

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, June 11, 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 – May 14, 2019 – Pre- meeting and Regular meeting
2. Minutes – May 28, 2019 - Work Session

#### 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. **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 15 dwelling units shall be permitted on the Subject Property; **(ii) affordable housing:** a minimum of four residential units within multifamily dwelling building(s) on the Subject Property 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) uses:** all non-residential uses other than educational facilities (non-residential) and day care facilities, which are not accessory to a house of worship or to residential uses located on the Subject Property, shall not be permitted on the Subject Property; **(v) 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; **(vi) height:** The maximum height on the property will be 38 feet; **(vii) streetwall:** Primary street frontage setback shall be six (6) feet minimum, ten (10) feet maximum. 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](#) 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](mailto:haluska@charlottesville.org)) or by telephone (434-970-3186).

- 2. ZM19-00002 - 209 Maury Avenue** – Landowner Southern Property, LLC has submitted an application seeking a rezoning of approximately (1.6) acres of land identified within City tax records as Tax Map and Parcel (TMP) 17-18, TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, “Subject Property”). The Subject Properties have frontage on Maury Avenue and Stadium Road. The application is proposing changing the current zoning of the Subject Properties from R-2U (Two-family University) to R-3 (Multifamily) with no Proffered conditions or development plan. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 Dwelling Units per Acres). 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](mailto:alfelem@charlottesville.org)) or by telephone (434-970-3636).

**IV. COMMISSION’S ACTION ITEMS**

*Continuing:* until all action items are concluded

1. ZM18-00003 - Flint Hill PUD

**V. FUTURE MEETING SCHEDULE/ADJOURN**

Tuesday, June 25, 2019 – 5:00PM	Work Session	Zoning Text Discussion – Access Requirements
Tuesday, July 9, 2019 – 4:30 PM	Pre- Meeting	
Tuesday, July 9, 2019 – 5:30 PM	Regular Meeting	<u>Preliminary Site Plan</u> - Gallery Court Hotel <u>Subdivision</u> – David Terrace ZTA Study Initiation – R-1 to R-2 in portions of Fry’s Spring

**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, 602-616 West Main (University Tire site)  
SUP and Critical Slopes – Seminole Square Mixed Use site (Old Giant building)  
 Work Session - July 23, 2019 - Fontaine Avenue Presentation

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

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

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



**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY  
5/1/2019 TO 5/31/2019**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
  - a. Preston Avenue Turn Lane – May 20, 2019
- 3. Site Plan Amendments**
  - a. 700 Harris Street – May 16, 2019
  - b. Sunrise Park PUD – NE Parcel – May 21, 2019
  - c. 1218 Avon Street – May 21, 2019
  - d. Monticello Animal Hospital (building expansion) – May 28, 2019
- 4. Subdivision**
  - a. BLA – 411 B Valley Road Extended – May 14, 2019
  - b. BLA -1185 Seminole Trail (TMP 41C-1 & 41C-3) – May 15, 2019

Minutes

**PLANNING COMMISSION REGULAR DOCKET**  
**May 14, 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, 2<sup>nd</sup> Floor, NDS Conference Room

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

**Staff Present:** Missy Creasy, Jeff Werner, Kari Spitler, Carrie Rainey, Matt Alfele, Joey Winter, Brennen Duncan, Hugh Blake, and John Blair

Chairman Green called the meeting to order at 4:55pm. It was noted that 915 6th Street Critical Slopes would be removed from the consent agenda and placed at the end of the agenda. Chair Green provided background on the 1617 Emmet site including the BZA case leading the applicant to apply for the SUP. She confirmed that the Flint Hill applicant was aware they were the first hearing as the Hinton Avenue hearing was deferred by the applicant and noted that she would be organizing the questions and discussion during the meeting in a different way than the past. She would be calling on each commissioner one at a time to assure that everyone can provide input and there will be opportunity to speak again.

An overview of the traffic concerns was provided on the Flint Hill application by the Traffic Engineer. Mr. Alfele provided an overview of the concerns which could occur if a PUD is approved and the site plan later had differences. It was confirmed that staff recommended denial for the reasons outlined in the staff report. There was brief discussion concerning environmental elements on the site (wetlands, flood plans etc.). It was reiterated that staff was not clear that the applicant would be able to accomplish the proffers provided given the information available at this time.

The Commission asked about the status of the ATM currently on site at 1617 Emmet and it was noted that it is slated to remain.

Mr. Werner provided background on the Hillsdale Place ERB application progression. Mr. Ikefuna provided notification for a workshop scheduled for June 6, 2019.

**II. COMMISSION REGULAR MEETING**

**Beginning: 5:30 pm**

**Location:** City Hall, 2<sup>nd</sup> Floor, NDS Conference

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

**A. COMMISSIONER'S REPORTS**

**Commissioner Lahendro:** Attended the BAR meeting on April 16. Attended the PACC meeting on April 18, where there was a presentation by the Thomas Jefferson Planning Commission on regional transit planning. The Tree Commission met on May 5 for a short time, but there is nothing of Planning Commission importance to report.

**Commissioner Solla-Yates:** The full HAC met on April 17 and there was a presentation on the Charlottesville Supplemental Rental Assistance Program. It is fairly new and has been successful, as 89 families have been served and 77 are currently receiving. 250 people are being housed, which includes 105 adults, 2 elderly people, and 24 disabled. There were discussions on procedural issues of getting the money from the budget to the people and the HAC came to a productive result. There were also discussions about expanding it.

**Commissioner Dowell:** No report.

**Commissioner Heaton:** Attended the ADU Sip and Learn where individuals from Portland came to speak about affordable dwelling unit ideas. The Unity Days Committee is still meeting every other week and we participated in a few walkabouts in the Belmont and Hinton areas and spoke to neighbors.

**Commissioner Stolzenberg:** Attended a PLACE Committee meeting last Thursday on participatory budgeting and the experiment that was done at Walker Elementary, which was incredibly impressive. There is \$150,000 in a City fund allocated for a participatory budgeting experiment and once that is ready to get started they will hopefully transfer the lessons over citywide.

**Commissioner Mitchell:** Parks and Recreation took the month off so there was no meeting. The Fontaine Streetscape didn't meet last month either. Mr. Palmer is leading the UVA Masterplan Committee meeting tomorrow so there will be a report on that soon.

#### B. UNIVERSITY REPORT

**Bill Palmer:** UVA Graduation is this weekend and on May 25 the final structure of U-Hall is going to be imploded, so there may be an opportunity to see the rare occurrence of a building imploded in town.

**Commissioner Lahendro:** There will actually be two drones doing live broadcasts of it and you can go online to watch it from a safe distance.

#### C. CHAIR'S REPORT

**Lisa Green:** Shares that there was a TJPDC meeting the first Thursday in May but she was unable to attend. The next TJPDC meeting will be on June 6 and they are still working on some information based off of the Regional Housing Plan conference that happened on April 19.

#### D. DEPARTMENT OF NDS

**Missy Creasy:** The Planning Commission has been asked to appoint someone to the Barracks/Emmet Committee, which is another Smart Scale project. Commissioner Solla-Yates noted his interest in this project via email.

**Chairman Green:** Commissioner Solla-Yates, would you like to be a part of this project?

**Commissioner Solla-Yates:** Yes, wonderful.

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

**Trey Steigman, Management Services Corporation:** We wanted to bring forward a request for the Planning Commission to initiate a zoning text amendment in regards to a certain section of code in the City of Charlottesville that we believe has some unintended consequences. We have a very simple solution for the Commission to consider and to engage with staff to study and come before the Commission very soon to correct this matter. There are a few examples of this code and when applied and actually enforced, it severely limits the amount of density and dwelling units in the City and otherwise areas of multi-family residential districts that would be allowed. We are losing dwelling units in the City by the application of this code at a significant amount. In the extreme examples you are limited to building only 57%, 37%, or 28% of the actual capacity, which is a significant amount of restriction. There is an application of a site that we had under concept plan for development that we have been developing and redeveloping in the City, which limits us to only 42 units out of a possible 91 units and limits us to developing only 54% of the capacity. The proposed zoning text amendment for the Commission's consideration is very simple and includes a couple of minor textual additions and a minor correction of the number of units that should be applied in the code. The number of units that we are suggesting are, in fact, the current by-right number of dwelling units per acre or the density of an otherwise subject property.

## 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 6<sup>th</sup> Street SE

**Chairman Green:** Requests to remove the 915 6<sup>th</sup> Street SE critical slope application from the consent agenda and move it to the end of the meeting tonight.

**Commissioner Stolzenberg:** Notes that he would like to offer a friendly change to update his language of “zoning text amendment” to “zoning map amendment.”

**Commissioner Solla-Yates moves to approve the consent agenda, with Commissioner Stolzenberg's amended language and with the removal of the Critical Slope application for 915 6<sup>th</sup> Street SE and discuss it at the end of the meeting. Seconded by Commissioner Lahendro. Motion is approved 7-0.**

**Commissioner Mitchell:** When would we address the zoning text amendment request?

**Chairman Green:** It would be something that we would want to bring up at a work session. The May work session is full, but it could be added to the June work session. There is some engineering that would need to be looked at and we have a new Design Standards Manual that is coming out, so it may be more than a simple update.

## 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. **ZM-19-00001 – (750 Hinton Avenue) (Hinton Avenue United Methodist Church) –**

*This agenda item was deferred until June 2019.*

## **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).

**Staff Report, Matt Alfele:** Tonight you will be holding a public hearing and making a recommendation to City Council on a proposed development that is requesting a rezoning from R-1S to Planned Unit Development and a waiver of the City’s zoning critical slope provisions. Charlie Armstrong representing the owner, Belmont Station, LLC, has submitted an application seeking a zoning map amendment to change the zoning district classifications of the 13 vacant parcels along Keene Court, which is platted but unimproved, and the unimproved portion of Flint Drive. The majority of Flint Dr. is unimproved but connects Longwood Drive with Moseley Drive. In a separate application, the developer is petitioning City Council to close the unimproved sections of Keene Court and Flint Drive and re-plat public roads in the general location that would conform to the road layout in the PUD application before you tonight. The proposed rezoning includes the following proffered conditions and development elements: density shall not exceed 50 residential units, approximately 3 acres will be given to the City for Park land, 5 affordable units will be built on site, the development will contain 8 rows of townhouses, in a mix of two and three story with traditional and modern facades, townhouses of differing sizes with varying width and square footages, including some with rear-alley-loaded garages will be provided, an HOA and an Architectural Review Board will be established, 5.1 acres of open space and preservation of approximately 60% of existing trees, the new 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 will be provided, natural trails dedicated for public use within the development site will be provided with access to Longwood Park, on-street parking, rear loaded parking behind townhouses on Flint Drive, a teardrop layout of Keene Court, a preliminary landscape plan promising preservation of the wetlands and buffers along 2 tributary streams and Moore’s Creek, 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. The PUD is being proposed as a single phase development. The 2013 Comprehensive Plan Land Use Map indicates the subject property remain Low Density Residential, which is described as land occupied by single or two-family types of housing. The density in these areas by-right should not be greater than 15 dwelling units per acre. Although the overall density for the site would be below the max 15 DUA, this site would have

approximately a DUA of 5. Townhouses are not permitted in the R-1S district or Low Density Residential areas. Due to the townhouses configuration on 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, which are townhouses, apartment, condominiums, and the density being greater than 15 units per acre. One of staff's major concerns relates to the layout of Keene Court where it intersects Flint Drive. The design as presented would not conform to the City's Standards & Design Manual or good traffic engineering principals. The bottleneck design of the intersection creates a turning radius that could be problematic 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 or public streets. In addition 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, such as R-3. 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. On December 13, 2018 the applicant held a community engagement meeting where residents brought up the following at the meeting or through separate correspondence: the density is too high, traffic will be a problem, the land being given to Parks also needs to be programmed and money provided so it does not end up being just "land," it needs more pedestrian connectivity, the development could lower the quality of life for people in the area, parking will be a problem, the number of units and type of development in this area is appropriate and that the development should include a mix of single family homes and duplexes. Although the PUD could contribute to some goals of the City's Comprehensive Plan, staff recommends denial. 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 consistent with innovative urban design promoted by PUD Objectives 2 and 9. 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. 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.

The proposed improvements associated with this 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. Improvements specific to areas where critical slopes would be impacted should the waiver be approved 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. 0.51 acres (or 19.2%) of the total critical slope areas within the development are shown to be disturbed. The definition of "critical slope" in the Zoning Ordinance is "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." In reviewing the application the City's Environmental Sustainability and Engineering Departments point out a few key elements: limits of disturbance are not well defined, due to the sensitive wetlands and Moore's Creek, all water quality and quantity should be completed on-site, and staff cannot determine if protective measures of the critical slopes will be outside the wetland area. The majority of proposed townhomes and parking are outside the critical slopes areas. The majority of impacts to the critical slopes comes from storm water 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. Should Planning Commission recommend approval to City Council on the critical slope, staff has provided recommendations on conditions that can be found on page 7 of the Critical Slope staff report.

**Chairman Green:** Notes that the Commission will vote on the PUD first and if it is approved, there will be a vote on the critical slope. However, if it is not approved the critical slope will not need a vote.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** If this were to be approved, can the issues with the housing proffer be resolved with the applicant?

**Mr. Alfele:** There is a proffer development plan and a set of proffers before the Commission. The proffers are not negotiated, they are brought by the applicant. The applicant can hear the feedback and if they decide to amend their proffer statement, they can do that between Planning Commission and City Council meetings. However, it would trigger another public hearing that City Council could hold, or they could kick it back to the Commission to hold, or they could make their decision based off of the proffers that the Commission reviewed.

**Chairman Green:** Could they do it by deferral?

**Mr. Alfele:** They could defer to work on the application and it would start the process over with the Commission.

**Commissioner Lahendro:** How often has staff met with the applicant? Has there been a rigorous review with staff?

**Mr. Alfele:** Yes, it has been going on since the summer. There was a round where staff provided comment on information that was submitted and then the applicant amended the application. Having said that, the information before the Commission is put together in a very good way in comparison to some PUDs that have come forward in the past. The applicant should be commended on that, although there are some concerns with the material itself.

**Commissioner Stolzenberg:** Regarding the possibility to deed the affordable units to a nonprofit, it seemed to imply that it would just be the lots that were given away. Is there anything as part of that proffer that there would be any funding for the nonprofit to build them?

**Mr. Alfele:** No. That is a concern that is laid out in the report, as they would meet their proffer requirement by giving it to a nonprofit. That would be the trigger for meeting that statement. The proffer statement is a little weak on how the actions would be taken.

**Mr. Ikefuna:** The way the proffer is structured makes it difficult to accomplish. If the Planning Commission and Council approved this application, it would be difficult to enforce because it doesn't have a timeline for completion of the affordable units. Having some sort of timeline is critical. There is also a need to integrate the affordable units with the market rate units because sometimes developers tend to cluster them in one section and the Commissioners should take that into consideration.

**Mr. John Blair, City Attorney:** You cannot deed property to a nonprofit without their consent. It would be an enforcement issue of the proffer itself. After the 10<sup>th</sup> unit was completed, staff would make sure the affordable unit was completed. If it wasn't, it would become an enforcement issue at that point.

**Commissioner Stolzenberg:** Because in the proffer the completion of a unit is only if they build it themselves and otherwise deeding it to a nonprofit counts, could they just deed it to a 501c3 and deed it to that and then never do anything?

**Mr. Blair:** That is conceivable. The applicant may want to address that, but if it came to an enforcement question, we could look at what the purpose of the 501c3. A 501c3 would require IRS approval, which is an expensive process. It would be an enforcement issue but you could still question the motives behind the establishment of the 501c3 to make sure that there was an actual purpose there to build the unit.

