOMES R² - D.78
L_o(T) = 0.80L_o(C)+4.28, NUMBER OF UNITS, AM PEAK HOUR WRECKDAY
T = 28 TRIP PER DAY

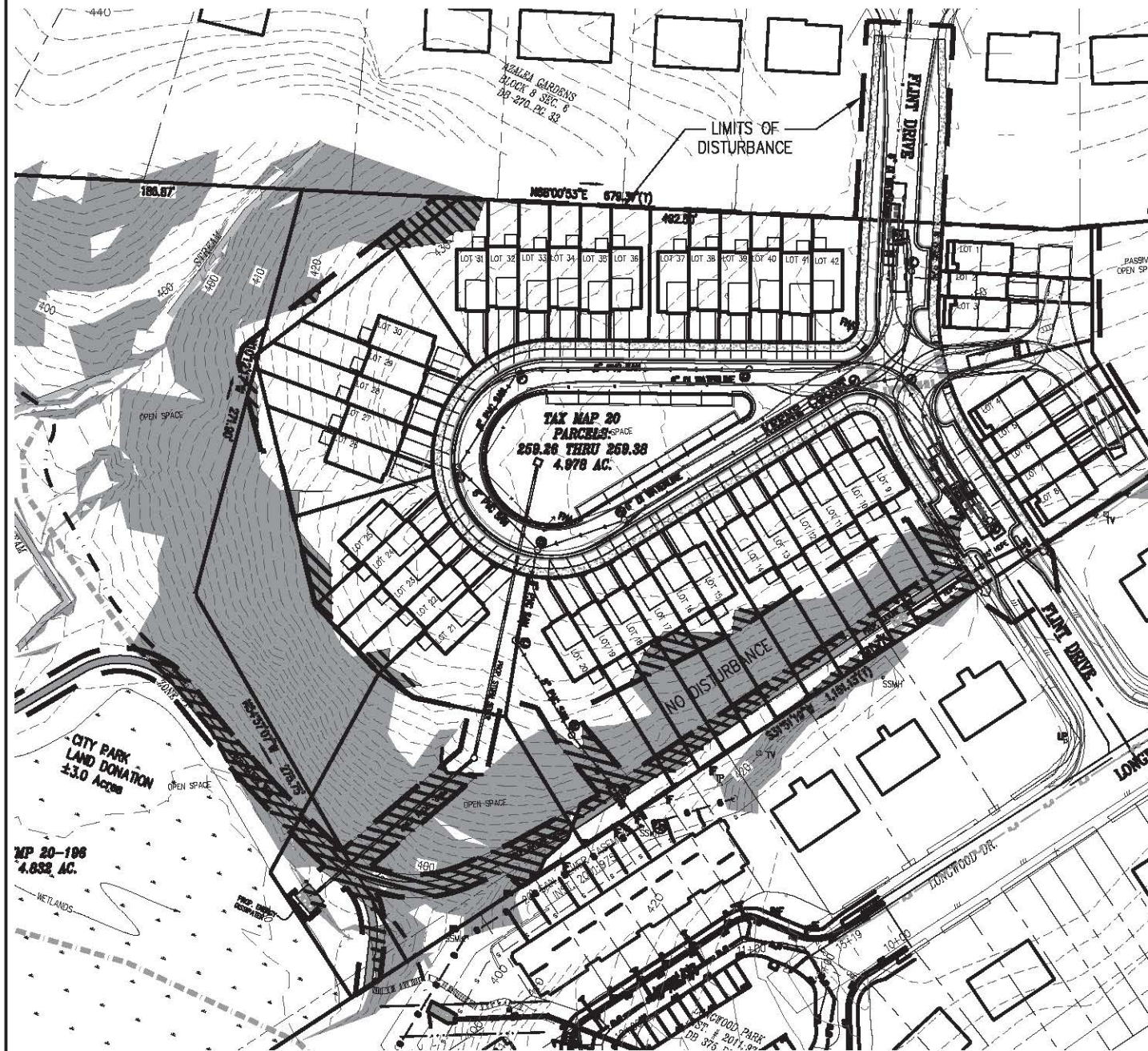
Vicinity Map



SCALE 1" = 500'

- SHEET INDEX**
1. COVER
 2. CRITICAL SLOPES PLAN
 3. FIRE TRUCK AUTOTURN 1
 4. FIRE TRUCK AUTOTURN 2
 5. FIRE TRUCK AUTOTURN 3
 6. FIRE TRUCK AUTOTURN 4
 7. LANDSCAPE PLAN
 8. MASSING PLAN I
 9. MASSING PLAN II
 10. MASSING PLAN III
 11. OPEN SPACE PLAN
 12. PARKING PLAN
 13. PEDESTRIAN PLAN
 14. PRELIMINARY BMP PLAN
 15. PRELIMINARY PLAT
 16. TREE SURVEY
 17. TREE SURVEY
 18. TREE SURVEY
 19. UTILITY PLAN

Critical Slope Map: Zoning



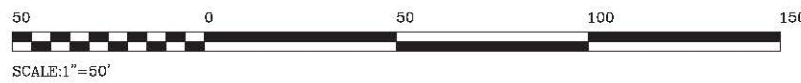
(34-1120(b)(2))

DEFINITION OF CRITICAL SLOPE. A CRITICAL SLOPE IS ANY SLOPE WHOSE GRADE IS 25% OR GREATER AND:

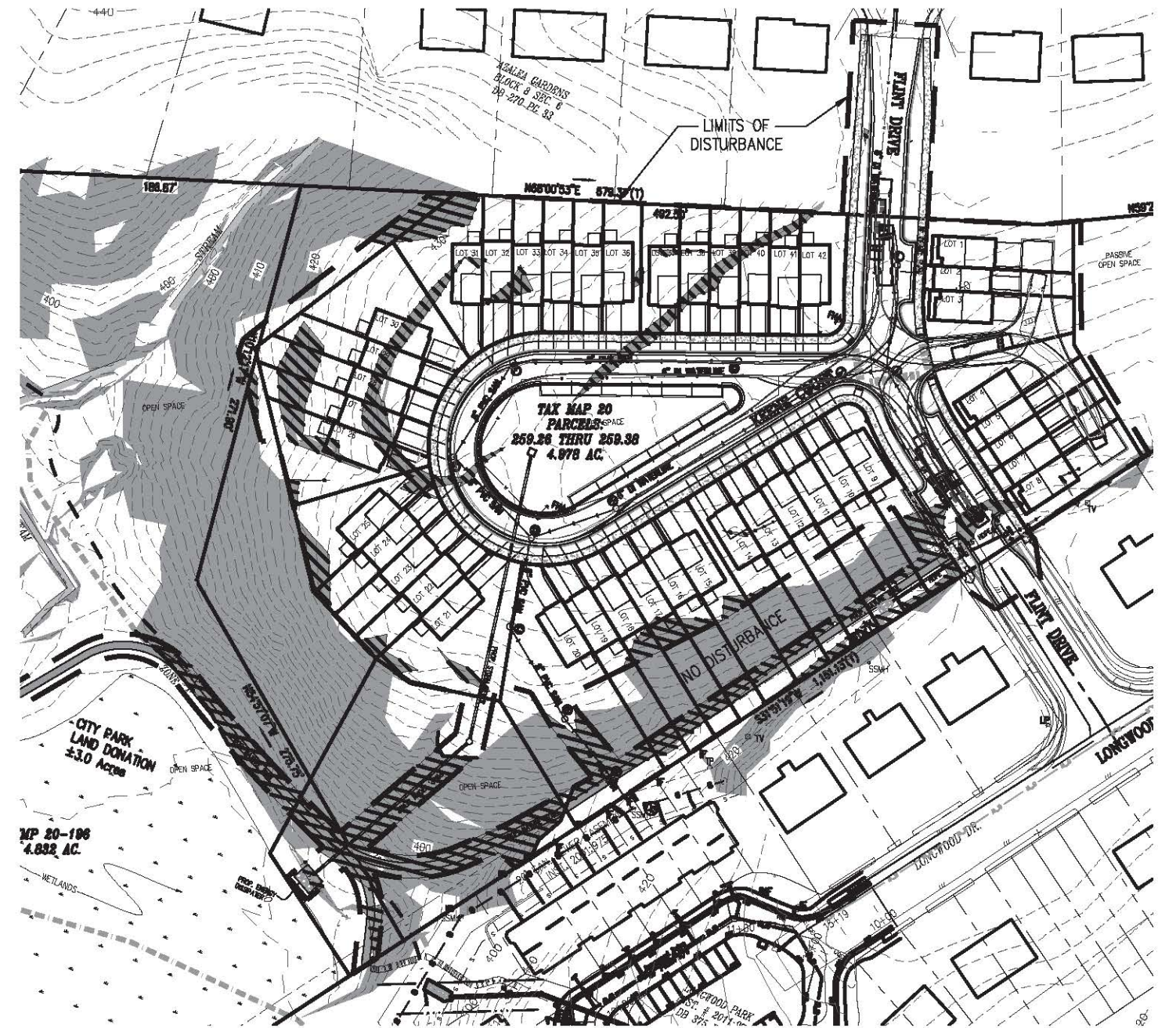
A. A PORTION OF THE SLOPE HAS A HORIZONTAL RUN OF GREATER THAN TWENTY (20) FEET AND ITS TOTAL AREA IS SIX THOUSAND (6,000) SQUARE FEET OR GREATER; AND

B. A PORTION OF THE SLOPE IS WITHIN TWO HUNDRED (200) FEET OF ANY WATERWAY AS IDENTIFIED ON THE MOST CURRENT CITY TOPOGRAPHICAL MAPS MAINTAINED BY THE DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES.

0.36 AC OF CRITICAL SLOPE DISTURBANCE
0.26 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



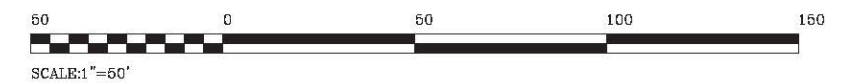
Critical Slope Map: Subdivision



(29-3)

CRITICAL SLOPE REFERS TO THE PORTION OF A LOT THAT HAS A GRADE IN EXCESS OF TWENTY-FIVE (25) PERCENT.

0.51 AC OF CRITICAL SLOPE DISTURBANCE
0.29 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE

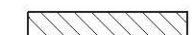


LINETYPE LEGEND

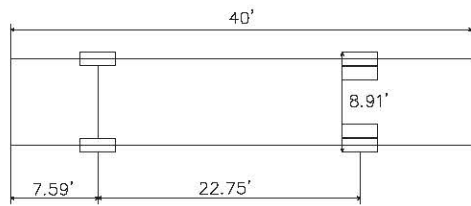
LIMITS OF DISTURBANCE



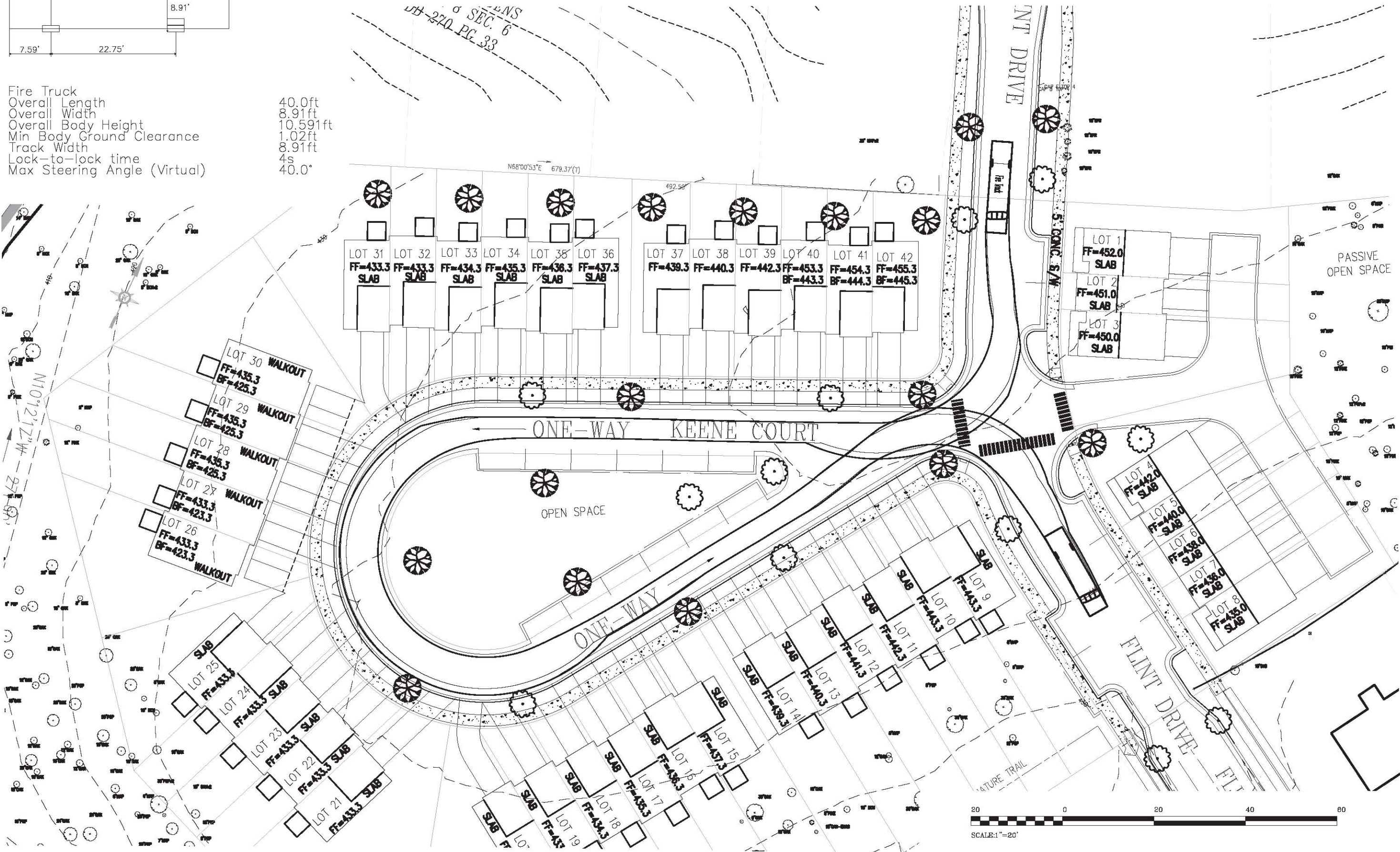
DISTURBED CRITICAL SLOPES



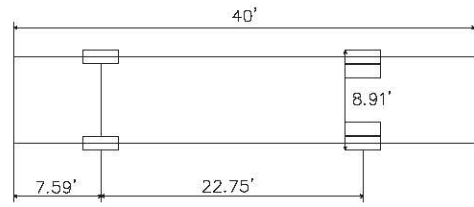
Firetruck Autoturn 1



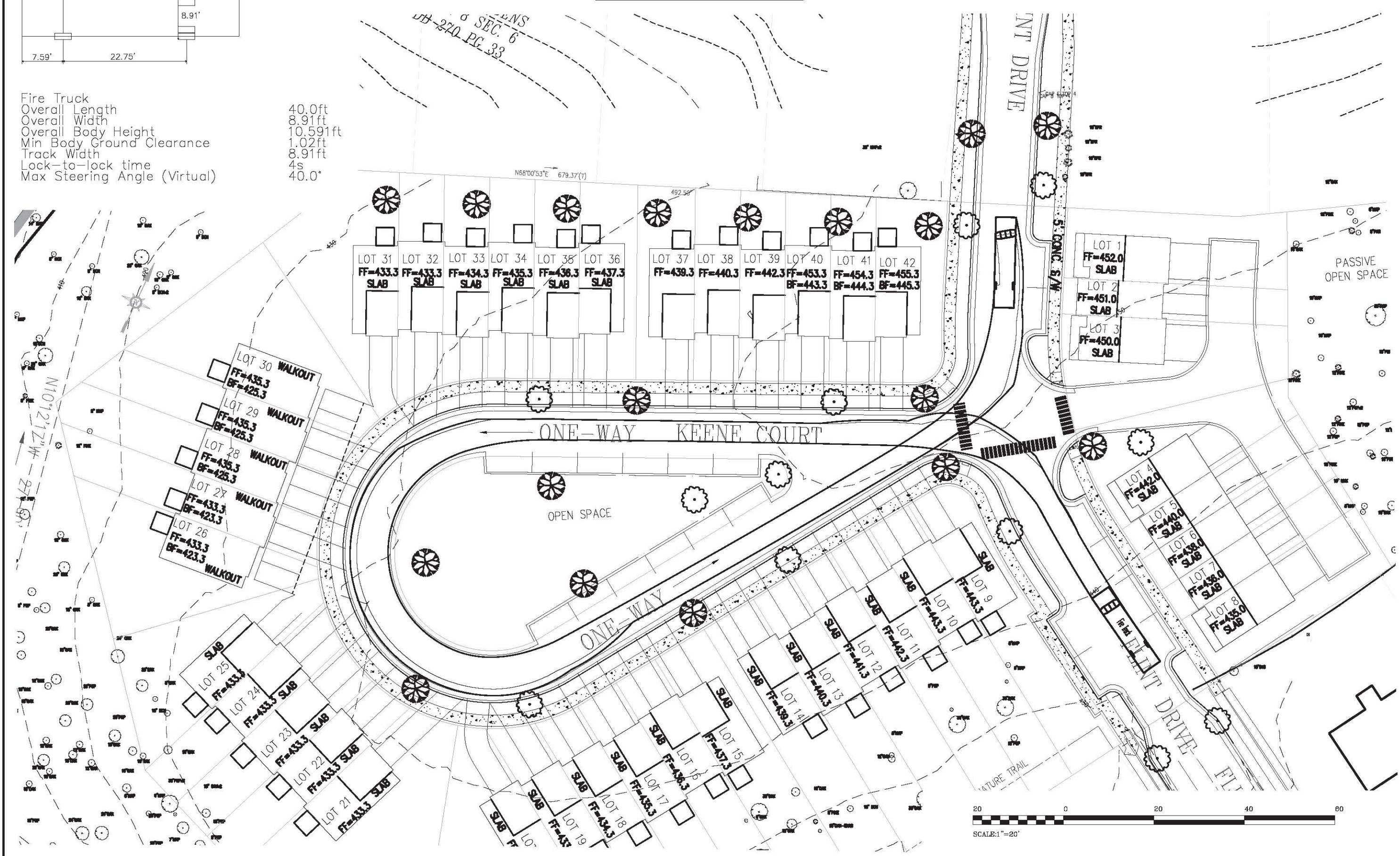
Fire Truck
 Overall Length 40.0ft
 Overall Width 8.91ft
 Overall Body Height 10.59ft
 Min Body Ground Clearance 1.02ft
 Track Width 8.91ft
 Lock-to-lock time 4s
 Max Steering Angle (Virtual) 40.0°



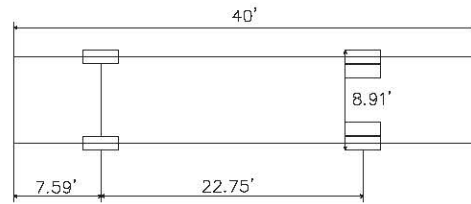
Firetruck Autoturn 2



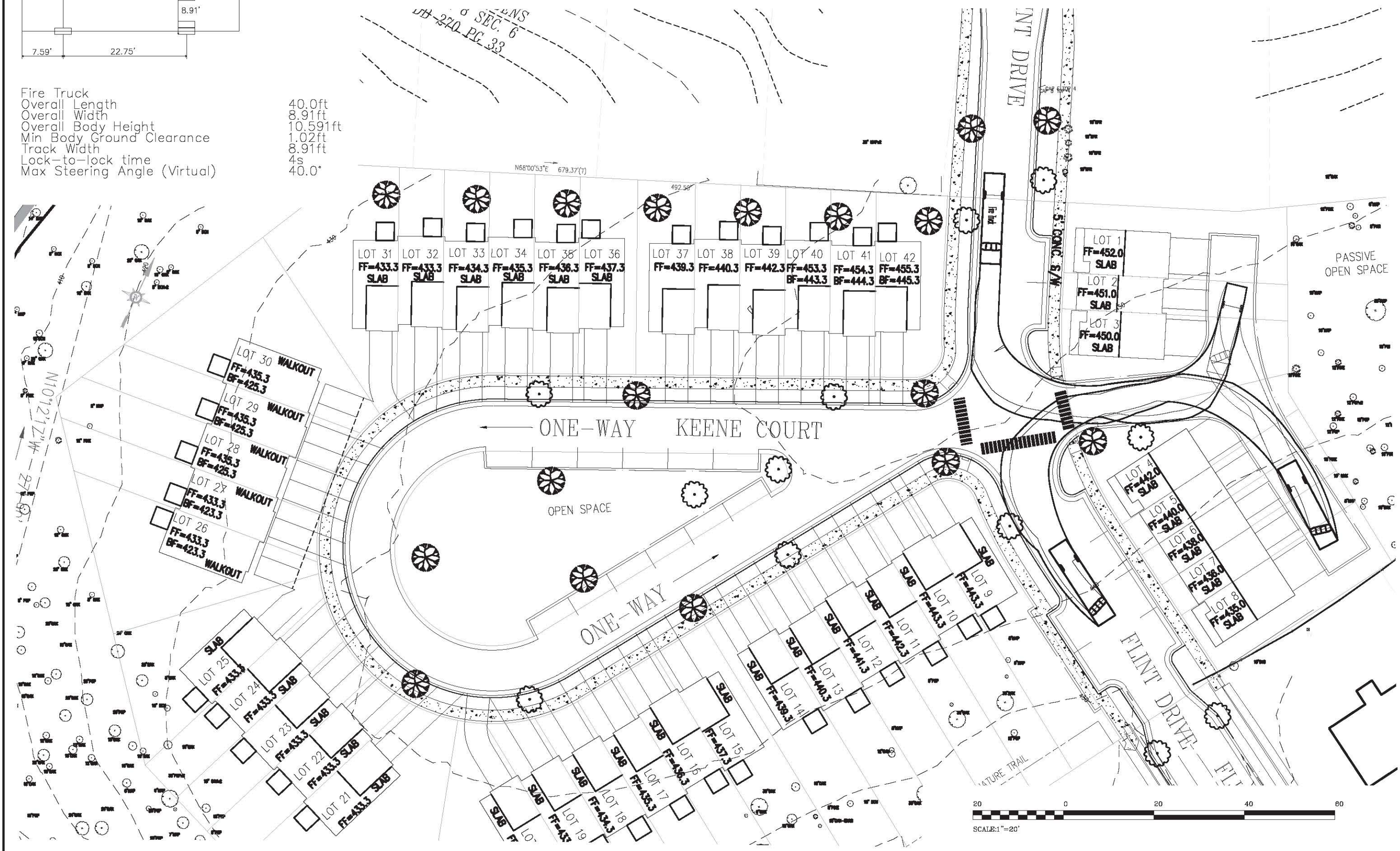
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 Lock-to-lock time 4s
 Max Steering Angle (Virtual) 40.0°



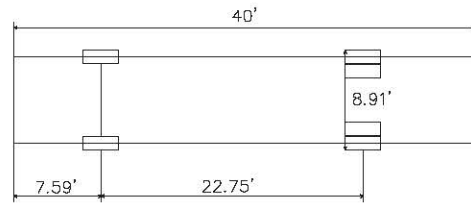
Firetruck Autoturn 3



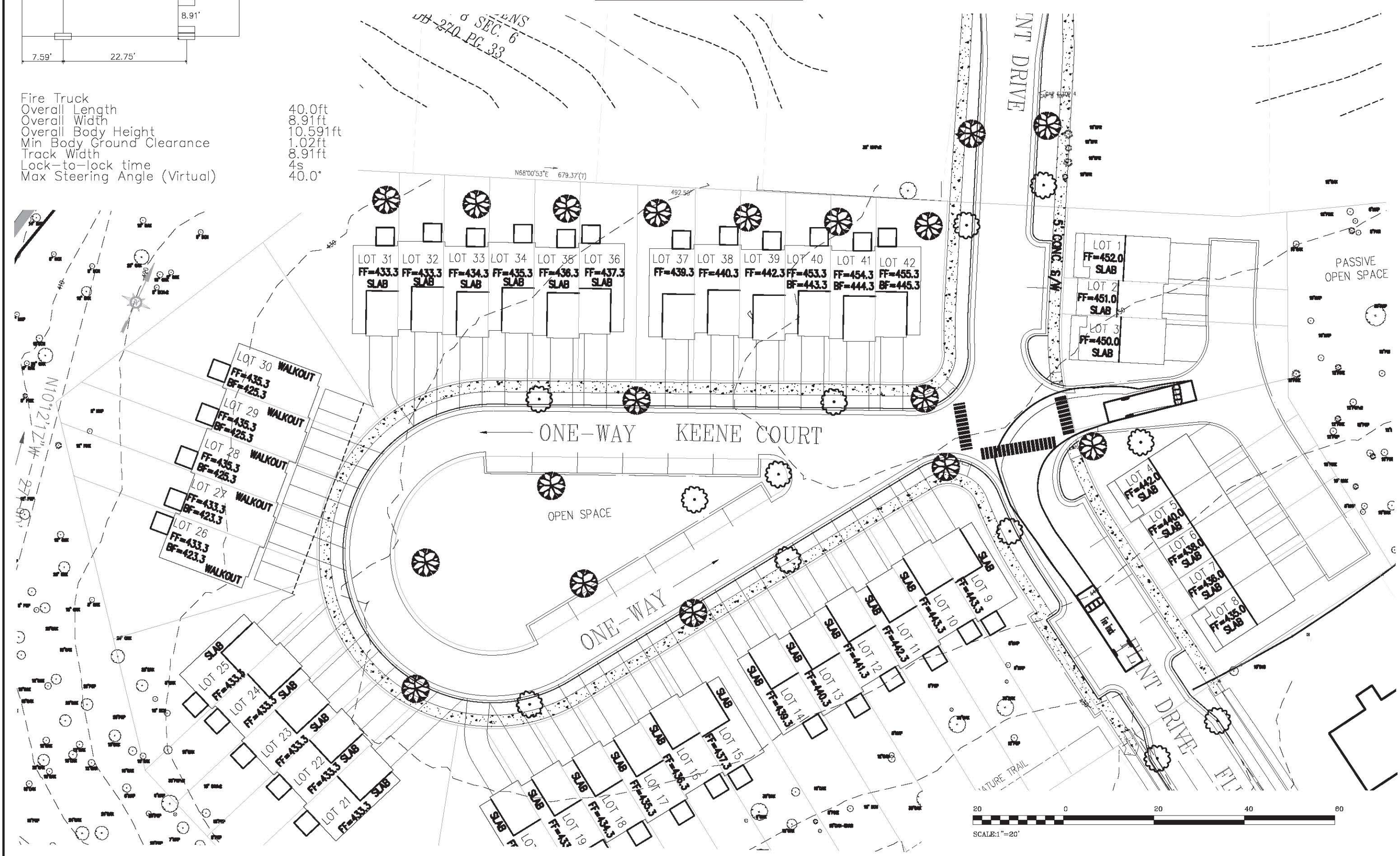
Fire Truck
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 Lock-to-lock time 4s
 Max Steering Angle (Virtual) 40.0°



Firetruck Autoturn 4



Fire Truck
 Overall Length 40.0ft
 Overall Width 8.91ft
 Overall Body Height 10.59ft
 Min Body Ground Clearance 1.02ft
 Track Width 8.91ft
 Lock-to-lock time 4s
 Max Steering Angle (Virtual) 40.0°



SOURCE OF BOUNDARY SURVEY:
PLAT OF RECORD

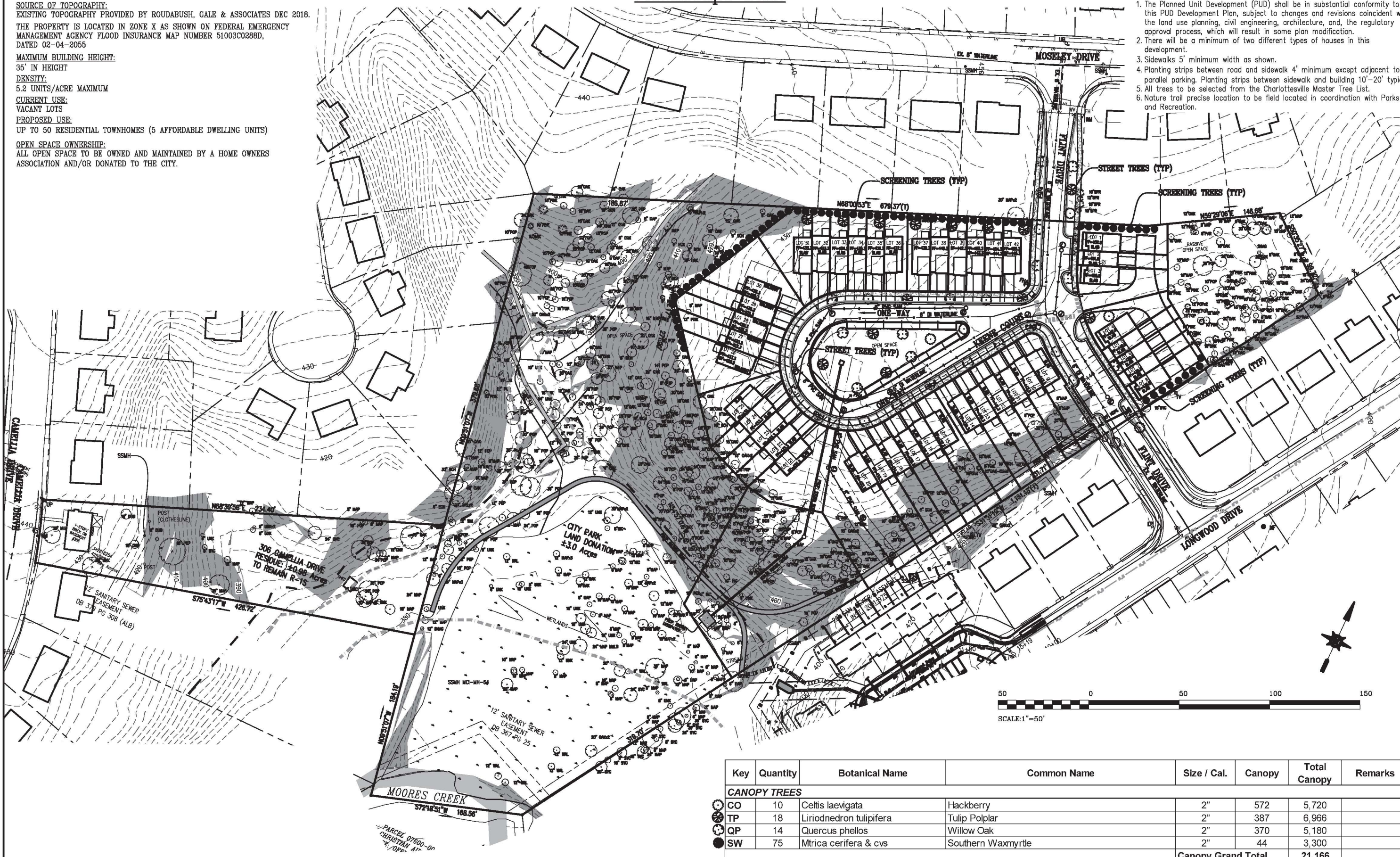
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MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 51003C0288D,
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MAXIMUM BUILDING HEIGHT:
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CURRENT USE:
VACANT LOTS
PROPOSED USE:
UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS
ASSOCIATION AND/OR DONATED TO THE CITY.