**Chairman Green:** Based off of this proffer, could you build the 10<sup>th</sup> unit and then stop so that there are no affordable units?

**Mr. Blair:** That is conceivable, however you could ask the applicant about that. If they stopped after the 10<sup>th</sup> unit, they still have 40 possible units to build and the proffers become part of the City Ordinance. If they tried to sell the property at that point, the proffer would still be enforceable.

**Chairman Green:** Does this rezoning go with the land, not the applicant before us?

**Mr. Blair:** The proffers go with the land, not the applicant before us. If they were to sell and someone wanted to do a different arrangement they would have to come before the Commission and ask for a proffer amendment.

**Applicant – Charlie Armstrong, Belmont Station, LLC:** Right now there are 13 existing lots that are already platted. They are large lots and some are as big as  $\frac{3}{4}$  of an acre. By-right development of this would use more land and produce less housing than a rezoning. By-right development would provide houses costing \$500,000 and up, while rezoning would provide market rate houses that are much lower in cost, as well as some affordable dwelling units with deed restrictions. The platted lots from the 1960s and the existing zoning are out of sync with the needs of the City now. The rezoning will also enable preservation of more than half of the site as open space and we propose to give a lot of the open space, at least 3 acres, to the City to expand Longwood Park, which is directly adjacent to the site. With this rezoning, large environmentally sensitive areas along Moore's Creek will be permanently protected, though we do need to disturb a small area of critical slope at the top of those slopes. It wouldn't be at the wetland area except for maybe trails. No project can ever accomplish 100% of the City's Comprehensive Plan goals or the needs of the City, but this proposal is noteworthy for how many different density, affordability, pedestrian and vehicle connectivity, creative design, and environmental protection goals it accomplishes. The reason there are so many comments is because this is the third round of submittals to the City. The comments that are still outstanding concerns to staff are mostly new, even though the submittal itself had very little new information, and we didn't have time to go back to staff again. Instead, we wanted to get feedback from the Commission and make some forward progress. One of staff's concerns is if the developer is planning to sell the park land to the City or if the developer would be giving it to the City. The land would be given to the City at no cost. Proffer #2 currently says "donate" and we would gladly add the words "at no cost to the City" to the proffer to the City Council public hearing. Regarding on-site ADUs and deed restrictions, although it is not specified in the proffer, that is the intent that way if the lot was sold or transferred in any way there would be a deed restriction that carries with it. This can also be added before going before City Council. On the issue of if they are deeded to a nonprofit to build, we have worked with Habitat for Humanity on previous projects and we would

like to have a similar partnership with them if we deed it. Right now we haven't decided if we want to build these ourselves or have a nonprofit build them, so the concept of inventing a 501c3 is not something any serious businessperson would entertain. We have a long history of projects in the City and we hope to continue that. The timing issue is the problem because if we were to deed it to a nonprofit and if they ran out of money that particular year and needed to put it off a year, we would be hamstrung for trying to do good by deeding them a lot. This is why we can't promise on the timing of a lot we give to a nonprofit, but we can promise that it would be a local nonprofit. Staff's concern regarding the layout of Keene Court at the intersection of Flint Drive not being safely designed is accurate. The bottleneck is not drawn wide enough. It isn't dimensioned and this isn't a site plan that has been engineered, it is a concept for the purposes of a rezoning. Staff's concern is if City Council were to pass it with that layout shown, the owner could say that Council approved it and that is what they intended. That is not what we intend and we are happy to say on the record that the street, especially at that intersection, would have to meet City standards. This is just not something that is typically fully designed at this stage with rezoning concepts. The last concern from staff says that although townhouses might be appropriate in this location, the same building type could be achieved by rezoning to an existing district like R-3. The ability to provide a more innovative design is the driver behind the PUD. We didn't think R-3 zoning was the most appropriate because it allows 21 density units per acre, which we did not think was an appropriate density. It requires 25' setbacks in the front and rear and 17' setbacks for a typical height townhouse. The ability to reduce those setbacks in a PUD allows us to pull the buildings closer to the street, creating a better street presence and keeping buildings out of as many of the critical slopes as possible. Additionally, PUD zoning requires a plan to be proffered, giving the Commission and the community certainty of the plan of development because there are so many sensitive environmental areas down along the creek. As for the critical slope waiver, there are 2 2/3 acres of critical slopes on the property. The application proposes disturbing only 1/2 acre of slopes. Of that, more than 60% of the slopes are for public infrastructure or trails. The rest would need to be disturbed for homes constructed on the top upland area. Trails and public infrastructure like a public sanitary sewer would be revegetated after it is built and would still have a tree canopy above them. Subtracting disturbance for public infrastructure, we're only proposing to disturb 0.2 acres of slopes for house construction. We feel strongly that the public benefits outweigh the benefit of leaving the small amount of slopes undisturbed. Allowing permanent disturbance of 0.2 acres and temporary disturbance of 0.3 acres allows permanent preservation of more than 2 acres of critical slopes in other areas on the site, provision of much needed housing at the lower end of what the market can provide (plus deeded affordable units), elimination of the by-right scenario, which is to build 13 half-million dollar homes on the lots as currently platted, and provide provision of a 3+ acre City Park and trail system that is highly desired by Parks and Recreation. That donated land will have a permanent forest protection easement except for areas where trails and infrastructure are. It creates permanent preservation of a total of about 5 1/2 acres of open space, which is 55% of the site. By-right development would provide none of that. It would all remain private property. City GIS maps show that several adjacent neighbors currently mow the stream buffer right to Moore's Creek adjacent to the site. This is an opportunity to keep that from ever happening here. Staff had some concerns that building footprints could be adjusted to preserve a little more slope and that E&S measures could be adjusted. We agree that it's possible. We haven't gotten to final engineering yet and this would set a maximum disturbance. We are confident we can address these to satisfaction with staff and engineering at the final site plan. Staff's proposed condition suggests requiring 100% of nutrient reductions be completed on-site. Virginia has a nutrient trading program so that density can be provided where density is desired in urban areas and areas can be preserved in more rural areas for those credits. Studies indicate that the benefits of the nutrient trading often outweigh the benefits providing nutrient treatment on-site. EPA has also noted that localities cannot override state law on how water quality is achieved, so we don't feel that this condition would necessarily be proper and we don't know if we can meet it because we haven't done the final site plan engineering. We agree with the condition that all storm water outfalls to be built outside critical slopes and the use of wire reinforced super silt fence adjacent to critical slopes. It's a great practice that we've used before even when it's not required. There is a condition to require a fixed immovable barrier to protect root zones of existing trees that are to be preserved. If

that means super silt fence, then we agree that this is a good condition. Otherwise, we don't know what it means and would need specificity on the Planning Commission for that. Staff made a passing mention of habitat redevelopment, which we also don't know what that means. We are preserving more than half of the site, which is the maximum we can do in this regard. In sum, the PUD offers a real opportunity to benefit density, affordability, connectivity, environmental preservation, and expansion of City park land. We don't just pay lip-service to these goals; it makes significant contributions to each of them. We have tried to put our best foot forward and offer the City the best development we can and avoid the fallback plan. We own the property and bought 5 acres adjacent to the main property off of Flint Drive just to donate the park to the City. We don't think the fallback is a good plan for what the City needs right now. Though staff has some valid concerns, we believe that with the modified approval conditions mentioned we can overcome that and proceed with a great project.

## COMMISSIONER QUESTIONS

**Commissioner Mitchell:** Nutrient credits do not protect Moore's Creek. Can you speak to the specific plan to protect the wetlands and Moore's Creek?

**Mr. Armstrong:** All of the proposed development of this site is upland. As you look at the site, the new PUD would pull lots out of those existing critical slopes that exist now, keeping them upland. We do have to disturb a little critical slope around the fringe, but we would have to disturb much more by building houses. We are trying to pull things out of critical slopes as much as we can. Getting sanitary sewer down the hill is a given in either scenario because the connection is at the bottom of the hill. The same is true for storm water. There is no development proposed in the bottom area.

**Commissioner Mitchell:** At what point will you actually transfer the 3 acres to Parks and Recreation?

**Mr. Armstrong:** The best time to do it is when we record the plat because it would be an easy time to deed it to them or dedicate it to public use.

**Commissioner Mitchell:** How does Parks and Recreation access this property to maintain it?

**Mr. Armstrong:** We are proposing a trail and access easement along what is mostly an existing sanitary sewer easement, which is a natural draw that would be easily accessible by foot or vehicle. This would be a gentle trail with no steps.

**Commissioner Mitchell:** How do you define affordable dwelling units?

**Mr. Armstrong:** We are proposing to use the City's definition, which is 80% AMI.

**Commissioner Stolzenberg:** Are you going to adhere to the City's standard operating procedures for ADUs?

**Mr. Armstrong:** If we were to deed the lots to someone like Habitat, who can meet much lower affordability thresholds, then we are likely to get lower than the City's requirement. The code section we reference in the proffer is 34-12.

**Commissioner Stolzenberg:** Can you explain your thinking in your term of the deed restriction for 10 years?

**Mr. Armstrong:** That's long enough to ensure at least one or two families go through that unit. If we were to deed the lots to someone like Habitat, they put their own restrictions on top of what we have in the zoning. We are also right at the margins for what is feasible for this project because we are trying to do a lot of things rather than

focus on one area. Though it isn't the best we could do on each one of these individually, it's the best we can offer to address all of them.

**Commissioner Stolzenberg:** Are they intended to be affordable home ownership units?

**Mr. Armstrong:** It would depend on what nonprofit it went to. If we built them ourselves it would depend on the market at that point. We are still a couple years off before lots are available based on site planning process and construction of roads and infrastructure. If we can build it affordably and sell it at a threshold that meets the City's then current definition that would be great. We just don't have that certainty now.

**Commissioner Stolzenberg:** Why did you choose to use 50 units as the maximum and to go with just townhouses rather than apartments in some areas?

**Mr. Armstrong:** We saw it as somewhat of a transition between the existing Longwood development, which is a mix of two-family and townhouse on one side and single-family on the side towards Mosely Drive. Apartments didn't seem to fit with either of those uses on the other side, so townhouses seemed like the best fit to achieve the density that we need to make a rezoning work. 13 by-right lots works as it is and could be developed, but going to townhouses lets us hit a much lower price point without being overly dense.

**Commissioner Heaton:** You mentioned the nutrient offset. Is that something that you have already calculated as the way you would propose to go forward? If the City requires that, would it be a deal breaker?

**Mr. Armstrong:** It would potentially be tough because we haven't done any final site engineering. We know approximately what the impervious surface would be, but we haven't done full soil analyses, which all goes into the calculation. The worry is that without full engineering, which we cannot do at a rezoning stage, is that we would promise something that can't be delivered. We want to do it onsite and we've laid out for a site in the middle of the teardrop for a biofilter because it's efficient and we've done it in almost every project we've done in the area. In this case it's not necessarily a density tradeoff to do the water quality because we have the middle area that was intentionally designed that way, but we might need to buy a fraction of the credits that we need to meet the state requirements. We will attempt to do as much as we can onsite.

**Commissioner Heaton:** You mentioned something about a forestry easement. If the property was given to City Parks, wouldn't they be the ones to decide what the riparian buffer might be, as opposed to you designating them a forest easement?

**Mr. Armstrong:** Yes and we can work with the City on that. Our motivation and goal is to protect it. Whether it's the City who owns it or a private property owner, it's important for us to state our intentions in a legally recorded document so that is what happens.

**Commissioner Dowell:** You referenced Habitat for Humanity several times. Have you thought of or talked to any other nonprofits in partnering with them in this project?

**Mr. Armstrong:** No, we haven't gotten that far. He shares that he only mentioned it to Habitat because he spoke to one of their members in friendly conversation at a soccer event. We do have a long history of working with Habitat and we have enjoyed that relationship so they are a likely partner.

**Commissioner Solla-Yates:** One of the issues in the staff report is the concern that there is no purpose or need. In other parts of the document you talk about the benefit of park space and housing. What is the disconnect?

**Mr. Armstrong:** We need housing in the City. We should be putting density in areas that are served by public transit, that have adequate infrastructure with water and sewer onsite, with roads stubbed to the property

already and already platted roads and rights-of-way. A development has been expected here since at least the 1960s. It's a place to put residential housing that we really need. There is debate about the R1S zoning, but this is a property that is on the edge of the R1S zoned swath that goes through Fifeville and adjacent to Longwood, which is a PUD with much higher density. It's only two blocks from a school and it is the right place for housing that we really need, especially at the lower end of what the market can provide price-wise. Parks and Recreation has been trying to acquire at least an easement through this property since long before we ever knew about the property. Chris Gensic has approached the previous owners about a trail with little response and it's important for them to connect through Moore's Creek over to Azalea Park, which is very close. They would need to get easements for 4 or 5 more parcels if they don't already have them to have a trail there. There is also other open space that we are proposing to keep in the HOA in the upland area. Part of it is for buffer to the neighbors and to have nice tree area, but it's also a midblock area that doesn't seem right to develop.

**Commissioner Lahendro:** The PUD narrative states that the project "will promote inclusion of houses of various sizes, architectural styles, and price points with varying width and square footages." Graphically, it looks like it is a townhouse repeated on every lot. Where is the diversity?

**Mr. Armstrong:** That was one of the goals of the PUD that we struggled to meet because it seems to imply apartments, townhouses, and single-family houses all mixed in one. It felt like townhomes were right for the whole property here and the variety is in the sizes. We are proposing some 16' wide and some 20' wide, which is a 25-30% difference in square footage. It can also provide varying bedroom counts within those. As far as styles, we are proposing a mix of modern and colonial styles, as well as some frontloading and some the alley load pushed up to the street with an urban feel with parking in the rear.

**Commissioner Lahendro:** It is an extraordinary site from wetlands to wooded slopes and mature trees. What has the design that has been presented done to connect the site together to make it a cohesive whole?

**Mr. Armstrong:** The trail connections is the only way. It is very topographically separate naturally. The area being developed for houses is upland and it is 30-40' down to the wetlands along the creek. Access and integration for pedestrians is there, but we didn't want any other connection to the wetlands because connection means use.

**Commissioner Lahendro:** If someone wanted to get to the wetlands, would they have to go out Flint Road and use the trail being proposed with the Park system?

**Mr. Armstrong:** Yes. We didn't want a steep stairway down critical slopes because it isn't necessary.

**Chairman Green:** What is your definition of market rate?

**Mr. Armstrong:** That is difficult to answer. The best way to answer that is to tell you what we did at Longwood, which was in the \$200,000 range. There were some that were upwards of \$300,000 if they wanted the fancy countertops, etc., but \$200,000 is where the sales are and where the market wants us to be and we are going to try to get there as best as we can, given the cost of labor and materials.

**Chairman Green:** This is at 50 dwelling units per acre, but have you given any thought to having an accessory dwelling unit in the bottom of the townhomes? Does it come with a height restriction?

**Mr. Armstrong:** We have thought about and we have done it before in other communities that we've built. If you count the number of units on the layout here, we will never hit 50 with the physical constraints of the property in the teardrop, so extra units are provided in the maximum of 50 so that accessory units could be put in by anyone who wants to up to a certain point. If we have 40 townhouses and 10 put in accessory units, those are the only ones that can do it because of the density limit.



**Chairman Green:** Based off of what you have applied for, is there anything other than density limiting you from having that option?

**Mr. Armstrong:** No. The staff report even pointed out the concern that if every townhome wanted to put in accessory dwelling units that we would be over the density limit, which is a good problem to have.

**Chairman Green:** At one point we were promised affordable housing mixed in with market rate housing on Cherry Avenue and we got a hotel. What is going to make us get this and not something that we don't want?

**Mr. Armstrong:** The Cherry Avenue proposal came back to the Planning Commission as a rezoning again with new owners who bought it, which was approved by City Council for a change. There is nothing in here that would allow that to happen. Any changes to this PUD, like a change in the affordable housing proffer, would have to come back through this same process. Additionally, since then our track record with other communities in the City where we have done affordable housing is stronger than any other developer within City limits.

**Chairman Green:** What is your plan for it to be integrated instead of having it clustered in one area?

**Mr. Armstrong:** If we build them, we might have one or two affordable units in each building. If Habitat or someone similar built them, they would want them all in one building because they build the building, which is why there isn't a promise to have them distributed in any certain way. If you look at the layout, it is one little community that will be a tightknit place no matter where the affordability is. It also wouldn't be physically possible to put the units in one corner on this site. In Burnet phase 3, we actually put the affordable units in the center and the level of quality is the same so you don't know the difference.

**Commissioner Stolzenberg:** Do the trails connect to anything?

**Mr. Armstrong:** They do not connect right now. Parks has aspirations, but right now the Longwood Park trail doesn't go out that side. On the other side going towards Azalea, there are 3 or 4 parcels that would still need easements unless they have some of them already. This is only the 2<sup>nd</sup> or 3<sup>rd</sup> step in a new trail system.

**Commissioner Mitchell:** What would you lose if you opened the teardrop entrance up a little bit?

**Mr. Armstrong:** Nothing. As you head down into the teardrop, the first townhouse building on the right has plenty of front yard space. It's only drawn the way it is because it is a concept sketch and widening it another 10' wouldn't hurt anything. If this comment had come earlier in the process that's what we would be looking at now.

**Councilor Walker:** In terms of affordability, what happens if you partnered with Habitat and the 10 years expires?

**Mr. Armstrong:** If it is Habitat then their deed restrictions are much longer, if not perpetual, and they would record additional deed restrictions beyond what we require.

**Councilor Walker:** Would you be open to extending that timeframe?

**Mr. Armstrong:** In the instance of deeding them to Habitat, yes. We would want to talk to them first, but if we were to keep them it gets harder financially. There would have to be some give and take to make it all still work.

**Councilor Walker:** In communities where you haven't partnered with Habitat, is 10 years the standard?

**Mr. Armstrong:** We've always partnered with Habitat to date.

**Councilor Walker:** So are you flexible on it?

**Mr. Armstrong:** We don't know. If we wanted to look at another scenario where there are other expenses that we take on from other proffers and pull some of them back to make sure it still works financially, then could tweak that. In the package that is presented, it's important to hold that for it to still work and be bankable and buildable.

**Councilor Walker:** With these projects is the AMI less than 80%?

**Mr. Armstrong:** Yes. Most recently they are hitting down around 25%. We can't do that but we are thrilled that they can.

## **PUBLIC HEARING**

**Sandy Erksa:** We have lived in our homes 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 townhomes 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. Another concern is that the properties will be purchased as an investment and be converted into rental units instead of being owner occupied dwellings. For these reasons, we request that the rezoning application for Flint Hill be denied. Please keep these properties as Low Density Residential.

**Jess Wenger:** Notes that she is reading a statement on behalf of the Fry's Spring Neighborhood Association. The FSNA and the neighbors we represent welcome appropriately designed infill and the new residents it will bring to our neighborhood. The FSNA respects the rights of property owners to pursue all legal activity on their private property. The FSNA also recognizes that some activities pursued on private property can result in negative impacts in the community. Based on our current understanding of the Flint Hill PUD, the FSNA appreciates the developer's effort to limit the critical slope disturbance and minimize the potential negative impacts on Moore's Creek. The FSNA is also grateful for the developer's proposal to provide some units at an affordable rate. The FSNA is concerned with maintaining a safe bike and pedestrian-friendly environment in the neighborhood. The primary concern is the potential impact of the number of units (50) will have on the Longwood/Harris, Mosley/Harris, and Camellia/Harris/JPA intersections. These three intersections are utilized by many of the children and their families walking to Jackson Via Elementary School in addition to the pedestrian, bicycle, and auto commuters heading to work. The FSNA's present position on the Flint Hill PUD is neutral, neither supporting nor opposing the PUD. However, we urge the Planning Commission and City staff to be cognizant of our concerns and consider how to mitigate the traffic impacts on these three intersections when considering the zoning amendment.

**Jeff Riedel-Bicknell:** The developers have taken things into consideration with many of the developments in our community, so thank you to them. However, I do not agree with the comment that the infrastructure exists in Fry's Spring already to support 13 new homes, much less 50. We currently do not have enough bus routes, bike routes, safe walkable routes, and safe crossings. Currently the traffic situation in our neighborhood is bad. You could jog or ride your bike the 1 or 2 miles in our community faster than you can drive it, but it's not safe because the drivers are so distracted and speed excessively throughout the communities. Regularly people run into the car that stopped for me in the crosswalk, the car behind them slamming into them, and people have stopped and gotten out of their cars to yell at me after drivers have waved me across the crosswalk. The infrastructure doesn't exist and bus route 4 has been cut back for those of us who need to get to the hospital. For those of us who work in hospitals, during bad weather we have to walk the 2 miles in the snow after the plows have blocked the

sidewalks and streets and we risk getting hit by all of those vehicles. We need to improve the infrastructure first. I do commend the environmental thoughts, but who is going to fund and maintain these proposed park lands and trails? If Southern Development is so environmentally conscious and wants to invest in our community, maybe they could propose to give a percentage of their profits from this development to fund the development of the park land and continue its ongoing maintenance. Without true environmental analysis of these infrastructures we don't even know if the current floodplain and riparian zones are natural and beneficial, much less what the future development may be.

**Mark Kavit:** The price of the units seems a little low and the units down the block are being sold at \$1.2 million. When City Council asked the same question about what the price would be for those units, they were told \$250,000 and we found out that it ended up being \$1.2 million on the low end. It turned out that the price that was quoted was the price for land, not the completed complex. It's very important to keep in mind what the people who live there are saying about how it will impact them. With that being said, it's also important to point out that the plots that were done in the 1950s or 60s were probably done with the idea that the houses being built were going to be ranch style houses, which is not practical to be built at this stage. It is an act of whether we build townhouses that might be more affordable or if the land is used for other types of houses, which are probably much larger houses with much higher price tags.

**Travis Pietila Southern Environmental Law Center:** Starting with the PUD application, this proposal has some positive features and potential. We appreciate that the applicant has proposed onsite affordable units, as well as adding some of the wetlands and steeply sloping areas of the site to Longwood Park. That being said, staff has identified several key aspects of this proposal that are still in flux where further clarification is needed and we believe that more work needs to be done to flesh out this application before you can make an informed recommendation to Council. Staff has identified the need to clarify the applicant's affordable housing commitments and its terms of its offer of park land to the City. They have raised safety concerns with the proposed street designs that may prevent some of them from being accepted as public streets or functioning as private streets. It's also important to better nail down the measures that would mitigate impacts to Moore's Creek, one of our City's most impaired waterways. This includes a commitment to preserve wetlands and stream buffers on the site, as well as preserve existing tree canopy. To ensure these commitments are enforceable, they should be clearly identified in proffers and the development plan and we don't see that in the current application. Turning to the critical slopes waiver request, it also suffers from too many unanswered questions. For example, the Environmental Sustainability Department has noted confusion about where the limits of disturbance are being proposed and where erosion control measures will be located, making it hard to discern the actual extent of impacts to critical slopes. The Engineering department also raised major questions about the applicant's storm water management plans and whether they can actually achieve adequate protection on this site as proposed. Any decision on a waiver should only be made after revised plans are brought forward that not only satisfy staff's concern with the existing layout, but also demonstrate that staff's recommended conditions on the waiver can be successfully met. Overall, there are too many remaining questions about these two applications to provide a fair assessment of their relative impacts and benefits. The Commission should make an adequately informed decision on any potential recommendations.

**Charif Soubra:** Notes that he is an adjacent property owner in Longwood. From what is being presented, there are a lot of positive impacts. The PUD by design has a lot of pieces that are addressing positive cohesion for that corner and it is positive transitional growth for that area. The PUD is designed to curb some of those concerns that by-right development would have. My property adjoins the wetland area and seeing the PUD have a design with consideration for the adjoining property is a benefit versus a single home on a 3/4 acre lot that could do whatever they want with their backyard. The PUD is a good idea and as this area grows and transitions it is incumbent upon the City to take upon all the other considerations like traffic and infrastructure. Growth could be the positive impetus for dealing with that transition and those concerns. More homeowners would be at a price point that is

more consistent with the affordability index that the City has set forth. This corridor of the town doesn't have that and this proposal does offer a price point that is not available in that corridor right now.

**Anja Riedel-Bicknell:** Notes that she lives on Christa Court. There is a major concern with infrastructure in the neighborhood, as the sidewalks are very narrow. If you walk from home to the Fry's Spring pool, it would be impossible for people to walk next to one another because it's so narrow. If there is a distracted driver there is no space in between the person and the driver, so if they drive onto the sidewalk you would be hit right away. It's even difficult to walk with a dog because it's so narrow. As mentioned before, CAT has cut back the bus service in the area. It has improved during rush hour but when it isn't rush hour, the bus only runs every 70 minutes, which is not often. Many times the first buses of the morning don't even show up because they don't have drivers. This is also a concern because it means you have to walk. There is an elementary school nearby but they likely can't add many more students to the school. 50 more homes means many more children and we have no idea what the capacity of the school is. Ultimately the infrastructure has to be improved before we add more people and cars.

## COMMISSIONER DISCUSSION

**Commissioner Dowell:** One thing we definitely need in the City is affordable housing at affordable price points. Bringing a development of this nature and size into this area of the City looks a lot like 5<sup>th</sup> street. Going through 5<sup>th</sup> street during rush hour is playing Russian roulette. Adding 53 more homes would mean adding almost 100 more cars on the road. We recently witnessed a pedestrian being hit at Jackson Via Elementary School at about 5pm because of the exact situation that the residents stated. The report didn't mention how it would impact the school system and we are having a tiff with that right now all over Charlottesville.

**Commissioner Lahendro:** PUDs get a bad reputation and this is one example of why. The objectives for a PUD in our regulations states "to encourage innovative arrangements of buildings and open spaces to provide an efficient, attractive, flexible, and environmentally sensitive design." It is a step forward to move from a single family plot that was there originally to a denser development, but what is shown lacks diversity and transition. It could be a denser development in the center that transitions to the single family and townhouses around it. Just because you are in between these two things doesn't mean everything has to look alike. It also ignores the wonderful site it is on with rows of townhouses that turns it back to the wooded hillsides and wetlands. I am against this due to the many unresolved issues that staff pointed out, but also because it is a poor example of how a PUD should be done.

**Commissioner Solla-Yates:** This is the best PUD that we've seen. This does what a PUD is supposed to do, which is clustering housing and preserving open space, which is a good idea and an appropriate idea for the Comprehensive Plan. There is a need for housing, parks, and trails near schools, especially in this very auto dependent area. There are serious infrastructure issues in the area and this is a part of a solution, but there are broader issues to consider here. The affordable housing component is exciting and it's pleasing to know that many of these issues can be resolved in the site plan.

**Commissioner Heaton:** Staff mentions in their report that this is a well put together PUD and that is true. The applicant notes that they didn't have the back and forth that they would have liked to have had with staff to have brought an even better application. Infrastructure is not their responsibility and the City has to come up with a plan to make these old roads work with all these cars. The application does have some concerns that restrictions can be made or additions as the staff suggested, but this is exactly what you want PUDs to do. It puts the density in one place and preserves the open space.

**Commissioner Stolzenberg:** For all the homes built in Fry's Spring since 2010 inclusive, there have been a number of single family attached, mostly in the Longwood PUD, and they range from \$260,000 to \$320,000 with the

median at \$289,600, which is about \$6,000 below the Citywide median. There are also single family homes and some with ADUs that were built in the Huntley PUD or built by-right that range from \$340,000 to \$750,000 with the median at \$446,000. This is a massive increase in price if they were to go by-right on the large lots. Having lived on Mosely Drive, having the road connection between Mosely and Longwood will be a big improvement to traffic by having the ability to go to Jackson Via and avoiding Harris entirely. If they built by-right they would only need to connect it to one of those two roads. There are concerns about the affordable dwelling units and the terms of that proffer and hopefully they can be solidified.

**Commissioner Mitchell:** The vision looks nice but there are a number of unresolved issues. We need to hear more about the storm water management plan and what we can do to protect Moore's Creek. Nutrient credits aren't good enough because they don't protect the waterways that run through the City. We need to know more about how we can protect the wetlands and Moore's Creek from disturbance. When we make recommendations to Council we need to give some thought to the impact of these developments on the existing infrastructure. To make a recommendation to move forward without at least a vision of what it is going to be is not the right thing to do. Ultimately what the applicant would like to do is good but they need a little more time to think about it to make an informed vote.

**Chairman Green:** We talk about land use plans where we want community engagement and we want the neighbors to be part of a community and sometimes it happens organically but I used to live in a complex very similar to this that achieved that. We do have infrastructure problems and enforcement issues in the City that we can hopefully further the conversation on soon. We need more enforcement when it comes to bike/ped. There are also concerns about the unknowns, including the storm water management plan, nutrient credits, and the comment in the staff report that says staff won't accept the streets as they are into the system. As for the trail system, the City is trying to buy these areas anyway so we are either going to have to get it or purchase it and this is a win for the City. We do need more housing and trails near our schools and we talk about this in the Comprehensive Plan. A little more thought would be better and we wouldn't mind a deferral so the applicant can come back with more questions answered to give us more information about this bottleneck at Keene Ct and Flint Drive, the storm water management, if we should have more than 50 dwelling units per acre to provide some accessory apartments for rental opportunities, and a plan to possibly have more than 5 ADUs at 80% AMI for longer than 10 years.

**Mr. Armstrong:** We would like to move forward because we have been working on this for a while and we have a great project. We will commit to Council and the Planning Commission that before it goes to Council we will amend the proffers to make sure they reflect what we've heard. If that means having an additional public hearing that is fine. We will also correct the concept showing the street that doesn't work like it's supposed to so that they don't have to vote on something drawn that isn't what we would want to build anyway. We have a lot of work to do before this is a project on the ground so this won't be the last refining but we are trying to set the limits that it has to move forward to site plan. Hopefully that is enough to move it forward and we commit to the Commission and Council that we will make those tweaks that we've heard to the proffer and we urge them to vote "no" if we don't live up to that.

**Chairman Green:** Encourages the applicant to take advantage of the opportunities to come before the Commission to have a work session to have some questions answered.

**Commissioner Stolzenberg:** The staff report says that the streets couldn't be accepted as public streets, but also that they couldn't function as private streets. Does that mean that they would have to fix it no matter what or just that they wouldn't work well?

**Mr. Alfele:** Even private streets have to follow the Standards and Designs Manual and this would not meet them in this configuration. The site plan could be adjusted and there is a tradeoff. The Planning Commission is the reviewing body to all site plans related to PUDs so the Commission would get a site plan to review and it would be your decision to determine if the proffered development plan and the site plan match. Being the reviewing body for site plans connected to PUDs, you are making that call on whether the site plan is substantially the same as the PUD development plan.

**Commissioner Stolzenberg:** Is it possible to exempt accessory dwelling units and/or affordable dwelling units from the 50 limit?