Landscape Plan

- Notes:
1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
 2. There will be a minimum of two different types of houses in this development.
 3. Sidewalks 5' minimum width as shown.
 4. Planting strips between road and sidewalk 4' minimum except adjacent to parallel parking. Planting strips between sidewalk and building 10'-20' typical.
 5. All trees to be selected from the Charlottesville Master Tree List.
 6. Nature trail precise location to be field located in coordination with Parks and Recreation.



| Key | Quantity | Botanical Name | Common Name | Size / Cal. | Canopy | Total Canopy | Remarks |
|---------------------------|----------|-----------------------------------|--------------------|-------------|--------|---------------|---------|
| CANOPY TREES | | | | | | | |
| CO | 10 | <i>Celtis laevigata</i> | Hackberry | 2" | 572 | 5,720 | |
| TP | 18 | <i>Liriodendron tulipifera</i> | Tulip Poplar | 2" | 387 | 6,966 | |
| QP | 14 | <i>Quercus phellos</i> | Willow Oak | 2" | 370 | 5,180 | |
| SW | 75 | <i>Mitrica cerifera & cvs</i> | Southern Waxmyrtle | 2" | 44 | 3,300 | |
| Canopy Grand Total | | | | | | 21,166 | |







April 17th, 2019

Massing Plan III

Flint Hill
Charlottesville, Virginia

Roudabush, Gale & Associates, Inc
Charlottesville, Virginia

Open Space Plan

DENSITY:
5.2 UNITS/ACRE MAXIMUM

CURRENT USE:
VACANT LOTS

PROPOSED USE:
UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

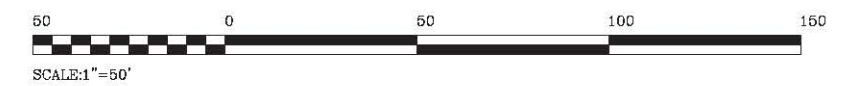
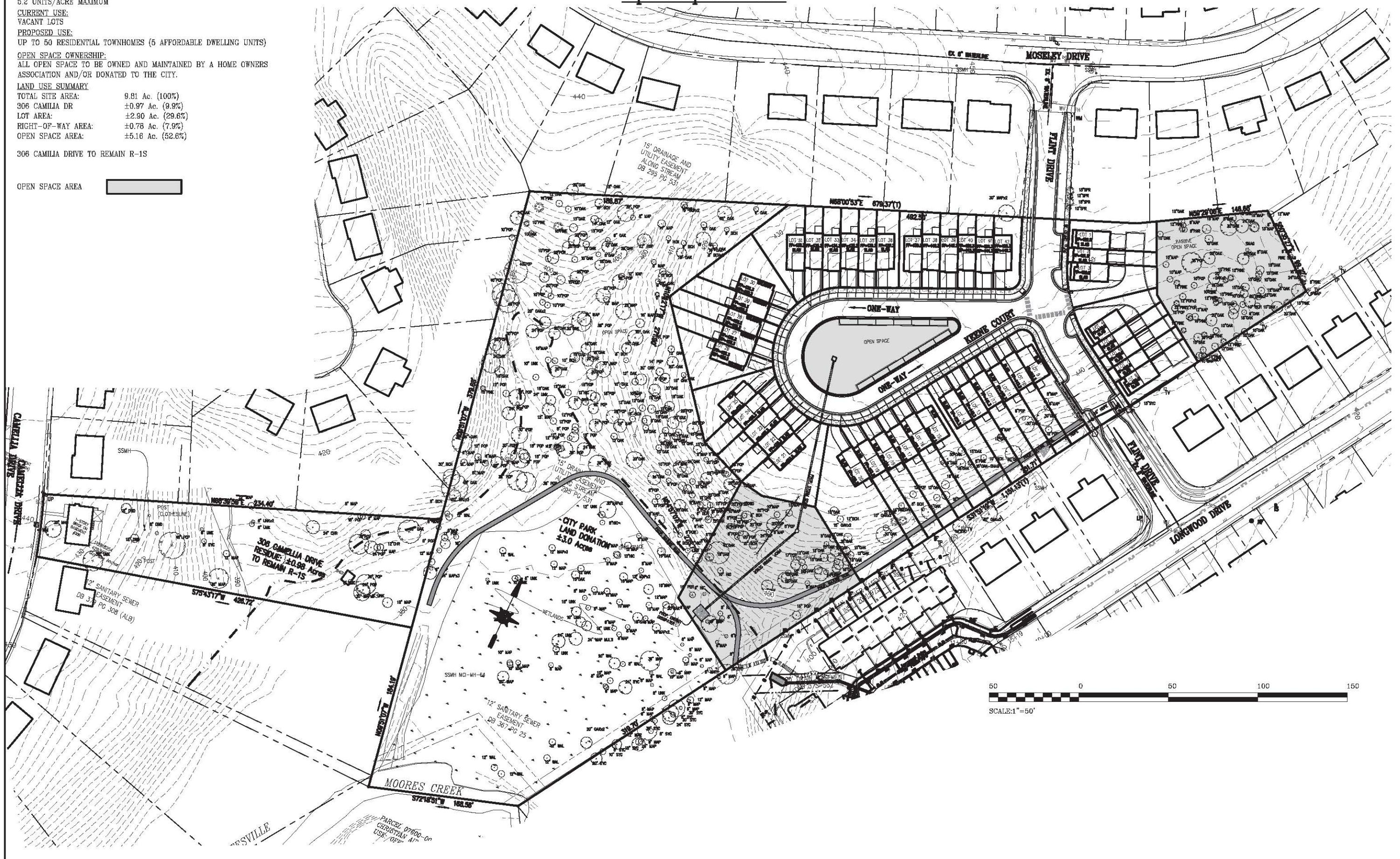
OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

LAND USE SUMMARY

| | |
|--------------------|-------------------|
| TOTAL SITE AREA: | 9.81 Ac. (100%) |
| 306 CAMILIA DR | ±0.97 Ac. (9.9%) |
| LOT AREA: | ±2.90 Ac. (29.6%) |
| RIGHT-OF-WAY AREA: | ±0.78 Ac. (7.9%) |
| OPEN SPACE AREA: | ±5.16 Ac. (52.6%) |

306 CAMILIA DRIVE TO REMAIN R-1S

OPEN SPACE AREA 



Parking Plan

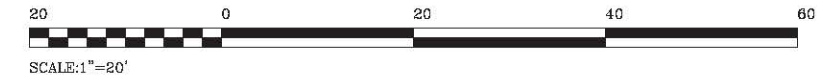
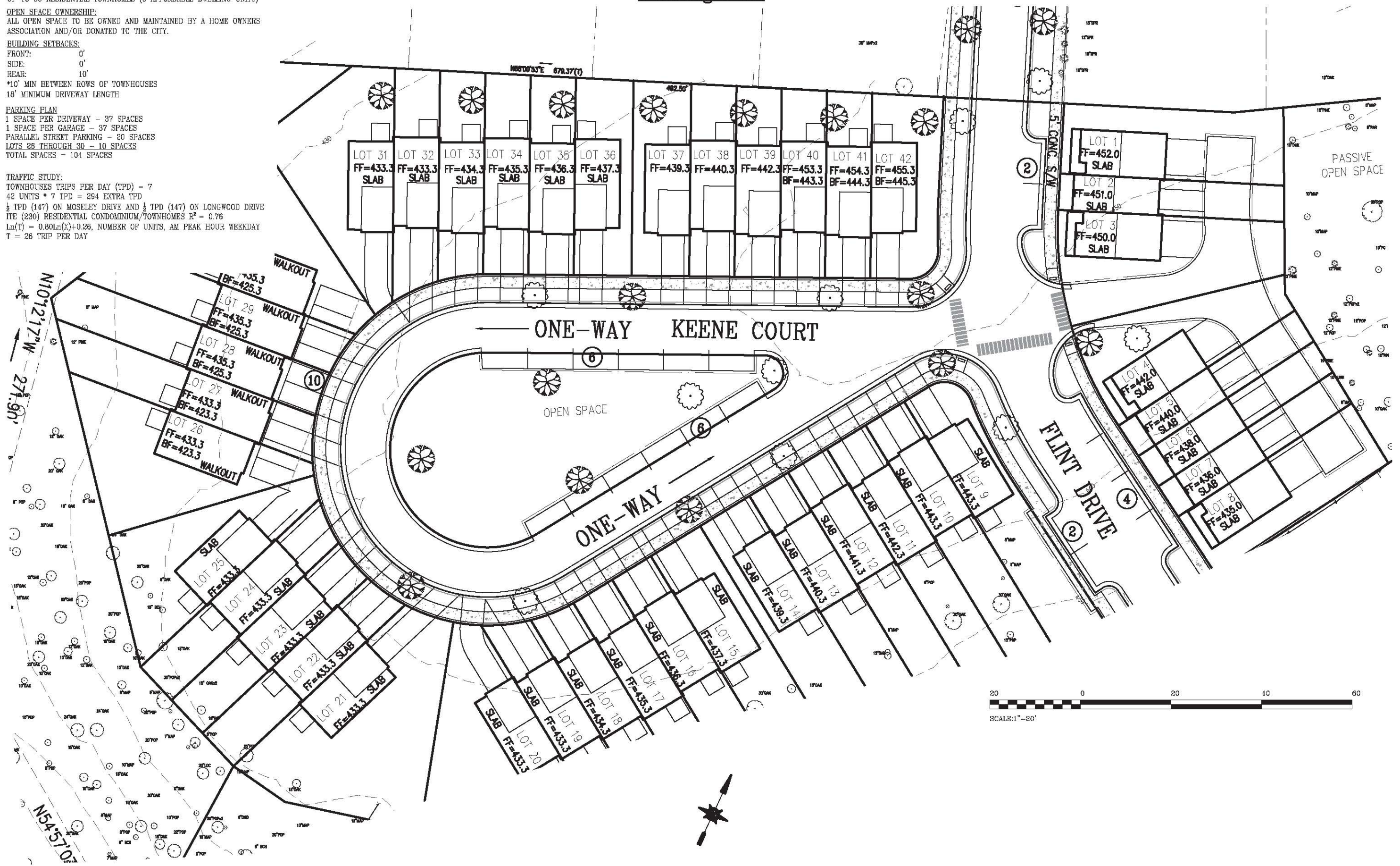
PROPOSED USE:
UP TO 60 RESIDENTIAL TOWNHOMES (6 AFFORDABLE DWELLING UNITS)

OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

BUILDING SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 10'
*10' MIN BETWEEN ROWS OF TOWNHOUSES
18' MINIMUM DRIVEWAY LENGTH

PARKING PLAN
1 SPACE PER DRIVEWAY - 37 SPACES
1 SPACE PER GARAGE - 37 SPACES
PARALLEL STREET PARKING - 20 SPACES
LOTS 26 THROUGH 30 - 10 SPACES
TOTAL SPACES = 104 SPACES

TRAFFIC STUDY:
TOWNHOUSES TRIPS PER DAY (TPD) = 7
42 UNITS * 7 TPD = 294 EXTRA TPD
1/2 TPD (147) ON MOSELEY DRIVE AND 1/2 TPD (147) ON LONGWOOD DRIVE
ITE (230) RESIDENTIAL CONDOMINIUM/TOWNHOMES $R^2 = 0.76$
 $Lm(T) = 0.60Ln(X) + 0.26$, NUMBER OF UNITS, AM PEAK HOUR WEEKDAY
T = 26 TRIP PER DAY

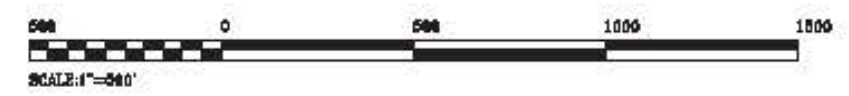
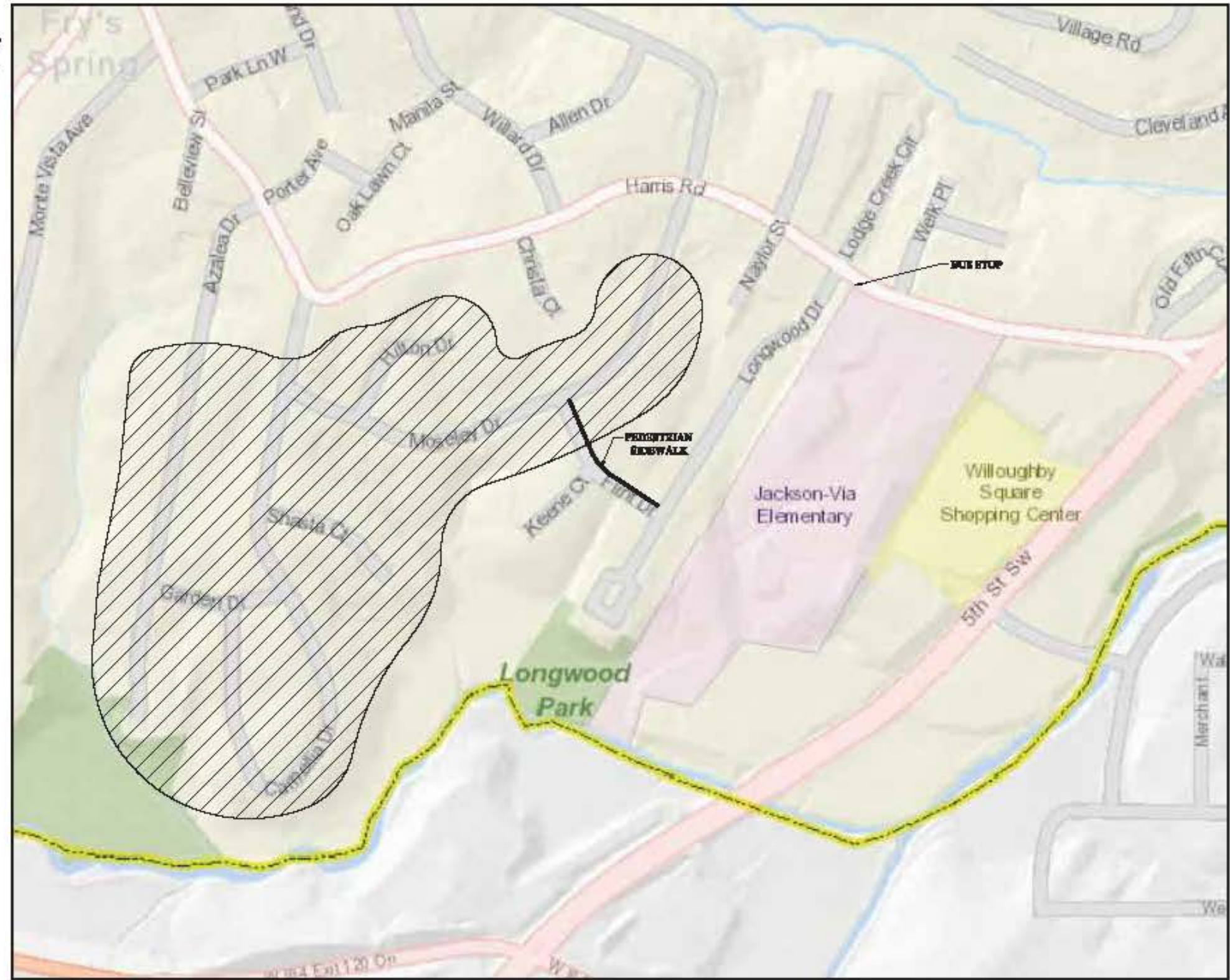


Pedestrian System

PEDESTRIAN ACCESS FROM AZALEA DRIVE AND SURROUNDING NEIGHBORHOOD

THE CONNECTION OF MOSELEY DR AND LONGWOOD DR WILL DECREASE THE AMOUNT OF TIME THAT MANY STUDENTS WILL SPEND ON HARRIS ROAD WHILE WALKING TO JACKSON-VIA ELEMENTARY SCHOOL. THERE ARE APPROXIMATELY 134 FEET THAT BENDS IN THE SHADED AREA PROVIDED ON THIS SHEET.

THE CLOSEST BUS STOP IS AT THE INTERSECTION OF LONGWOOD DRIVE AND HARRIS ROAD. CYS ROUTE 4 IS APPROXIMATELY 1,400 FT AWAY FROM THIS PLANNED LIGHT DEVELOPMENT.



Preliminary BMP/Stormwater Management Plan

Project Name: **Flint Hill**
Date: **4/10/2019**

CLEAR ALL

- data input cells
- constant values
- calculation cells
- final results

BMP Design Specifications List: 2013 Draft Stds & Specs

Site Information

Post-Development Project (Treatment Volume and Loads)

Land Cover (acres)

| | A Soils | B Soils | C Soils | D Soils | Totals |
|---|---------|---------|---------|---------|-------------|
| Forest/Open Space (acres) – undisturbed, protected forest/open space or reforested land | 1.72 | 0.50 | | | 2.22 |
| Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed | | 2.18 | | | 2.18 |
| Impervious Cover (acres) | | 1.82 | | | 1.82 |
| Total | | | | | 6.22 |

Constants

| | |
|----------------------------------|------|
| Annual Rainfall (inches) | 43 |
| Target Rainfall Event (inches) | 1.00 |
| Total Phosphorus (TP) EMC (mg/L) | 0.26 |
| Total Nitrogen (TN) EMC (mg/L) | 1.86 |
| Target TP Load (lb/acre/yr) | 0.41 |
| Pj (unitless correction factor) | 0.90 |

Runoff Coefficients (Rv)

| | A Soils | B Soils | C Soils | D Soils |
|-------------------|---------|---------|---------|---------|
| Forest/Open Space | 0.02 | 0.03 | 0.04 | 0.05 |
| Managed Turf | 0.15 | 0.20 | 0.22 | 0.25 |
| Impervious Cover | 0.95 | 0.95 | 0.95 | 0.95 |

Post-Development Requirement for Site Area

| | |
|------------------------------------|-------------|
| TP Load Reduction Required (lb/yr) | 2.50 |
|------------------------------------|-------------|

Drainage Area A

Drainage Area A Land Cover (acres)

| | A Soils | B Soils | C Soils | D Soils | Totals | Land Cover Rv |
|---------------------------|---------|---------|---------|---------|-------------|---------------|
| Forest/Open Space (acres) | | | | | 0.00 | 0.00 |
| Managed Turf (acres) | | 0.54 | | | 0.54 | 0.20 |
| Impervious Cover (acres) | | 1.20 | | | 1.20 | 0.95 |
| Total | | | | | 1.74 | |

6. Bioretention (RR)

| | | | | | | | | | | | | |
|---|----|------|------|---|-------|-----|-------|----|------|------|------|------|
| 6.a. Bioretention #1 or Micro-Bioretention #1 or Urban Bioretention (Spec #9) | 40 | | | 0 | 0 | 0 | 0 | 25 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9) | 80 | 0.54 | 1.20 | 0 | 3,624 | 906 | 4,530 | 50 | 0.00 | 2.84 | 2.56 | 0.28 |

STORMWATER NARRATIVE:

THE WATER QUANTITY PORTION WILL USE THE ENERGY BALANCE EQUATION TO PROVIDE CHANNEL PROTECTION AND FLOOD PROTECTION. THE TOTAL DMS FURFEDLAND AREA FOR THE PROJECT IS 4.50 AC WHICH INCLUDES THE ROADS TO BE BUILT TO MOSLEY DRIVE AND LONGWOOD DRIVE. THERE WILL BE THREE DISCHARGE POINTS FOR THIS DEVELOPMENT AND ALL POINTS WILL BE SHOWN TO PROVIDE AN ADEQUATE CHANNEL TO THE 100-YR FLOODPLAIN.

THE WATER QUALITY PORTION OF THE DEVELOPMENT WILL USE A LEVEL TWO BIOPILTER AT THE CENTER OF THE OPEN SPACE IN THE CUL-DE-SAC AREA AND/OR OTHER APPROVED PRACTICES AS NECESSARY. PLEASE SEE THE ATTACHED VWM SPREADSHEET FOR FURTHER GUIDANCE.

Site Results (Water Quality Compliance)

| Area Checks | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | AREA CHECK |
|--------------------------------|--------|--------|--------|--------|--------|------------|
| FOREST/OPEN SPACE (ac) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | OK |
| IMPERVIOUS COVER (ac) | 1.20 | 0.00 | 0.00 | 0.00 | 0.00 | OK |
| IMPERVIOUS COVER TREATED (ac) | 1.20 | 0.00 | 0.00 | 0.00 | 0.00 | OK |
| MANAGED TURF AREA (ac) | 0.54 | 0.00 | 0.00 | 0.00 | 0.00 | OK |
| MANAGED TURF AREA TREATED (ac) | 0.54 | 0.00 | 0.00 | 0.00 | 0.00 | OK |
| AREA CHECK | OK | OK | OK | OK | OK | |

Site Treatment Volume (ft³) **8,038**

Runoff Reduction Volume and TP By Drainage Area

| | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | TOTAL |
|---|--------|--------|--------|--------|--------|-------|
| RUNOFF REDUCTION VOLUME ACHIEVED (ft ³) | 3,624 | 0 | 0 | 0 | 0 | 3,624 |
| TP LOAD AVAILABLE FOR REMOVAL (lb/yr) | 2.85 | 0.00 | 0.00 | 0.00 | 0.00 | 2.85 |
| TP LOAD REDUCTION ACHIEVED (lb/yr) | 2.56 | 0.00 | 0.00 | 0.00 | 0.00 | 2.56 |
| TP LOAD REMAINING (lb/yr) | 0.29 | 0.00 | 0.00 | 0.00 | 0.00 | 0.29 |
| NITROGEN LOAD REDUCTION ACHIEVED (lb/yr) | 18.71 | 0.00 | 0.00 | 0.00 | 0.00 | 18.71 |

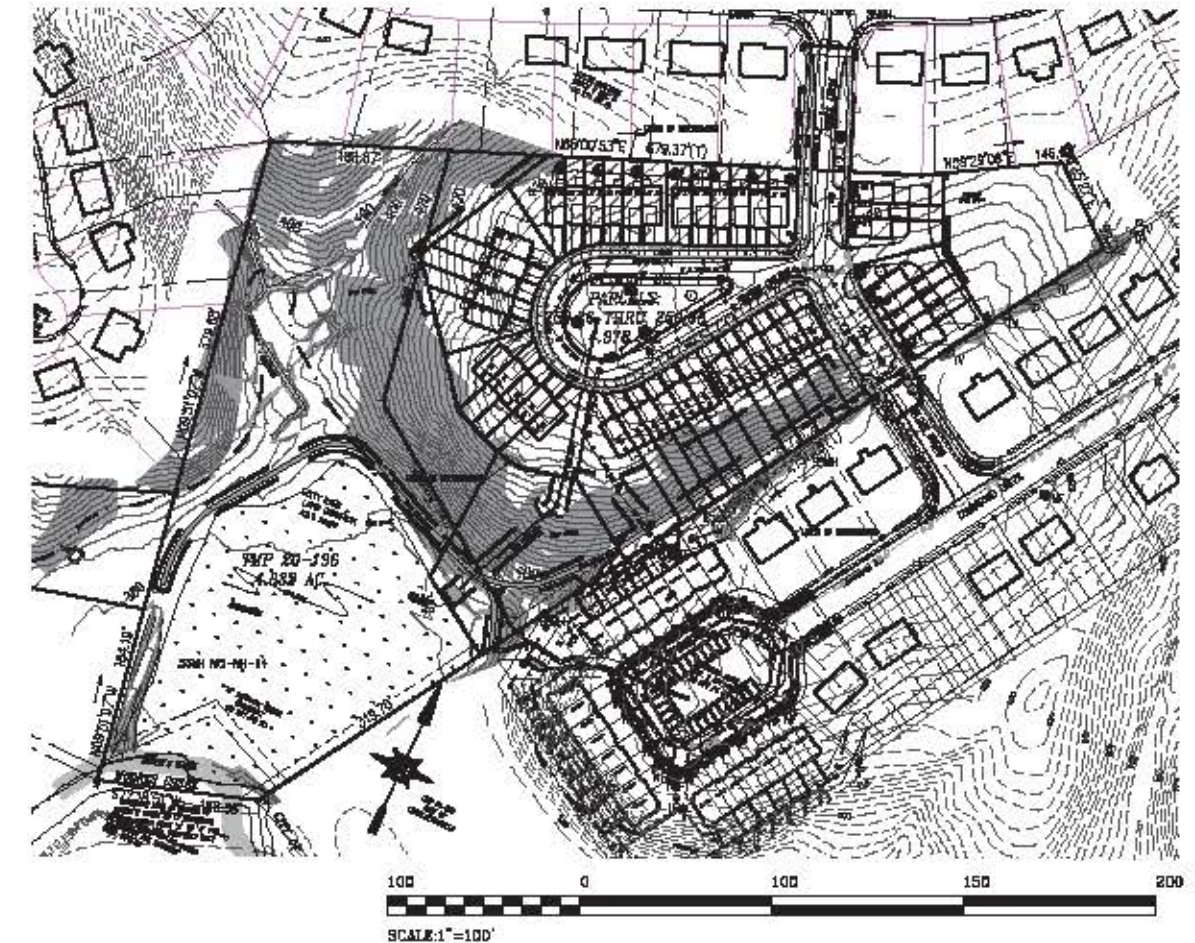
Total Phosphorus

| | |
|--|---------|
| FINAL POST-DEVELOPMENT TP LOAD (lb/yr) | 5.05 |
| TP LOAD REDUCTION REQUIRED (lb/yr) | 2.50 |
| TP LOAD REDUCTION ACHIEVED (lb/yr) | 2.56 |
| TP LOAD REMAINING (lb/yr) | 2.49 |
| REMAINING TP LOAD REDUCTION REQUIRED (lb/yr) | 0.00 ** |

** TARGET TP REDUCTION EXCEEDED BY 0.06 LB/YEAR **

Total Nitrogen (For Information Purposes)

| | |
|--|-------|
| POST-DEVELOPMENT LOAD (lb/yr) | 36.13 |
| NITROGEN LOAD REDUCTION ACHIEVED (lb/yr) | 18.71 |
| REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr) | 17.42 |



| Curve | Length | Radius | Delta | Chord | Tangent | Chord Bearing |
|-------|---------|---------|------------|---------|---------|---------------|
| C1 | 61.43' | 122.00' | 19°23'07" | 61.18' | 26.96' | N 31°31'57" W |
| C2 | 46.16' | 122.00' | 17°01'11" | 44.95' | 22.74' | N 49°44'07" W |
| C3 | 41.35' | 205.74' | 11°30'50" | 41.28' | 20.74' | S 52°28'47" E |
| C4 | 21.73' | 12.50' | 99°38'43" | 19.10' | 14.79' | N 83°28'18" E |
| C5 | 20.35' | 12.50' | 93°17'48" | 18.19' | 13.24' | S 18°58'15" W |
| C6 | 20.04' | 205.74' | 5°34'51" | 20.03' | 10.03' | S 24°53'13" E |
| C7 | 20.67' | 8.00' | 148°32'47" | 15.38' | 27.94' | S 4°21'27" E |
| C8 | 158.07' | 43.00' | 211°57'13" | 82.48' | 150.19' | N 4°21'27" W |
| C9 | 70.27' | 822.88' | 6°27'48" | 70.25' | 35.17' | N 18°17'25" W |
| C10 | 288.66' | 72.50' | 211°57'12" | 148.01' | 270.66' | N 4°21'28" W |

Preliminary Plat



VICINITY MAP
SCALE: 1" = 8,000'

OWNER'S AFFIDAVIT

THE DIVISION OF THE LAND DESCRIBED IS WITH THE FREE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, TRUSTEES, OR PROPRIETORS. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIRMED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

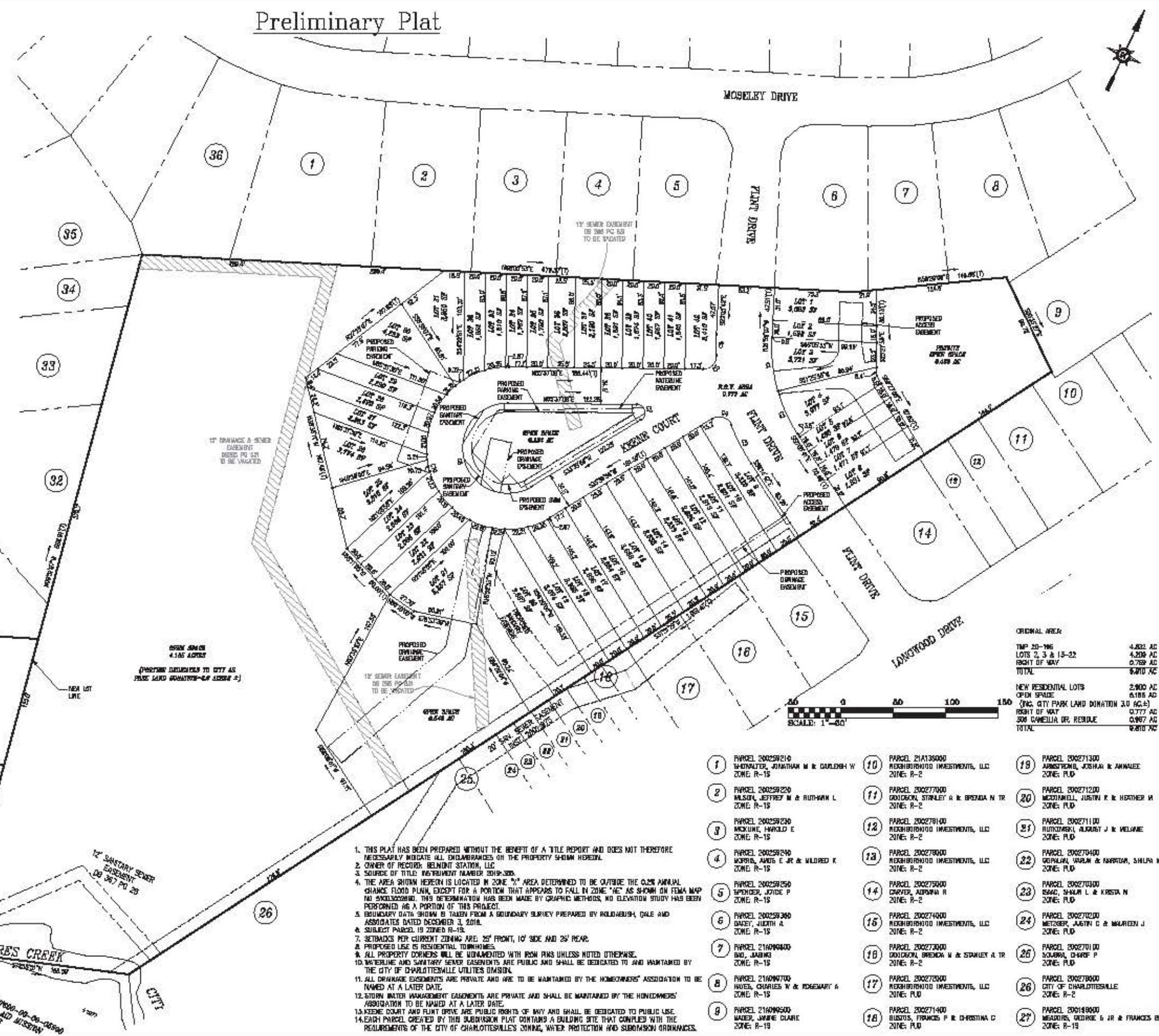
SIGNATURE: _____ DATE: _____
CITY SUBMISSION AGENT

SIGNATURE: _____ DATE: _____
CHAIR, CITY PLANNING COMMISSION

BELMONT STATION, LLC
170 S. PARKTOWN DRIVE
CHARLOTTESVILLE, VA 22811
434-240-0894

COMMONWEALTH OF VIRGINIA -
CITY/COUNTY OF: _____
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____.