**Mr. Alfele:** The Planning Commission has a proffered development plan before you that the applicant has put forward. The applicant has indicated that they would likely make adjustments to the proffer. Depending on the action tonight, if it is moved on to City Council you are moving on what has been reviewed tonight. The applicant can make adjustments to the proffer statement between Planning Commission and Council. City Council will have to decide if they will hold a public hearing on their own to advertise the new proffers and they can kick it back to Planning Commission to review the new proffers or they can hold a meeting based on the materials the Commission presented.

Commissioner Solla-Yates moves 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. Seconded by Commissioner Stolzenberg.

**Commissioner Mitchell:** The vision is great but based on what we know today, the vote will be a no. Hopefully when it gets to Council the issues we've raised will be addressed and corrected to give the applicant their support.

**Commissioner Stolzenberg:** Agrees with many of the concerns and some parts of the application are underwhelming, but the reason that he will support it today is because if this goes down and comes back with the much more expensive \$500,000+ houses we will have made a big mistake.

**Commissioner Heaton:** If it goes to Council with a denial, does that change the process for the applicant?

**Chairman Green:** No.

**Commissioner Lahendro:** Clarifies that the Commission is being asked to vote on what is before us in the application, not promises for making any changes.

**Commissioner Solla-Yates moves 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. Seconded by Commissioner Stolzenberg. Motion fails 4-3.**

**Commissioner Mitchell:** As the applicant begins thinking about their appeal to Council, it would be good to solidify the thoughts about the affordable housing piece and who the partner might be if they have a partner.

**Ms. Creasy:** We don't have an action at this point and we need an action.



**Mr. Armstrong:** Requests to defer the application.

**Commissioner Mitchell moves that we accept the deferral. Seconded by Commissioner Solla-Yates. Motion is approved 6-1.**

### **3. SP19-00001 – 1617 Emmet Street 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 "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.

**Staff Report, Joey Winter:** The item before you tonight is a Special Use Permit request for 1617 Emmet Street. The applicant, Riverbend Development represented by Ms. Ashley Davies, is requesting a Special Use Permit to authorize a specific land use, which is a drive through window for a restaurant. Their proposal is to convert the existing structure at 1617 Emmet Street, a former bank, into a coffee shop with a drive through window. The proposed use of the building (defined as "restaurant") is allowed by-right in the HW zoning district. An SUP is required for the restaurant's drive through window. This application is for the drive through only, not the coffee shop itself. City Council approved an ordinance to authorize restaurants with drive through windows in the HW zoning district with a Special Use Permit on August 20, 2018. Prior to that, restaurant drive through windows were not authorized in the HW zoning district under any circumstance. The subject property is zoned HW with an Entrance Corridor Overlay. It is located to the Southwest of the intersection of Emmet Street and Angus Road. To the North of the property across Angus Road is a fast food restaurant with a drive through. To the East across Emmet Street are two hotels. To the South and West of the property is a retail shopping center. All adjacent parcels are also zoned HW with an Entrance Corridor Overlay. For some added context on the area, on Emmet Street from the Albemarle County line to Barracks Road, a distance of approximately one mile, there are currently eight business drive through windows. Seven of them are restaurants and one is a bank. Four of those businesses are north of the Route 250 Bypass and four are south of the Bypass. A preliminary site plan was submitted as a supplement to this SUP application and at the request of the applicant, this site plan is being treated only as an exhibit and has not gone through a full staff review at this time. There are three aspects of the application and site plan exhibit the Commission may want to consider. First, the site plan exhibit proposes to eliminate an existing entrance on Emmet Street. This is being done at the request the City's Traffic Engineer. Secondly, the proposed staff condition #2 was included to address concerns from traffic engineering about vehicle circulation at the site. Based on trip generation data provided by the applicant, the coffee shop drive through will generate significantly more vehicle trips per day than the previous bank drive through did. It's also important to note an existing ATM onsite that is proposed to remain and operate in the drive through lane farthest from the building. Thirdly, no changes are proposed in this site plan exhibit, but the applicant has indicated to staff it is possible they may seek to remove some of the canopy over the drive through in the future. This site lies in an Entrance Corridor so any alterations of the structure or canopy will require ERB approval. Proposed staff condition #1 was included to make this clear. No written public comment was received during the application process. The community meeting required by Code was held by the applicant on March 21 at the site and a second unofficial community meeting was held on March 28 at the site. Staff recommends that this application be approved with the following two conditions: that a Certificate of Appropriateness shall be obtained from the Entrance Corridor Review Board prior to any alteration of the existing structure or canopy and that 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. Please remember the factors to consider as you review this SUP application are listed in the staff report and can be found in section 34-157 of the City Code.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** This area has an auto-dominated history with troubles. Our zoning intends it to be more of a transition zone from auto-dominated to something more human-friendly where bicycles and pedestrians could be imagined. VDOT gave us a lot of money to go a crosswalk on 29 that terminates at this future potential coffee shop, but there is no relationship to the building. The building is far back and it is a drive through, which is a very auto-dominated use is being proposed to this building. Would it be possible to mitigate that in some way and if so, what would that look like?

**Mr. Winter:** Ultimately it's up to the Planning Commission. When the City Code defines the Highway Corridor Zoning District, it says the purpose of the district is to "facilitate development of a commercial nature that is more auto-oriented than mixed use in neighborhood commercial corridors." The Hydraulic small area plan's conceptual land use map designates this parcel as commercial that applies to community and regional shopping centers and highway oriented retail districts. Based on that, the zoning code and small area plan mention that it is auto or highway oriented, which is why staff found the use appropriate. Regarding the setbacks, the staff report mentions that the structure is over the maximum setback from both Emmet Street and Angus Road. The proposal is to use the existing building that it's hard to see a way to do that and also bring the side in conformity with the setbacks.

**Commissioner Solla-Yates:** In other places there are sidewalks that connect from the street to businesses. Could that be possible?

**Mr. Winter:** Notes that he would have to look at the map, but there is a sidewalk all the way down Angus Road

**Chairman Green:** The site plan isn't finalized so it's something we could ask the applicant.

**Mr. Winter:** There were also questions regarding if there was a concern about the Angus Road entrance and the traffic engineer expressed that it wasn't one of his concerns.

**Applicant – Ashley Davies, Riverbend Development:** We have appreciated working with Mr. Winter and staff so far on the development. As Mr. Winter mentioned, staff provided a few conditions on the site, one being looking at additional signage and pavement markings to make the flow work well. We are already looking at how to do that onsite, but the good news is that the site has already been a drive through so it was designed specifically for that usage type. With a few minor tweaks, it should be in good shape for a coffee shop with a drive through window. This is a Highway Corridor so it is one that is more auto-oriented and it is situated for the most intensive commercial uses in Charlottesville. That being said, we have no intention to ignore the pedestrians and we welcome more conversation on how to improve pedestrian access. It is along our most heavily travelled corridor in Charlottesville with over 46,000 vehicle trips per day. We did traffic studies of the site and with a coffee shop use, there are more vehicle trips than with a bank use but there is no significant difference between a coffee shop and a coffee shop with a drive through. Shockingly, during the AM peak hour the one with the drive through is actually fewer vehicle trips than the by-right use. The difference between a coffee shop and a bank is that coffee shops are primarily pass by trips. 89% are pass by trips and its cars that would have already been there, which is why it's so great to locate it on 29. Banks are primary trips to create a new trip on the road. Sustainability is also a huge topic. The building is pulled back from the road and we have considered a variety of uses for the site and in some of them we had new construction on the site. The great part about putting a coffee shop here is that the building is perfectly suited for it as is and it's made of high quality materials. By using that existing building, we

can ensure the maximum use of those materials lifespans and reduce waste over time, not to mention all of the waste that goes into new construction, extraction of materials, and transportation costs. It's the right choice for Charlottesville to reuse this building that is in great shape so we can adapt it easily for this new use. The coffee shop also serves a major community benefit. As staff mentioned, we had two meetings with the neighborhood association. They weren't well attended but it gave us ample time to have discussions with those who were able to join us. While it's on 29, it's also part of the Meadows neighborhood and in talking to them we discovered that there is no place for meeting or gathering in that area. This particular use is a huge benefit to create a de facto neighborhood gathering and people seem to be excited about that option. Given its location on Angus, it's also quite walkable to a lot of residences in that neighborhood. We think it will serve a great community purpose and felt support from those in the neighborhood that we've spoken with. We have been working with the proposed tenant on the site design and as we condition the potential for more signage for striping, we are exploring the idea of more of a raised median that separates the drive through area from the bypass traffic, which takes it to another level to make the site work better. We would like to leave it open to finding the best option to make that site as safe as possible and the raised median assists the flow from Angus and keeping that traffic from keeping any backups into the Angus intersection and road.

### COMMISSIONER QUESTIONS

**Commissioner Lahendro:** If you took the handicapped drop-off next to the lane and extended that to the sidewalk through the planting bed, it would give you a sidewalk access from Angus Road to the building.

**Ms. Davies:** The architect has proposed that and we are happy to incorporate that. If you don't have the raised median, cars could come in from Angus and try to angle into the drive through lane immediately and this forces them to come in and get out of the road to keep traffic moving.

**Commissioner Dowell:** What made you want to keep the ATM there?

**Ms. Davies:** It was there and it seems to provide another community benefit to have it there even though the in-banking services are no longer there. The great thing about the ATM is that it doesn't have peak hours and the traffic for it happens over the course of a day so it's not conflicting with other peak hour uses.

**Commissioner Heaton:** With two lanes and a coffee shop, how do you deliver the coffee to the far lanes?

**Ms. Davies:** The drive through for the coffee shop is only the lane immediately next to the building. The middle lane is a bypass lane to get traffic flowing through and the third lane is just for the ATM.

**Chairman Green:** Are there any questions from Council?

**Councilor Signer:** We appreciate the consideration to go back to the prior format to have the public hearings in the beginning of the meeting because it worked very well before.

**Chairman Green:** Unfortunately it doesn't necessarily work for the public but we can certainly have more conversations about it.

### PUBLIC HEARING:

None.

### COMMISSIONER DISCUSSION

**Chairman Green:** Notes that she appreciates the bypass lane because if you've ever been to the coffee shop in Pantops there are major concerns about backup into the roadway, so this is a huge benefit for the parcel.

**Commissioner Lahendro moves 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 two (2) 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, and 3) the handicapped access lane be extended so that it connects with the sidewalk on Angus Road. Seconded by Commissioner Solla-Yates. Motion is approved 7-0.**

#### IV. COMMISSION'S ACTION ITEMS

##### ENTRANCE CORRIDOR REVIEW BOARD

#### 4. Entrance Corridor – Hydraulic Place – Old K-mart Site

**Staff Report, Jeff Werner:** This is an EC COA request for Hillsdale Place, which is located at 1801 Hydraulic Road. It is a 9 acre site that is designated mixed use in the Comprehensive Plan and it is zoned Highway Corridor with Entrance Corridor Overlay. It is a vacant building but is on the site of what had previously been occupied by K-mart and Gold's Gym. Hillsdale Place was initially reviewed by the ERB in 2017 and involves a partial demolition, partial reconstruction, and full renovation of an existing one story commercial building with surface parking. The intent is to maintain the current building footprint and reuse portions of the existing structure. The design includes articulated wall segments, varying parapet heights, and a 39' tall tower in the plaza area. The 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. In 2017 the Planning Commission reviewed a proposed design and unanimously approved the COA with conditions. The proposal before you represents some revisions to the 2017 design and except for the color selection and façade alterations on the western end of the project, the new design is almost identical to the old and for the most part it addresses the conditions of the 2017 COA. Except for the changes to the western façade, staff would have administratively approved this request. Since the staff report was posted last week, the applicant has shared additional changes to the western end of the building that do address the concern staff had about the starkness of the elevations. These would be the walls facing Route 29 and the north wall at the rear of the building. Staff is comfortable administratively approving those modifications, which only leaves the matter of the proposed red elements at the west and south facades that we seek a decision on. The building materials, color palette, and landscaping are generally appropriate for the Entrance Corridor, however it is the red elements that conflict with 4 of the 6 Guidelines addressing color, which are that "the palette of colors should be compatible with adjacent developments, to limit the number of color choices, that bright accent colors may be appropriate for smaller areas such as awnings and signs on commercial buildings, and to not use strong colors that has the effect of turning the entire building into a sign." It is not turning the entire building into a sign, but it is a strong color. Additionally, there is one provision of the EC Guidelines about respecting and enhancing Charlottesville's character that says "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." Staff is of the opinion that the 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. We received one public comment via email that urged that we tone down or diminish the amount of red on the wall and signage. Staff finds the proposed design to be appropriate and recommends approval, but only with conditions that address concerns about the introduction of the red elements. The options to address this might include reducing the area of the proposed red metal panels or inverting the colors—red to white, white-to red—on the proposed metal panels. Additionally, staff recommends 5 conditions, 4 being from the prior COA and 1 that we recommend will accommodate the more recent updates to the west and north façade. These conditions are 1) all signage shall appear to be lit white at night, 2) all exterior lighting shall be full off, 3) dumpsters will be within enclosures constructed of materials similar to the building and landscaping and other materials will be used to reasonably screen utility boxes and panels from adjacent property, 4) indicate on plans the bus shelter or stop location, and 5) at the west and north elevation to use variation in the approved materials and wall details to further break down the mass and scale of each façade, as presented to staff on pages 9 and 10 of renderings dated May 7, 2019.

## COMMISSIONER QUESTIONS

**Commissioner Lahendro:** Are the items from the agenda package no longer valid?

**Mr. Werner:** They are absolutely valid and that is what you are reviewing. If you are inclined to approve the COA, a condition that the north and west elevations be further articulated would allow staff to move forward with what was sent last week.

**Ms. Creasy:** The Commission has two choices. You could react solely to the materials in front of you, which notes 5 conditions that covers all of the concerns that Mr. Werner has put forward with the materials in front of you. Alternatively, you can reference a document that you have not had the opportunity to see that denotes a number of those conditions already being met with the main condition regarding the large red element on the building remaining.

**Commissioner Dowell:** In your professional opinion, how is this harmonious with the back parcel that is proposed to be developed as well?

**Mr. Werner:** There is vagueness in some of the EC Guidelines. On one hand there is an opportunity to revisit the Guidelines to clarify what they mean. In terms of compatibility, it keeps it somewhat consistently low key. On this segment we are just trying not to make the building jump out at us.

**Commissioner Lahendro:** What is the elevation distance between 29 north and where the building sits?

**Mr. Werner:** It is set down perhaps 12 or 15 feet. It's not so much the color red that's the problem, but it is the scale and amount of it that seems to overwhelm that corner.

**Commissioner Lahendro:** Is there is a future outparcel on the west end on the building?

**Mr. Werner:** There are a few of them. There are 5 sites planned for future development in some capacity.

**Commissioner Dowell:** Regarding the sign, what about the inversion of colors?

**Mr. Werner:** There is a similarly colored store further up on 29 that has an inversion of the colors where the red is less compared to the lighter color.

**Commissioner Stolzenberg:** Do we know anything about the building marked "future" next to 29? Should we be considering that? Will it block any of it?

**Mr. Werner:** The applicant might be able to speak about how the outparcels work and what is planned for development, but we have to assume that nothing is there as of now. The signage will all be addressed in a comprehensive signage plan, which will codify what can happen there once reviewed and approved.

**Chairman Green:** Can you give us some distinction about this? There is a big blue swath with yellow letters on it is just up the street, which is pretty vibrant.

**Mr. Werner:** It is not as strong of a color and it is setback and above the street, so it doesn't jump out at you as you are driving down. It is possible that the lower grade of this site mitigates that, but there is no doubt that it is much closer to the street and it is on two facades versus a panel over an entrance.

**Applicant – Kevin Lyon, Bignell Watkins Hasser Architects:** When looking at the ERB Guidelines and taking into account the existing site, we wanted to create architecture that is visually interesting and aesthetically appealing. There is an encouragement of contemporary design in the Guidelines with specific materials laid out to achieve that goal, one of which is metal paneling. It also mentions creating a pedestrian experience that creates a sense of place and a focal point for organization of the site and that was a huge principal in what we did. As we look at the updated design, we wanted to make sure we stayed within the Guidelines in terms of the design with contemporary materials. It is a different color than what was shown before, but the material is not different, as it is metal paneling. It is a material that is high quality and has a permanence to it, which is what the ERB looks for. In terms of the site and how it relates, 29 and Seminole trail is 15' up starting at the corner of the building where the design is concerned and it comes down more as you go across the site. It contributes to the design and how it will be perceived as it is approached by drivers along the Entrance Corridor. Landscaping was also touched on to enhance the site in general and is in the official site plans that have been submitted. A diversity of materials is also specifically mentioned in the Guidelines as something to be sought after and we are trying to enhance the aesthetic and create something that isn't going to imitate an older style of architecture that is prevalent but to go with a contemporary design and fitting it into the context of what we have. Talking specifically about the red, in terms of Mr. Werner's recommendations, inverting the colors would not be our preference. If the goal is to have something not be as stark as compared to the rest of the building, our preference would be to look at how the proportions of the red areas work and how we can work in some of the articulation that is elsewhere in the building into that portion. We looked heavily at articulation at a human scale for the pedestrian experience and tried to curtail vast expanses of a similar materials or a long blank wall like what is existing on the site right now.

## COMMISSIONER QUESTIONS

**Commissioner Dowell:** Have you considered other renderings that are not so bright and will still achieve the target of what you are looking for?

**Mr. Lyon:** Maybe that goal could be accomplished by taking some of the other materials that are elsewhere throughout the building and bringing them more into that area to reduce the red a little bit and articulating it a little more so that is isn't turning a portion the building into a sign if that is the objection. There are certainly other elevations and designs that we have considered.

**Commissioner Lahendro:** How critical to the tenant's unique signature is it to have this much red on the building?

**Mr. Lyon:** It is fairly critical. Whatever design guidelines are required by the jurisdiction are required, but we are trying to strike a balance and find a design that makes everyone acceptable of it. Branding is very important and signage is important regardless of the tenant.



**Commissioner Heaton:** You mentioned lowering the percentage of the amount of red. Are you going to be specific about that or are you just willing to consider it?

**Mr. Lyon:** It's hard to give a specific number because it has to do with proportion and how the red will fit within the context of the design of the building rather than popping out at you. There isn't a specific dimension on that, but what's modeled is an attempt to do that.

**Chairman Green:** Are you losing this store if it is inverted?

**Ms. Davies:** We would prefer to look at other design options than a big stark white wall with a red sign, which ends up being a white wall with a white sign at night.

**Chairman Green:** It isn't white. For instance, in north Albemarle if there was another type of store with a red logo and it was required to be inverted with a tan background with red letters, would it be a deal breaker for you and this location?

**Ms. Davies:** What would be most helpful tonight is to get this type of feedback from the Commission about what is preferential for this particular part of the Entrance Corridor and what you see as compatible. Then Mr. Lyon and I would have a chance to go back and speak with that particular tenant and come back with options for further discussion. If you feel good about what is before you tonight we are happy to move forward, but if that is not the will of the Commission then we are happy to come back with options that possibly have a difference color palette or proportions. The Guidelines say that it's fine to have colors that is an accent color and there isn't anything that is particularly bad about red as a color. It is a more modern area and it is fine to be playful and colorful in this section of our community but it is a matter of how much of it is okay with this group.

**Commissioner Lahendro:** The red needs something to spice up the development and the red is perfectly fine, but it is suggested that we pull back the proportion to 1/3 or 1/2 of what is shown now.

**Commissioner Stolzenberg:** Given that this whole parcel is within the Entrance Corridor, are we concerned with the views from both Hydraulic and 29, or specifically 29?

**Chairman Green:** Most of it is still brown colors and the large red wall that popped up is why we are here tonight.

**Ms. Davies:** Notes that the building is approximately 200' from the 29 and 400' feet from the Hydraulic Corridor.

**Chairman Green:** How far is the Best Buy sign from 29? It is elevated and a beacon of light. Does staff think the blue is not a big deal?

**Mr. Werner:** It's about 400'. This is where the subjective part comes in and red is a very strong color. There is an architectural element that is valid here if you can make the case for your design. However, the design argument is predicated on a brand. We have to be very careful about drilling holes in the bucket of our Guidelines and it is advised that we be measured in this. If the red is fine then we should establish that it is a design element that we welcome.

**Commissioner Lahendro:** We have to think about the scale of this building and Best Buy compared to Zaxby's or Cookout that is close and near the road and in a more transitional area that is becoming more pedestrian. The scale is important to consider because one size doesn't fit all. In context, across a large parking lot this is not inappropriate to get attention.

**Chairman Green:** Notes that she echoes that sentiment.

**Commissioner Dowell:** Looking at the entire project as a whole, it does not seem harmonious across this viewpoint in general. It doesn't flow well and there are too many colors and too much going on. What about the project being proposed right behind it? Are they supposed to be totally separate?

**Chairman Green:** Mr. Werner is the expert and it should be his call to make if he thinks there is a certain color palette that works better than others.

**Mr. Werner:** As far as an aesthetic expert, that is not my background. This is how I am interpreting the Guidelines and you can certainly differ on that. The question is whether or not the design fits and feels good and the decision should be based on design and what feels good rather than a corporate logo, and the Guidelines are very clear about that. Perhaps a reduction in scale, a matte finish, or some texture to the red that could break it down a little bit. There is some compromise to be found relative to the Guidelines.

## COMMISSIONER DISCUSSION

Commissioner Heaton moves that having considered the standards set forth within the City's Entrance Corridor Design Guidelines, Commissioner Heaton moves to find that the proposed design for the Hillsdale Place at 1801 Hydraulic Road is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application with the following conditions of approval: 1) mitigate/ address the red element by inverting or lowering the proportions of red by the scale of 50%, 2) all signage shall appear to be lit white at night. All exterior lights shall be full cutoff, 3) Dumpsters will be within enclosures constructed of materials similar to the building, 4) Landscaping and other materials will be used to reasonably screen utility boxes and panels for the adjacent property, 5) indicate on panels the bus shelter or bus stop location, and 6) at the west and north elevation use variation in the materials and wall details to further break down the mass and scale of each façade, as presented to staff on page 9 and 10 of the rendering dated May 7, 2019. Seconded by Commissioner Lahendro.

**Commissioner Stolzenberg:** Is that 50% area or length?

**Commissioner Heaton:** They are referring to scale or area, so you'd measure what it is and take it down by 50%.

**Commissioner Heaton moves that having considered the standards set forth within the City's Entrance Corridor Design Guidelines, Commissioner Heaton moves 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 with the following conditions of approval: 1) mitigate/ address the red element by inverting or lowering the proportions of red by the scale of 50%, 2) all signage shall appear to be lit white at night. All exterior lights shall be full cutoff, 3) Dumpsters will be within enclosures constructed of materials similar to the building, 4) Landscaping and other materials will be used to reasonably screen utility boxes and panels for the adjacent property, 5) indicate on panels the bus shelter or bus stop location, and 6) at the west and north elevation use variation in the materials and wall details to further break down the mass and scale of each façade, as presented to staff on page 9 and 10 of the rendering dated May 7, 2019. Seconded by Commissioner Lahendro. Motion is approved 6-0. Commissioner Solla-Yates abstained.**

*Commissioner Heaton left the meeting.*

## 5. Critical Slope – 915 6th Street SE

**Staff Report, Carrie Rainey:** Shimp Engineering, on behalf of Rayonix, LLC is requesting a waiver from Section 34-1120(b) of the City Code to allow for construction of a mixed use development that would include two buildings with 28 one and two bedroom multi-family residential units and commercial use, and a surface parking lot with vegetated canopies. 34% of total site area contains critical slopes, 78% of which are proposed to be disturbed, accounting for 27% of the site in total. Much of the site is wooded. A single family home is currently located on the site near 6th Street SE. 36% of the total critical slopes on site are greater than 60%. Critical slopes great than 60% proposed to be disturbed account for 30% of the critical slope disturbance. The applicant's justifications for critical slope disturbance are summarized in the staff report, and are included in the attachment section. The Environmental Department made the following comments: Efforts should be made to limit the disturbance of critical slopes onsite to the maximum extent practical. In particular, care should be given to minimize or avoid impacts to slopes greater than 60%. The site also has significant tree canopy coverage, which is largely proposed to be removed. The site will produce significantly more storm water in the post-development condition. This additional storm water should be managed onsite to avoid impacts to Pollocks Branch, to which the site discharges. Given that Pollock's Branch has significant water quality and quantity challenges, all water quality and quantity requirements associated with the site should be completed onsite without claiming the 1% rule for water quantity compliance, which is a state allowance. If not managed properly onsite, the additional storm water will leave the site with increased velocity and can have the potential to cause increased pollutant loading and erosion and sedimentation in Pollocks Branch. The Environmental staff also noted that the critical slope area that is proposed to be disturbed will not have improvements located therein and should be stabilized with heavy plantings of local native woody and herbaceous vegetation. A significant area of critical slopes are 60% of greater and uncontrolled storm water runoff over these slopes will likely cause them to erode and the displaced soil could potentially travel to adjacent sites or travel to public right-of-ways. The property is zoned Downtown Extended Corridor (DE), for which the intent as stated in Section 34-541(2) is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. The General Land Use Plan of the 2013 Comprehensive Plan calls for the 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 property is designated as Mixed-Use Urban Corridor (Transect T5) in the Regulating Plan of the SIA Plan. The SIA Plan states Transect T5 should have low- and mid-rise buildings of approximately four to five stories in height with buildings set close to the sidewalk. Staff recommends the Planning Commission consider the following items: 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 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. Staff recommends storm water impacts to adjacent properties or environmentally sensitive areas. Both 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 storm water will not leave the site with increased velocity and have the potential to cause increased pollutant loading and erosion and sedimentation in Pollocks Branch. Staff recommends considering 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 like 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. Staff has provided a series of recommended conditions that address those three items, should the Planning Commission recommend approval of the critical slope waiver request.

## COMMISSIONER QUESTIONS

**Commissioner Dowell:** What is the current health status of Pollocks Branch? What are the potential impacts from this development are proposed to the waterway and the quality of the waterway?

**Ms. Rainey:** There isn't a specific number to provide. Pollocks Branch has been noted as in need of improvements and repair to the system, but if there is a numerical system, staff is unaware of it. The potential impacts could be increased erosion to the waterway of Pollocks Branch and adjacent properties if not properly controlled during construction, which regards the erosion and sediment control measures and at a longer term stance. This is why staff recommends the condition to treat all storm water onsite. The 1% exemption, which is an allowance by the state for exceedingly small sites to not treat the water onsite, which could get down to Pollocks Branch and create additional erosion of the slopes and sediment into Pollocks Branch to decrease the health.

**Commissioner Lahendro:** How does the present design comply with zoning? Are we meeting the required setbacks, side yards, and building heights under present zoning?

**Ms. Rainey:** Yes. There is a minimum 35' height and a maximum of 101' for Downtown extended for mixed use projects. 6<sup>th</sup> Street SE is a primary street, which has a maximum setback of 15'. 2<sup>nd</sup> Street SE is not designated in the corridors as a primary or linking street so there isn't a required setback there, but the applicant has shown the building close to the street in line with the SIA plan. Along 2<sup>nd</sup> Street the building height is proposed to be 49' and 38' on 6<sup>th</sup> Street.

**Chairman Green:** Isn't this an overlay of the SIA?

**Ms. Creasy:** The SIA is a guide so it is not zoning-based. It is one of multiple elements that can be reviewed. Ms. Rainey included a lot of information in the staff report because that is what we are striving for and the applicant has kept that in mind, but that is not the word of law at the moment.

**Commissioner Stolzenberg:** The SIA plan map shows Rayon extending up to Blenheim, which it doesn't seem like this plan conflicts with that in that there is no building in the way. How would that street be envisioned to be built? Given that there would be a downhill there, does this change any of that?

**Ms. Rainey:** There wasn't any detailed envisioning of how that street would be constructed during the SIA process when the plan was discussed and passed. It would entail great regrading to meet slopes. There also isn't any building proposed in that area. It would be surface parking lot, which could potentially be revisited if the City was looking to include streets.

**Commissioner Lahendro:** We heard earlier than storm water requirements for a site is not controlled locally and it is a state regulation. Can it be required that we have all the storm water treated on the site?

**Ms. Rainey:** Council has approved similar conditions on other critical slopes waivers, but this requirement is not based on the storm water process itself, but as a special condition allowing you to impact slopes that the City has determined to be critical and not otherwise allowed to be impacted. It is not a storm water requirement per the code, but it is related to storm water as a potential condition.

**Applicant – Peter Russell, Shimp Engineering:** The project is .77 acres and the existing use is a single family house. The proposed use is 28 1-2 bedroom residential units for rent with a possible commercial use along the 2<sup>nd</sup> Street façade. The total critical slopes is .26 and the total critical slopes to be disturbed is .21 acres. On the General Land Use Plan in draft form, the parcel is designated high intensity, which is defined primarily as most intense urban areas within the City. The parcel also currently faces two different zoning areas. Regarding the critical slopes, the contiguous slopes from the critical slope continue down 2<sup>nd</sup> Street, but they are interrupted by housing and staircases along the street. In the late 1970s Pollocks Branch was covered and developed and street connections were made, which drastically widened the grade to allocate spaces for parking in the street. Overall, this complies with the Comprehensive Plan and draft versions of the General Land Use Plan, as well as the SIA.

#### **COMMISSIONER QUESTIONS:**

**Chairman Green:** Have you reviewed this based off of what is approved in the Comprehensive Plan?

**Mr. Russell:** Yes. It complies with the 2013 Comprehensive Plan.

**Commissioner Solla-Yates:** Why not 4-5 stories?

**Mr. Russell:** It is 5 stories along 2<sup>nd</sup> Street and 3 stories along 6<sup>th</sup> Street. The idea there is to have the more commercial side (2<sup>nd</sup> Street) match the existing use. The 6<sup>th</sup> Street side is decreased to help transition more easily into the single family homes across the street.

**Commissioner Lahendro:** How tall is the grade elevation difference on the north side of the parking area?

**Mr. Russell:** It is varied and depending on the variation it would be 6-10' tall at the highest point. It will be sloped rather than a continuous face of 10'.

**Commissioner Lahendro:** At the bottom of the retaining wall, will the critical slope stay the way it is now?

**Mr. Russell:** Yes. We are trying to grade as little as possible past the retaining wall.

**Commissioner Lahendro:** For the buildings facing 2<sup>nd</sup> Street, can they be pulled back so their footprint is not within the critical slope, either by making them taller or pushing them to the south property line and letting the sidewalk be on the north side that is elevated post grade? It would let the critical slopes continue underneath. Is there a design way to push the footprint of the buildings on 2<sup>nd</sup> Street so that they are outside the critical slope?

**Mr. Russell:** There is a setback on that side because it is next to residential, so we are pushing the building a little further west. The setback is 20', which is why the building is positioned on that side of the site. It does unfortunately push us into the critical slopes more.