SIGNATURE OF NOTARY PUBLIC: _____
REG. NO.: _____
MY COMMISSION EXPIRES: _____



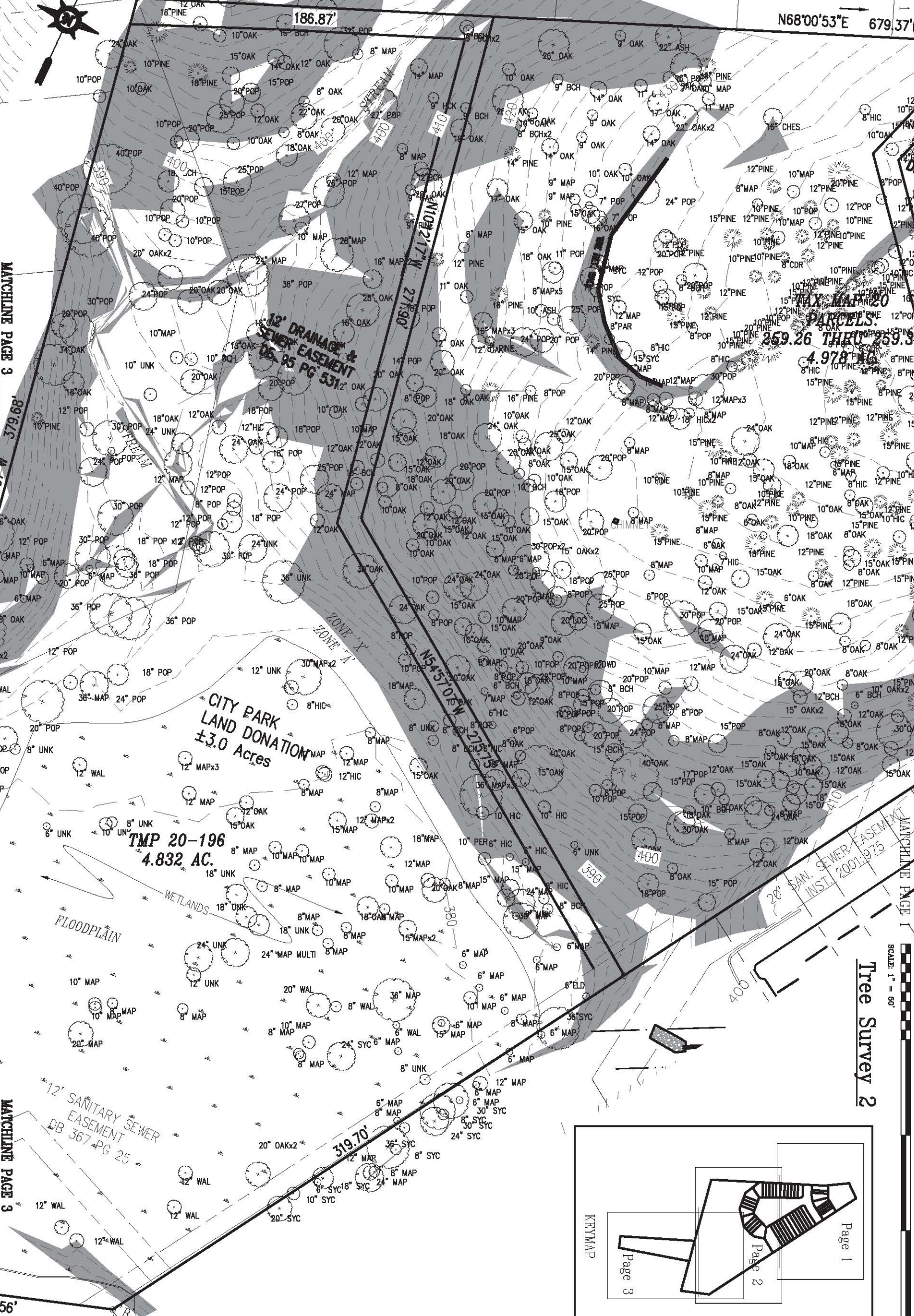
| ORIGINAL AREA | |
|--|----------|
| TMP 20-196 | 4,822 AC |
| LOTS 2, 3 & 13-22 | 4,208 AC |
| RIGHT OF WAY | 0,789 AC |
| TOTAL | 9,819 AC |
| NEW RESIDENTIAL LOTS | |
| OPEN SPACE | 2,900 AC |
| (INC. CITY PARK LAND DONATION 3.0 AC.) | 6,186 AC |
| RIGHT OF WAY | 0,777 AC |
| 30' CANELLA DR. RESERVE | 0,967 AC |
| TOTAL | 9,870 AC |

- | | | |
|---|---|---|
| 1. PARCEL 200258210 SHAWLTER, JONATHAN M & DAUGHSH W ZONE: R-1S | 10. PARCEL 21A13000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 19. PARCEL 200271300 ARMSTRONG, JOHANN & ANNALISE ZONE: PUD |
| 2. PARCEL 200258220 MILSON, JEFFREY M & RUTHAN L ZONE: R-1S | 11. PARCEL 200277000 ODDICON, STANLEY A & BRENDA N TR ZONE: R-2 | 20. PARCEL 200271200 MCCOMMELL, JUSTIN K & HEATHER M ZONE: PUD |
| 3. PARCEL 200258230 MCKINLEY, HAROLD E ZONE: R-1S | 12. PARCEL 200278100 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 21. PARCEL 200271100 RUTENFRAN, AUGUST J & VELVINE ZONE: PUD |
| 4. PARCEL 200258240 MORRIS, JAMES E JR & MILDRED K ZONE: R-1S | 13. PARCEL 200278000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 22. PARCEL 200270400 GONZALEZ, VASIM & MARION, SHEILA M ZONE: PUD |
| 5. PARCEL 200258250 SPENCER, JUDITH P ZONE: R-1S | 14. PARCEL 200278000 CARVER, ADEENA R ZONE: R-2 | 23. PARCEL 200270300 ESKAL, SHARIL L & KRISTA N ZONE: PUD |
| 6. PARCEL 200258260 BARTY, JUDITH A ZONE: R-1S | 15. PARCEL 200274000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 24. PARCEL 200270200 METZGER, JAMIN C & MARLEEN J ZONE: PUD |
| 7. PARCEL 21A090400 BND, JARROLD ZONE: R-1S | 16. PARCEL 200273000 ODDICON, BRENDA M & STANLEY A TR ZONE: R-2 | 25. PARCEL 200270100 SOLBERG, DANIEL P ZONE: PUD |
| 8. PARCEL 21A090700 HANEL, CHARLES W & ROSEMARY A ZONE: R-1S | 17. PARCEL 200272000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: PUD | 26. PARCEL 200278000 CITY OF CHARLOTTESVILLE ZONE: R-2 |
| 9. PARCEL 21A090500 WALKER, JANINE CLARE ZONE: R-1S | 18. PARCEL 200271400 PARSONS, FRANCIS P & CHRISTINA C ZONE: PUD | 27. PARCEL 200189000 MEADORS, GEORGE G JR & FRANCES B ZONE: R-1S |

- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
- OWNER OF RECORD, BELMONT STATION, LLC
- SOURCE OF TITLE: INSTRUMENT NUMBER 2019-300.
- THE AREA SHOWN HEREON IS LOCATED IN ZONE "R-1S" AREA DETERMINED TO BE OUTSIDE THE 100-YEAR ANNUAL CHANCE FLOOD PLAIN, EXCEPT FOR A PORTION THAT APPEARS TO FALL IN ZONE "AE" AS SHOWN ON FEMA MAP NO. 58032C000. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS. NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
- BOUNDARY DATA SHOWN IS TAKEN FROM A BOUNDARY SURVEY PREPARED BY ROLANDUSCH, GALE AND ASSOCIATES DATED DECEMBER 3, 2018.
- SUBJECT PARCEL IS ZONED R-1S.
- SETBACKS PER CURRENT ZONING ARE 25' FRONT, 10' SIDE AND 25' REAR.
- PROPOSED USE IS RESIDENTIAL TOWNHOMES.
- ALL PROPERTY OWNERS WILL BE MONUMENTED WITH IRON PINS UNLESS NOTED OTHERWISE.
- WATERLINE AND SANITARY SEWER EASEMENTS ARE PUBLIC AND SHALL BE DEDICATED TO AND MAINTAINED BY THE CITY OF CHARLOTTESVILLE UTILITIES DIVISION.
- ALL DRAINAGE EASEMENTS ARE PRIVATE AND ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION TO BE FORMED AT A LATER DATE.
- STORM WATER MANAGEMENT EASEMENTS ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION TO BE FORMED AT A LATER DATE.
- KEENE COURT AND FLINT DRIVE ARE PUBLIC RIGHTS OF WAY AND SHALL BE DEDICATED TO PUBLIC USE.
- EACH PARCEL CREATED BY THIS SUBDIVISION PLAT CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, WATER PROTECTION AND SUBDIVISION ORDINANCES.



N68°00'53"E 679.37'



MATCHLINE PAGE 3

379.68'

12" DRAINAGE & SEWER EASEMENT
DB 95 PG 53

TAX MAP 20 PARCELS
259.26 THRU 259.3
4.978 AC

CITY PARK LAND DONATION
±3.0 Acres

TMP 20-196
4.832 AC.

FLOODPLAIN

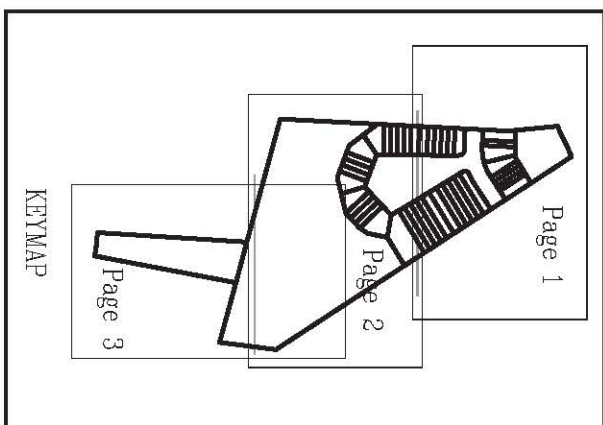
WETLANDS

12" SANITARY SEWER EASEMENT
DB 367 PG 25

20" SAN. SEWER EASEMENT
INST. 2001/975

SCALE: 1" = 50'

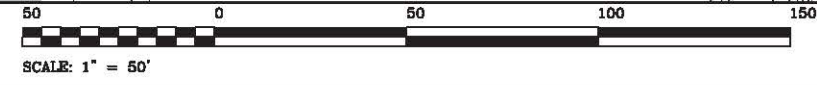
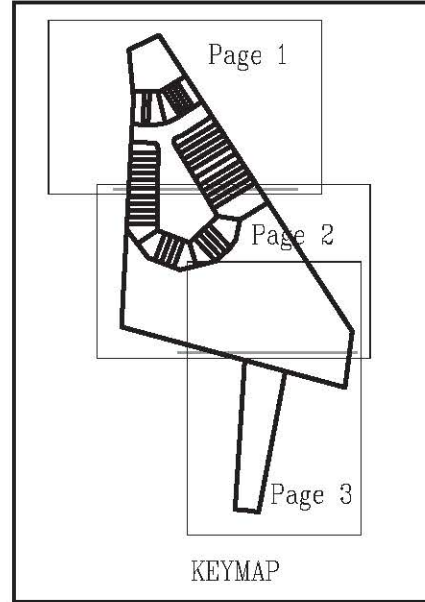
Tree Survey 2



MATCHLINE PAGE 3

56'

Tree Survey 3



Utility Plan

SOURCE OF BOUNDARY SURVEY:
PLAT OF RECORD

SOURCE OF TOPOGRAPHY:
EXISTING TOPOGRAPHY PROVIDED BY THE CITY OF CHARLOTTESVILLE GIS DATA.
THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FEDERAL EMERGENCY
MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 51003C0288D,
DATED 02-04-2055

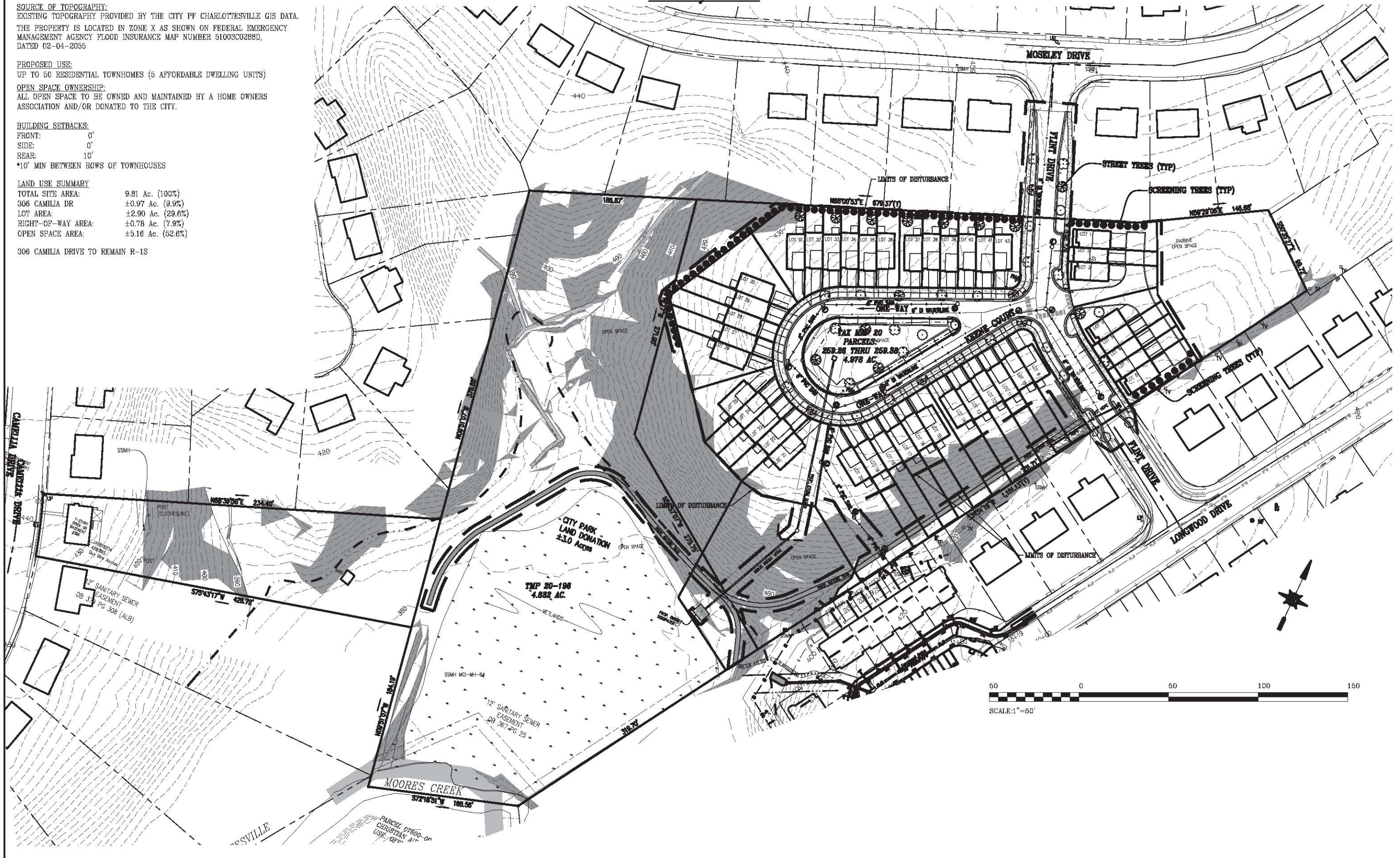
PROPOSED USE:
UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS
ASSOCIATION AND/OR DONATED TO THE CITY.

BUILDING SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 10'
*10' MIN BETWEEN ROWS OF TOWNHOUSES

LAND USE SUMMARY
TOTAL SITE AREA: 9.81 Ac. (100%)
306 CAMILIA DR ±0.97 Ac. (9.9%)
LOT AREA: ±2.90 Ac. (29.6%)
RIGHT-OF-WAY AREA: ±0.78 Ac. (7.9%)
OPEN SPACE AREA: ±5.16 Ac. (52.6%)

306 CAMILIA DRIVE TO REMAIN R-1S









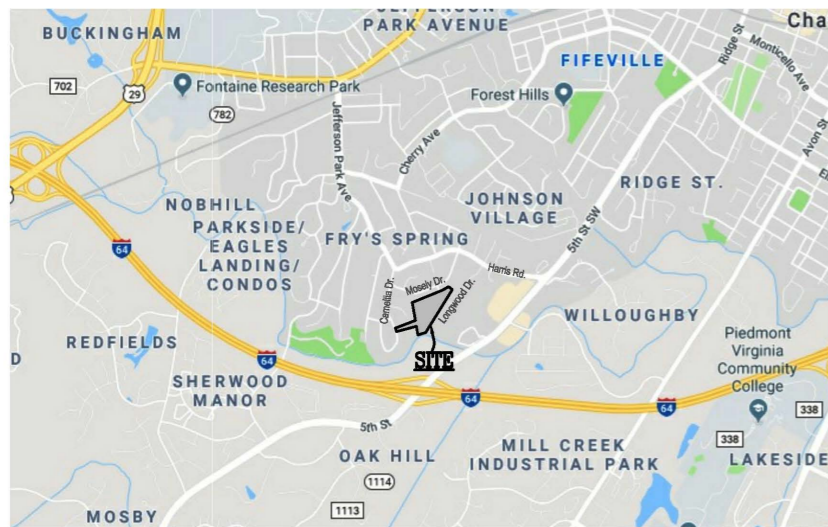








| Curve Table | | | | | | |
|-------------|---------|---------|------------|---------|---------|---------------|
| Curve | Length | Radius | Delta | Chord | Tangent | Chord Bearing |
| C1 | 51.43' | 152.00' | 19°23'07" | 51.18' | 25.96' | N 31°31'57" W |
| C2 | 45.15' | 152.00' | 17°01'11" | 44.99' | 22.74' | N 49°44'07" W |
| C3 | 41.35' | 205.74' | 11°30'50" | 41.28' | 20.74' | S 52°28'47" E |
| C4 | 21.73' | 12.50' | 99°36'43" | 19.10' | 14.79' | N 83°28'16" E |
| C5 | 20.35' | 12.50' | 93°17'48" | 18.18' | 13.24' | S 18°58'15" W |
| C6 | 20.04' | 205.74' | 5°34'51" | 20.03' | 10.03' | S 24°53'13" E |
| C7 | 20.67' | 8.00' | 148°02'47" | 15.38' | 27.94' | S 40°21'27" E |
| C8 | 159.07' | 43.00' | 211°57'13" | 82.68' | 150.19' | N 40°21'27" W |
| C9 | 70.27' | 622.88' | 6°27'48" | 70.23' | 35.17' | N 18°10'25" W |
| C10 | 286.69' | 77.50' | 211°57'12" | 149.01' | 270.69' | N 40°21'28" W |



VICINITY MAP
SCALE: 1" = 2,000'

OWNER'S APPROVAL

THE DIVISION OF THE LAND DESCRIBED IS WITH THE FREE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, TRUSTEES, OR PROPRIETORS. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____ DATE: _____
CITY SUBDIVISION AGENT

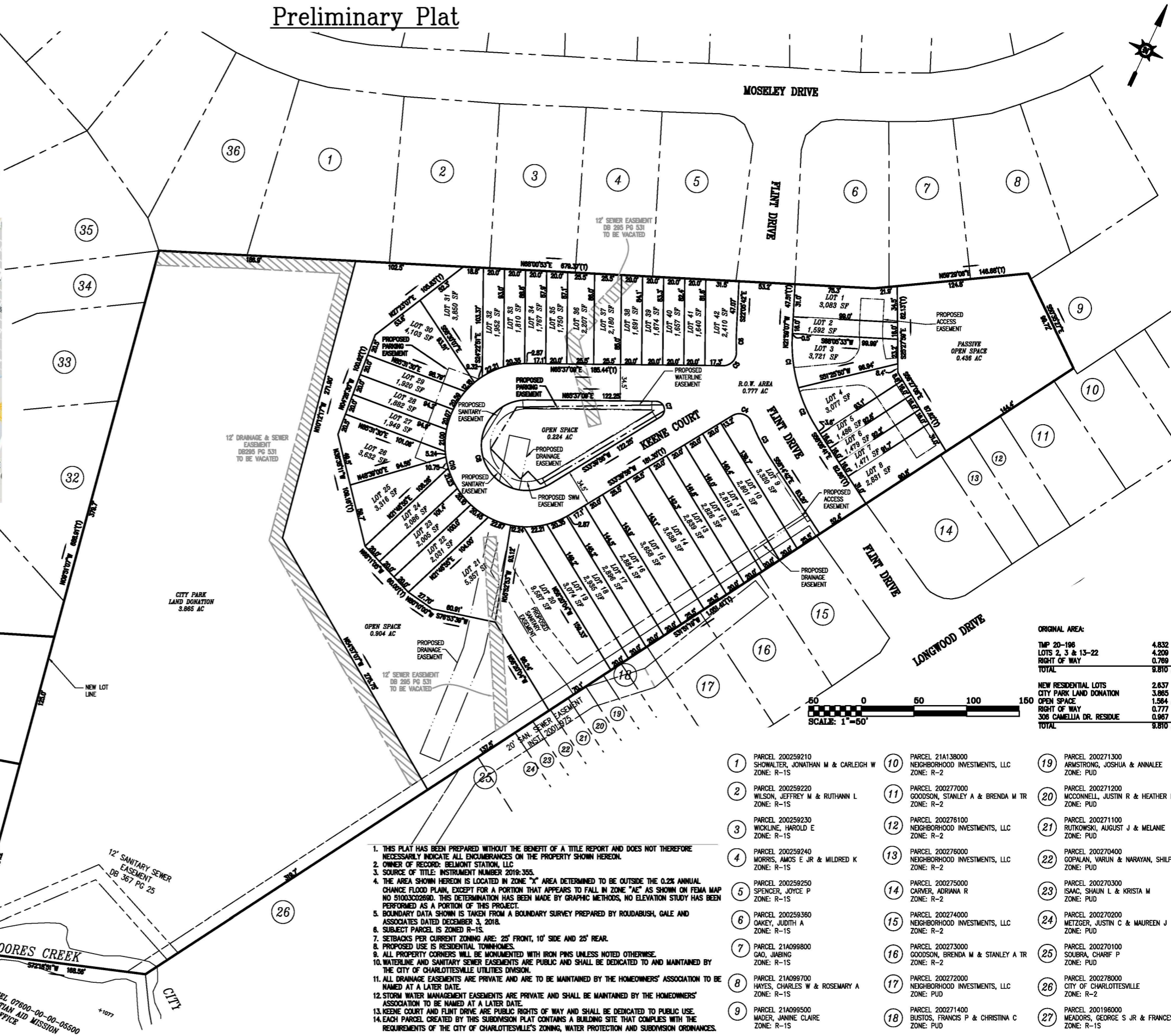
SIGNATURE: _____ DATE: _____
CHAIR, CITY PLANNING COMMISSION

BELMONT STATION, LLC
170 S. PANTOPS DRIVE
CHARLOTTESVILLE, VA 22911
434-245-0894

COMMONWEALTH OF VIRGINIA -
CITY/COUNTY OF: _____
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____.

SIGNATURE OF NOTARY PUBLIC: _____
REG. NO.: _____
MY COMMISSION EXPIRES: _____

Preliminary Plat



| ORIGINAL AREA: | |
|--------------------------|----------|
| TWP 20-196 | 4.832 AC |
| LOTS 2, 3 & 13-22 | 4.208 AC |
| RIGHT OF WAY | 0.789 AC |
| TOTAL | 9.810 AC |
| NEW RESIDENTIAL LOTS | |
| CITY PARK LAND DONATION | 2.637 AC |
| OPEN SPACE | 3.885 AC |
| RIGHT OF WAY | 1.584 AC |
| 306 CAMELLIA DR. RESIDUE | 0.977 AC |
| TOTAL | 9.810 AC |

- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
- OWNER OF RECORD: BELMONT STATION, LLC
- SOURCE OF TITLE: INSTRUMENT NUMBER 2018:355.
- THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, EXCEPT FOR A PORTION THAT APPEARS TO FALL IN ZONE "AE" AS SHOWN ON FEMA MAP NO 51003C0289D. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
- BOUNDARY DATA SHOWN IS TAKEN FROM A BOUNDARY SURVEY PREPARED BY ROUDABUSH, GALE AND ASSOCIATES DATED DECEMBER 3, 2018.
- SUBJECT PARCEL IS ZONED R-1S.
- SETBACKS PER CURRENT ZONING ARE: 25' FRONT, 10' SIDE AND 25' REAR.
- PROPOSED USE IS RESIDENTIAL TOWNHOMES.
- ALL PROPERTY CORNERS WILL BE MONUMENTED WITH IRON PINS UNLESS NOTED OTHERWISE.
- WATERLINE AND SANITARY SEWER EASEMENTS ARE PUBLIC AND SHALL BE DEDICATED TO AND MAINTAINED BY THE CITY OF CHARLOTTESVILLE UTILITIES DIVISION.
- ALL DRAINAGE EASEMENTS ARE PRIVATE AND ARE TO BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
- STORM WATER MANAGEMENT EASEMENTS ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
- KEENE COURT AND FLINT DRIVE ARE PUBLIC RIGHTS OF WAY AND SHALL BE DEDICATED TO PUBLIC USE.
- EACH PARCEL CREATED BY THIS SUBDIVISION PLAT CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, WATER PROTECTION AND SUBDIVISION ORDINANCES.