**Commissioner Lahendro:** Can you make the building taller to reduce the footprint?

**Mr. Russell:** Making the building taller is an option, but because it is so thin we have to provide the correct amount of parking, which is why the parking is so spread out in the center and the buildings on the ends. Increasing the height on the 2<sup>nd</sup> Street side wouldn't help us in terms of helping to reduce the actual disturbance. We can talk to the developer about that possibility.

**Commissioner Solla-Yates:** The parking is the dominant visual element when looking at the site plan. Directly to the north there is a huge surface parking lot. Is there any way of leveraging that to make this work better?

**Mr. Russell:** In terms of getting people to the 6<sup>th</sup> Street side that becomes less possible because it isn't adequate.

**Commissioner Stolzenberg:** Is there a legal requirement that it has to be that accessible by foot?

**Chairman Green:** Isn't there is an ADA requirement?

**Ms. Creasy:** There are handicapped parking requirements for distance, but there are also allowances within the code for general parking to be within certain distances of developments

**Commissioner Stolzenberg:** Does that include shared parking agreements?

**Ms. Creasy:** There are different options and that is one of the options.

**Chairman Green:** Are you saying that for the commercial, you could access 2<sup>nd</sup> Street and the parking easier than what the residential could be on 6<sup>th</sup> Street?

**Mr. Russell:** Correct, and if the adjacent parcel was developed that would potentially eliminate that parking availability.

**Chairman Green:** Is it possible to do the mitigation recommendation that staff made on this site?

**Mr. Russell:** It is expensive, but it is possible.

## COMMISSIONER DISCUSSION

**Chairman Green:** The housing and commercial are both needed, but the difficulty lies in allowing the critical slopes to be disturbed and cutting down all those trees for parking.

**Chairman Green:** Have you really looked at this design in depth?

**Mr. Russell:** We've look at it and this design with both buildings fronting on both streets and this scale works really well for the site. Disturbing less critical slopes is extremely difficult, especially if we want to address 2<sup>nd</sup> Street.

**Commissioner Lahendro:** There is likely a design way to help reduce the amount of critical slopes being disturbed along the buildings along 2<sup>nd</sup> Street.

Commissioner Stolzenberg moves 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 storm water 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. Seconded by Commissioner Solla-Yates. Motion ties 3-3.

**Commissioner Lahendro:** Notes that he cannot support the project. It doesn't comply with the Standard of Review, which is to "unreasonably restrict the use, reuse, or redevelopment of such property." It can still be used and redeveloped just fine if we can keep the building out of the critical slope.

**Chairman Green:** Agreed.

**Commissioner Stolzenberg:** It's important to remember the bonus height analysis, which says as soon as we rise above that 5 story mark to switch to concrete and steel, the apartments will get much more expensive.

**Commissioner Lahendro:** That is old thinking. They are now building laminated wood buildings at 10 stories tall.

**Commissioner Stolzenberg:** True, but they are very expensive.

**Commissioner Lahendro:** The recommendation is to redesign the project so that the buildings fall outside of the critical slopes.

**Commissioner Mitchell:** If we do this, the price rises and we begin to defeat our desire to increase our affordable housing stock.

**Chairman Green:** It's also increasing the price by doing the onsite water. If this were affordable housing it would be different.

**Commissioner Dowell:** The only time we talk about affordable housing is with apartments and that should not be the only affordable things being sent our way. Homeownership is one of the biggest ways for generations to come out of poverty.

**Commissioner Stolzenberg:** It's not the case in this case. Homeownership is still possible with apartments and apartments are naturally a more affordable form of housing.

**Chairman Green:** It's not about the rental vs. non-rental. The rates for these apartment rentals is probably going to be \$1400-\$1800. There's not any affordability.

**Commissioner Mitchell:** Mr. Lahendro, do you not think that the mitigations address the things you are worried about?

**Commissioner Lahendro:** They address the storm water issue but it's the slope itself and the fact that it is vegetated with large mature trees on it. It's an important piece of the character of this area and we are protecting the critical slopes for a reason. It's a difficult site but it's not impossible to do that.

**Commissioner Stolzenberg:** It's not rent-regulated affordable but in terms of prices, but as soon as you go from stick built to concrete the cost building goes up 21.5%.

**Commissioner Solla-Yates:** The critical slopes waivers need a public purpose to do it. Could we include an affordable housing element as a requirement?

**Ms. Creasy:** That doesn't seem like it would be directly related to the critical slope portion itself. The condition needs to be related to the slopes.

**Mr. Russell:** We believe this site plan addresses 2<sup>nd</sup> Street and 6<sup>th</sup> Street in a thoughtful way. We are disturbing a substantial amount of critical slopes, but we believe that this plan meets the goals that are set forth in the Comprehensive Plan and the SIA this plan does those things by creating mixed use along 2<sup>nd</sup> Street with residential at a scale that is appropriate for what the vision is for the area and what is there now. We want to create appropriately sized housing and this site plan achieves those goals. Not disturbing critical slopes would require us not to address 2<sup>nd</sup> Street in the way that those documents point towards.

**Chairman Green:** What are the commercial elements there?

**Mr. Russell:** It would be a commercial bottom floor commercial but the tenant hasn't been determined.

**Commissioner Lahendro:** The presentation showed the 1960s when Pollocks Creek was still open. Was that a natural slope down to Pollocks Creek where this site is?

**Mr. Russell:** The furthest end is possibly native slope, but the northern side looks to be completely disturbed with grading and the parking lot of the street.

**Chairman Green:** It looks like the slope has been graded on the IX Park side. While we have this immovable barrier in place to protect trees, what kind of mitigations are there if something accidentally happens?

**Ms. Creasy:** We would shut the site down and make them correct it.

**Chairman Green:** It would be difficult to mitigate a 24" maple. Many of these trees' roots are large and when you cut that into an 8' retaining wall they are not going to last.

**Commissioner Solla-Yates:** Since we are talking about mitigation, can we talk about reducing parking impact as a mitigation effect? Most of this space is surface parking and if we require less surface parking we get more critical slope.

**Commissioner Mitchell:** Where does the parking go and aren't there regulations to follow?

**Ms. Creasy:** They would have to adhere to the regulations, so if the parking onsite decreases, they have other options within the code to work with. It could limit the number of units, the square footage of commercial, among other things.

**Chairman Green:** We've had some places where they are allowed to calculate on-street parking on 2<sup>nd</sup>, which is a commercial corridor anyway. Is there any way to utilize some of the on-street parking to eliminate some of the parking?



**Ms. Creasy:** There is a process that comes into play with that and it is unclear if we can condition that or not. To do that, there is a count done about utilization of parking onsite and approval has to be provided to count it onsite. It might be a tough call, given the proximity to Downtown and levels of parking, but we don't have any of that data.

**Commissioner Stolzenberg:** They could do a cooperative parking arrangement anywhere within 400'. That has no regard to hills and probably doesn't include the ADA requirements but that is a pretty significant distance.

**Commissioner Lahendro:** If the block of building closest to 2<sup>nd</sup> Street was reduced in footprint to avoid destroying the critical slope and letting the next block up be the footprint that it is, that would be a good compromise.

**Chairman Green:** It feels like we have a lot of good alternative ideas that could be looked at by the Engineering firm.

**Commissioner Lahendro:** If we deny this, would that tell them to go back and look at it further?

**Ms. Creasy:** With a recommendation for denial, they would have the opportunity to come back or go straight to Council.

**Commissioner Lahendro moves to recommend denial of the critical slope waiver for Tax Map 27 Parcel 36. Seconded by Chairman Green. Motion is approved 3-2. Commissioner Mitchell abstained.**

**Mr. Russell:** Moving forward in trying to reduce parking, is there a way for us to do that prior to bringing it forward again?

**Ms. Rainey:** The code does have allowances for a certain percentage of spaces required to be reduced through means of off-site parking agreements or reductions based on proximity of bus stops and bike facilities provided onsite. There is a limitation as to how far the applicant can reduce the required parking based on those measures, which are detailed in the site.

**Ms. Creasy:** There is a full code section to review and the applicant has to understand what the uses will be because the amount of parking will be tied to that.

**Commissioner Dowell:** It's not that we don't want any parking so we don't need it reduced to no parking onsite, but we don't want to see the vegetation and the critical slopes disturbed so drastically just for parking when there are other alternatives.

**Commissioner Dowell:** In November we should review how we proceed with our preliminary hearings for joint work sessions with Council. Right now it is not feasible to anyone to change things.

## **V. Adjournment**

**10:15 pm – Chairman Dowell moves to adjourn until the second Tuesday in June 2019.**

## **Planning Commission Work Session**

**May 28, 2019 5:00 - 7:00 p.m.**

**NDS Conference Room**

**Members Present:** Chairman Lisa Green, Commissioners Jody Lahendro, Lyle Solla-Yates, and Rory Stolzenberg

**Members Absent:** Commissioners Taneia Dowell, Gary Heaton, and Hosea Mitchell

**Staff Present:** Lisa Robertson, Brian Haluska, and Kari Spittler

Chairman Green called the meeting to order at 5:15 pm.

### **1. Roles and Responsibilities of Planning Commission**

**Chairman Green:** We do not have a full commission tonight, which is unfortunate because both items on the agenda are important and deserve a full commission review. Let's have a quick discussion on the roles and responsibilities for the Planning Commission, but we will be putting this on the agenda at a later time when we have the attention of the full commission because it is that important. Does anyone have questions about the roles and responsibilities of the Planning Commission?

**Commissioner Lahendro:** Is this the review of the document that Ms. Robertson sent out?

**Chairman Green:** Our bylaws were updated in 2017 and we have operating guidelines as well that were created by the Planning Commission at that time. There was also the Planning Commission Role that was a guideline Ms. Robertson found from California. She struck out things that weren't applicable to Virginia, but it has good outlines.

**Commissioner Stolzenberg:** Regarding bylaw 3.5, Procedures for Consideration of Planning Items, section 3 within that document details ways that non-commissioners can bring up a non-routine major planning item. Separately from that in section 3.4 it says that any matter not on the agenda can be brought up with the majority of commissioners present. Based on section 3.5(3), the regular meeting is the appropriate time to bring up new things at least for non-commissioners. What and when is the appropriate way to exercise section 3.4?

**Chairman Green:** The order of business to come before the meeting shall be expressed on the agenda, so there would be a conversation beforehand that could then be talked about on the agenda. It also gives it a chance for it to be advertised.

**Commissioner Stolzenberg:** The agenda is set in advance, but there is this clause to add a new business item.

**Ms. Robertson:** Section 3.5 subparagraph 3 talks about non-routine major planning items, which are referenced as planning matters that will involve study or research over a period of time and consultation

with organizations or groups of individuals outside NDS. This is saying that various people want to ask the Commission to look at things and it can be a citizen, a Commission member, etc. After preliminary consideration by the Commission, if a majority of Commissioners deem it to be worthy of consideration and study, the Commission can proceed with a study. In the past, someone in advance of a meeting while the agenda is being developed would put that matter on the agenda for consideration of a change. The Commission can initiate a change by a motion. In the past what you have done to indicate whether you want to have a further study is to put it on the consent agenda if everyone is agreement, or to put it on as an agenda item, but either way it is done in advance. Section 3.4 addresses that you can change your agenda, but very rarely has a major planning item been initiated and discussed at the same meeting when it isn't an agenda item. Section 3.5(3) says that after preliminary consideration by the Commission, which gets done by having something on an agenda for discussion, then if a matter is deemed to be worthy of further discussion, the Commission would vote at that meeting to determine if it should proceed with a study and go from there.

**Commissioner Lahendro:** This is not well-written and it is not clear.

**Ms. Robertson:** That's why we want to have a discussion. How the Commission interacts with each other and how you want to conduct your planning business should be reflected in the bylaws and operating guidelines. This is a fairly new Commission and if you want to organize yourselves differently or handle things procedurally differently, then you should have a discussion together before something comes up and agree upon it, and then we can revise it to say what this Commission wants to do.

**Commissioner Lahendro:** Even 3.5(3) isn't clear about what it's saying to do. It states that "other planning items may be brought to the Planning Commission by the general public, which may be put on the agenda after discussion by the Planning Commission." You mentioned that they need already be on the agenda, but it doesn't say that here.

**Chairman Green:** It should say to be put on a "future agenda."

**Commissioner Stolzenberg:** It says for it to be put on the agenda after a discussion by the Planning Commission, so do we need to put a discussion about it on the current day agenda and discuss whether or not we want to discuss it on a future agenda?

**Chairman Green:** As a person of the public and as a local government official, there is a lack of transparency with having that discussion that day.

**Commissioner Stolzenberg:** The discussion in this clause seems to be the discussion of whether to put it on a future agenda to discuss it rather than the meta-idea of discussing it.

**Ms. Robertson:** Paragraph 3.5 section 3 is trying to get at how you develop a proposal to a point where it is worthy of public discussion. There is a difference between receiving requests at Matters from the Public. The issue that is attempted to be dealt with here is how something gets initially discussed among Commissioners and the level of information that Commissioners should have to even have a preliminary

discussion about it and under what circumstances you would move something forward as a potential amendment to the zoning map or zoning ordinance. It is a two level inquiry.

**Commissioner Lahendro:** What other avenues are there for having that done? Is it just through writing into the Planning Commission?

**Ms. Robertson:** The other variable is that there is a state law about how zoning amendments gets initiated. There is not a provision in the state law that allows a member of the public to bring forward anything other than the initiation of a change in the zoning for his or her particular property. Other amendments are to be initiated by City Council and referred to the Commission for study, or by the Planning Commission itself by a motion. Members of the public have to come to you through Matters from the Public or writing in to express an idea, but the Commissioners are the ones that evaluate what should be developed for further discussion and a proposal to be an actual part of the City's zoning regulations.

**Chairman Green:** There is a work plan that is established by City Council and the Director of NDS, right?

**Ms. Robertson:** There has been in the last few years. It is unclear if that is a standing work plan, but it certainly was the case for the Commission for 2017 and into 2018.

**Chairman Green:** Are we part of that work plan?

**Ms. Robertson:** The Commission has done a lot of work on the work plan and now things are taking a step back and considering having a consultant come in and look at the work that has been done and to consider revising the land use plan, which would potentially include proposals like Mr. Stolzenberg's. Once that guiding plan is established then it would look at how you might use your zoning ordinance to further the goals of that plan. We are looking at coming back with a comprehensive review of the zoning ordinance at a later date. That doesn't necessarily require you to stop consideration of all changes to the zoning ordinance, however big changes that should be informed by goals and objectives in the Comprehensive Plan might want to be rolled into that process. There are a range of responses including not making any changes until there is an updated Comprehensive Plan or only considering matters that are minor housekeeping changes that would clarify what people currently needed to do.

**Commissioner Stolzenberg:** Is the work plan available to the public?

**Ms. Robertson:** Yes. It was a resolution adopted by City Council at the end of 2016 or early 2017.

**Commissioner Lahendro:** It would be good to publicize that this is where we would like them to bring forward proposals and suggestions for the Commission to study. Otherwise we would have to be able to entertain that coming forward to us at our monthly meeting.

**Ms. Robertson:** Many years ago, the Director of NDS would do an annual housekeeping proposal in which they came up for any provisions in the ordinance that were difficult to interpret or were perceived as creating problems throughout the year. There were housekeeping amendments that came

forward once per year. It was always very well-received and something similar could be done for items from the public.

**Commissioner Lahendro:** We could do that and gather data for developing our annual work plan with public input.

**Chairman Green:** We started something like that, which was our parking lot. This annual list hasn't been seen in a long time. We used to have priority planning work sessions.

**Ms. Robertson:** If you were to use something like a parking lot list, you would have to carve out time to actually get to it.

**Commissioner Lahendro:** Lately we've just been reacting to what comes to the Commission monthly.

**Mr. Haluska:** When Mr. Emory was on the Commission we did have a retreat and items needed to be cut because you couldn't get to everything. There are high priorities of the Commission and housekeeping items for changes in the text, which are very different in scope, but determining the Commission's interest in dealing with those things would be helpful for staff to effectively get those items to you.

**Chairman Green:** The priority planning meetings also informed how we looked at the CIP. However, this was brought to us to be looked at.

**Commissioner Lahendro:** There is a concern about how the public can bring matters to the Commission. If the only opportunity is in the Matters from the Public at the meetings, it is not acted on. We often don't even respond to them.

**Ms. Robertson:** That might depend on if you update these documents to provide some mechanisms. If you knew there would be an annual housekeeping, you could say that it should be something that staff should advise you on as part of the annual housekeeping changes. You could also set a calendar at an annual meeting with items you hope to attack and then build in meetings or work sessions to determine how to best to work on those things. You could do things in a more deliberate way with less frustration.

**Commissioner Lahendro:** When we get the entire Commission together we should discuss the possibility of having an annual work plan and housekeeping meeting. When reading the document, there are a number of other questions if we want to get into that without the full Commission.

**Chairman Green:** There are Commissioners that could benefit from these discussions and we may want to wait so that we don't have to go over it twice.

**Ms. Robertson:** This publication seemed very well done and raised many points that are on par with what the Commission has been struggling with.

**Commissioner Lahendro:** It was nicely organized and it prompted many questions to bring up so that we are all in agreement with one another.

**Chairman Green:** While this is a California publication, we can determine what items from it are appropriate so we can create our own Role to be aligned with our bylaws.

**Ms. Robertson:** We could also create one for you that is based on how we do business here and what Virginia laws are. We didn't want to attack that without having input first.

**Commissioner Stolzenberg:** Some of the things are covered in the bylaws and the guidelines, but it makes sense to talk about it together to make these decisions. It does have a lot of parallels to the materials from the VCU land use class, but there are also differences in how they do things and what they prioritize.

**Chairman Green:** Let's continue this with the full Commission present.

## **2. Zoning Discussion – Fry's Springs**

**Commissioner Stolzenberg:** Fry's Spring has had a wave of development in recent years that is actively continuing and will soon see the remaining greenfield land developed. Much of this development has been significantly outside the existing character of Fry's Spring, speaking specifically of the built form and the price range of affordability. The developments in Fry's Spring, particularly the by-right developments and a recent PUD, have been significantly larger homes. As we fill in these areas, the homes are significantly more expensive and much larger than those around them, not only because they are detached, but they are also physically quite different. Some of the new homes, especially on Porter Ave and Oaklawn Court are among the most expensive homes in the entire neighborhood. They are in the range of \$750,000 to \$800,000. There are about 7 older historic homes in that price range along JPA closer to the University, but for the most part the newer homes are above and beyond the bulk of the neighborhood. While there is a premium for new builds, that premium is not enough to explain the whole difference. In terms of square footage, they are quite a bit larger than the average homes in the neighborhood, most of which were built between the 1940s and 1970s. For example, one house on Oaklawn was built in 2017 and is 5800 sq. ft., whereas the average is 1424 and the median is 1200 sq. ft. range. In terms of cost, the brand new homes are at the median for all construction, which is \$298,000 and it has gone up significantly in the past few years.

**Ms. Robertson:** You aren't accounting for changes in assessments during the timeframe versus changes in the cost of a newly constructed home, which should correlate most of the time but for something that was constructed 5 years ago, an assessment may have changed.

**Commissioner Stolzenberg:** This is using assessment as a proxy for cost. This is the current year assessment and I expect that to be true.

**Ms. Robertson:** Likewise, for something that has been there in the 1950s, you are reflecting assessment and not really what would be the cost of constructing that new today, even at 1400 sq. ft.

**Commissioner Stolzenberg:** Yes. To construct something a 1950s era house today it would require purchasing land at today's prices and constructing it.

**Mr. Ikefuna:** Based on the information you have, what do you think the estimated cost of land of construction would be right now?

**Commissioner Stolzenberg:** The new built premium isn't the main driver because even with the new built premium, you aren't spending significantly more per square foot to buy a brand new house. It's a little cheaper to buy an attached house and significantly cheaper to buy a duplex, even the newly built ones. Compared to the smaller 1950s era houses, you are paying the same or less, which indicates that the market doesn't significant value these new built premiums. Because of the nature of R1 zoning, which has the same dimensional requirements as R2 but requires that it only be one single non-divided house, builders are incentivized to build as much as they can. They could divide it into two and get more homes out of it, but they can't so they built the exact same houses that are much larger. Because assessments in general are significantly higher now than in the 1950s, there isn't a lot of incentive for them to build smaller than the allowed envelope so they build and sell it for as much as they can. Lastly, there is a misconception across the City that R1 zoning reflects the existing character of the neighborhood. We can see that it isn't true in terms of the built form character, but there are also non-conforming uses all over the place, even in R1 zones that were R1 for many years. The lesson to be learned is that our regulations are driving the high costs of these new homes. It is possible to build new homes and sell them profitably by dividing them in two and selling them separately. As of now we don't allow that, but even with R2 zoning they could build exactly what they see on Porter and Oaklawn. We could stop them from doing that unless we actually amended the zoning text, but if we believe that more affordable homes are a better outcome by only allowing the most expensive outcome, we are ensuring that we get the worse outcome.

**Chairman Green:** What is the guarantee that they cut them in half and they are still selling for \$300,000-\$400,000?

**Commissioner Stolzenberg:** That is a plausible outcome, but as a Commission we have to determine if it is better to have two \$300,000 duplexes or one \$600,000 home. That second family still has to go somewhere and will likely end up moving into an existing home, potentially displacing someone else. As we've seen in the RCLCO study a few years ago there are many people who would and can afford to move up market but can't because there aren't homes available. We don't have enough homes for how many people want to move to Charlottesville for our historically and nationally low unemployment rate and high quality of living.

**Chairman Green:** What is your proposal?

**Commissioner Stolzenberg:** Notes that he would like to be less prescriptive today and hear the thoughts of the Commission and whether you agree with the conclusions. Do you agree that there is urgency and that we might have these bad outcomes before a potential Comprehensive Plan and zoning rewrite is passed?

**Chairman Green:** You are saying that smaller lots create more affordable housing, but there are areas shown where this is not the case. In order to get this smaller cost, instead of doing single-family homes they have to be attached, not just smaller lots?

**Commissioner Stolzenberg:** They don't have to be, but yes. It could be smaller lots as well but this is already R1S zoning.

**Ms. Robertson:** The zoning says for new single family detached dwellings that you are supposed to have 6000 sq. ft. However, if you have an existing non-conforming lot as to size, you are allowed to build one dwelling on that. We want people to be able to use their lots. The question is what the benefit is of getting rid of the non-conforming duplexes versus if looking at whether having different setbacks, building envelopes, and smaller lots would accomplish the objectives more efficiently.

**Commissioner Stolzenberg:** There is a third option too. You can make non-conforming parcels conforming but it doesn't change much in terms of outcomes. If we are going to do that, it should be done as an aside as we make changes more broadly. We have all these parcels on Naylor but they are all zoned R1. However the ones on Mosely are all single-family attached, the ones Longwood have the PUD, and north of Harris there are a number of duplexes and single-family attached homes. Why are they zoned to be different from everything surrounding them? Is that a positive outcome when we know that doing so would create more expensive homes, especially on streets like Naylor where the street isn't an accepted street yet because it's new? There aren't neighbors on the same street that will be affected by any perceived negative consequences of having single-family attached homes near them like parking, given that they are all going to be new homes.

**Commissioner Lahendro:** There is the issue of lot size, but the other important part of that is street frontage. All of these lots are very narrow and the existing buildings almost fill them up from side property line to side property line. At the core of this is a national and state historic district and an unintended consequence might be that a developer might buy two or three small lots and make it one lot for a multipurpose building that destroys the historic character of the core.

**Commissioner Stolzenberg:** That is a great point. In R2, the dimensional requirements for detached units don't change but the side setback requirements for attached units do. There are duplexes scattered throughout the historic district so if we are talking about the existing and historic character of the district, that character is specifically mixed housing types, zoning or not.

**Commissioner Lahendro:** Although a lot of those started off as single-family residences and were cut up into duplexes for students. It's important to keep the buildings that were originally built as single-family dwellings and can be converted back.

**Commissioner Stolzenberg:** Is it important to keep them as single family alone, or is it important to keep them as the historic structure that they are?

**Commissioner Lahendro:** As long as they are kept and have the option of going back to a single-family home, that is the important thing.



**Commissioner Stolzenberg:** Most of it is R1s and because of those larger lot size requirements for attached units, they couldn't easily be converted but you couldn't just tear one down and split one up if it was already at the 6000sf for a single family home.

**Commissioner Lahendro:** It would be nice to have something that allowed the backs of these very long lots to have another dwelling on them and be able to keep the historic building on them. It would be great if we could cut the property in half and sell off the back half.

**Chairman Green:** Access is a problem and there are critical slopes and watershed here as well.

**Ms. Robertson:** Is this too large of an area to consider planning it at a small-area plan level? Some of the issues are likely to be found anywhere the City has R1 zoning and we are hopefully about to embark on a comprehensive review of the land use plan. Arguably, this is an argument for looking at it wherever it occurs in the City. However, if you want to start on this particular neighborhood, why wouldn't that be a good argument for a small area plan to identify the goals for the whole neighborhood and then look at how to write the ordinances to implements those goals?

**Commissioner Lahendro:** It isn't representative of all of our single-family neighborhoods, but our older communities closer to Downtown have similar characteristics that would all benefit from a small area plan.

**Ms. Robertson:** We already have 26 different zoning districts so instead of creating a new zoning district for a particular neighborhood, it seems like maybe it would be better to do something like a small area plan and figure out how to adjust zoning ordinances for when certain conditions occur.

**Chairman Green:** It feels large and there are concerns knowing that this Comprehensive Plan is coming and personally feels that change is coming. If we started this as a small-area plan with community engagement, it's almost like having community engagement like a small-area plan process to be able to engage the community. We need to make sure the neighborhood knows about this and see how they feel. Community engagement is a large part of the discussion of our Comprehensive Plan.

**Ms. Robertson:** In 2014, one of the biggest complaints about this neighborhood was that the duplexes already there were being occupied by mostly UVA students. They had lower rents and the neighborhood residents felt that it was adversely impacting how their neighborhood felt cohesively and was developing. We are looking at it through a different lens now, but it would be good to engage the neighborhood again before you get too far along in a specific proposal because that part of town does have quite a bit of influence from UVA.

**Chairman Green:** In full disclosure, I had an impromptu conversation with neighbors and asked pointed questions because we kept hearing that it was the renters. When we had deep conversation about it, it was not about people who rent and don't own, but it was about UVA students coming in chopping up the house and overcrowding it. Typically speaking, some of the 1<sup>st</sup> year students who have a car park it in the neighborhood because it's close to the school. We have to put enforcement tools in place to handle the problems that we have so we can have a better understanding and buy-in. Renters are not

the real issue, but it is the University not taking accountability for their student housing and for the 1<sup>st</sup> year students who are bringing their cars when they aren't supposed to and parking it in the neighborhoods when they aren't supposed to.

**Commissioner Stolzenberg:** I also spoke to many Fry's Spring neighbors and will be attending their July 12 meeting to talk about this analysis and how to address it. For example, it is difficult to report a zoning violation so it might be helpful to have better informational pages on the website to point people to the right place. Regarding the 2014 zoning, it was focused on areas like Cleveland and Shamrock, which are already R2. This analysis largely focuses on the southern area around Mosely Drive, just west of the R2 area that is more affordable, as well as Camellia, Monte Vista, south of Harris, and Porter. This area is too far from UVA so aside from graduate students there probably isn't a significant population. While we should improve our enforcement mechanisms, this is distinct from that conversation.

**Chairman Green:** Enforcement isn't just zoning. It's also property maintenance, police, parking, etc. and it is understandable that we have frustration in this neighborhood. However, it would be helpful to promote the app so that more people are using it.

**Commissioner Solla-Yates:** There are many infrastructure, safety, and connectivity issues in this area and we should look at that and we aren't looking at that in the Comprehensive Plan currently so it is a serious strategic concern that should be connected to any housing we look at. Moore's Creek and the school are here as well so there are some strategic interests that are worth looking into seriously. Looking at the whole thing, it doesn't make sense but tightening it up to be more focused makes sense.

**Commissioner Lahendro:** The streets like Azalea, Camellia, and Hilton aren't in the historic district and they have very different housing types.

**Commissioner Stolzenberg:** It's almost the southern Fry's Spring analysis but it was important to get Huntley in there to demonstrate that it's not PUDs that make it affordable.

**Chairman Green:** Regarding the infrastructure problem, the sewage system we recently spoke about is for suburban areas we got an answer to our question that determined that the pump needed to be 150-200' from any dwelling. We all have the conversation that the lots are too large and it needs to be connected so it isn't adversely impacting the neighborhood because then we are just adding one more thing to it.

**Ms. Robertson:** Those are arguments of why you look at an area comprehensively and our Comprehensive Plan has historically not dealt with transportation or public sewer issues. Many localities' comprehensive plans do address those issues in the context of how an area will develop or redevelop.

**Commissioner Stolzenberg:** If we initiate a small-area plan, would it take longer than a Comprehensive Plan?

**Ms. Robertson:** Generally, a small-area plan is a piece of the Comprehensive Plan. Presumably a consultant will be working closely with the Commission as a group and it's not too late to address these problems simultaneously, assuming this gets started soon.

**Commissioner Stolzenberg:** The concern is that if it's on the scale of something like the SIA plan, it could take years. Perhaps we can have a community engagement process now and find the concerns and needs of the community without making it too ambitious.

**Chairman Green:** While the SIA plan, while it seems like it isn't being worked on, the plan has been in place for a while. Are you suggesting that just we have a Comprehensive rezoning?

**Commissioner Stolzenberg:** Yes. It seems odd to create a specific zoning district and perhaps a form based code may be what they are looking for, but at this point we are 5 years into the SIA form based code and it doesn't seem to be there yet.

**Ms. Robertson:** The SIA plan was a component of the Comprehensive Plan to set out goals and objectives that specifically referenced a form based code. It took some time to get buy-in on the heels of adopting that new component of the Comprehensive Plan. Some localities will adopt a Comprehensive Plan amendment and at the same time will adopt the ordinance changes necessary to implement the amendment. This can move along expeditiously, but it requires everyone to buy into getting it done sooner rather than later.

**Chairman Green:** The desire of the Commission is to not have any lag time. We can put a small-area plan around 100 different circles, but we have to have the political will to follow the plan once we get it in place or else it means nothing. Unfortunately we have yet to see that happen in the City.

**Commissioner Stolzenberg:** That is a good point and it's not only when things come to the Commission and Council that we disregard the plan, but it's also when the ordinance isn't aligned with the plan. Under our existing Comprehensive Plan, we are seeing outcomes that are not in alignment with it. If we aren't going to follow the existing 2013 Comprehensive Plan because we think it is too old, we need to consciously make that decision. However, just because we are two years overdue we shouldn't say that we aren't going to take any action until we have a new one.