- | | | | | | |
|---|--|----|---|----|---|
| 1 | PARCEL 200259210 SHOWALTER, JONATHAN M & CARLEIGH W ZONE: R-1S | 10 | PARCEL 21A138000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 19 | PARCEL 200271300 ARMSTRONG, JOSHUA & ANNALÉE ZONE: PUD |
| 2 | PARCEL 200259220 WILSON, JEFFREY M & RUTHANN L ZONE: R-1S | 11 | PARCEL 200277000 GOODSON, STANLEY A & BRENDA M TR ZONE: R-2 | 20 | PARCEL 200271200 MCCONNELL, JUSTIN R & HEATHER M ZONE: PUD |
| 3 | PARCEL 200259230 WICKLINE, HAROLD E ZONE: R-1S | 12 | PARCEL 200276100 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 21 | PARCEL 200271100 RUTKOWSKI, AUGUST J & MELANIE ZONE: PUD |
| 4 | PARCEL 200259240 MORRIS, AMOS E JR & MILDRED K ZONE: R-1S | 13 | PARCEL 200276000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 22 | PARCEL 200270400 GOPALAN, VARUN & NARAYAN, SHILPA M ZONE: PUD |
| 5 | PARCEL 200259250 SPENCER, JOYCE P ZONE: R-1S | 14 | PARCEL 200275000 CARVER, ADRIANA R ZONE: R-2 | 23 | PARCEL 200270300 ISAAC, SHAWN L & KRISTA M ZONE: PUD |
| 6 | PARCEL 200259360 GAO, JIABING ZONE: R-1S | 15 | PARCEL 200274000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2 | 24 | PARCEL 200270200 METZGER, JUSTIN C & MAUREEN J ZONE: PUD |
| 7 | PARCEL 21A098900 GAO, JIABING ZONE: R-1S | 16 | PARCEL 200273000 GOODSON, BRENDA M & STANLEY A TR ZONE: R-2 | 25 | PARCEL 200270100 SOUBRA, CHARIF P ZONE: PUD |
| 8 | PARCEL 21A098700 HAYES, CHARLES W & ROSEMARY A ZONE: R-1S | 17 | PARCEL 200272000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: PUD | 26 | PARCEL 200278000 CITY OF CHARLOTTESVILLE ZONE: R-2 |
| 9 | PARCEL 21A099500 MADER, JANINE CLAIRE ZONE: R-1S | 18 | PARCEL 200271400 BUSTOS, FRANCIS P & CHRISTINA C ZONE: PUD | 27 | PARCEL 200196000 MEADORS, GEORGE S JR & FRANCES B ZONE: R-1S |

Flint Hill
Charlottesville, Virginia

Roudabush, Gale & Associates, Inc.
Charlottesville, Virginia

February 7th, 2019

\\192.168.2.15\residential\Projects\2017\17-0170-ENGINEERING\DWG\17-0170-PUD-PRELIM PLAT.dwg

RIGHT-OF-WAY VACATION AND DEDICATION EXHIBIT

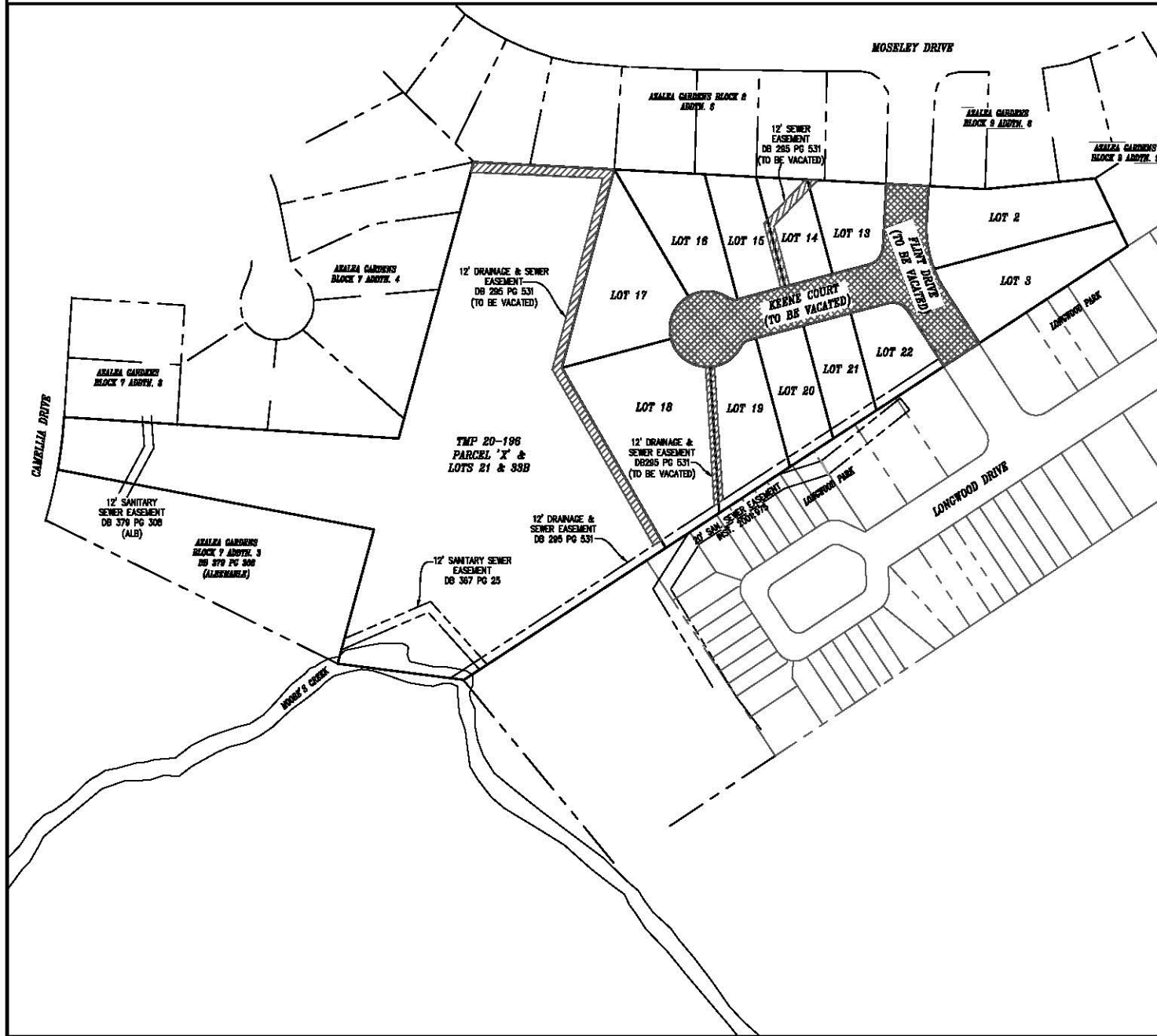


EXHIBIT A
EXISTING PLAT

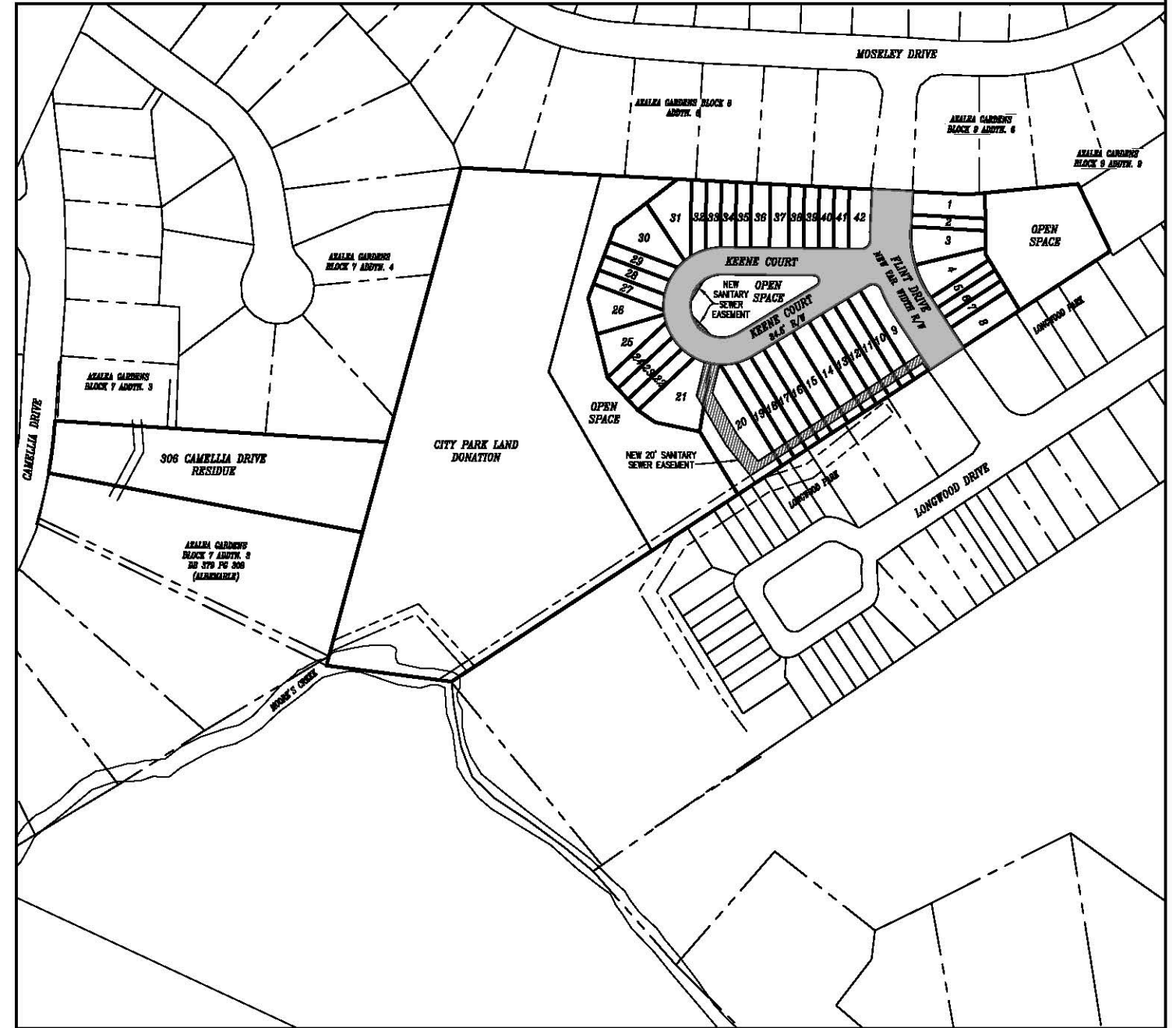
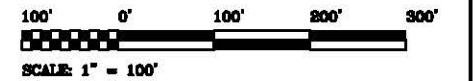


EXHIBIT B
PROPOSED PLAT

NOTE:

Applicant is requesting city council vacate Keene Court, a portion of Flint Drive, and sewer easements, shown as hatched areas on Exhibit A. New road and sanitary easements will be dedicated on proposed plat as shown on Exhibit B.



Alfele, Matthew

From: Lynn Wahl <lynnwahl@gmail.com>
Sent: Friday, March 8, 2019 3:50 PM
To: Alfele, Matthew
Cc: Martin Wahl; Brian Wahl
Subject: Flint Hill PUD Rezoning Public Comment

Follow Up Flag: FollowUp
Flag Status: Flagged

Dear Mr. Alfele -

My husband and I are the property owners of 111 Shasta Court adjacent to the area of proposed development. While we do not oppose some developmental this area, we strongly believe the number and type of proposed units is excessive and should be considerably scaled back. Furthermore, we believe the development should include a mix of single family homes, duplexes and townhomes. Fifty townhomes would drastically change the character of our existing single family home neighborhood.

We are also concerned about construction noise and the potential for construction runoff and environmental damage to the creek in the ravine behind our property.

Please forward our concerns to Planning Commission members.

Thank you,
Lynn and Martin Wahl

Sent from my iPhone

Alfele, Matthew

From: Sandra Erksa <sedbj@comcast.net>
Sent: Monday, December 10, 2018 4:12 PM
To: Alfele, Matthew
Subject: Flint Hill Rezoning

Follow Up Flag: FollowUp
Flag Status: Flagged

112 Shasta Court

Charlottesville, VA. 22903

December 10, 2018

Dear Mr. Alfele,

This letter was written to ask that the Flint Hill Rezoning application be **denied**.

We have lived in our home on Shasta Court for over 45 years and care a great deal about our neighborhood. There will always be change and growth, but it is our responsibility to prevent what we feel is negative growth.

One of the biggest changes that we have seen in our area is the increased volume of traffic. If you allow up to 50 townhouses on these properties, then there is the potential of adding at least 100 or more cars on the roads. Our roads are too narrow and unable to handle the cars that are currently using them, let alone adding the extra cars that would be generated by such a large development.

There has also been a lot of increased growth south of the city and our area is a cut through for many of these cars.

We ask that the Rezoning application for Flint Hill properties, the 10 acres directly accessible by stub outs on Longwood Drive and Moseley Drive be **denied**. Please keep these properties zoned as Low Density Residential.

Sincerely, Dennis and Sandy Erksa

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A WAIVER: CRITICAL SLOPES

PLANNING COMMISSION REGULAR MEETING

DATE OF PLANNING COMMISSION MEETING: May 14, 2019 (P19-00013)

Project Planner: Matt Alfele, AICP

Date of Staff Report: May 3, 2019

Applicant: Belmont Station, LLC

Applicant's Representative(s): Dustin Greene (Roudabush, Gale & Associates, Inc.)

Current Property Owner: Belmont Station, LLC

Application Information

Property Street Address: 100 – 109 Keene Ct., 304 -306 Flint Dr., and 306 Camellia Dr.

Tax Map/Parcel #: Tax Map and Parcel (TMP) 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and TMP 20-196

Total Project Area (Limits of Disturbance): 9.81 acres

Total Area of Critical Slopes on Parcels: 2.65 acres | 27%

Area of Proposed Critical Slope Disturbance: 0.51 | 5.2% of total site area | 19.2% of total critical slopes area

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

Current Zoning Classification: R-1S (Developer is requesting a rezoning to PUD under ZM18-00003)

Background

Belmont Station, LLC has submitted a rezoning application (ZM18-00003) with a development plan dated April 17, 2019. The rezoning proposal is for approximately ten acres to be rezoned to PUD to accommodate a townhouse development. The proposed improvements associated with the rezoning will impact critical slopes on-site as defined by Section 34-1120(b)(2). Per Section 34-1120(b) and 34-516(c) the request for a critical slope waiver must be heard simultaneously with the rezoning request by the Planning Commission. The PUD referred to as "Flint Hill PUD" would allow up to fifty townhouses at an approximate density of five dwelling units per acre (DUA), with open space in the amount of 5.16 acres, and the following unique characteristics/ amenities: townhouse style units, rear loading lots off Flint Drive, new dedicated City Park land with improved trails, and a central teardrop road.

Application Details

Belmont Station, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for construction of a development that would include up to fifty townhouses in eight rows and supporting infrastructure.

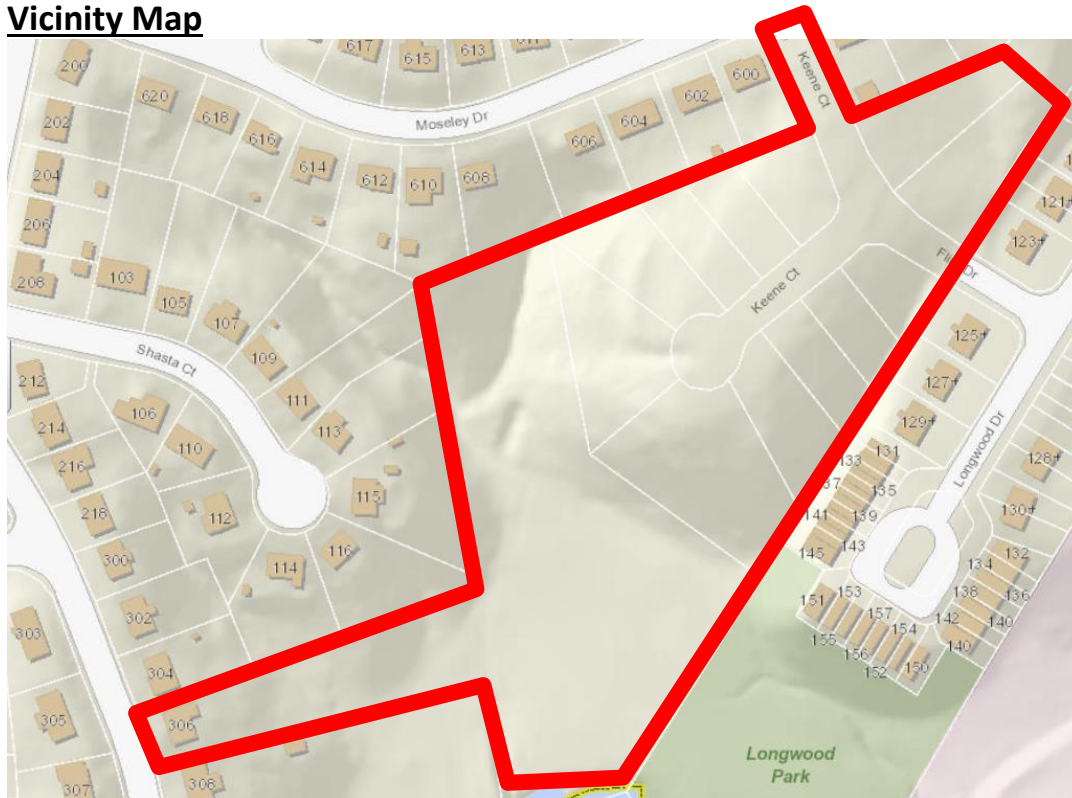
Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (**Attachment B**) and include portions of lots 9 through 22, lots 24 and 25, lot 31, open space, future park land, and parking on Flint Drive.

Existing critical slopes areas located on this Property include 2.65 acres or 27 percent of the site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within the application materials, staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

Vicinity Map



Critical Slopes Map



Standard of Review

A copy of Sec. 34-1120(b) (Critical Slopes Regulations) is included as **Attachment C** for your reference. The provisions of Sec. 34-1120(b) must guide your analysis and recommendations.

It is the Planning Commission's responsibility, when a waiver application has been filed, to review the application and make a recommendation to City Council as to whether or not the waiver should be granted based off the following:

- i. The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge;

- reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- ii. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the Planning Commission may also make recommendations as to the following:

- i. Whether any specific features or areas within the proposed area of disturbance should remain undisturbed (for example: large stands of trees; rock outcroppings; slopes greater than 60%, etc.)?
- ii. Whether there are any conditions that could be imposed by City Council that would mitigate any possible adverse impacts of the proposed disturbance?

Project Review and Analysis

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). In order to grant a waiver, City Council is required to make one of two specific findings: either:

- (1) public [environmental] benefits of allowing disturbance of the critical slope outweigh the benefits afforded by the existing undisturbed slope per City Code 34-1120(b)(6)(d.i), or
- (2) due to unusual physical conditions or existing development of a site, the critical slopes restrictions would unreasonably limit the use or development of the property, see City Code 34-1120(b)(6)(d.ii).

The applicant has provided information in the attached critical slopes waiver narrative for Finding #1.

Applicant's Justification for Finding #1

i. The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes);

See the applicant's own analysis (**Attachment A and B**) for a full justification as to Finding i.

ii. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would

effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

The applicant indicates in the application (**Attachment A and B**) that finding 2 is not applicable.

Staff Analysis: The critical slope waiver application was reviewed by the City's Environmental Sustainability Department and Engineering Department. Below is their analysis on the application and findings.

Environmental Sustainability Department:

Staff finds the proposed limits of disturbance shown in the application inadequate and difficult to decipher. Without clearly defined limits of disturbance additional impacts to critical slopes could occur. Reconfiguring the footprints of buildings on lots 15-19, 21-22, 24-25, 26-29, and 31 could avoid unneeded impacts to critical slopes in these areas. Given that the site discharges to a sensitive wetland area and an impaired stream (Moores Creek), all water quality and quantity requirements associated with site development should be completed on-site. To protect existing wetland areas, stormwater outfall and associated energy dissipater and settling basins should be outside critical slopes. The Preliminary BMP/Stormwater Management Plan shows 2.22 acres as protected forest/open space in the post-development condition. In order to qualify for this status, the area must be permanently protected.

Engineering Department:

Erosion and sediment control measures are not shown; as a result, the impact on the critical slopes for erosion and sediment control structures cannot be determined. The application provides no anticipated impact from erosion and sediment or mitigating factors. The outlet protection for the stormwater management piping and any other forms of stormwater energy dissipation are shown outside of the critical slope area; however, insufficient detail is provided to determine if these structures can be constructed without affecting the wetland. A wetland is shown downgrade of the critical slope area. The application does not include a certified wetland delineation showing the boundary of the wetland area. Without this information staff cannot determine if protective measures of the critical slopes will be outside the wetland area. From Critical Slope Provision 2 Justification: *"There have been talks with the neighbors about erosion occurring in the upper reaches of Stream 2 and the developer has expressed their willingness to reinforce these eroded areas."* Stream 2 is located at the bottom of steep slopes and within the forested area. Any efforts to meaningfully "reinforce these eroded areas" would further impact critical slopes and disturb existing forest. Generally the stormwater management plan is lacking sufficient details to justify the claims made. The details and computations that are provided do not support claims made about providing all water quantity onsite without disturbing a far greater area than is suggested. Also, not even a conceptual grading plan was provided. Based on the limits of disturbance as shown, and the topography of the site, it is extremely unlikely that:

- 1) The drainage area claimed to be treated in the 'biofilter' would be able to be conveyed effectively and
- 2) Runoff in the rear yards (in some areas flowing towards the critical slopes) would constitute sheet flow.

Planning Department: The General Land Use Plan of the Comprehensive Plan calls for the subject properties to be Low Density Residential land use with a DUA under 15. The proposed development will have a DUA of approximately 5 and preserve over 5 acres as Open Space. To achieve this level of open space and stay below 15 DUA called for in the Comprehensive Plan, the development needs to be clustered and will impact Critical Slopes. As part of the PUD request, the applicant is also pursuing the closure of Flint Drive and Keene Court. If granted, the applicant would re-plat the roads in almost the same location with modifications made to meet the development need.

The majority of proposed townhomes (and parking) are outside the critical slopes areas. The majority of impacts to the critical slopes comes from stormwater management and public trails. Alternative site layouts may reduce impacts to critical slope areas, but may also impact other development factors such as overall building arrangement, offsite parking, density, or housing affordability. The site layout of the currently proposed development is dependent on approval of the previously noted rezoning application and road closure by City Council.

Staff Recommendation

Staff recommends the Planning Commission consider the following when making a recommendation to City Council:

Purpose and Intent of the Critical Slope Provisions

The purpose and intent of the critical slope provisions in Section 34-1120(b)(1) are to protect topographic features whose disturbance may cause negative impacts including:

Loss of tree canopy and wildlife habitat that contribute to the natural beauty and visual quality of the community. If the corresponding rezoning application is approved by City Council, a majority of the trees on site would be preserved in new open space or through the dedication of land to the City for a future park. A by-right development on the site could have less impact on Critical Slopes, but would have the possibility of a higher number of trees removed.

Comprehensive Plan and Land Use

Per Section 34-1120(b)(6)(d)(ii), the shape and location of the critical slopes may unreasonably restrict the use and development of the subject properties in a manner in accordance with the Comprehensive Plan. Alternative site layouts may reduce impacts to critical slope areas, but may also impact other development factors such as overall building arrangement, offsite parking, density, or housing affordability. The site layout of the currently proposed development is dependent on approval of the previously noted rezoning application and road closure by City Council.

Conditions

Per Section 34-1120(b)(6)(e), City Council may impose conditions upon a critical slope waiver to ensure the development will be consistent with the purpose and intent of the critical slope

provisions. Should the Planning Commission find recommendation of the waiver to be appropriate, staff recommends Planning Commission consider the following conditions to mitigate potential impacts:

Staff recommends City Council require all **water quality requirements** associated with the site development be completed on-site and not through the purchasing of off-site stormwater nutrient credits in order to protect the sensitive on-site wetland features from increases in stormwater flow volumes and velocities.

Staff recommends City Council require all **stormwater outfalls and associated energy dissipaters** be constructed outside critical slope areas and wetlands.

Staff recommends City Council require **erosion and sediment control measures** that exceed minimum requirements in order to mitigate potential impacts to the undisturbed critical slope, wetlands, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a-c). Staff recommends City Council condition the use of super silt fence with wire reinforcing and six (6) feet stake spacing to ensure adequate protection of the aforementioned items, to be detailed on the site plan and approved by the Engineering Department prior to final site plan approval.

Staff recommends City Council require protection of existing **tree canopy** and additional **habitat redevelopment** in order to mitigate potential impacts to existing tree canopy and wildlife habitat per Section 34-1120(b)(1)(f). Staff recommends City Council condition the installation of a fixed, immovable barrier to protect root zones of existing trees identified to be preserved on the final site plan at the drip line to remain throughout full completion of the construction, and additional species of native woody and herbaceous and plantings in the critical slope areas and wetlands.

Suggested Motions

1. "I move to recommend approval of the critical slope waiver for Tax Map and Parcel 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and TMP 20-196, as requested, with no reservations or conditions, based on a finding that *[reference at least one]*:
 - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)

2. "I move to recommend approval of the critical slope waiver for Tax Map and Parcel 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and TMP 20-196, based on a finding that [*reference at least one*]:
- The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)

And this motion for approval is subject to the following conditions:

_____ the following features or areas should remain undisturbed [*specify*]

_____ the following conditions are recommended as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested: [*specify*]

3. "I move to recommend denial of the steep slope waiver for Tax Map and Parcel 20-259.31, TMP 20-259.32, TMP 20-259.33, TMP 20-259.34, TMP 20-259.35, TMP 20-259.38, TMP 20-259.37, TMP 20-259.26, TMP 20-259.27, TMP 20-259.28, TMP 20-259.29, TMP 20-259.30, and TMP 20-196.

Attachments

- A. Application and Narrative
- B. Critical Slope Exhibit
- C. Critical Slopes Ordinance
- D. Link to Flint Hill PUD Rezoning Staff Report <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2019-agendas>



WAIVER REQUEST FORM

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

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. **additional application form required*
For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description Flint Hill PUD Parcel Number 20-259.37
Address/Location 101 Keene Court
Owner Name Belmont Station, LLC Applicant Name Southern Development

Applicant Address: 170 South Pantops Drive
Phone (H) 434-245-0894 (W) _____ (F) _____
Email: CharlesA@southern-development.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- | | | |
|---|--|--|
| <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Drainage/Storm Water Management | Parcels Cont'd 259.38, 259.26, 259.27, 259.28, 259.29, 259.30 259.31, 259.32, 259.33, 259.34, 259.35, 196 |
| <input type="checkbox"/> *Contact Staff for Supplemental Requirements | <input type="checkbox"/> Off-street Parking | |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Lighting | |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Signs | |
| <input type="checkbox"/> Setbacks | <input checked="" type="checkbox"/> Critical Slopes <i>*additional application form required</i> | |
| <input type="checkbox"/> Communication Facilities | <input type="checkbox"/> Other | |
| <input type="checkbox"/> Stream Buffer Mitigation Plan | | |

Description of Waiver Requested: We are seeking a critical slope waiver request for a Planned Unit Development

Reason for Waiver Request: There will be a small portion of critical slopes disturbed for infrastructure and a few townhouses.

[Signature] 2/6/19
Applicant Signature Date
[Signature] 2/6/19
Property Owner Signature (if not applicant) Date

For Office Use Only: Date Received: _____
Review Required: Administrative _____ Planning Commission _____ City Council _____
Approved: _____ Denied: _____
Director of NDS
Comments: _____

19-0013 - Para 500.00



WAIVER REQUEST FORM

RECEIVED

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

APR 1 / 2019
 NEIGHBORHOOD DEVELOPMENT SERVICES
 Fax (434) 970-3359

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. **additional application form required*
 For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description Flint Hill PUD Parcel Number 20-259.37
 Address/Location 101 Keene Court
 Owner Name Mosley Gardens, LLC Applicant Name Southern Development


Applicant Address: 170 South Pantops Drive
 Phone (H) 434-245-0894 (W) _____ (F) _____
 Email: CharlesA@southern-development.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- | | | |
|---|--|--|
| <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Drainage/Storm Water Management | <u>Parcels Cont'd</u> 259.38, 259.26, 259.27, 259.28, 259.29, 259.30 259.31, 259.32, 259.33, 259.34, 259.35, 196 |
| <input type="checkbox"/> *Contact Staff for Supplemental Requirements | <input type="checkbox"/> Off-street Parking | |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Lighting | |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Signs | |
| <input type="checkbox"/> Setbacks | <input checked="" type="checkbox"/> Critical Slopes <i>*additional application form required</i> | |
| <input type="checkbox"/> Communication Facilities | <input type="checkbox"/> Other | |
| <input type="checkbox"/> Stream Buffer Mitigation Plan | | |

Description of Waiver Requested: We are seeking a critical slope waiver request for a Planned Unit Development

Reason for Waiver Request: There will be a small portion of critical slopes disturbed for infrastructure and a few townhouses.

Applicant Signature _____

 Property Owner Signature (if not applicant) _____

Date _____

 Date _____

For Office Use Only: Date Received: _____

Review Required: Administrative _____ Planning Commission _____ City Council _____

Approved: _____ Denied: _____
 Director of NDS

Comments: _____



LAND SURVEYING
ENGINEERING
LAND PLANNING

JIM L. TAGGART, P.E.
DON FRANCO, P.E.
DAVID M. ROBINSON, P.E.
AMMY M. GEORGE, PLA

ROUDABUSH, GALE & ASSOCIATES, INC.

A PROFESSIONAL CORPORATION

Serving Virginia Since 1956



ENGINEERING DEPARTMENT
172 SOUTH PANTOPS DRIVE, STE. A
CHARLOTTESVILLE, VA 22911
PHONE (434) 979-8121
FAX (434) 979-1681

SURVEY DEPARTMENT
914 MONTICELLO ROAD
CHARLOTTESVILLE, VA 22902
PHONE (434) 977-0205
FAX (434) 296-5220

WILLIAM J. LEDBETTER, L.S.
BRIAN D. JAMISON, L.S.
KRISTOPHER C. WINTERS, L.S.

INFO@ROUDABUSH.COM

April 17th, 2019

Neighborhood Development Services
Matt Alfele
610 East Market Street
Charlottesville, VA 22902

City of Charlottesville CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT

Please review city zoning ordinance section 34-1120(b) “Critical Slopes” and submit a completed Waiver Application Form, Critical Slopes Waiver Request Supplement and a Critical Slope Exhibit*.

Applicant: Mr. Charlie Armstrong

Property Owner: Belmont Station, LLC

Project Description: What are you proposing to do on this site?

The purpose of this project is the build up to 50 residential units, associated road and utility infrastructure, storm water treatment facilities, passive open recreation area, and a ~3 acre city park.

Existing Conditions: The Existing Conditions can be seen on appendices provided with this critical slope waiver. The site has approximately ±2.65 Acres of what Charlottesville GIS has determined to be steep slopes. The steep slopes constitute approximately 27.0% of the entire site.

Total Site Area: 9.81 Acres

Zoning (if applying for rezoning-please note existing and intended change): The existing zoning for this project is R1-S. The intended change on rezoning is PUD.

Percentage of Area that is made up of critical slopes - meets criteria set forth in Sec. 34-1120(b)(2) *Definition of critical slope*: greater than or equal to 25% slopes and a) a portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and b) a portion of the slope is within two hundred (200) feet of any waterway:

Total Critical Slope Area:

Critical slopes make up 2.65 acres of the site's 9.81 acres, or 27.0% of the site area.

***If critical slopes extend beyond property line, quantify total critical slope area (6.51 Ac) as well as provide area of critical slope that falls within site area. See Charlottesville GIS print out for critical slopes map beyond property line.**

Critical Slope Area Disturbed:

0.51 acres of the total critical slope area identified above will be disturbed, or 19.2% of the total critical slope area. Proposed critical slope area to be disturbed is 5.2% of the site area. 0.29 acres of the 0.51 acres or 56.9% of the total disturbed area onsite will be disturbed for public improvements including the trail.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) "Modification or waiver." The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the "critical slope provisions" as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.

City Council may grant a modification or waiver, upon making one or more of the following findings:

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope(public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

Allowing this critical slope disturbance will allow a project to proceed that will preserve about 55% of the overall site (5.4 acres) in its as-is wooded state. Of that area to be preserved, a large portion is comprised of wetlands and stream buffer with very high environmental value along the banks of Moore's Creek. A ~3 acre park, including the environmentally sensitive features, will be donated to the City to incorporate into Longwood Park, preserving a riparian corridor and possibly providing greenway trail connections between 5th Street and Azalea Park. Other environmental benefits include a rain garden and preservation of a mature upland wooded area. By right development of the parcel without a park donation would not provide any of these extra opportunities.

Other public benefits are that this proposal offers higher density and more affordable housing options than would be built on the existing platted, but unbuilt, 13 parcels that make up the project. If built by-right, the existing 13 parcels would be large single-family homes on large lots and would cost substantially more than what will be provided in the proposed PUD. In addition to the natural increase in affordability provided by townhomes versus single-family homes, the developer is proffering additional deed-restricted affordable housing that will remain affordable even if the market prices of other homes rise. Though this proffer is part of the PUD application, and not part of this critical slope waiver application, it is relevant since the application should be considered simultaneously.

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

The applicant does not think Finding #2 should be applied. This project can be built today as 13 large R1-S lots, using approximately the same land area, with substantial benefit to the applicant, but without the added benefits to the City.

Please address how Finding #1 and/or Finding #2 will be met utilizing the “critical slope provisions” noted below.

1. Erosion affecting the structural integrity of those features.

- The developer will obtain approval of an Erosion & Sediment Control Plan meeting the requirements of the latest edition of the Virginia Erosion and Sediment Control Handbook. This plan will serve to protect the existing hillsides from any further erosion potential.
- The developer has revised the plan to shift the majority of the disturbance of steep slopes away from these sensitive slopes.
- 9% of the “critical slopes” proposed to be disturbed are actually a retaining wall built out of discarded tires. The removal and proper disposal of this tire retaining wall will have numerous positive effects on the environment.
- The developer has moved the sanitary sewer up to the road and will not disturb the slope with borings for the sanitary laterals.

2. Stormwater and erosion-related impacts on adjacent properties.

- Based on the site’s location adjacent to Moores Creek floodplain, it is not anticipated that there will be any impact on adjacent properties.
- There have been talks with the neighbors about erosion occurring in the upper reaches of Stream 2 and the developer has expressed their willingness to reinforce these eroded areas.

3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.

- The stormwater flow from this site will flow down as shown on the Preliminary BMP plan. The water will flow from the biofilter and down hill to an energy dissipator and into a settling basin before entering the wetland area so that there are no erosive forces.
- See tire retaining wall removal from #1 above.

4. Increased stormwater velocity due to loss of vegetation.

- The increase in stormwater velocity will be offset by the energy dissipation and the settling basin as described in #3 above and water will flow slowly through wetlands.
- Water will sheet flow from behind the townhouse immediately adjacent to the steep slope areas.
- Street and screening trees along with permanent seeding will help offset the stormwater velocity.

5. Decreased groundwater recharge due to changes in site hydrology.

- The onsite biofilter will offer opportunity for groundwater recharge.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

- The developer is proposing various site amenities that will offset loss of trees and disturbance to steep slopes. These include active recreation areas in the middle of the development along with access to ±3.0 Acres of preserved area to be donated to the City of Charlottesville.

Please list all attachments that should be viewed as support to the above explanations.


- Existing Conditions Map
- Zoning and Subdivision Critical Slopes Map
- Offsite Critical Slope Map

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

 MEMBER




Property Owner

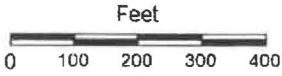
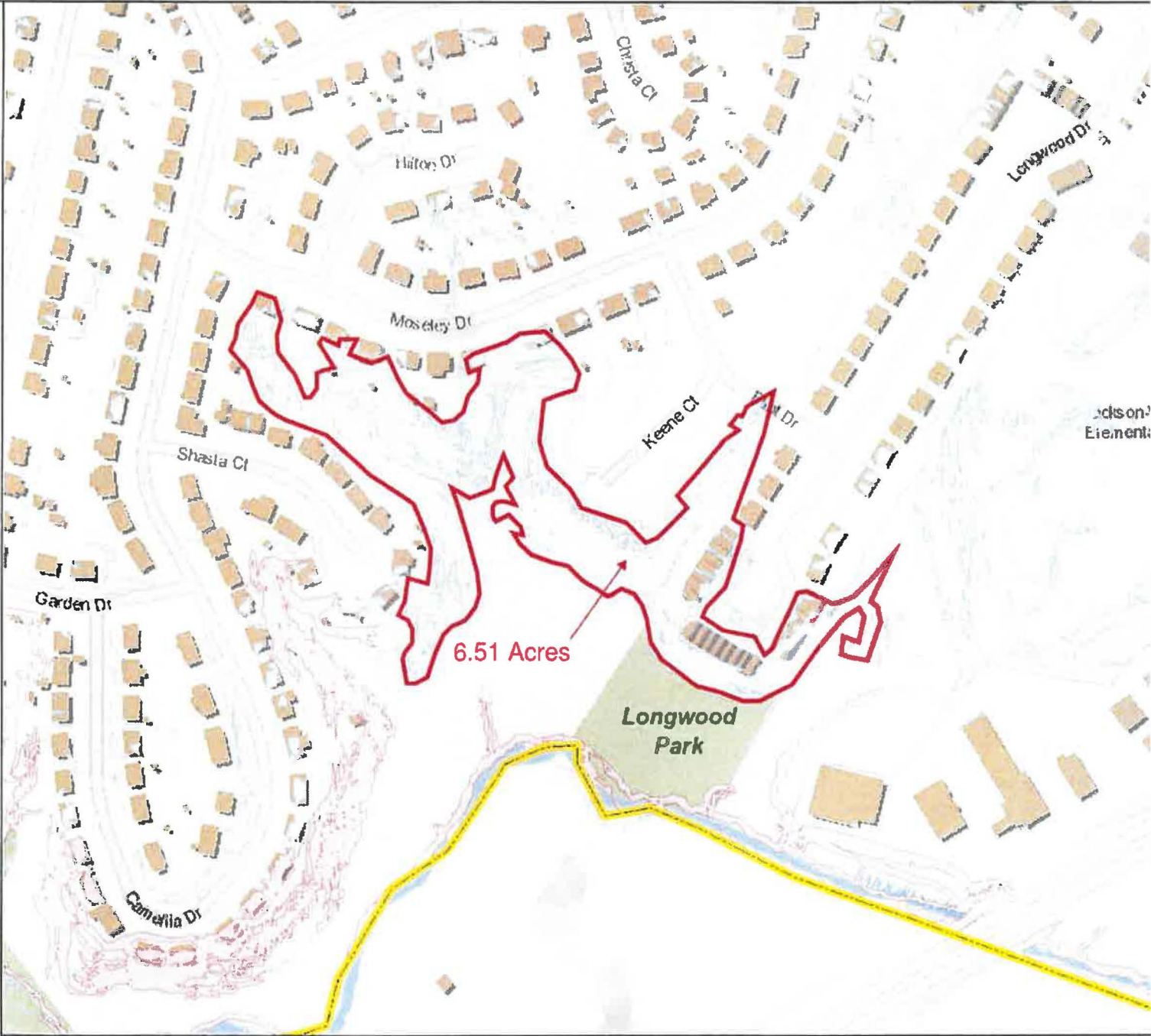
 MEMBER

Applicant

**Please do not write below this line. For office use only. Planner's
Comments/Recommendations:**

Legend

-  City Limits
-  Critical Slope Areas
-  Steep Slope Areas



Title:

Date: 1/30/2019

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.



Critical Slope Map: Zoning



(34-1120(b)(2))

DEFINITION OF CRITICAL SLOPE. A CRITICAL SLOPE IS ANY SLOPE WHOSE GRADE IS 25% OR GREATER AND:

A. A PORTION OF THE SLOPE HAS A HORIZONTAL RUN OF GREATER THAN TWENTY (20) FEET AND ITS TOTAL AREA IS SIX THOUSAND (6,000) SQUARE FEET OR GREATER; AND

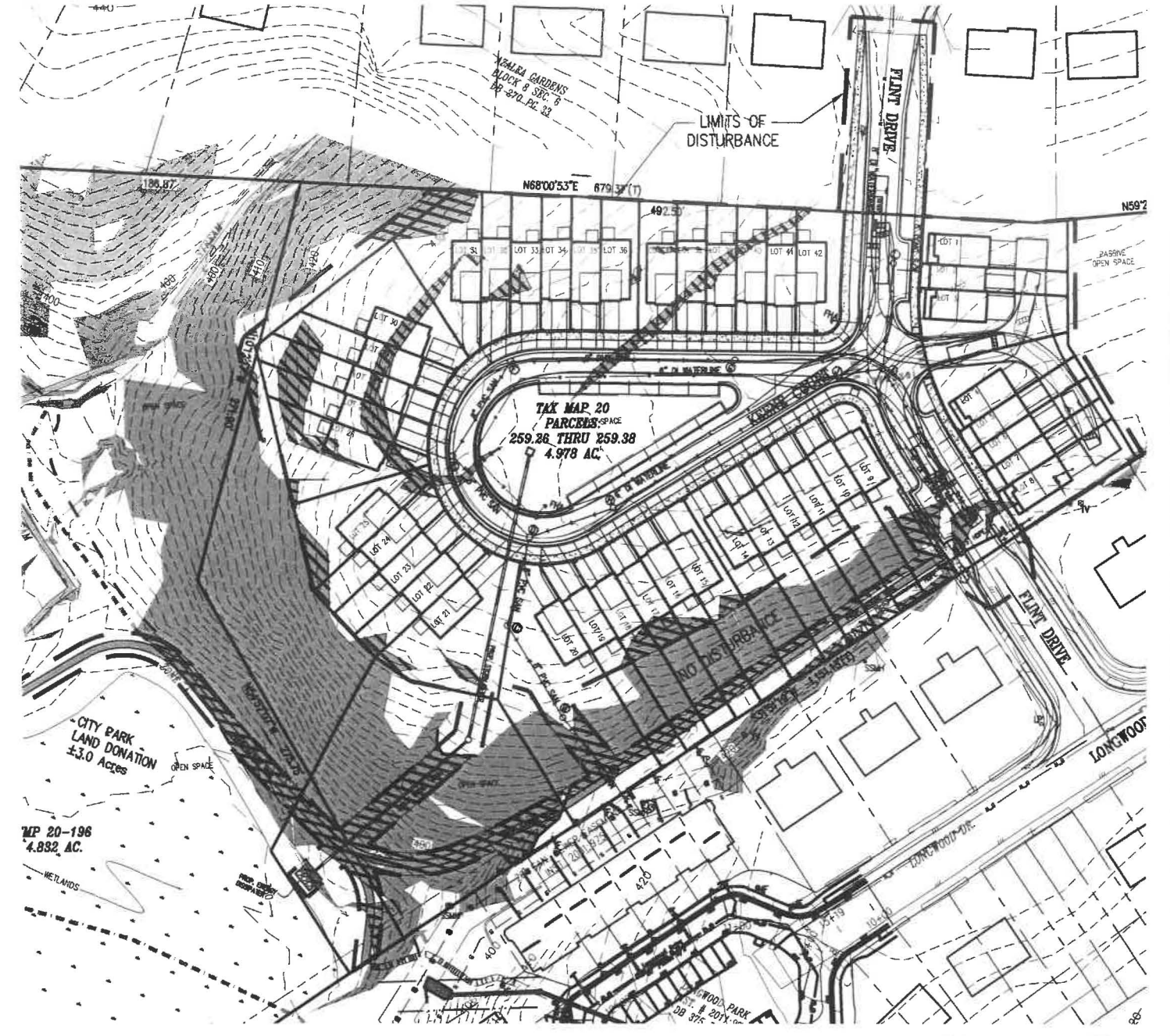
B. A PORTION OF THE SLOPE IS WITHIN TWO HUNDRED (200) FEET OF ANY WATERWAY AS IDENTIFIED ON THE MOST CURRENT CITY TOPOGRAPHICAL MAPS MAINTAINED BY THE DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES.

0.36 AC OF CRITICAL SLOPE DISTURBANCE
0.26 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



SCALE: 1"=50'

Critical Slope Map: Subdivision



(29-3)

CRITICAL SLOPE REFERS TO THE PORTION OF A LOT THAT HAS A GRADE IN EXCESS OF TWENTY-FIVE (25) PERCENT.

0.51 AC OF CRITICAL SLOPE DISTURBANCE
0.29 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



SCALE: 1"=50'

LINETYPE LEGEND

LIMITS OF DISTURBANCE

DISTURBED CRITICAL SLOPES

ec. 34-1120. - Lot regulations, general.

(a) *Frontage requirement.* Every lot shall have its principal frontage on a street or place (i) that has been accepted by the city for maintenance, or (ii) that a subdivider or developer has been contractually obligated to install as a condition of subdivision or site plan approval and for which an adequate financial guaranty has been furnished to the city. Except for flag lots, stem lots, and cul-de-sac lots, or other circumstances described within the city's subdivision ordinance, no lot shall be used, in whole or in part, for any residential purpose unless such lot abuts a street right-of-way for at least the minimum distance required by such subdivision ordinance for a residential lot.

(b) *Critical slopes.*

(1) *Purpose and intent.* The provisions of this subsection (hereinafter, "critical slopes provisions") are intended to protect topographical features that have a slope in excess of the grade established and other characteristics in the following ordinance for the following reasons and whose disturbance could cause one (1) or more of the following negative impacts:

- a. Erosion affecting the structural integrity of those features.
- b. Stormwater and erosion-related impacts on adjacent properties.
- c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
- d. Increased stormwater velocity due to loss of vegetation.
- e. Decreased groundwater recharge due to changes in site hydrology.
- f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

These provisions are intended to direct building locations to terrain more suitable to development and to discourage development on critical slopes for the reasons listed above, and to supplement other regulations and policies regarding encroachment of development into stream buffers and floodplains and protection of public water supplies.

(2) *Definition of critical slope.* A critical slope is any slope whose grade is 25% or greater and:

- a. A portion of the slope has a horizontal run of greater than twenty (20) feet and its total area is six thousand (6,000) square feet or greater; and
- b. A portion of the slope is within two hundred (200) feet of any waterway as identified on the most current city topographical maps maintained by the department of neighborhood development services.

Parcels containing critical slopes are shown on the map entitled "Properties Impacted by Critical Slopes" maintained by the department of neighborhood development services. These critical slopes provisions shall apply to all critical slopes as defined herein, notwithstanding any subdivision, lot line adjustment, or other action affecting parcel boundaries made subsequent to the date of enactment of this section.

(3) *Building site required.* Every newly created lot shall contain at least one (1) building site. For purposes of this section, the term building site refers to a contiguous area of land in slopes of less than 25%, as determined by reference to the most current city topographical maps maintained by the department of neighborhood development services or a source determined by the city engineer to be of superior accuracy, exclusive of such areas as may be located in the flood hazard overlay district or under water.

(4) *Building site area and dimensions.* Each building site in a residential development shall have adequate area for all dwelling unit(s) outside of all required yard areas for the applicable zoning district and all parking areas. Within all other developments subject to the requirement of a site plan, each building site shall have adequate area for all buildings and structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.

- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to this chapter:
- a. No building, structure or improvement shall be located on any lot or parcel within any area other than a building site.
 - b. No building, structure or improvement, nor any earth disturbing activity to establish such building, structure or improvement shall be located on a critical slope, except as may be permitted by a modification or waiver.
- (6) *Modification or waiver.*
- a. Any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property may request a modification or waiver of the requirements of these critical slopes provisions. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the purpose and intent of these provisions.
 - b. The director of neighborhood development services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.
 - c. All modification or waiver requests shall be submitted to the department of neighborhood development services, to be reviewed by the planning commission. In considering a requested modification or waiver the planning commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.
 - d. The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:
 - (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
 - (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.

- e. In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;
- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

- (7) *Exemptions.* A lot, structure or improvement may be exempt from the requirements of these critical slopes provisions, as follows:

- a. Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any structure for which a site plan was approved or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.
- b. Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first single-family dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.
- c. Driveways, public utility lines and appurtenances, stormwater management facilities and any other public facilities necessary to allow the use of the parcel shall not be required to be located within a building site and shall not be subject to the building site area and dimension requirements set forth above within these critical slopes provisions, provided that the applicant demonstrates that no reasonable alternative

location or alignment exists. The city engineer shall require that protective and restorative measures be installed and maintained as deemed necessary to insure that the development will be consistent with the purpose and intent of these critical slopes provisions.

(9-15-03(3); 11-21-05; 1-17-06(7); 1-17-12; 7-16-12)

CITY OF CHARLOTTESVILLE

DEPT. OF NEIGHBORHOOD DEVELOPMENT SERVICES

STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

JOINT CITY COUNCIL & PLANNING COMMISSION PUBLIC HEARING

| | |
|---|---|
| DATE OF HEARING: | <i>Tuesday, May 14, 2019</i> |
| PROJECT NAME: | <i>1617 Emmet St. Drive Through</i> |
| APPLICATION NUMBER: | <i>SP19-00001</i> |
| REASON FOR SPECIAL USE PERMIT: | <i>To authorize a specific land use (Drive through window for restaurant)</i> |
| Project Planner: | Joey Winter (winter@charlottesville.org) |
| Date of Staff Report: | May 6, 2019 |
| Applicant: | Riverbend Development, Inc. |
| Applicants Representative: | Ms. Ashley Davies |
| Owner of Record: | Wells Fargo Bank, N.A. successor to Fidelity, American Bank Charlottesville |
| <u>Application Information</u> | |
| Property Street Address: | 1617 Emmet St (“Subject Property”) |
| Tax Map Parcel Number: | TM 40C-2 40C002000 |
| Site Area (per GIS): | 0.500 acres (21,780 ft ²) |
| Comprehensive Plan (Land Use Plan): | Mixed Use |
| Current Zoning Classification: | Highway Corridor Mixed Used District (HW) |
| Overlay Districts: | Entrance Corridor Overlay |
| Tax Status: | <u>PAID</u> - parcel is up to date on taxes. |
| Completeness: | |
| • Application contains all info required by Zoning Ordinance Secs. 34-41(d), 34-158(a), & 34-158(b) | |
| • Existing dwelling units on site: | 0 |
| • Dwelling units proposed by this development: | 0 |
| • Pre-application meeting required by Sec. 34-41(b)(1) was conducted on: | <u>December 26, 2018</u> |
| • Community meeting required by Sec. 34-41(c)(2) was conducted on: | <u>March 21, 2019</u> |
| Meeting location – <i>Former Wells Fargo Bank (1617 Emmet St. North, Charlottesville, VA 22901)</i> | |
| • An additional community meeting was conducted on: | <u>March 28, 2019</u> |
| Meeting location – <i>Former Wells Fargo Bank (1617 Emmet St. North, Charlottesville, VA 22901)</i> | |

Application Components

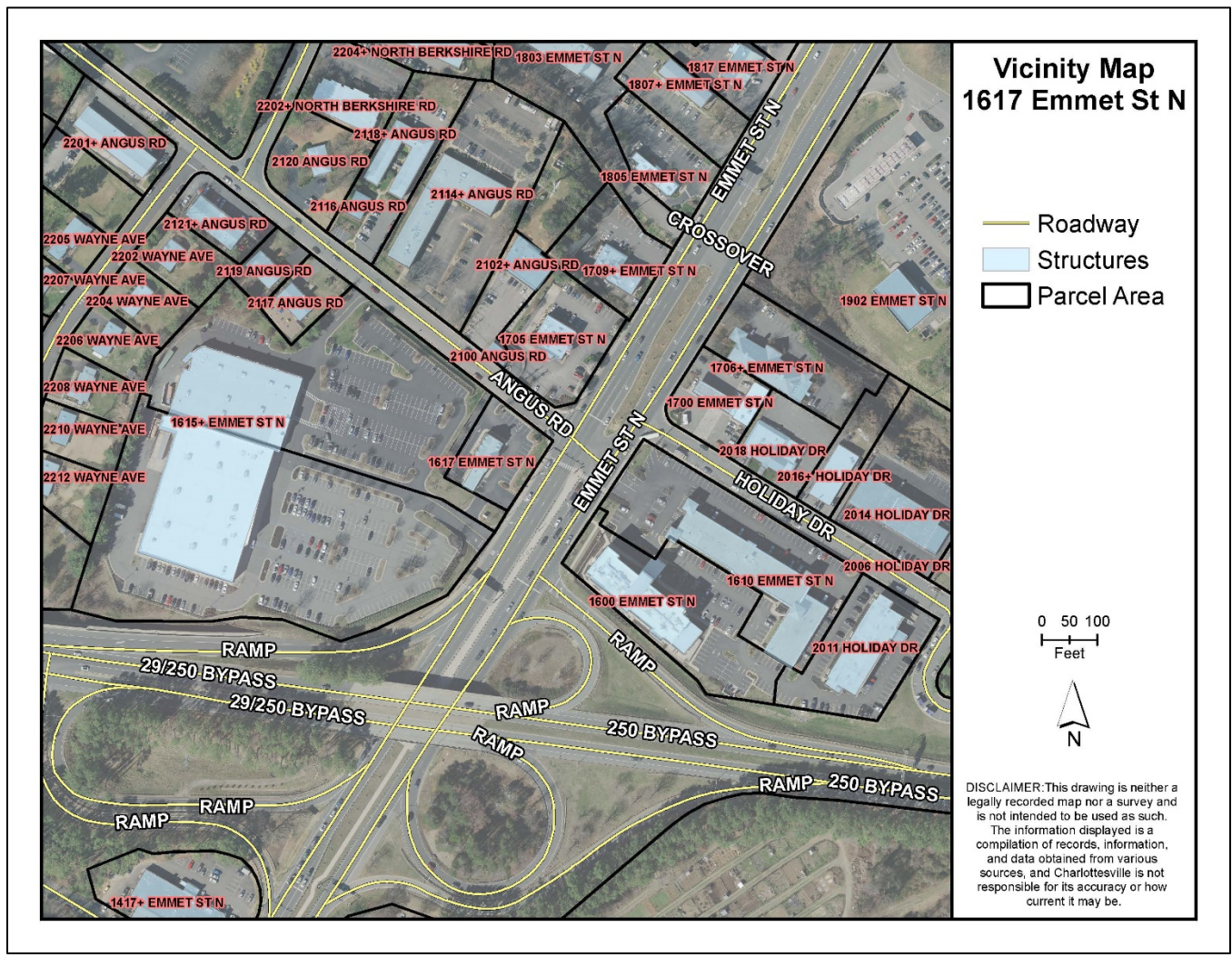
Per Sec. 34-158(a), *the procedure for filing and consideration of an application for a special use permit is the same as that required by section 34-41 for an owner-initiated petition for a zoning map amendment, except that a complete application for a special use permit shall also include:*

| | |
|---|---|
| (1) A site plan when required by section 34-802 of the City Code; | <i>ATTACHMENT 3 – Site Plan Exhibit</i> |
| (2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of his status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner; | <i>ATTACHMENT 1, Page 4</i> |
| (3) For developments including any non-residential uses, and developments proposing the construction of three (3) or more single- or two-family dwellings, the applicant shall provide a completed low-impact development ("LID") methods worksheet; | <i>ATTACHMENT 1, Page 8</i> |
| (4) For applications proposing the alteration of the footprint or height of an existing building, or the construction of one (1) or more new buildings: (i) a building massing diagram and (ii) elevations; | <i>N/A – No alteration of the footprint or height of an existing building has been proposed</i> |
| (5) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; | <i>N/A – No existing dwelling units on the development site</i> |
| (6) Other supporting data sufficient to demonstrate compliance with the purposes and standards of this Zoning Ordinance, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the factors set forth within section 34-157 above. | <i>See list of attachments on page 12 of this staff report</i> |

Applicant's Request

Landowner Wells Fargo Bank, N.A. successor to Fidelity, American Bank Charlottesville, represented by Riverbend Development, Inc. is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, to authorize a specific land use (drive through window for restaurant) to serve the following property: Tax Map and Parcel (TMP) No. 40C-2 ("Subject Property"). The Subject Property is zoned is zoned HW (Highway Corridor Mixed Use District) with Entrance Corridor Overlay and has frontage on Emmet Street North (Route 29) and Angus Road. The Subject Property includes approximately 0.500 acres (21,780 ft²) and the landowner proposes to convert the existing structure (a former bank) into a restaurant with a drive through window. The Comprehensive Land Use Map for this area calls for Mixed Use development.

Vicinity Map



Background

The owner is seeking to redevelop the property as a coffee shop with a drive through window. The proposed use (“restaurant”) is allowed by-right within the HW zoning district classification. However, per the use matrix in Sec. 34-796 of the City Code, a Special Use Permit is required for the drive through window. On August 20, 2018, City Council approved ordinance ZT-18-04-01 to authorize restaurants with drive through windows in the HW zoning district with a special use permit. Prior to this ordinance, drive through windows were not authorized in the HW zoning district under any circumstance. A copy of the ordinance as approved by city council on is included with this staff report as ATTACHMENT 4.

A preliminary site plan exhibit was submitted as a supplement to this SUP application and is included with this staff report as ATTACHMENT 3. At the request of the applicant, this site plan is being treated only as a supplement to the SUP application and has not gone through a full staff review. Two aspects of the site plan exhibit that should be considered for this Special Use Permit request are the removal of an existing entrance to the site and the proposed circulation pattern for drive through traffic. Though not proposed in the site plan exhibit, a third aspect that needs to be considered is the potential for future alterations to the structure and drive through canopy.

Further information on the proposed removal of the existing site entrance; proposed on-site vehicle circulation pattern; and potential changes to the structure/canopy can be found on the next three pages of this report.

REMOVAL OF EXISTING SITE ENTRANCE

The site plan exhibit proposes to eliminate an existing site entrance on Emmet Street North circled in red below. This change is being proposed by the applicant at the recommendation of the City's Traffic Engineer. If this site entrance is removed, the site will still have two points of ingress/egress: one to Angus Road and another to the adjacent shopping center on TMP 40C-1. It is staff's opinion that removal of this entrance will improve traffic circulation in the area.

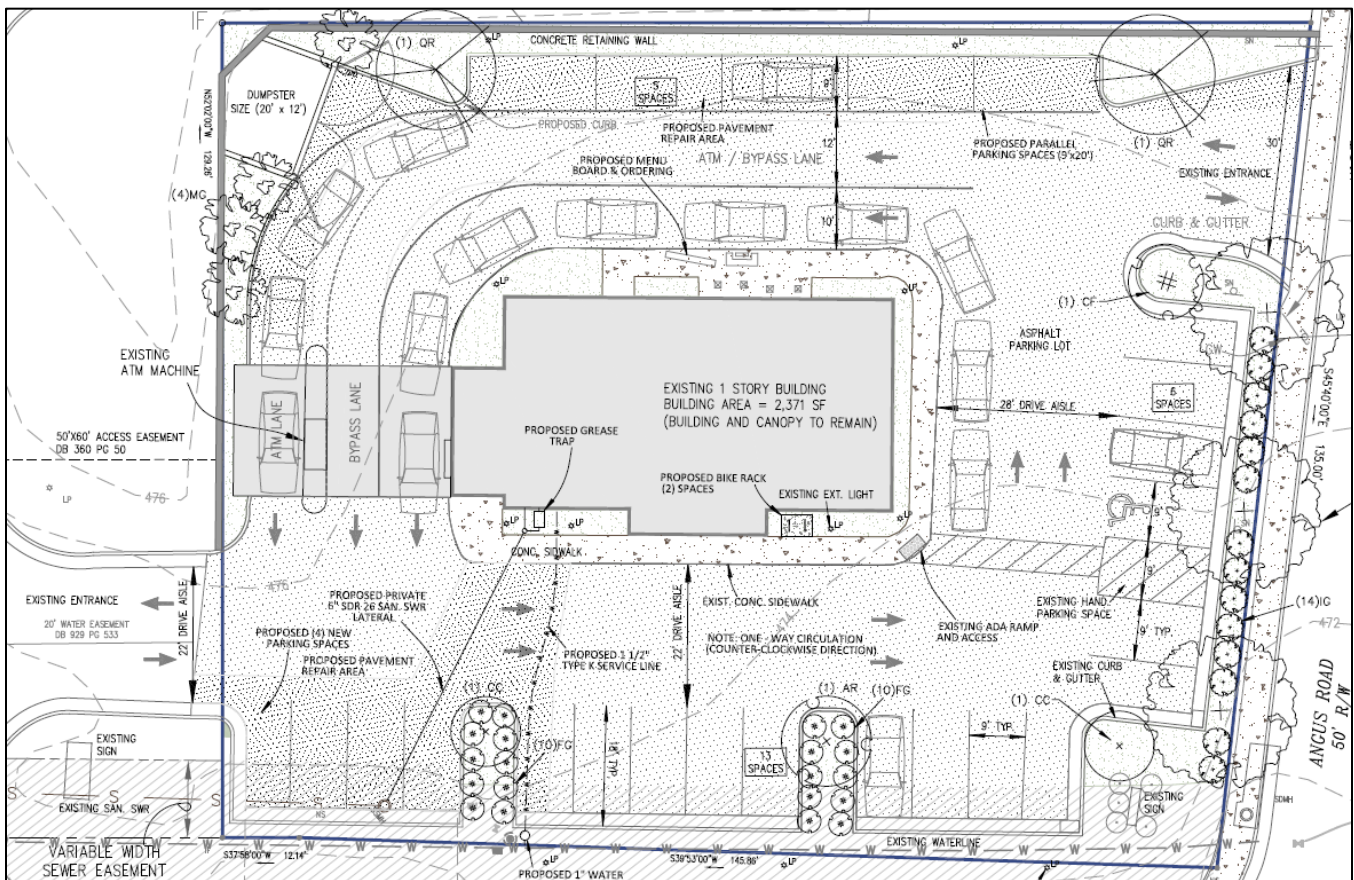


Location of site entrance to be removed. - SOURCE: Google Maps

ON-SITE VEHICLE CIRCULATION PATTERN

The circulation pattern for on-site vehicle traffic proposed in the site plan exhibit can be seen below. It is important to consider that a drive through ATM from the former bank continues to operate in the drive through lane farthest from the building. The applicant has indicated that this drive through ATM will remain in use alongside the proposed restaurant drive through window.

Based on trip generation data provided by the applicant, the restaurant (coffee shop) drive through window will generate significantly more traffic than the previous bank drive through window. It is staff's opinion that additional signing and pavement markings, including both lane lines and text, are needed to designate the travel ways for drive through and non-drive through traffic and specify that all traffic is one way.



Proposed on-site vehicle circulation pattern – SOURCE: Applicant's Site Plan Exhibit

STURCTURE/CANOPY CHANGES

It is important to note that the site plan exhibit does not propose any changes to the existing building's structure or canopy at this time. However, the applicant has indicated to staff it is possible they may seek to remove some of the existing drive through canopy in the future. Because this site lies in an Entrance Corridor, any alterations of the structure or drive through canopy will require approval from the Entrance Corridor Review Board (ERB).



Existing structure and drive through canopy – SOURCE: Google Street View

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. Staff’s analysis of those factors, based on the information provided by the Applicant is below.

Sec. 34-157. - General standards for issuance.

(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;**

Staff Analysis:

The Subject Property is located at the intersection of Emmet Street and Angus Road. The properties immediately surrounding the subject property are described as follows:

| Direction | TMP | Use | Zoning |
|-----------|----------|---------------------------------|--------|
| North | 40C-5.1 | Fast Food Restaurant | HW, EC |
| West | 40C-1 | Retail Stores (Shopping Center) | HW, EC |
| South | | | |
| East | 40A-15 | Hotel | HW, EC |
| East | 40A-15.1 | Hotel | HW, EC |

To the North of the Subject Property across Angus Road is a fast food restaurant with a drive through window. To the East of the parcel across Emmet Street North are two hotels. To the South and West of the parcel is a retail shopping center.

On Emmet Street North (Route 29) from the Albemarle County line to Barracks Road, a distance of approximately one mile, there are currently eight businesses operating drive through windows (seven restaurants and one bank). There are four drive through windows north of the Route 250 Bypass (Burger King, Raising Cane’s, Popeye’s, and KFC) and four drive through windows south of the Bypass (Cookout, Zaxby’s, Arby’s, and SunTrust Bank).

2. Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;

Staff Analysis:

COMPREHENSIVE PLAN: The Subject Property is designated Mixed Use on the City's General Land Use Plan. The goal of the Mixed Use land use is to "[e]stablish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville."

HYDRAULIC SMALL AREA PLAN: The Subject Property lies in the Land Use Focus Area for the Hydraulic Small Area Plan (HSAP). The Conceptual Land Use Plan on pg. 71 of the HSAP shows commercial use at this site. The commercial use category applies to community and regional shopping centers and highway-oriented retail districts.

3. Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

Staff Analysis: Building plans are not yet available for review, but renovation of the existing structure, demolition of the existing structure, and/or construction of a new structure cannot proceed without separate applications/ review conducted by the City's Building Code Official.

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;

Staff Analysis: Additional signing and pavement markings, including both lane lines and text, are needed to designate the travel ways for drive through and non-drive through traffic and specify that all traffic is one way.

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

Staff Analysis: The primary source of any adverse impact on the natural environment from this development would be the resulting increase in automobile traffic. Based on trip generation data provided by the applicant, the restaurant (coffee shop) drive through window will generate significantly more traffic than the previous bank drive through window (SEE ATTACHMENT 2). Because the proposed drive through would re-purpose the existing window and vehicle lanes, this development would not result in an increase of impervious area at the site.

c. Displacement of existing residents or businesses;

Staff Analysis: The proposed development will not lead to displacement of existing residents or businesses.

- d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;**
Staff Analysis: The proposed development will not lead to 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;**
Staff Analysis: The proposed development will not lead to 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;**
Staff Analysis: The proposed development will not lead to a reduction in the availability of affordable housing in the neighborhood.
- g. Impact on school population and facilities;**
Staff Analysis: The proposed development will not have an impact on school population and facilities.
- h. Destruction of or encroachment upon conservation or historic districts;**
Staff Analysis: The proposed development will not cause destruction of or encroachment upon conservation or historic districts.
- i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant;**
Staff Analysis: The applicant has certified that the proposed development will conform to federal, state and local laws.
- j. Massing and scale of project.**
Staff Analysis: The proposed development does not include the construction or destruction of buildings on the Subject Property.
- 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;**
Staff Analysis: Per Sec. 34-541(9): "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..." Based on this statement, the inclusion of a drive through window on the Subject Property is 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;**
Staff Analysis: The existing structure on the Subject Property does not conform to specific Streetwall regulations for the Highway Corridor district:

- Per Sec. 34-738(1), the maximum setback where the Subject Property fronts Emmet Street North (road classification= primary street) is thirty (30) feet. The current structure is setback approximately forty-five (45) feet from the property line.
 - Per Sec. 34-738(2), the maximum setback where the Subject Property fronts Angus Road (road classification= linking street) is twenty (20) feet. The current structure is setback approximately forty (40) feet from the property line.
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.**

Staff Analysis: Design staff recommends a finding that approval of the requested SUP will not adversely impact Sub-Area A of the 29 North Entrance Corridor.

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

Staff Analysis: Conditions recommended by staff are found on page 12 of this report.

PUBLIC COMMENTS RECEIVED

As required by Sec. 34-41(c)(2), the applicant held a community meeting for this SUP application on March 21, 2019 at the Subject Property (1617 Emmet St. North, Charlottesville, VA 22901). At the request of the neighborhood association, a second community meeting was held on March 28, 2019 at the same location. A City Planner attended the March 28 meeting as a representative of NDS.

In attendance at the March 28 meeting was Jim Chang, President of the Meadows Residents Association. Mr. Chang stated that neighborhood residents are generally in favor of a coffee shop coming to the area as there is a desire for more meeting places in the community. He expressed concerns about site access, in particular congestion around the Angus Road entrance.

No written public comment was received during this process.

STAFF'S RECOMMENDATIONS

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

- Elimination of the existing site entrance on Emmet Street North.
- On-site traffic circulation as it relates to the proposed restaurant drive through window and existing drive through ATM.
- Potential future changes to the structure and canopy as they relate to Entrance Corridor guidelines.

Staff recommends that the application be approved with the following conditions:

1. A Certificate of Appropriateness shall be obtained from the Entrance Corridor Review Board prior to any alteration of the existing structure or canopy.
2. The final site plan shall include additional signing and pavement markings, including both lane lines and text, to designate the travel ways for drive through and non-drive through traffic and specify that all traffic is one way.

POSSIBLE MOTION(S)

1. I move to recommend approval of this application for a Special Use Permit to authorize a drive through window for a restaurant at 1617 Emmet Street North, subject to:
 - The two (2) conditions presented in the staff report
 - *[alternative conditions, or additional condition(s)....list here]*

OR,

2. I move to recommend denial of this application for a Special Use Permit to authorize a drive through window for a restaurant at 1617 Emmet Street North.

ATTACHMENTS

- 1) Special Use Permit Application
- 2) Applicant's Project Narrative
- 3) Site Plan Exhibit
- 4) Ordinance ZT-18-04-01 – *Ordinance to authorize restaurants with drive through windows in the HW zoning district with a special use permit.*
- 5) Community Meeting Documents



City of Charlottesville

Application for Special Use Permit

Project Name: 1617 Emmet St Drive Through

Address of Property: 1617 Emmet Street, Charlottesville, VA

Tax Map and Parcel Number(s): 40C002000

Current Zoning District Classification: HW

Comprehensive Plan Land Use Designation: Mixed Use

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: _____

Applicant: Ashley Davies, Riverbend Development

Address: 455 Second Street, 4th Floor, Charlottesville, VA 22902

Phone: 434-409-9127 Email: ashley@riverbenddev.com

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

Owner Owner's Agent Designer Contract Purchaser

Owner of Record: Wells Fargo Bank, N.A., successor to Fidelity, American Bank Charlottesville

Address: 4340 Innslake Drive, Glen Allen, VA 23060

Phone: 804-398-7490 Email: natalie.n.rogers@wellsfargo.com

Reason for Special Use Permit:

Additional height: _____ feet

Additional residential density: _____ units, or _____ units per acre

Authorize specific land use (identify) Drive-through window for a restaurant

Other purpose(s) (specify City Code section): _____

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

(1) Signature [Signature] Print Ashley Davies Date 2/12/17

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

Other (specify): Vice President, Riverbend Development

(2) Signature [Signature] Print Ashley Davies Date 2/12/17

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

Other (specify): Contract purchaser, Riverbend Development



City of Charlottesville

Pre-Application Meeting Verification

Project Name: Proposed Starbucks - Wells Fargo Emmett Street.

Pre-Application Meeting Date: 12/26/18

Applicant's Representative: Ashley Davies

Planner: TBD

Other City Officials in Attendance:

Carrie Rainey, Missy Creasy

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

1. Coordinate with TE on traffic plan requirement - confirmation on status
2. photos/^{graphics} of street views. - show any plantings in context.
3. Utility exhibits
- 4.
- 5.

Planner Signature: M Creasy.



City of Charlottesville

Application Checklist

Project Name: 1617 Emmet Street Drive Through

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))
- n/a 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)
- n/a 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))
- n/a 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 Ashley Dawies Print Ashley Dawies Date 2/12/19

By Its: Vice President

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



City of Charlottesville

Community Meeting

Project Name: 1617 Emmet Street Drive Through

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: Ashley Davies

By:

Signature Ashley Davies Print Ashley Davies Date 2/12/19
Its: Vice President (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: Wells Fargo Bank, N.A. Date 2/11/19

By (sign name): *Natalie Rogers* Print Name: Natalie Rogers

Owner's: LLC Member LLC Manager Corporate Officer (specify): Vice President

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: Ashley Davies

Name of Corporate or other legal entity authorized to serve as agent: _____

Owner: Wells Fargo Bank N.A. Date: 2/11/19

By (sign name): *Natalie Rogers* Print Name: Natalie Rogers

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): Vice President

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Not Applicable - due to note below

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 _____ Address _____

Name _____ 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: *Ashley Davies*

By:

Signature *Ashley Davies* Print *Ashley Davies* Date *5/7/19*

Its: *Vice President* (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

Project Name: 1617 Emmet Street Drive Through

| Application Type | Quantity | Fee | Subtotal |
|--|----------|--------------------------|------------------------|
| Special Use Permit (Residential) | | \$ 1,500 | |
| Special Use Permit (Mixed Use/Non-Residential) | 1 | \$ 1,800 | \$ 1,800.00 |
| Mailing Costs per letter | | \$1 per letter | |
| Newspaper Notice | | Payment Due Upon Invoice | |
| TOTAL | | | \$ 1,800.00 |

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:** _____

Not Applicable - Reuse of existing building + site



City of Charlottesville

LID Checklist

Project Name: 1617 Emmet St Drive Through

| LID Measure | LID Checklist Points | Points |
|--|---|--------|
| Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored. | 5 points or 1 point for each 18% of the total acreage | |
| Pervious pavers 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. ² or ≥ 50% of the total parking and driveway surface area. | 7 points or 1 point for each 7% of parking and driveway surface area. | |
| Shared parking (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. | |
| Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens) | 8 points | |
| Bioretention. 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. | |
| Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² . | 8 points or 1 point for each 10% of lots treated. | |
| Designed/constructed swales. 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. | |
| Manufactured sand filters, filter vaults (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. | |
| Green rooftop to treat ≥ 50% of roof area | 8 points | |
| Other LID practices as approved by NDS Engineer. | TBD, not to exceed 8 points | |
| Off-site contribution 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 | |
| Total Points | | |

Applicant's Signature

Signature  Print Ashley Davies Date 2/2/19

1617 Emmet Street

Special Use Permit for a Restaurant with a Drive Through Window

Proposal: Utilization of existing building, formerly a Wells Fargo Bank, for a proposed coffee shop. The proposed restaurant use would utilize the existing drive-through window.



Source: Google Maps Screenshot

Special Use Permits Sec. 34-157. - General standards for issuance.

(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;

The proposed coffee shop is located within a mixed-use commercial corridor in the City of Charlottesville. The use is consistent with other restaurant uses within the Highway Corridor Mixed Use Zoning District and long the Emmet Street/US 29 Corridor.

- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;

The property is designated for Mixed-Use within the Comprehensive Plan, however residential uses are currently discouraged in the Highway Corridor zoning district. Therefore, a commercial use is highly appropriate and consistent with the Comprehensive Plan.



Source: City of Charlottesville Land Use Map

(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

The development/building 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;

Before and after ITE counts have been included for staff review. The placement of the proposed use is similar to others along the corridor. One access point along Emmet Street will be eliminated to create better and safer access management for this section of the corridor. US Route 29 is designed for high traffic volumes and the proposed use is consistent with other uses along this corridor. The Highway Corridor Mixed Use Zoning District promotes the most intensive of commercial uses. Proposed parking exceeds the requirements for this use type.

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

No impact is anticipated.

c. Displacement of existing residents or businesses;

No impact.

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

No impact. Utilization of existing but vacant commercial buildings along a primary Entrance Corridor is a benefit to the City. Reuse is more sustainable and filling vacant properties is a sign of a strong local economy.

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

Not applicable.

- f. Reduction in the availability of affordable housing in the neighborhood;

Not applicable—no impact.

- g. Impact on school population and facilities;

No impact.

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

No impact.

- i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,

We confirm this project will comply with federal, state and local laws.

- j. Massing and scale of project.

The proposed use will utilize the existing building, which is consistent with other buildings within the area.

- (4) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

The proposed reuse of the existing bank building is harmonious with the intent of the Highway Corridor Mixed Use Zoning District. The Zoning Ordinance states, "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."

- (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

The proposed restaurant/coffee shop use will locate within the existing building. The existing building, like almost all of the existing structures along this corridor, is nonconforming to current setback and parking regulations. Because we are utilizing all of

the existing resources, this project would comply with the Zoning Ordinance under the nonconforming structure regulations.

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

This project is within an Entrance Corridor. Any proposed signage and changes to the exterior of the building will be reviewed by the Entrance Corridor Review Board for compliance with the Design Guidelines.

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

Noted.

**Coffee Shop- Emmet Street
Charlottesville, VA
ITE Trip Generation – Typical Weekday – 10th Edition**

| | Land Use (ITE Land Use Code) | Size | Average Daily Traffic (vpd) | | AM Peak Hour (vph) | | PM Peak Hour (vph) | |
|----------------------|---|------------|-----------------------------------|-------------|-----------------------|------------|-----------------------|------------|
| | | | Enter | Exit | Enter | Exit | Enter | Exit |
| Proposed Uses | | | | | | | | |
| 1 | Coffee / Donut Shop with Drive-Thru Window (937) | 2,371 s.f. | 972 | 972 | 108 | 103 | 51 | 52 |
| 2 | Drive-In Bank (912) | 1 lane | 63 | 63 | 5 | 4 | 13 | 14 |
| 3 | Driveway Volumes | | 1,035 | 1,035 | 113 | 107 | 64 | 66 |
| 4 | ITE Pass-By Trips: Coffee / Donut Shop – 89% ¹ Drive-In Bank – 29% AM Peak / 35% PM Peak | | -865 -20 | -865 -20 | -93 -1 | -93 -1 | -45 -4 | -45 -4 |
| 5 | Proposed Primary Trips | | 150 | 150 | 19 | 13 | 15 | 17 |
| Existing Use | | | | | | | | |
| 6 | Drive-In Bank (912) | 3 lanes | 187 | 187 | 16 | 10 | 39 | 42 |
| 7 | ITE Pass-By Trips: 29% AM Peak / 35% PM Peak | | -59 | -59 | -3 | -3 | -14 | -14 |
| 8 | Existing Primary Trips | | 128 | 128 | 13 | 7 | 25 | 28 |
| 9 | Net New Driveway Trips (Line 3 minus Line 6) | | +848 | +848 | +97 | +97 | +25 | +24 |
| 10 | Net New Primary Trips (Line 5 minus Line 8) | | +22 | +22 | +6 | +6 | -10 | -11 |

1 – ITE does not publish pass-by rates for Land Use Code 937, so the pass-by rate for Land Use Code 938 (Coffee / Donut Shop with Drive-Thru Window and No Indoor Seating) was applied

February 12, 2019

SCHEDULE B EXCEPTIONS

1. TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, LIENS FOR ASSESSMENTS, DEVELOPER RIGHTS, OPTIONS, RIGHTS OF FIRST REFUSAL, AND RESERVATIONS AND OTHER MATTERS, IF ANY, AND ANY AMENDMENTS, MODIFICATIONS, APPEARANCES OF RECORD OR DECLARATIONS RECORDED IN DEED BOOK 336, PAGE 177 AND IN DEED BOOK 349, PAGE 397, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RULES, COLORED RECORDS, SEALED, UNRECORDED, FAMILIAR, STATUTE, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANTS OR RESTRICTIONS IS FORFEITED BY APPLICABLE LAW AS SHOWN ON FIELD SURVEY
2. EASEMENT GRANTED INTO THE COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA DATED DECEMBER 20, 1965, RECORDED IN ALBEMARLE DEED BOOK 296, PAGE 40. COVENANT EASEMENT FOR WATER LINE AND APPURTENANCES THEREIN, AT DESIGNATED AND UNDESIGNATED LOCATIONS, WITH RIGHTS OF INTEREST, EGRESS AND CLEARANCE
3. EASEMENT GRANTED INTO R. A. SANDERS DATED NOVEMBER 23, 1958, RECORDED IN ALBEMARLE DEED BOOK 349, PAGE 394. GRANTS EASEMENT FOR SEWER LINE AND APPURTENANCES THEREIN, AT DESIGNATED AND UNDESIGNATED LOCATIONS, WITH RIGHTS OF INTEREST, EGRESS AND CLEARANCE. PLAT RECORDED THEREWITH SHOWS EASEMENT AS SHOWN ON FIELD SURVEY
4. EASEMENT GRANTED INTO R. A. SANDERS DATED NOVEMBER 25, 1958, RECORDED IN DEED BOOK 306, PAGE 576 IN THE CLERK'S OFFICE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA. GRANTS EASEMENT FOR SEWER LINE AND APPURTENANCES THEREIN, AT DESIGNATED AND UNDESIGNATED LOCATIONS, WITH RIGHTS OF INTEREST, EGRESS AND CLEARANCE. AS SHOWN ON FIELD SURVEY
5. PLAT MADE BY WILLIAMS, HODGKINS, JR., ELLS, DATED AUGUST 27, 1974, TITLED "PHYSICAL SURVEY OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF U.S. ROUTE 29 AND ANGUS ROAD, CHARLOTTESVILLE, VIRGINIA" RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE IN DEED BOOK 360, PAGE 502 AND SHOWS THE FOLLOWING:
 - a. PILES, OVERHEAD ELECTRIC LINES, RETAINING WALL AS SHOWN ON FIELD SURVEY
 - b. 8" SANITARY SEWER (S/S) AND 10" WATER LINE (W/L) AS SHOWN ON FIELD SURVEY
 - c. WATER MEAS. MAPPING, BRICK WALL, PAVED AND CONCRETE SLAB AS SHOWN ON FIELD SURVEY
 - d. 60' BUILDING LINE FOR ON 300 PG 177, 187 BUILDING LINE CORRECTED JULY 11, 1967. DOES NOT AFFECT SUBJECT PROPERTY.
 - e. PLAT MADE BY WILLIAMS S. HODGKINS, JR., DATED SEPTEMBER 12, 1957, TITLED "PLAT SHOWING A SURVEY OF PROPERTY OF DAUFU COUNTY CORPORATION LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF U.S. ROUTE 29 AND ANGUS RD., RECORDED IN DEED BOOK 295, PAGE 473 AND SHOWS THE FOLLOWING:
 - a. 10" WATER LINE (W/L, C/S, S/C, B/S) AS SHOWN
 - b. 8" SANITARY SEWER (S/S) AND SAN. SEWER W/L AS SHOWN AS SHOWN ON FIELD SURVEY
 - c. OVERHEAD TELEPHONE & ELECTRIC LINES (E/L) AND (T/E/L) AS SHOWN ON FIELD SURVEY
 - d. TELEPHONE BROWN (T/E, W/L & T/E) THERE WAS NO OBSERVED EVIDENCE AT THE TIME OF THE FIELDWORK
 - e. LIGHT BASE AND WATER MEASER AS SHOWN ON FIELD SURVEY

FIELD DESCRIPTION

FROM THE POINT OF BEGINNING (P.O.B.) MARKED ON PLAT AT A NAIL SET IN CONCRETE, SIDEWALK IN THE INTERSECTION OF ANGUS ROAD AND EMMET STREET NORTH (U.S. ROUTE 29) THENCE, ALONG SAID EMMET STREET NORTH 5° 30' 00" E FOR A DISTANCE OF 145.06 TO A NAIL SET IN PAVEMENT, THENCE, CONTINUING ALONG SAID STREET S 7° 37' 00" W FOR A DISTANCE OF 124.14 FEET TO AN IRON FOUND, THENCE, ALONG A COMMON BOUNDARY WITH TMP 40020000, N/P ANGUS INVESTORS, LLC N 82° 00' 00" E FOR A DISTANCE OF 102.06 FEET TO AN IRON FOUND, THENCE, ALONG A COMMON BOUNDARY WITH TMP 40020000, N 37° 54' 00" E FOR A DISTANCE OF 172.89 FEET TO AN IRON SET ALONG THE SOUTHERN BOUNDARY OF ANGUS ROAD, THENCE, ALONG SAID ANGUS ROAD S 0° 00' 00" E FOR A DISTANCE OF 135.00 FEET TO THE P.O.B.

ALL THAT PROPERTY BORNH AS T&L MAP REC. PARCEL 2, CONTAINING 6.330 ACRES (31,777 SF), MORE OR LESS SAID PROPERTY BEING THE SAME AS DESCRIBED WITHIN THE TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER SH720-706, COMMITMENT DATE MAY 8, 2014.

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH ALL APPURTENANCES THEREIN BELONGING IN THE CITY OF CHARLOTTESVILLE, VIRGINIA, AT THE SOUTHWEST CORNER OF EMMET STREET AND ANGUS ROAD, AND MORE PARTICULARLY DESCRIBED IN PLAT OF SURVEY PREPARED AND MADE BY WILLIAMS S. HODGKINS, JR., ELLS, DATED AUGUST 27, 1974 ATTACHED TO AND RECORDED WITH DEED OF DAUFU CO. CORPORATION TO THE CITIZENS CORPORATION DATED AUGUST 11, 1974 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE IN DEED BOOK 302, PAGE 502, AND BEING IN ALL RESPECTS THE SAME PROPERTY WHICH WAS CONVEYED INTO THE CITIZENS CORPORATION BY SAID DEED.

GRANTOR FURTHER GRANTS AND CONVEYS UNTO GRANTEE WITH SPECIAL WARRANTY OF TITLE, ALL GRANTEE'S RIGHTS IN AND SUBJECT TO ITS LIABILITIES WITH RESPECT TO THE 30-FOOT DISTANCE AND BOUNDARY ADJACENTLY TO THE SOUTH OF THE PROPERTY HEREIN CONVEYED AS SHOWN ON SAID PLAT, (SEE DEED BOOK 336, PAGE 177, ALBEMARLE COUNTY CLERK'S OFFICE).

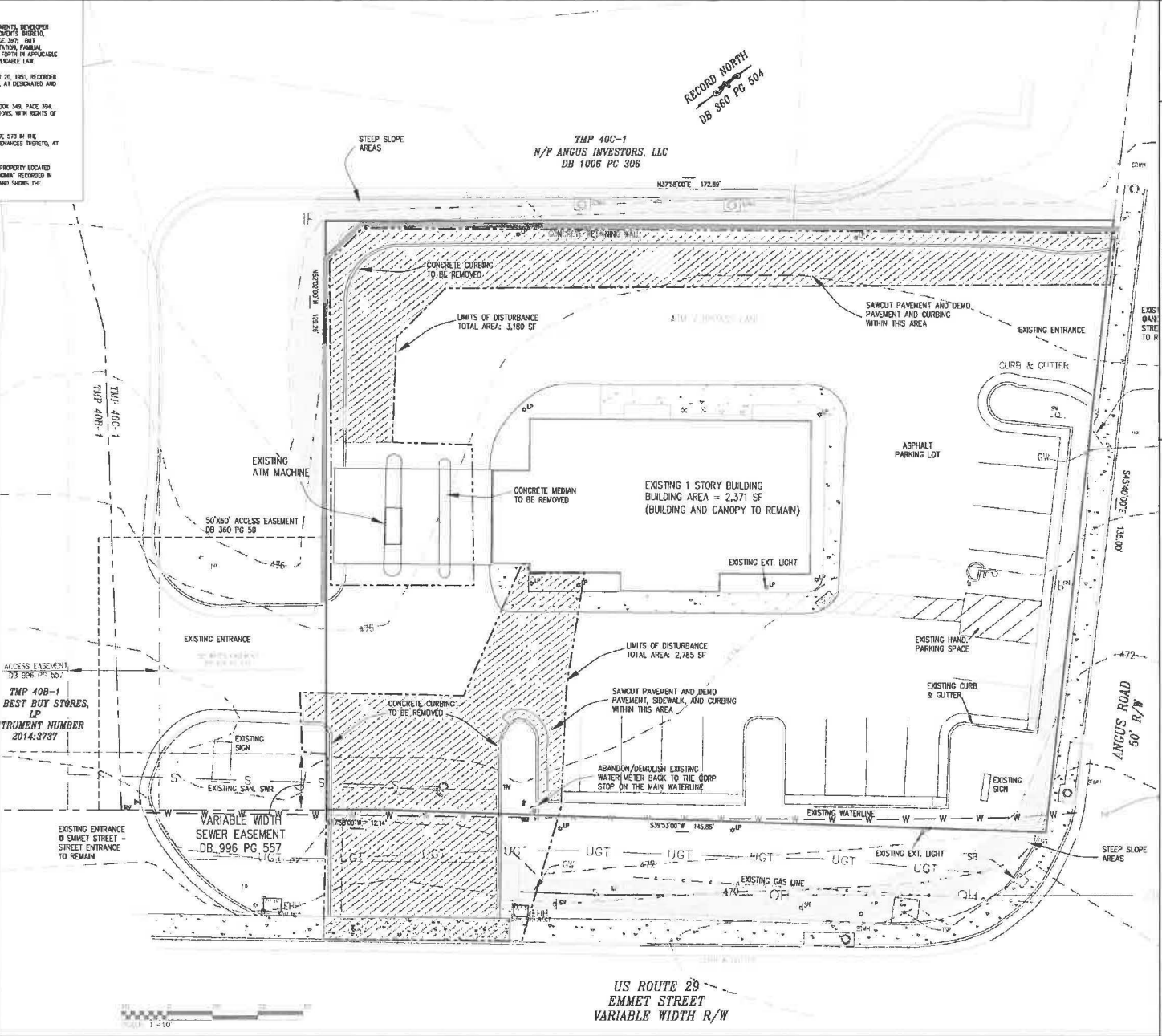
THE CONVEYANCE OF TRACT 1 IS SUBJECT TO THE 8-FOOT SANITARY SEWER, THE 10-INCH WATER LINE, THE TELEPHONE AND ELECTRIC LINES AND THE BUILDING LINE SHOWN ON SAID PLAT.

BEING THE SAME REAL ESTATE CONVEYED TO FIDELITY AMERICAN BANK, CHARLOTTESVILLE, A VIRGINIA CORPORATION BY DEED FROM THE CITIZENS CORPORATION, A VIRGINIA CORPORATION DATED APRIL 7, 1978, RECORDED APRIL 19, 1978 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CHARLOTTESVILLE CITY, VIRGINIA, RECORDED IN DEED BOOK 382, PAGE 43.

NOTED ON MAY 1, 1980, FIDELITY AMERICAN BANK, CHARLOTTESVILLE CHANGED ITS NAME TO CENTRAL FIDELITY BANK, CHARLOTTESVILLE, ON NOVEMBER 19, 1982, CENTRAL FIDELITY BANK, CHARLOTTESVILLE MERGED INTO CENTRAL FIDELITY BANK, N.A. ON NOVEMBER 14, 1985, CENTRAL FIDELITY BANK, N.A. MERGED INTO CENTRAL FIDELITY BANK, ON DECEMBER 31, 1994, CENTRAL FIDELITY BANK CONVERTED FROM A STATE-CHARTERED BANK TO A NATIONAL BANK WITH THE NAME OF CENTRAL FIDELITY NATIONAL BANK, ON MARCH 31, 1996, CENTRAL FIDELITY NATIONAL BANK MERGED INTO WACHovia BANK, NATIONAL ASSOCIATION, ON JANUARY 1, 2009, WACHovia BANK, NATIONAL ASSOCIATION MERGED INTO WELLS FARGO BANK, N.A.

GENERAL NOTES:

1. THIS PLAT HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT DATE OF MAY 8, 2014, COMMITMENT NO. SH720-706.
2. THIS PLAT HAS BEEN PREPARED FROM AN AERIAL FIELD SURVEY COMPLETED ON MAY 18, 2014 USING REMOTE SENSING TO CHECK AT THE TIME OF THIS SURVEY.
3. THE AREA SHOWN HEREIN IS LOCATED IN ZONE "C" AREA DETERMINED TO BE OUTSIDE THE 6.2% ANNUAL CHANCE FLOOD PLAN AS SHOWN ON FEMA MAP NO. 1305002000, EFFECTIVE DATE OF THIS FLOOD ZONE. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS. NO ELEVATION SURVEY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
4. NO EVIDENCE OF RECENT EARTH MOVING WORK, INCLUDING CONSTRUCTION, OR BUILDING METHODS WAS OBSERVED AT THE TIME OF CONDUCTING THE FIELDWORK.
5. NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED AT THE TIME OF CONDUCTING THE FIELDWORK.
6. SUBJECT PROPERTY HAS DIRECT ACCESS TO EMMET STREET NORTH (US ROUTE 29).
7. SUBJECT PROPERTY IS ZONED R-1 (SINGLE-FAMILY RESIDENTIAL) AS ALLOWED WITHIN THE CITY OF CHARLOTTESVILLE'S ZONING ORDINANCES AND ESTABLISHED IN THE MAPING SET FORTH WITHIN SECTION 54-706. DIMENSIONAL REQUIREMENTS CAN BE FOUND IN SECTION 54-730.
8. UNDESIGNATED UTILITIES SHOWN PER MISS UTILITY MARKINGS, TICKET NUMBER C095 861200000.



RECORD NORTH
DB 360 PG 504

TMP 400-1
N/P ANGUS INVESTORS, LLC
DB 1008 PG 308

N37°58'00"E 172.89'



| REVISIONS | |
|--------------------------------------|----------|
| REVISION DESCRIPTION | DATE |
| INITIAL SPECIAL USE PERMIT SUBMITTAL | 04/10/19 |

COLLINS ENGINEERING
200 GARRETT STREET, SUITE K - CHARLOTTESVILLE, VA 22902 - 434.293.3719

PROJECT: 1617 EMMET STREET - SPECIAL USE PERMIT & PRELIMINARY SITE PLAN
SHEET: 2 OF 3

DATE: 09/20/13
SCALE: 1"=10'
SHEET NO.: 2 OF 3

US ROUTE 29
EMMET STREET
VARIABLE WIDTH R/W

**ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO AUTHORIZE
RESTAURANTS WITH DRIVE THROUGH WINDOWS IN THE
HIGHWAY CORRIDOR (HW) MIXED USE ZONING DISTRICT
WITH A SPECIAL USE PERMIT**

WHEREAS, by resolution adopted April 16, 2018 City Council initiated a zoning text amendment to authorize drive through windows in restaurants in the Highway Corridor (HW) Mixed Use Zoning District (“Proposed Zoning Text Amendment”); and

WHEREAS, following a public hearing duly advertised and conducted in accordance with law, the Planning Commission considered the Proposed Zoning Text Amendment at its meeting on June 12, 2018, and voted to recommend denial of the Proposed Zoning Text Amendment as presented; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by City Council on July 2, 2018, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, after consideration of the Planning Commission’s recommendation, and comments from the public, this Council is of the opinion that the Proposed Zoning Text Amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the proposed zoning text amendment, and (ii) the proposed zoning text amendment is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following change in the column titled “HW”:

| <i>Use Types</i> | <i>Zoning Districts</i> |
|--|-------------------------|
| NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL | <i>HW</i> |
| Restaurants: | |
| Drive-through windows | <u>S</u> |
| | |

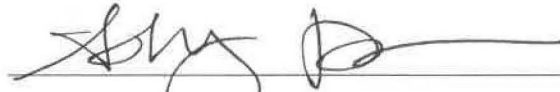
Approved by Council
August 20, 2018


Clerk of Council

AFFIDAVIT

1. I am Ashley Davies, and I have personal knowledge of the facts set forth herein.
2. I am Vice President of Riverbend Development. Angus & Emmet LLC, an affiliate of Riverbend Development, is the contract purchaser of the property located at 1617 Emmet Street N (the "Property") which is the subject of a pending special use permit application with the City of Charlottesville.
3. As required by the special use permit process, on March 7, 2019, I mailed notices to all property owners within 500 feet of the Property at those addresses determined and provided by Missy Creasy of the City of Charlottesville. The letters provided notice of the application and proposed use and of the informational community meeting to be held at the Property on March 21, 2019, from 6:00 to 7:00 pm.
4. A sample copy of the notification letter is attached hereto as Exhibit A and a copy of the list of addresses to which the letter was mailed is attached hereto as Exhibit B.

By my signature below, I certify the above facts to be true.

 _____ (Signature)

Ashley Davies, Vice President
Riverbend Development

4/16/19
Date

March 7, 2019

Dear Neighbor,

On behalf of Riverbend Development, please join us for a community meeting to discuss a proposed Special Use Permit at 1617 Emmet Street N. This property, formerly a Wells Fargo Bank, is zoned Highway Corridor Mixed Use Zoning District. The applicant proposes a restaurant/coffee shop use that would include a drive-through window in the location of the existing drive-through. The applicant and planning staff from Neighborhood Development Services will be available at the community meeting to present the project details and answer questions regarding the proposal.

COMMUNITY MEETING DETAILS

DATE: March 21, 2019

TIME: 6pm-7pm

LOCATION: Wells Fargo Bank Building, 1617 Emmet Street N, Charlottesville, VA, 22901

APPLICANT CONTACT: Ashley Davies, Riverbend Development

ashley@riverbenddev.com

434-245-4971



Source: Google Maps Screenshot

Exhibit B

| Owner | Address 2 | City / State | ZIP |
|---|---------------------------|--------------------|-------|
| CLOSE, JULIAN BANKSTON | 2418 ANGUS RD #A | CHARLOTTESVILLE VA | 22901 |
| VAN DER LINDE HOUSING, INC | 2820 HYDRAULIC ROAD STE 1 | CHARLOTTESVILLE VA | 22901 |
| PAPPAS, EVANGELINE, TR & FRANK NEOFOTIS | 552 WORTHINGTON DR | CHARLOTTESVILLE VA | 22903 |
| VERBURG, G CAROL | 2119 ANGUS ROAD | CHARLOTTESVILLE VA | 22901 |
| PAPPAS, EVANGELINE, TR & FRANK NEOFOTIS | 552 WORTHINGTON DR | CHARLOTTESVILLE VA | 22903 |
| CHANAR ENTERPRISES, INC | 13036 PARK CRESCENT CIR | OAK HILL VA | 20171 |
| TAFT, MICHAEL E & GHIZLAINE L | 1880 GRAHAM CT | KESWICK VA | 22947 |
| ZEAVY CHARLOTTESVILLE, LLC | 4408 NE 38TH ST | SEATTLE WA | 98105 |
| ANGUS INVESTORS LLC | 1 SLEIMAN PKWY STE 240 | JACKSONVILLE FL | 32216 |
| DE BUTTS, RICHARD H | 1706 EMMET STREET STE 5 | CHARLOTTESVILLE VA | 22901 |
| FAHAM, LLC | 2703 NORTHFIELD ROAD | CHARLOTTESVILLE VA | 22901 |
| SPATHOS, ANGELA A, TRUSTEE | 1440 STABLE LN | CHARLOTTESVILLE VA | 22901 |
| FIDELITY, AMERICAN BANK CH'VILLE | P O BOX 2609 | CARLSBAD CA | 92018 |
| BEST BUY STORES, LP | 7601 PENN AVE SOUTH | RICHFIELD MN | 55423 |
| BBP CHARLOTTESVILLE HOTEL LLC | 14006 SOUTHSHORE RD | MIDLOTHIAN VA | 23112 |
| James Chang | 1612 Ricky Road | CHARLOTTESVILLE VA | 22902 |

Welcome!

Sign In Sheet

3/21/19

Emmet Street Coffee Shop

Name

Address

Email

Marilyn Besham

2703 Shelby

mr.besham@gmail.com

James Acheson

1612 Rocky Rd.

JAMESACHESON100@gmail.com

Sign In Sheet

3/28/19

Joey Winter

winterj@charlottesville.org

James Acheson

JAMESACHESON100@gmail.com

on site

6:00pm

3/28/19

1617 Emmet St N SUP - Community Meeting

Jim's
memo: Entrance on Angus - congested (KFC entrance

Signage → letting people know they can also
use entrance by Best Buy

Jim's take on how residents feel about this project

- Generally for Starbucks in area
- concerns about access (Angus Rd. entrance)
- place to meet → want for this in community

Attendees:

me, Ashley Davios, Jim Chang

City of Charlottesville
Department of Neighborhood Development Services
Staff Report to the Entrance Corridor Review Board (ERB)



Entrance Corridor (EC) Certificate of Appropriateness

DATE OF PLANNING COMMISSION MEETING: May 14, 2019

Project Name: 1801 Hydraulic Road, Hillsdale Place
Planner: Jeff Werner, AICP
Applicant: Peyton Associates Partnership
Applicant's Representative: Ashley Davies (Riverbend Development)
Applicant's Relation to Owner: Developer

Application Information

Property Street Address: 1801 Hydraulic Road
Property Owner: Meadowbrook Creek LLC (leaseholder)
Tax Map/Parcel #: Tax Map 41B, Parcel 2 (GIS: 41B002000)
Total Square Footage/Acreage Site: 9.064 acres
Comprehensive Plan (Land Use Plan) Designation: Mixed Use
Current Zoning Classification: HW Highway Corridor with Entrance Corridor (EC) Overlay
Entrance Corridor Overlay Districts: §34-307(a)(1) Route 29 North from corporate limits to Ivy Road, and §34-307(a)(2) Hydraulic Road from corporate limits to the 250 Bypass
Current Usage: One-story vacant building that was most recently occupied by K Mart and Gold's Gym (building to be partially demolished)

Background

November 14, 2017 - ERB unanimously (6-0) approved CoA with conditions.

1. Approval per drawing dated 11/3/17.
2. Additional articulation on the Hillsdale Road façade, preferably using more brick.
3. Signage requires separate permits. All signage shall appear to be lit white at night.
4. The L-7 fixture shall not be used to outline the building, unless the light source is fully concealed, and not mounted above 20 feet height.
5. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
6. A pedestrian walkway shall be added along the main entry drive from the Hydraulic Road City sidewalk to the building plaza area, and a City sidewalk shall be added to the south side of India Road from Route 29 to the walkway on the west side of the building.
7. Dumpsters and utilities shall be screened from Hillsdale Drive.
8. Indicate the bus shelter or stop at this location to be reviewed administratively.
9. Addition of an entrance or pedestrian experience on Hillsdale Drive. The engagement shall come back for review administratively.

November 14, 2017 Planning Commission/ERB

Staff report (see page 284): www.charlottesville.org/home/showdocument?id=59455

Meeting minutes for (see page 4): www.charlottesville.org/home/showdocument?id=59829

Applicant's Request

- Submittal: Bignell Watkins Hasser Architects, PC drawings *Hillsdale Place*, dated 20 March 2019, pages 1 through 20.

Note: This request represents modifications to the design approved in 2017. Except for the alterations to the western end of the project, the design changes are insignificant such that they would otherwise be approved administratively. However, approval of this CoA would be precedent over the prior and while the focus is on the significant changes, a new CoA will apply to the entire project as presented in the current application and submittal. As such, aside from minor revisions, the majority of the 2017 summary and recommendations remain generally intact with notations to indicate updated comments.

Project: Partially demolish, renovate, and reconstruct an existing one-story commercial building with surface parking. Intent is to maintain the current building footprint, reusing portions of the existing structure and walls. A new plaza area will be created as a focal point for the shops and restaurants.

The parking lot will be renovated with new striping and landscaping. The 2019 Site/Landscape Plan (page 3) shows five “Future” *out lots*, but these are not included on the actual site plan and are not part of this approval. [The 2017 plan showed four “Future” *out lots* and one *Existing*.]

The site is currently accessed by three two-way entrances: off Hydraulic Road; off Hillsdale Drive; and off India Road. The Hillsdale Drive entrance no longer allows left turns northbound, but northbound traffic can enter the site at the rear of the building. The Hydraulic Road entrance allows left turns eastbound, but there is no traffic signal.

Building materials consist of brick, split face concrete masonry units, metal panels, ribbed metal siding, wood cladding and siding, cast stone, and aluminum composite panels.

Proposed landscaping: (see below)

2019 proposed design changes

Alterations to the western end façades include:

- South façade, facing Hydraulic Road.
 - Glazed storefront/entrance has been extended and shifted east, with a surround and flat pediment of red, metal panels. [2017 design featured a smaller storefront and entrance, centered and within an articulated wall section.]
 - Wall features two, flat horizontal bands: split-faced CMU (below) and wood siding (above). [The 2017 design featured an articulated section and walls composed of brick, cast stone and metal panels.]
- West façade, facing Emmet Street.
 - Wall features two, horizontal bands: split-faced CMU (below); wood siding (above, for half the facade) and darker split-faced CMU (above, for half the facade). The lower band includes two sections of vegetated wall trellis. At the southwest corner is a full-height segment of red, metal panels. [2017 design featured two articulated sections clad with gray metal panels above contrasting brick bands. Walls composed of two bands of split-faced CMU, sections of vegetated wall trellis, and a stone pilaster at the northwest corner.]
- North façade, rear of the building.
 - Wall features two, horizontal bands of split-faced CMU. [2017 design featured a cast stone pilaster at the northwest corner and an articulated wall section clad with metal panels above contrasting brick bands. Remainder of wall composed of two bands of split-faced CMU.]

Notes related to the 2017 CoA Conditions

After the November 14 2017 approval, the applicant corresponded with staff, providing comments and drawings (dated 22 November 2017) in response to the conditions of the CoA. These issues are addressed in the 2019 drawings as follows:

- Additional articulation on the Hillsdale Road façade, preferably using more brick.
 - (See page 18 of submitted drawings.) Brick piers, base, and additional glazing have been added.
 - Staff Comment: The revisions are appropriate
- Signage requires separate permits. All signage shall appear to be lit white at night.
 - Applicant has applied for a Comprehensive Signage Plan.
- The L-7 fixture shall not be used to outline the building, unless the light source is fully concealed, and not mounted above 20 feet height.
 - The L-7 fixture has been removed.
- All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
 - (See page 19 of submitted drawings.) Storefront & glazing on the materials sheet, specifying minimum VLT of 70%.
- A pedestrian walkway shall be added along the main entry drive from the Hydraulic Road City sidewalk to the building plaza area, and a City sidewalk shall be added to the south side of India Road from Route 29 to the walkway on the west side of the building.
 - (See page 3 of submitted drawings.) Crosswalks have been added to the walkway from Hydraulic Rd. to the building plaza. Sidewalk has been added to India Road.
 - Staff Comment: The revisions are appropriate.
- Dumpsters and utilities shall be screened from Hillsdale Drive. Potential dumpster enclosure locations have been identified on plan.
 - (See page 3 of submitted drawings.) Applicant's 2017 follow up stated: The enclosures will be constructed of similar materials as the building. Potential utility locations at the rear of the buildings have been identified on the plan and additional landscaping for screening from adjacent property has been included. Any future visible utility locations will be reasonably screened with landscaping and/or construction of materials similar to the building.
 - Staff Comment: The revisions are appropriate. However, notes added to the 2017 drawings are not shown on the current submittal.
- Indicate the bus shelter or stop at this location to be reviewed administratively.
 - (See page 3 of submitted drawings.) Applicant's 2017 follow up indicated the [then current] bus stop location.
 - Staff Comment: The revisions are appropriate. However, notes added to the 2017 drawings are not shown on the current submittal.
- Addition of an entrance or pedestrian experience on Hillsdale Drive. The engagement shall come back for review administratively.
 - (See page 18 of submitted drawings, *Right Side Elevation*.) Brick piers, base, and additional glazing have been added to this elevation and a portion of the additional glazing has been extended down to grade to accommodate a potential entrance. Additional landscaping and planters at pedestrian scale are shown as well.
 - Staff Comment: The revisions are appropriate.

Standard of Review

The Planning Commission serves as the entrance corridor review board (ERB) responsible for administering the design review process in entrance corridor overlay districts. This development project requires a site plan, and therefore also requires a certificate of appropriateness from the ERB, pursuant to

the provisions of §34-309(a)(3) of the City's Zoning Ordinance. The ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application. Appeal would be to City Council.

Standards for considering certificates of appropriateness:

In conducting review of an application, the ERB must consider certain features and factors in determining the appropriateness of proposed construction, alteration, etc. of buildings or structures located within an entrance corridor overlay district. Following is a list of the standards set forth within §34-310 of the City Code:

§34-310(1): Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;

The single-story, 20-ft tall, rectangular building is approximately 200' x 609' in overall dimensions. The proposed design includes articulated segments and varying parapet heights (from 23-ft to just over 32-ft) and a 39-ft tall tower in the plaza area. In the center of the south façade, the retail spaces step back approximately 40 feet to create an outdoor plaza area.

Staff Analysis: A well-articulated building of this height, mass and scale is appropriate in this location, because it is considered to be a Phase I use. In the future, a multi-story building built to the street frontages would add prominence to this important corner.

Re: proposed 2019 design changes: Eliminating the articulated wall segments and the reduced materiality at the west and north façades—and particularly from brick and cast stone to split CMU—results in a stark, monotonous appearance. While offset somewhat by retaining the vegetated trellises, the starkness of the west façade is emphasized—not mitigated—by the bright red element at the southwest corner. These changes conflict with two of the guidelines addressing building mass, scale & height—see below.

Options to address this might include:

- At the parking area immediately adjacent to the west façade, add two bump outs—mirror those across the drive lane—and plant trees of an appropriate size.
- Consider [re-introducing] articulated elements that breakup the walls scale and massing.

From the EC Guidelines for Buildings: C. Building Mass, Scale & Height

(See pages 6 – 8: www.charlottesville.org/home/showdocument?id=20409)

- Guideline #2. Use variation in materials, textures, patterns, colors and details to break down the mass and scale of the building.
- Guideline #5. Use massing reduction techniques of articulated base, water tables, string courses, cornices, material changes and patterns, and fenestration to reduce the apparent height of a large building. Fake windows and similar details are not appropriate articulation. Floor-to-floor heights of a building can have an impact on the mass of a building. [...] When actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, then a building may begin to read as more massive than human-scaled. When articulating large buildings, keep these dimensions in mind.

§34-310(2): Exterior architectural details and features of the subject building or structure;

- The facades are articulated with variation in materials, colors, parapet heights, and glass.
- Hydraulic Road façade: well-articulated with a generous amount of storefront glass, and a plaza area that adds interest.
- West façade: (See comments above under §34-310.)

- North facade: Only slightly visible from Route 29, and has mostly split face block and painted masonry. (See additional comments above under §34-310.)
- Hillsdale Road façade: Revisions have resulted in a well-articulated wall, with brick piers and base and additional glazing. Painted accents add character and interest to the wall.
- Eight light fixture types are proposed. (See page 20 of submitted drawings.)
- Mechanical equipment will be screened on the roof with the raised parapets.
- Applicant has applied for a Comprehensive Signage Plan.

Staff Analysis: The proposed contemporary design looks intentional for this corner location. New lighting, including building and pole lighting, may not exceed twenty feet mounting height. The fixtures all appear to be dark sky-friendly, staff requests that cut sheets be submitted.

§34-310(3): Texture, materials and color of materials proposed for use on the subject building or structure;

Building materials (See page 19 of submitted drawings.)

- Brick
 - B-1 Yankee Hill - *Dark Ironspot*
 - B-2 Taylor Brick- *#317 Red*
 - B-3 Taylor Brick- *#320 Gray*
 - B-4 Carolina Ceramics - *Pebble Beach Velour*
 - B-5 Carolina Ceramics - *Topaz Velour*
- Split-Face CMU
 - C-1 CMU - *Echelon Autumn Tan*
 - C-2 CMU - *Echelon Dark Chocolate*
 - C-3 CMU - *Echelon Brick Red*
- Cast Stone
 - PC-1 Architectural Cast Stone Masonry Rockcast – *Buckskin*
- Wood
 - S-1 Wood Effect Manufactured Stone - *Eldorado Vintage Ranch*
 - W-1 Wood Cladding Alaskan Yellow Cedar
 - W-2 Wood Cladding Ipe or similar [Added 2019]
- Metal
 - M-1 Ribbed Metal Siding AEP Span HR-36 Panel - *Vintage Finish*
 - M-2 Aluminum Composite Panel Alpolic - *Mist White*
 - M-2A Aluminum Composite Panel Alpolic - *Aluminum AGT Gray*
 - M-3 Panel - *Dark Bronze*
 - M-4 Panel- *Silver/Clear Anodized*
 - M-5 Ribbed Metal Siding AEP Span HR-36 Panel - *Custom Red* [Added 2019]
 - M-6 Aluminum Composite Panel - *Custom Red* [Added 2019]
- Paint
 - P-1 Match CMU C-1 (*Echelon Autumn Tan*)
 - P-2 Match CMU C-2 (*Echelon Dark Chocolate*)
 - P-3 Match CMU C-3 (*Echelon Brick Red*)
 - P-4 Match M-1 (*Vintage Finish*)
 - P-5 Match M-3 (*Dark Bronze*)
- Vegetated wire trellis
- Canopies: Metal
- Storefront and entrance doors: Kawneer Trifab VG. Solarban 60 glazing. Minimum 70% VLT.

- Lighting: (All Fixtures delivering 3000 or more lumens to be specified as full cutoff.)
 - Existing parking lot pole lights will be relocated and re-used.
 - L-1 Wall Mount Light Fixture Barnlight Electric “Original” - *Dark Bronze Finish*
 - L-2 Wall Mount Light Fixture Luminis Argon - *Silver Finish*
 - L-3 Sign Light B-K Lighting - *Black Finish*
 - L-4 Wall Mount Light Fixture Luminis Eclipse
 - L-5 Wall Mount Light Fixture B-K Lighting Alpine Series - *Black Finish*
 - L-6 Wall Mount Light Fixture Luminis Quanta - *Silver Finish*
 - L-7 [Omitted 2019]
 - L-8 Wall Mount Light Fixture Invue Entri - *Black*
 - Pedestrian Light Luminis Maya

Landscaping (See page 3 and 4 of submitted drawings.)

- Trees (All trees are consistent with the City’s *Master Tree List*.)
 - Red Maple (17)
 - Japanese Katsura (6)
 - Kentucky Coffeetree (19)
 - London Planetree (19)
 - White Oak (3)
 - Northern Red Oak (5)
 - Willow Oak (12)
 - Littleleaf Linden (31)
 - Japanese Zelcova (10)
- Shrubs
 - Red Osier Dogwood (13)
 - Dwarf Fothergilla (54)
 - China Girl Holly (52)
 - Andorra Juniper (71)

Staff Analysis: The building materials, color palette, and landscaping are generally appropriate.

Re: proposed 2019 design changes: (The reduced materiality at the west and north façades is addressed above under 34-310.) The introduction of the red elements conflicts with four of the six guidelines addressing color—see below. Options to address this might include:

- Reduce the area of the proposed red metal panels.
- Invert the colors—red to white, white-to red—on the proposed metal panels.

From the EC Guidelines for Buildings: F. Color

(See page 12: www.charlottesville.org/home/showdocument?id=20409)

Color is an integral element of the overall design.

- Guideline #1: A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.
- Guideline #3: Limit the number of color choices. Generally there is a wall color, trim color, accent color, and roof color.
- Guideline #4: Bright accent colors may be appropriate for smaller areas such as awnings and signs on commercial buildings.
- Guideline #6: Do not use strong color that has the effect of turning the entire building into a sign.

§34-310(4): Design and arrangement of buildings and structures on the subject site;

The location of the building is existing and non-conforming, and the site plan is currently under review. Landscaping, lighting and parking will be compliant with current City site plan regulations.

There are existing City sidewalks located along Hydraulic Road, Route 29, and Hillsdale Drive. There is a pedestrian connection to the building from Hillsdale Drive, Hydraulic Road, and India Road.

Staff Analysis: The design and arrangement are appropriate for the Phase I development.

§34-310(5): The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.

Staff Analysis: The goals are to make the site function well for the users of this site and the entrance corridor, and to have an attractive development that is compatible with its surrounding context. Except for the concerns specifically related to the western end facades, staff finds the project to be compatible with the EC Guidelines and to other sites/structures within this EC.

§34-310(6): Provisions of the Entrance Corridor Design Guidelines.

Relevant sections of the guidelines include:

Section 1 (Introduction)

The Entrance Corridor design principles are:

- Design For a Corridor Vision
 - Staff Analysis: Proposal complies generally with this guideline.
- Preserve History
 - Staff Analysis: This guideline is not applicable.
- Facilitate Pedestrian Access
 - Staff Analysis: Proposal complies generally with this guideline.
- Maintain Human Scale in Buildings and Spaces
 - Staff Analysis: Proposal complies generally with this guideline.
- Preserve and Enhance Natural Character
 - Staff Analysis: Relative to landscaping (trees and plantings), proposal complies generally with this guideline.
- Create a Sense of Place
 - Staff Analysis: Proposal complies generally with this guideline.
- Create an Inviting Public Realm
 - Staff Analysis: Proposal complies generally with this guideline.
- Create Restrained Communications
 - Staff Analysis: New signage must comply with the provisions of the [pending] Comprehensive Signage Plan. Concerns about the red components are addressed above under items 34-310(1), 34-310(3), and 34-310(5).)
- Screen Incompatible Uses and Appurtenances
 - Staff Analysis: Proposal complies generally with this guideline, provided that recommendation condition is met.
- Respect and Enhance Charlottesville's Character: Charlottesville seeks new construction that reflects the unique character, history, and cultural diversity of this place. Architectural transplants from other locales, or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable. *Incompatible aspects of franchise design or*

corporate signature buildings must be modified to fit the character of this community.
[emphasis added]

- Staff Analysis: Proposal complies generally with this guideline, however staff is concerned about the introduction of elements that are immediately identified as franchise-specific and of a scale and nature not seen elsewhere in this EC.

Section 2 (Streetscape)

Staff Analysis: The street trees, sidewalks, and landscaping will create a pleasant, comfortable place for pedestrians.

Section 3 (Site)

Staff Analysis: The site features are appropriate.

Section 4 (Buildings)

Staff Analysis: The building design is generally appropriate.

Section 5 (Individual Corridors):

Route 29 North (North Corporate limits to 250 Overpass) Vision:

As Route 29 traffic enters the City this area should serve to calm traffic and create a transition from auto-oriented, suburban development to more pedestrian friendly, urban scale development. Planting and maintaining street trees along the existing Route 29 sidewalks, and locating buildings close to the road will assist in this effort. Although wide roads and large traffic volumes discourage pedestrian crossings, a pedestrian environment can be encouraged within developments. Providing walking and driving linkages between developments and providing for transit will also create alternatives to having to drive on Route 29. Individual building designs should complement the City's character and respect the qualities that distinguish the City's built environment. This corridor is a potential location for public way-finding signage.

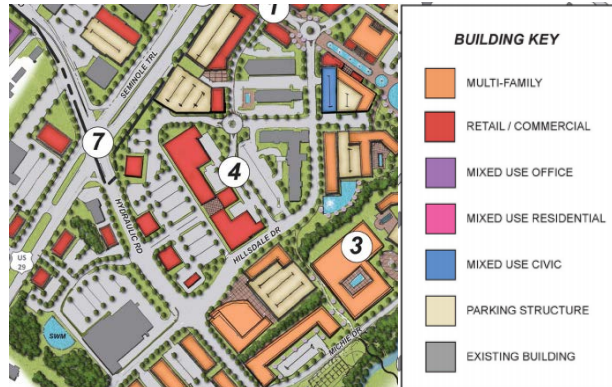
Hydraulic Road (from the Corporate limits to 250 Bypass) Vision

There is potential for redevelopment of the older sites along the corridor including K-Mart Plaza and Dominion Power. Large new buildings should be designed to reduce mass. Opportunities include: building closer to Hydraulic Road, adding landscaping along the streets and in parking lots, and creating pedestrian and auto connectivity within and between developments. A new road could provide access to sites to the north. Preserving a stream buffer and extending a greenway along Meadow Creek are additional needs. West of Rt. 29 pedestrian connections would be important if older commercial and residential properties along Hydraulic Road are redeveloped

Hydraulic Small Area Plan

Staff Analysis: The proposed development and adaptation/continued use of the existing building and site are consistent with recommendations of Hydraulic Small Area Plan.

From the Hydraulic Small Area Plan. Figure 14: Conceptual Core Area Plan



Public Comments Received

No comments received to date.

Staff Recommendations

The design is generally appropriate except for the comments and recommendations noted above.

From: §34-310(1): Overall architectural design, form...

Eliminating the articulated wall segments and the reduced materiality at the west and north façades—and particularly from brick and cast stone to split CMU—results in a stark, monotonous appearance. While offset somewhat by retaining the vegetated trellises, the starkness of the west façade is emphasized—not mitigated—by the bright red element at the southwest corner. These changes conflict with two of the guidelines addressing building mass, scale & height. Options to address this might include:

- At the parking area immediately adjacent to the west façade, add two bump outs—mirror those across the drive lane—and plant trees of an appropriate size.
- Consider [re-introducing] articulated elements that breakup the walls scale and massing.

From: §34-310(3): Texture, materials and color of materials

The introduction of the red elements conflicts with four of the six guidelines addressing color—see below. Options to address this might include:

- Reduce the area of the proposed red metal panels.
- Invert the colors—red to white, white-to red—on the proposed metal panels.

Additionally, most of the conditions applied in 2017 have been addressed, however staff recommends consideration of following as part of any motion to approve the CoA:

- Approval per drawing dated 20 March 2019.
- Signage requires separate permits. All signage shall appear to be lit white at night.
- All exterior lighting shall be full off.
- Dumpsters and utilities shall be screened from Hillsdale Drive. Enclosures will be constructed of similar materials as the building. Potential utility locations at the rear of the buildings have been identified on the plan and additional landscaping for screening from adjacent property has been included. Any future visible utility locations will be reasonably screened with landscaping and/or construction of materials similar to the building.
- Indicate on plans the bus shelter or stop location, to be reviewed administratively.

Suggested Motion

Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for the Hillsdale Place at 1801 Hydraulic Road consistent with the

Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted[.]

[...with the following conditions of approval:]

Alternate Motions

Deferral: I move to defer (or deny) the Entrance Corridor Certificate of Appropriateness application for Hillsdale Place at 1801 Hydraulic Road.

Denial: Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for the Hillsdale Place at 1801 Hydraulic Road is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason the ERB denies the Certificate of Appropriateness application as submitted...

Attachments

- EC Application Form and Hillsdale Place Submittal Package (21 pages)



Entrance Corridor Review Application (EC) Certificate of Appropriateness

Please Return To:
City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130

RECEIVED

APR 16 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

Please submit one (1) hard copy and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Additions and other projects requiring ERB approval \$125; Administrative approval \$100.
Make checks payable to the City of Charlottesville.

The Entrance Corridor Review Board (ERB) meets the second Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next ERB meeting by 3:30 p.m.

Owner Name PEYTON ASSOCIATES PARTNERSHIP Applicant Name Ashley Davies, Riverbend Development

Project Name/Description Hillsdale Place (Kmart Property) Parcel Number 41B002000

Project Street Address 1801 HYDRAULIC RD

Applicant Information

Address: 455 2nd Street SE, Suite 201
Charlottesville, VA 22902
Email: ashley@riverbenddev.com
Phone: (W) 434-245-4971 (C) 434-409-9127

Property Owner (if not applicant)

Meadowbrook Creek LLC (lease holder)

Address: 455 2nd Street SE, Suite 201
Charlottesville, VA 22902
Email: ashley@riverbenddev.com
Phone: (W) 434-245-4971 (C) 434-409-9127

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

[Signature] 4/12/19
Signature Date

Ashley Davies 4/12/19
Print Name Date

Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

[Signature] 4/15/19
Signature Date

Ashley Davies 4/15/19
Print Name Date

Description of Proposed Work (attach separate narrative if necessary): Updates to previously approved ERB package for Hillsdale Place. Primary edits are for the anchor tenant on the left side of the shopping center.

Attachments (see reverse side for submittal requirements): See attached project elevations and renderings, including information regarding project materials. Material board to be submitted separately, in advance of Entrance Corridor Review Board meeting.

For Office Use Only

Received by: J. Barmore
Fee paid: \$375.00 Cash/Ck. # VISA
Date Received: 4/16/2019

Approved/Disapproved by: _____

Date: _____

Conditions of approval: _____

Revised 2016

P19-0052



Hillsdale Place

Charlottesville, Virginia

Entrance Corridor Review Board Submission

16121.00
3.20.2019



ARCHITECTS • P

www.bigwaha.com



RIVERBEND
DEVELOPMENT

PROJECT NARRATIVE

The 'Hillsdale Place' project is the proposed transformation of an existing vacant building into a vibrant neighborhood shopping center. The project is within Charlottesville's Entrance Corridor district, at the intersection of Seminole Trail and Hydraulic Road. The project aims to maintain the boundaries of the existing building's footprint, while providing substantial improvements to the character and attractiveness of the property.

Portions of the existing structure and walls will be reused as part of the larger tenant spaces, and the central structural bays will be reduced to accommodate an approximately 8,000 SF plaza lined with shops and restaurants. The plaza is intended to be a new focal point and gathering space for the property and will include ample seating, enhanced lighting, and other pedestrian amenities.

The design concept of the center is intended to be 'transitional-contemporary', with details, materials, proportions, and colors that are compatible with the Charlottesville vernacular. The primary facade will consist of durable, high quality materials including brick, architectural concrete masonry, wood and wood-effect cladding, and metal. The new building front will primarily be brick and metal cladding, with an emphasis on architectural interest at the pedestrian scale. The design includes textural brick patterns, vertically proportioned storefronts with upgraded fenestration, and horizontal metal canopies to provide cover and shade.

As part of the building improvements, the parapet wall heights will be raised to screen rooftop equipment that is currently visible from surrounding roadways. Less visible sides of the building will be articulated with material fields of color and areas of new landscaping. This treatment will be a substantial improvement over the monotone existing walls. The unsightly portion of the structure that currently contains loading bays and chain link fencing fronting Seminole Trail will also be removed as part of the project.



Hillsdale Place
Charlottesville, Virginia



Note: For conceptual illustration only. Design, dimensions, colors, materials, and the location of signs and doors are subject to change.

Site/Landscape Plan
Scale = 1"=100'

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ZONING ORDINANCE REQUIREMENTS

| SECTION | REQUIREMENTS | CALCULATIONS (REQUIRED/PROPOSED) | COMPLIANCE |
|-----------------------------------|--|--|------------|
| 34-869 TREE COVER REQUIREMENTS | ALL DEVELOPMENTS, PUBLIC OR PRIVATE, REQUIRING SUBMISSION AND APPROVAL OF A SITE PLAN SHALL INCLUDE PROVISIONS FOR THE PRESERVATION AND PLANTING OF TREES ON THE SITE TO THE EXTENT THAT, AT TEN (10) YEARS FROM PLANTING, MINIMUM TREE CANOPIES OR COVERS WILL BE PROVIDED AS FOLLOWS: URB - 10% | REQUIRED: 399,336 SF SITE AREA 39,934 SF TREE CANOPY REQUIRED 46,307 SF TREE CANOPY PROVIDED 11.6% TREE CANOPY TOTAL | COMPLIES |
| 34-870 STREETSCAPE TREES | STREETSCAPE TREES SHALL BE PLANTED WITH EVEN SPACING IN A ROW, AT INTERVALS SUFFICIENT TO ALLOW FOR THEIR HEALTHY GROWTH AND DEVELOPMENT. (1) ONE (1) LARGE TREE SHALL BE REQUIRED FOR EVERY FORTY (40) FEET OF ROAD FRONTAGE, OR PORTION THEREOF, IF TWENTY-FIVE (25) FEET OR MORE; OR, (2) WHERE PERMITTED, ONE (1) MEDIUM TREE SHALL BE REQUIRED FOR EVERY TWENTY-FIVE (25) FEET OF ROAD FRONTAGE, OR PORTION THEREOF, IF TWENTY (20) FEET OR MORE. (3) WHERE REQUIRED ALONG THE EDGE OF A PARKING LOT (AS SET FORTH WITHIN SECTION 34-873, ONE (1) LARGE TREE SHALL BE REQUIRED FOR EVERY FIFTEEN (15) FEET OF STREET FRONTAGE. | HILLSDALE DRIVE 297 LF OF RIGHT-OF-WAY 227 LF ADJACENT TO PARKING LOT 1 TREE PER 40 LF REQ FOR ROW ADJACENT PORTION 1 TREE PER 15 LF REQ FOR PARKING LOT ADJACENT PORTION 24 TOTAL TREES REQUIRED 24 TREES PROVIDED (19 LARGE TREES) "+" INDICATES PLANT MATERIAL UTILIZED TO FULFIL THE REQUIREMENT | COMPLIES |
| | | HYDRAULIC ROAD 54 LF OF RIGHT-OF-WAY 533 LF ADJACENT TO PARKING LOT 1 TREE PER 40 LF REQ FOR ROW ADJACENT PORTION 1 TREE PER 15 LF REQ FOR PARKING LOT ADJACENT PORTION 38 TOTAL TREES REQUIRED 38 TOTAL TREES PROVIDED "&" INDICATES PLANT MATERIAL UTILIZED TO FULFIL THE REQUIREMENT | COMPLIES |
| | | SEMINOLE TRAIL US ROUTE 29 269 LF OF RIGHT-OF-WAY 50 LF ADJACENT TO PARKING LOT 1 TREE PER 40 LF REQ FOR ROW ADJACENT PORTION 1 TREE PER 15 LF REQ FOR PARKING LOT ADJACENT PORTION 20 TOTAL TREES REQUIRED 20 TREES PROVIDED "#" INDICATES PLANT MATERIAL UTILIZED TO FULFIL THE REQUIREMENT | COMPLIES |
| | | INDIA ROAD 92 LF OF RIGHT-OF-WAY 237 LF ADJACENT TO PARKING LOT 1 TREE PER 40 LF REQ FOR ROW ADJACENT PORTION 1 TREE PER 15 LF REQ FOR PARKING LOT ADJACENT PORTION 19 TOTAL TREES REQUIRED 19 TREES PROVIDED "% " INDICATES PLANT MATERIAL UTILIZED TO FULFIL THE REQUIREMENT | COMPLIES |

| | | | |
|---|--|---|----------|
| 34-873 PARKING LOTS - SCREENING AND INTERIOR LANDSCAPING | (1) IN ADDITION TO THE OTHER APPLICABLE REQUIREMENTS OF THIS SECTION, AN AREA EQUAL TO FIVE (5) PERCENT OF THE GROSS AREA OF A PARKING LOT SHALL BE LANDSCAPED WITH TREES OR SHRUBS ("INTERIOR LANDSCAPED AREA"). (2) INTERIOR LANDSCAPED AREAS SHALL CONSIST OF AT LEAST ONE (1) TREE, AND AT LEAST THREE (3) SHRUBS, PER EIGHT (8) PARKING SPACES OR PORTION THEREOF. INTERIOR LANDSCAPED AREAS WITH AN AREA OF LESS THAN 300 SQUARE FEET SHALL BE PLANTED WITH AT LEAST ONE (1) MEDIUM TREE; THOSE HAVING AN AREA OF 300 SQUARE FEET OR MORE SHALL CONTAIN AT LEAST ONE (1) LARGE TREE, OR TWO (2) MEDIUM TREES. | AREA OF PARKING LOT: 218,363 SF 5% AREA = 10,918 SF INTERIOR PARKING LOT LANDSCAPING PROVIDED: 11,457 SF 405 SPACES TOTAL 51 TREES REQUIRED 152 SHRUBS REQUIRED 56 TREES PROVIDED 190 SHRUBS PROVIDED "A" INDICATES PLANT MATERIAL UTILIZED TO FULFIL THE REQUIREMENT | COMPLIES |
| | | | COMPLIES |

| LANDSCAPE SCHEDULE | | | | | | | |
|--------------------|------|-----------------------------------|----------------------------|----------------------|--------|--------------------|--------------------------|
| KEY | QTY. | BOTANICAL NAME | COMMON NAME | CAL. | CONT. | TREE CANOPY CREDIT | TREE CANOPY CREDIT TOTAL |
| SHADE TREES | | | | | | | |
| AR | 17 | ACER RUBRUM | RED MAPLE | 2 1/2-3" CAL./12-14" | B+B | 397 | 6749 |
| CJ | 6 | CERCIDIPHYLLUM JAPONICUM | JAPANESE KATSURA TREE | 2 1/2-3" CAL./12-14" | B+B | 133 | 796 |
| GD | 19 | GYMNOCLADUS DIOICUS | KENTUCKY COFFEETREE | 2 1/2-3" CAL./12-14" | B+B | 570 | 10830 |
| PIXAB | 19 | PLATANUS X ACERIFOLIA 'BLOODGOOD' | BLOODGOOD LONDON PLANETREE | 2 1/2-3" CAL./12-14" | B+B | 368 | 6992 |
| QA | 13 | QUERCUS ALBA | WHITE OAK | 2 1/2-3" CAL. | B+B | 243 | 3159 |
| QB | 5 | QUERCUS BOREALIS | NORTHERN RED OAK | 2 1/2-3" CAL. | B+B | 424 | 2120 |
| QPH | 12 | QUERCUS PHELLOS | WILLOW OAK | 2 1/2-3" CAL./12-14" | B+B | 370 | 4440 |
| TCOR | 31 | TILIA CORDATA | LITTLELEAF LINDEN | 2 1/2-3" CAL. | B+B | 249 | 7719 |
| ZS | 10 | ZELKOVA SERRATA | JAPANESE ZELKOVA | 2 1/2-3" CAL./12-14" | B+B | 350 | 3500 |
| SUBTOTAL: | 117 | | | | | | 46307 |
| DECIDUOUS SHRUBS | | | | | | | |
| CS | 13 | CORNUS SERICEA | REDOSIER DOGWOOD | 2-3' | B+B | | |
| FG | 54 | FOTHERGILLA GARGENII | DWARF FOTHERGILLA | 18-24" | #3 CAN | | |
| SUBTOTAL: | 67 | | | | | | |
| EVERGREEN SHRUBS | | | | | | | |
| ICG | 52 | ILEX X MESERVEAE 'CHINA GIRL' | CHINA GIRL HOLLY | 30-36" | B+B | | |
| JHP | 71 | JUNIPERUS HORIZONTALIS PLUMOSA | ANDORRA JUNPER | 15-18' SPRD. | #3 CAN | | |
| SUBTOTAL: | 123 | | | | | | |

Site Context / Surrounding Retail Development



EXISTING WHOLE FOODS



EXISTING WHOLE FOODS



SEMINOLE SQUARE



BARRACKS ROAD SHOPPING CENTER



SHOPS AT STONEFIELD



SHOPS AT STONEFIELD



BARRACKS ROAD SHOPPING CENTER



SHOPS AT STONEFIELD



SHOPS AT STONEFIELD

Hillsdale Place
Charlottesville, Virginia



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Existing Views from Street

View From Seminole Trail



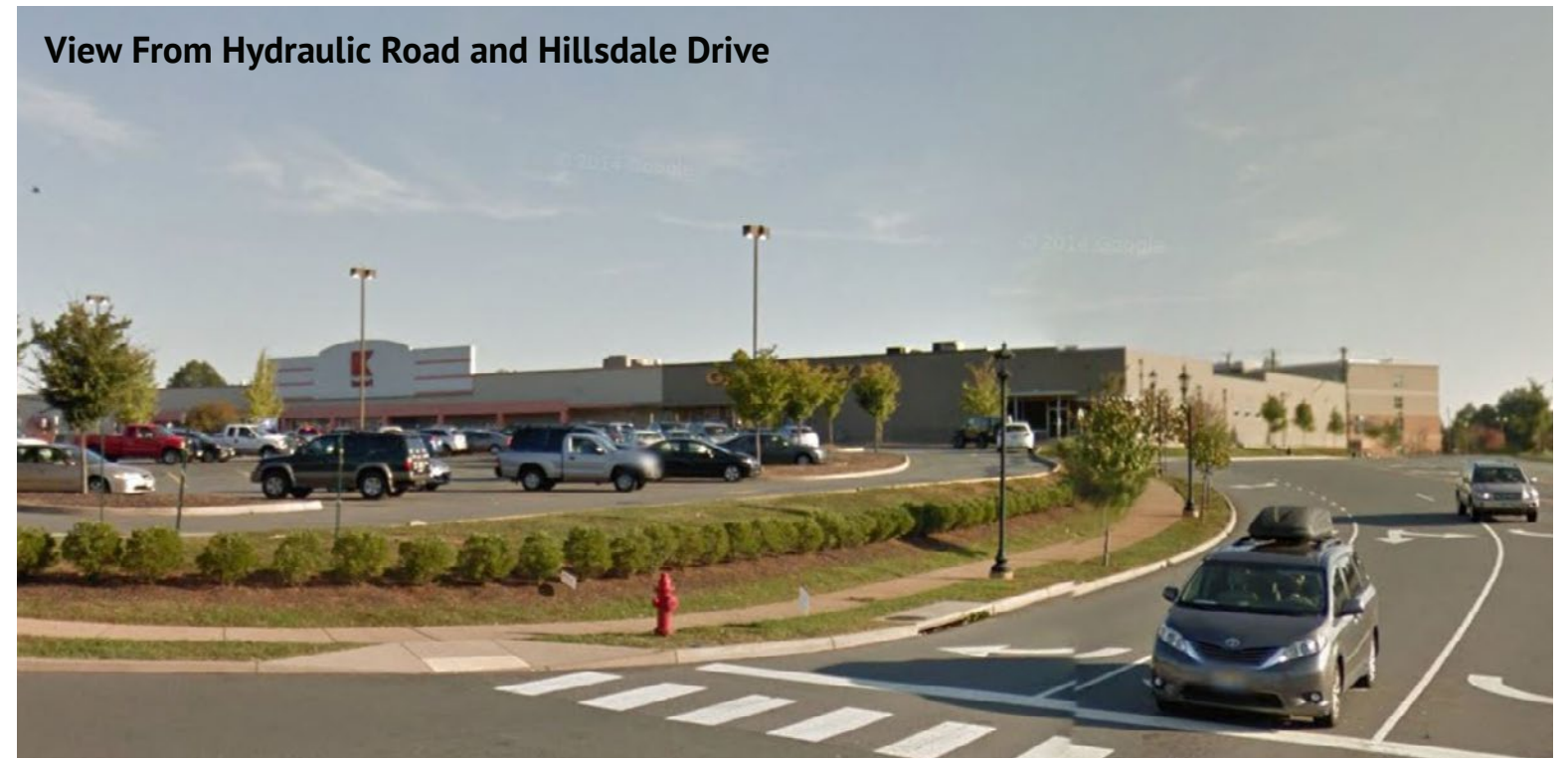
View From India Road



View From Hydraulic Road



View From Hydraulic Road and Hillsdale Drive



Hillsdale Place
Charlottesville, Virginia



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Existing Building Conditions



Hillsdale Place
Charlottesville, Virginia



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Existing Conditions

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Existing Conditions



Proposed



Existing Conditions



Proposed



Hillsdale Place
Charlottesville, Virginia



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Existing Vs. Proposed

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Existing Conditions



Proposed



Existing Conditions



Proposed



Hillsdale Place
Charlottesville, Virginia



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Existing Vs. Proposed

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia



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Illustrative Rendering

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Hillsdale Place
Charlottesville, Virginia

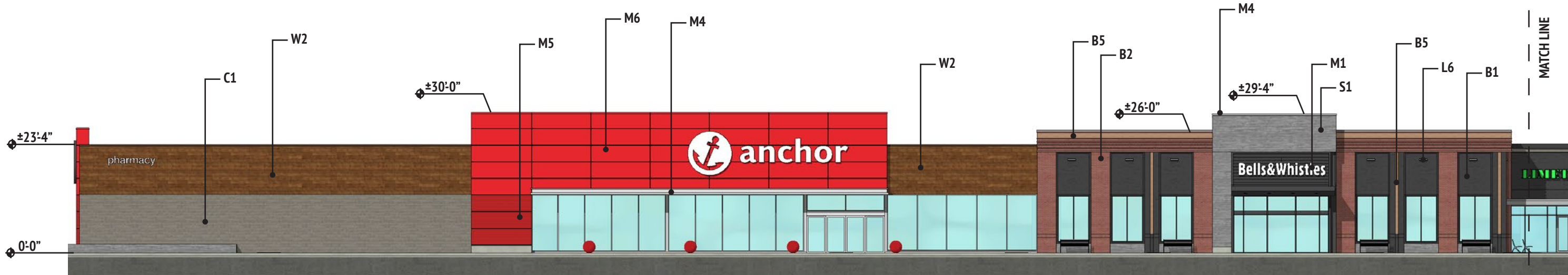


*Note: For conceptual illustration only.
Design, dimensions, colors, materials,
and the location of signs and doors are
subject to change.*

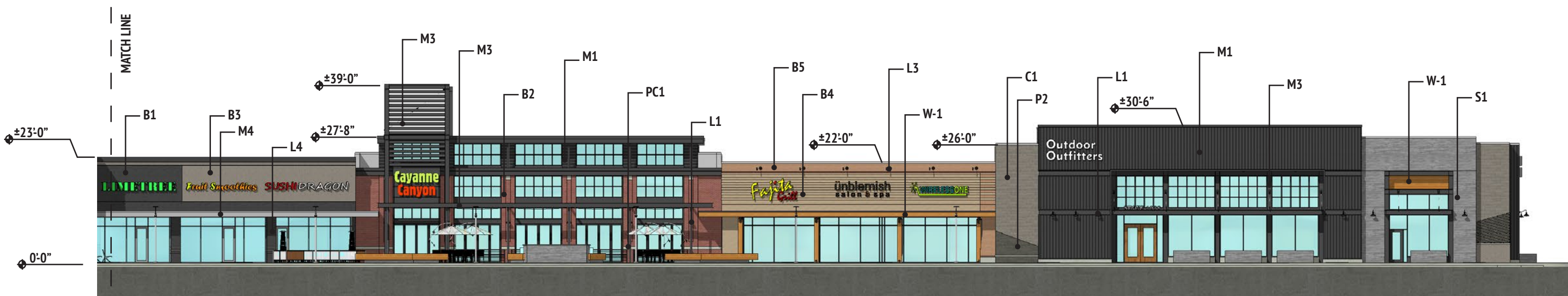
Illustrative Rendering

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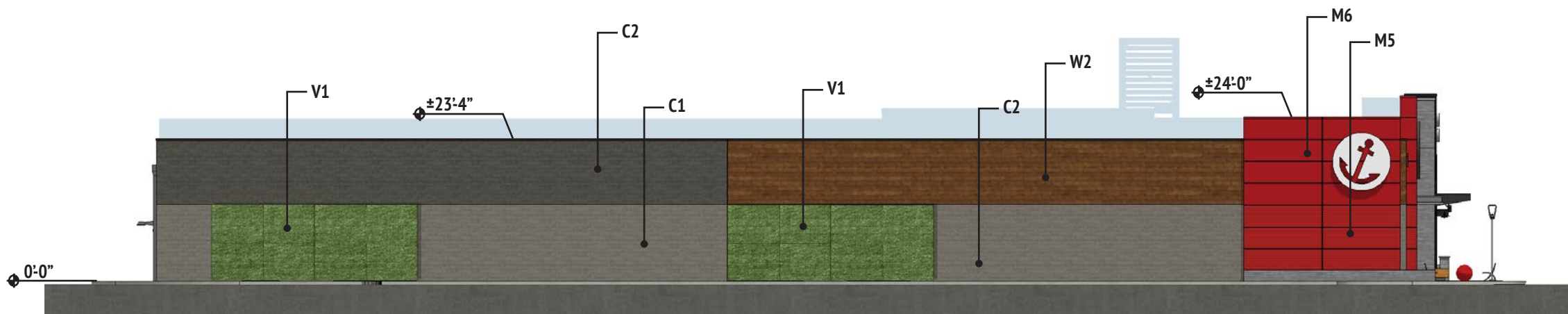




PARTIAL FRONT ELEVATION

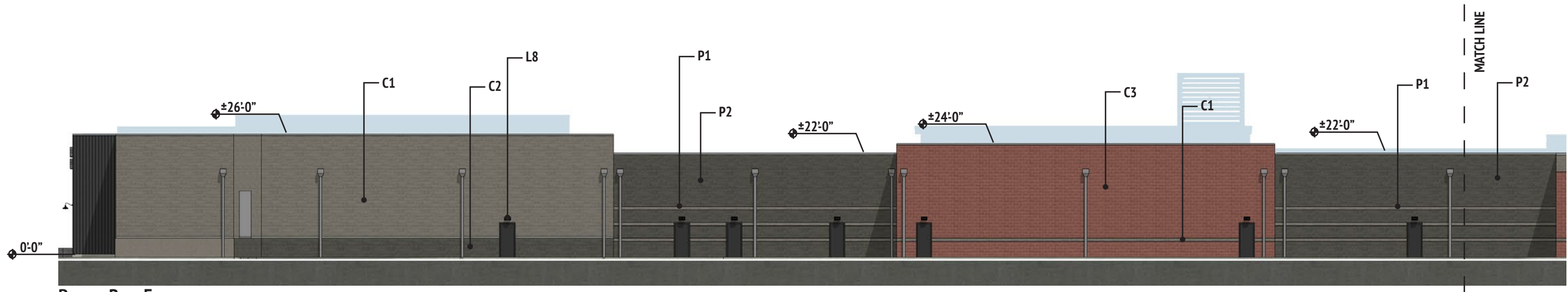


PARTIAL FRONT ELEVATION

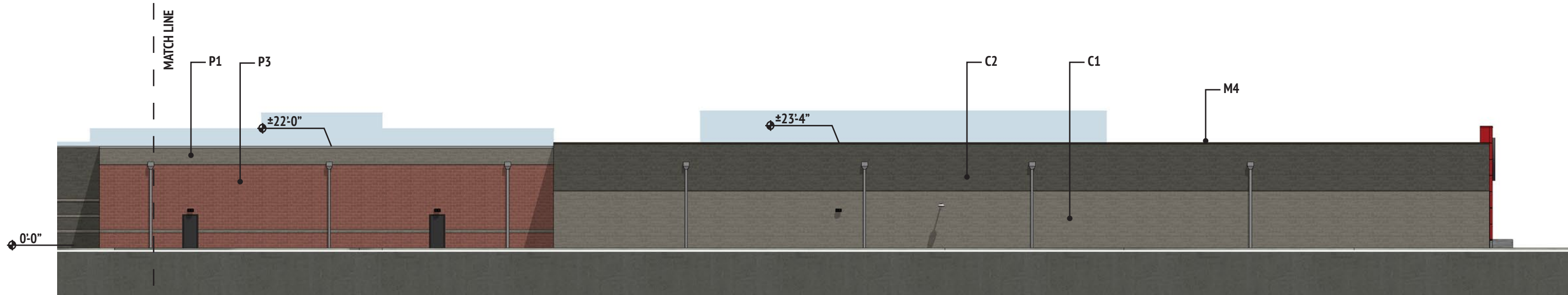


LEFT SIDE ELEVATION

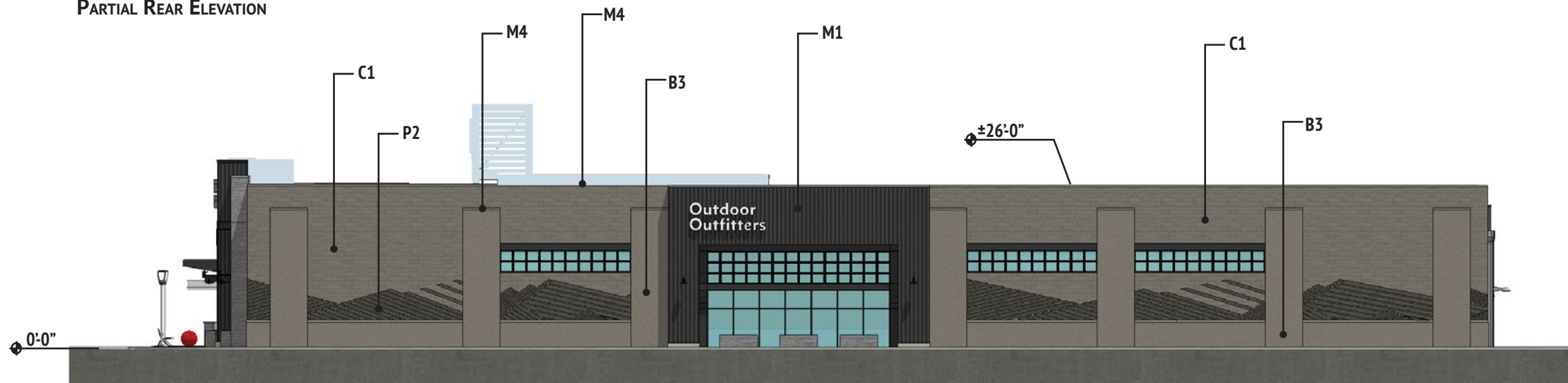
NOTE: ANY UTILITIES LOCATED OTHER THAN AS SHOWN ON THE SITE PLAN SHALL BE SCREENED WITH LANDSCAPING AND/OR CONSTRUCTION TO MATCH THE BUILDING DESIGN



PARTIAL REAR ELEVATION



PARTIAL REAR ELEVATION



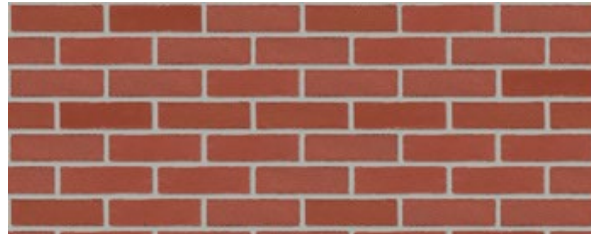
RIGHT SIDE ELEVATION

NOTE: ANY UTILITIES LOCATED OTHER THAN AS SHOWN ON THE SITE PLAN SHALL BE SCREENED WITH LANDSCAPING AND/OR CONSTRUCTION TO MATCH THE BUILDING DESIGN

Proposed Materials



B-1 BRICK
YANKEE HILL DARK IRONSPOT



B-2 BRICK
TAYLOR BRICK #317 RED



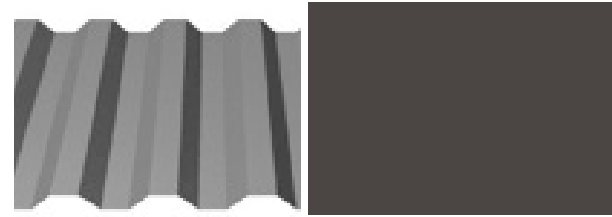
B-3 BRICK
TAYLOR 320 GRAY



B-4 BRICK
CAROLINA CERAMICS PEBBLE BEACH VELOUR



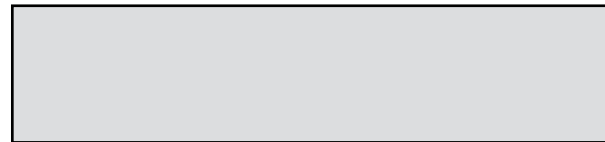
B-5 BRICK
CAROLINA CERAMICS TOPAZ VELOUR



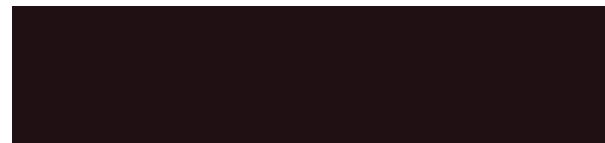
M-1 METAL / RIBBED METAL SIDING
AEP SPAN HR-36 PANEL "VINTAGE" FINISH



M-2 ALUMINUM COMPOSITE PANEL
ALPOLIC - MIST WHITE



M-2A ALUMINUM COMPOSITE PANEL
ALPOLIC - ALUMINUM AGT GRAY



M-3 METAL - DARK BRONZE



M-4 METAL - SILVER/CLEAR ANODIZED



M-5 METAL / RIBBED METAL SIDING
AEP SPAN HR-36 PANEL - CUSTOM RED



M-6 ALUMINUM COMPOSITE PANEL - CUSTOM RED



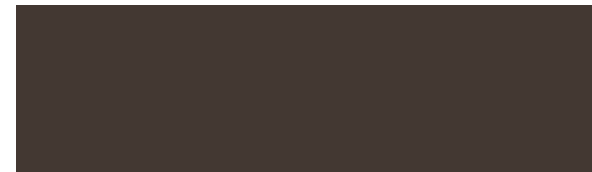
S-1 WOOD EFFECT MANUFACTURED STONE
ELDORADO VINTAGE RANCH



PC-1 ARCHITECTURAL CAST STONE MASONRY
ROCKCAST - BUCKSKIN



P-1 PAINT - MATCH C-1



P-2 PAINT - MATCH C-2



P-3 PAINT - MATCH C-3



P-4 PAINT - MATCH M-1



P-5 PAINT - MATCH M-3



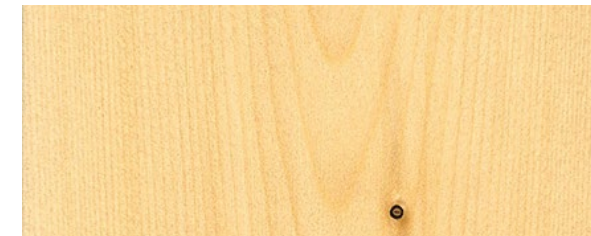
C-1 SPLIT FACE CMU
ECHELON AUTUMN TAN



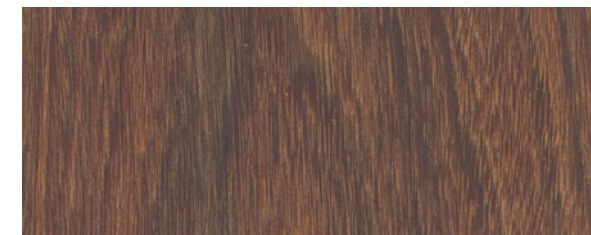
C-2 SPLIT FACE CMU
ECHELON DARK CHOCOLATE



C-3 SPLIT FACE CMU
ECHELON BRICK RED



W-1 WOOD CLADDING
ALASKAN YELLOW CEDAR



W-2 WOOD CLADDING
IPE OR SIMILAR



STOREFRONT - KAWNEER TRIFAB VG. SOLARBAN 60 GLAZING. MINIMUM 70% VISIBLE LIGHT TRANSMISSION.



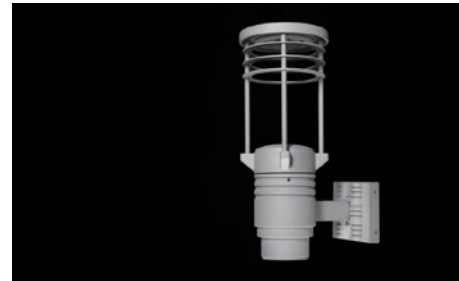
V-1 VEGETATED WIRE TRELLIS

Proposed Fixtures

Note: All Fixtures delivering 3000 or more lumens to be specified as full cutoff.



L-1 WALL MOUNT LIGHT FIXTURE
BARNLIGHT ELECTRIC "ORIGINAL" DARK BRONZE FINISH



L-4 WALL MOUNT LIGHT FIXTURE
LUMINIS ECLIPSE



L-2 WALL MOUNT LIGHT FIXTURE
LUMINIS ARGON - SILVER FINISH



L-5 WALL MOUNT LIGHT FIXTURE
B-K LIGHTING ALPINE SERIES - BLACK FINISH



L-8 WALL MOUNT LIGHT FIXTURE
INVUE ENTRI - BLACK



L-3 SIGN LIGHT
B-K LIGHTING - BLACK FINISH



L-6 WALL MOUNT LIGHT FIXTURE
LUMINIS QUANTA - SILVER FINISH



PEDESTRIAN LIGHT
LUMINIS MAYA