**Ms. Robertson:** Which provision of the current Comprehensive Plan are the PUDs not compliant with?

**Commissioner Solla-Yates:** The housing chapter and the land use chapter.

**Ms. Robertson:** Even in the Comprehensive Plan, it's necessary to have better integration of the components. You can't have land use that is separate from all of those things. The land use map should be the guidance but it should already take into account housing and other issues.

**Commissioner Stolzenberg:** The land use map doesn't make any comments on this because it's all within the confines of low density, but it's not in alignment with the stated vision of both the housing and land use chapters.

**Ms. Robertson:** The land use map has to bring everything together and state the long range recommendations and what we anticipate the area to look like as it develops over 10-20 years. We need to fix this piece because it has to bring the housing, environmental, and transportation together into an integrated recommendation with definitions, including density recommendations. Density should be a recommendation in the Comprehensive Plan, not a restriction in the ordinance, and we do it backwards.

**Commissioner Lahendro:** It's pointless to do a small-area plan if we haven't finished all the Comprehensive Plan sections that it will refer back to.

**Ms. Robertson:** It is planned to be updated with some tweaks. The housing piece needs to be updated to account for data to account for the basis of the recommendation, but once that is done, the main thing to be done is to factor in how to come up with a land use recommendation based on housing, environmental, and transportation factors. It has to be built into the land use recommendation.

**Chairman Green:** We took a pause because we have a housing strategy and we didn't know if the housing strategy would match the land use plan. The whole guiding principal behind where we are going is for this new long-range planner and the RFP for consultant to work together to complete the Comprehensive Plan, land use, and housing strategy to make sure they all meet and work how they are supposed to. Once they bring us the information on what matches, then we can make recommendations. This Planning Commission cannot do the entire creation when we don't have all of the information. On the heels of that is looking at the zoning ordinance and making sure that matches. Based off of conversations, we have to get these things right or else we will just create a bigger mess than we already have.

**Mr. Ikefuna:** You have to look at the resources available. If you initiate it now, we have to look at getting funding. We also have the Comprehensive Plan coming as well. We have to seek the resources to do it and then we have to look at the big picture approach, which we are getting ready to embark on.

**Chairman Green:** Hopefully once we get it started, it will move much faster than what we have seen. It will be dedicated resources because it is under the City Manager.

**Commissioner Stolzenberg:** To summarize, option 1, which we are leaning towards, is to wait for the long-range planner to be hired, the RFP to be made, and to finish the Comprehensive Plan and figure out what to do from there. Option 2 is to amend the existing Comprehensive Plan in the meantime to flesh out details that it doesn't mention. Option 3 is to work within the existing Comprehensive Plan and rely on the text and do something at a smaller scale with incremental change under the guidance of the existing plan. By the time we are done with this Comprehensive Plan and the zoning ordinance, most of the area will have already been filled in.

**Mr. Ikefuna:** If we start preparing a small-area plan for Fry's Spring right now, how could we stop that from happening?

**Commissioner Stolzenberg:** We could rezone those to R2 without a small-area plan under the guidance of the existing Comprehensive Plan and not touch existing streets and homes, except maybe the ones that were built in the last 2 or 3 years.

**Chairman Green:** If we were to rezone them to R2 immediately, the builder can still build one single-family house. It still won't guarantee that we won't have these big houses.

**Commissioner Stolzenberg:** Everything that is mandated in R1 is possible in R2. It's possible that we change it all and nothing changes at all, but by only allowing the most expensive outcome, we ensure the worst possible outcome.

**Commissioner Lahendro:** What is the mechanism for coming forward with changing the zoning of those lots? Does staff need to pull it together first or does the Commission need to first say that we need to look into it and then ask staff to look into it?

**Ms. Robertson:** Staff needs to validate based on their expertise and would need to do some vetting to ensure that you don't create a new problem by fixing this problem. Usually this is talked about in the case of a downzoning and when you do an up-zoning and do it piecemeal, you're talking about a zoning classification that applies throughout the City and there may be similar places where this is happening but you're only talking about dealing with one place. It feels disjointed, which is how we got to the ordinance that we have. You have to balance wanting to address the issue of affordability through one set of measures that seem to make sense but you need a process that makes sense.

**Commissioner Lahendro:** Is the argument that we are so close to getting the Comprehensive Plan done that we should wait to finish it before doing this?

**Ms. Robertson:** Yes, or you should look at simultaneously doing a Comprehensive Plan amendment of the current Comprehensive Plan with ordinance changes to solve the patterns of development we have seen come forward in this area.

**Chairman Green:** How are we going to have staff to do this amendment? Our task is to make recommendations on a Comprehensive Plan, not to write the plan itself.

**Ms. Robertson:** You don't have resources assigned, although the development of the Comprehensive Plan and the recommendations for what should be in there is very specifically one of the Commission's duties. The question then becomes if you should roll it into the process for which you know you will have outside resources because the director has said that we don't have the resources.

**Commissioner Stolzenberg:** If the existing Comprehensive Plan doesn't differentiate between the two things we are talking about, then a Comprehensive Plan amendment would require adding an entire additional layer of breaking down into more specificity than the Comprehensive Plan ever provided. It makes sense within the zoning map to allow the same thing that is on the other side of Naylor without doing a Comprehensive Plan amendment because it fits the plan.

**Commissioner Stolzenberg recommends initiating a rezoning from R1 to R2 for the Naylor Street parcel, Porter Avenue and Oaklawn area, and optionally the Flint Drive and Belleview areas for staff to review it for its feasibility.**

**Mr. Haluska:** Typically, the Commission would vote on an initiation of a study that results in an agenda item in the future.

**Chairman Green:** We can write a memo to initiate a study for discussion at the July meeting, tentatively.

**Commissioner Solla-Yates:** Could we look at similar parcels within the City?

**Ms. Robertson:** That is a major project and the concerns that have been brought up are the same concerns that led us to need a housing strategy and update the Comprehensive Plan to get a better zoning ordinance. The focus is supposed to be the land use plan and making sure the housing strategy feeds into it.

**Commissioner Lahendro:** Notes that he is willing to let it go forward and let staff study it, but that is all. It would be good to have more information on it.

**Commissioner Stolzenberg:** Now we have a tool that can be used for any area in the City. Hopefully if we can establish a process and precedent of doing small incremental changes, if the Comprehensive Plan and zoning ordinance come about in a year or two we can keep making small incremental changes as we see urgent needs arise.

**Chairman Green:** What happens if it goes against the housing strategy? This makes a lot of sense, but we have resources allocated from City Council and it would be a shame to pull those resources back for small incremental changes that have no guarantee will work. We also have no guarantee if it works within the housing strategy and we are taking staff time.

**Mr. Haluska:** An initiation is typically a 2 page memo and this one might be a little longer. We would note concerns if there are any but we wouldn't be doing a full on rezoning staff report with accompanying documentation to do an initiation.

**Ms. Robertson:** There is a difference between initiating a text/map amendment and initiating a staff-supported study. If the Commission wants an initiation of a staff-supported study on the July agenda, the recommendation is that the agenda item include a specific list of properties involved to make sure the property owners and neighborhood are aware of it.

**Mr. Haluska:** We will tentatively plan on putting in the July agenda.

### **3. Public Comment**

**Brian Becker, Fry's Springs Neighborhood Association President:** This has been a very thoughtful discussion. We are honored that you are looking at the Fry's Spring neighborhood and we appreciate the urgency. Public engagement is key and that is what we want. The concern was that this came out of

leftfield and no one in the neighborhood had been contacted about this. There is a longstanding history of lack of zoning enforcement. The number one issue is that we have noncompliant parcels and that's because there is lack of enforcement. Proposing rezoning just makes residents concerned that there will be more noncompliance, so I question the wisdom of rezoning noncompliant parcels to R2 because it simply validates that noncompliance. If you go back in history with the 2014 rezoning, we were seeking R1S so we support the ADUs. We aren't against density, but it is about what it looks like. Hopefully form based code can be part of the discussion, as well as the infrastructure issues and how we can enforce our ordinances. Fry's Spring is on the south side of the City and we aren't near where the jobs are so it doesn't make sense to focus in one of the far away neighborhoods because we want to encourage pedestrian and biking connectivity.

**Susan Quinn, Fry's Springs Neighborhood Association:** Don't underestimate what the proximity to the UVA gives us. You should add owner-occupied versus renters to the discussion. We just did that assessment for our street when we were thinking about asking about parking restrictions in our area and we were shocked. Observably on Raymond Avenue, there are 3 duplexes and 50% of the units are occupied by students, which that means 4 on each side and 8 cars. The entire front yard is gravel and parking, but it doesn't always accommodate 8 cars so there is pressure. You can't figure out how many are students, but the observation is that with it being that close to the University it is 50%. Further way it is probably less.

**Jess Wenger:** Thank you to Commissioner Stolzenberg and the Commission for starting this conversation. Mr. Haluska and Susan covered many of the concerns of the neighborhood and it is not density. We welcome new residents and neighbors whether they are renters, owners, or renters who want to become owners. Our neighborhood has generally been affordable to make that transition, although we are slowly getting out of that realm. Zoning is one of the keys there because the lack of enforcement and lack of City staff to enforce has been a problem, which is why some of the neighbors direct their ire at renters but it's really about the lack of zoning and enforcement. We aren't near the jobs and we are about 2 miles away from UVA. Having better infrastructure to support transportation, sidewalks, and bike lanes to get us out of the neighborhood if we are dense so that we can get to the places we need to go is important and keeping those things in mind when having these conversations will be awesome because those are most of the concerns that residents have. Lastly, thank you to Mr. Stolzenberg for coming to the upcoming association meeting to have conversations with even more residents.

**Adjournment: 7:10 pm.**

**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: June 11, 2019**  
**APPLICATION NUMBER: ZM19-00001**

**Project Planner:** Brian Haluska, AICP  
**Date of Staff Report:** April 29, 2019 (Revised May 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  
**Proposed Zoning Classification:** NCC Mixed Use Corridor, subject to proffers  
**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 zoning map amendment to reclassify the Subject Property to Neighborhood Commercial Mixed Use Corridor District ("NCC"), subject to proffered development conditions ("proffers"). The Subject Property is currently zoned R-1S and is the location of the Hinton Avenue United Methodist Church.

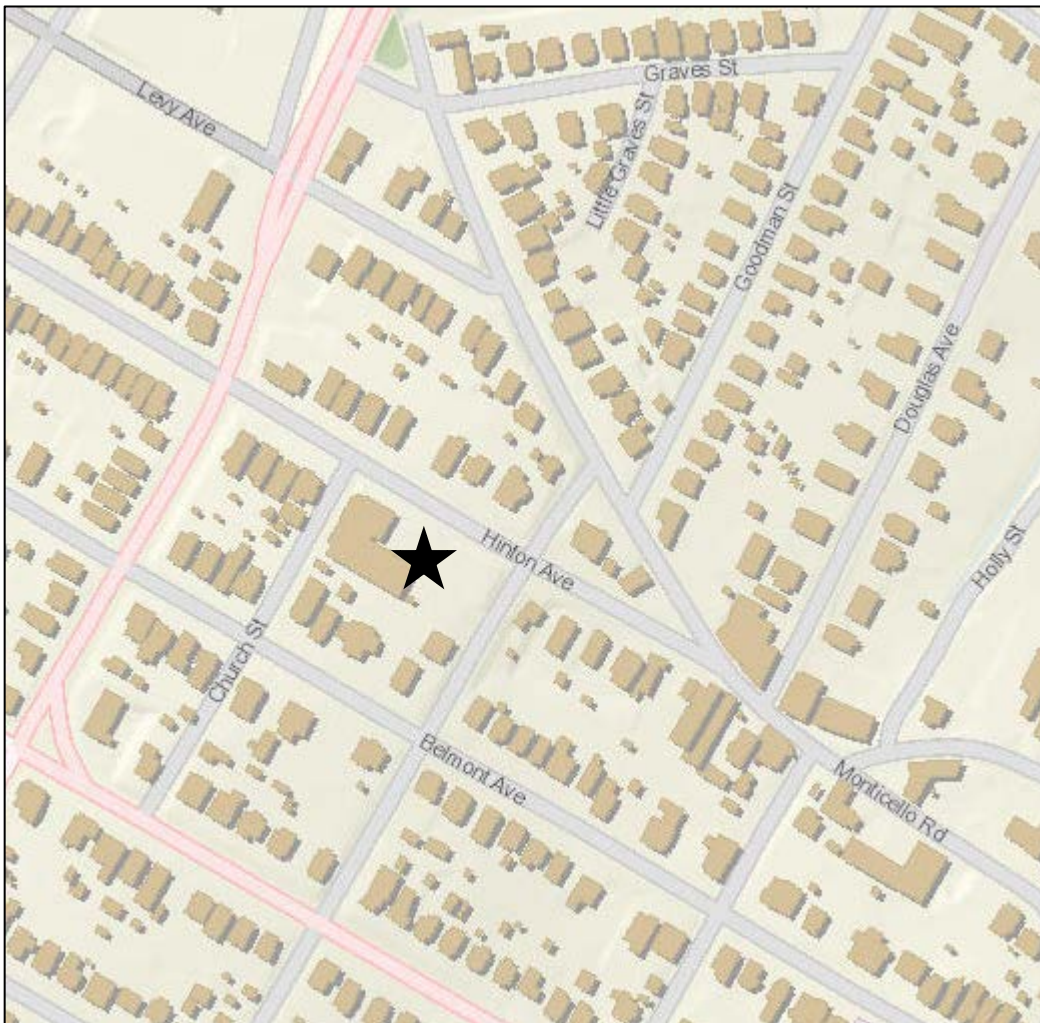
The proffered development conditions (see draft proffer statement dated May 15, 2019),



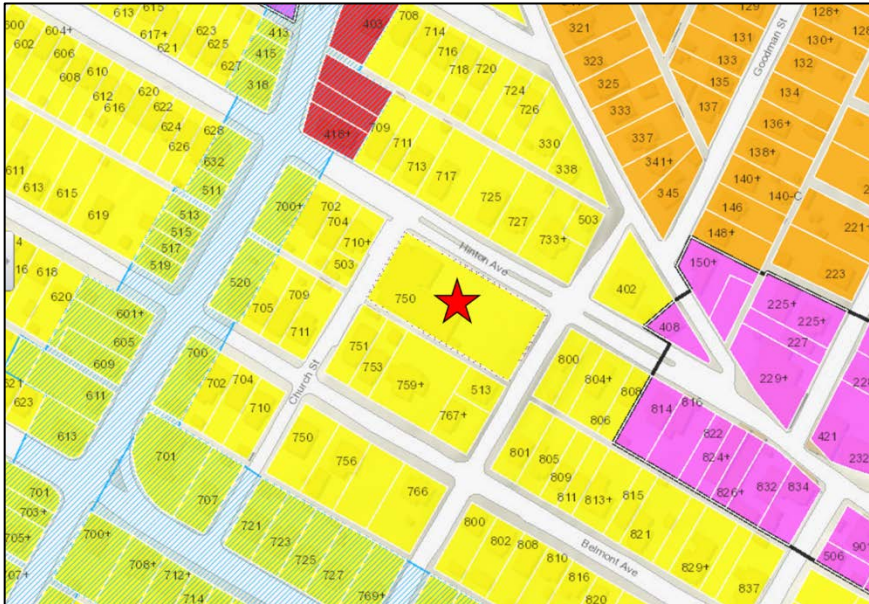
if accepted by the City, would:

- 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
- prohibit non-residential uses on the property, with the exception of educational and day care facilities
- close the existing Hinton Avenue entrance to the property upon issuance of a building permit for the new multi-family structure.
- Establish a maximum height of 38 feet on the property.
- Place a six foot minimum setback along primary street frontages on the property.

### Vicinity Map

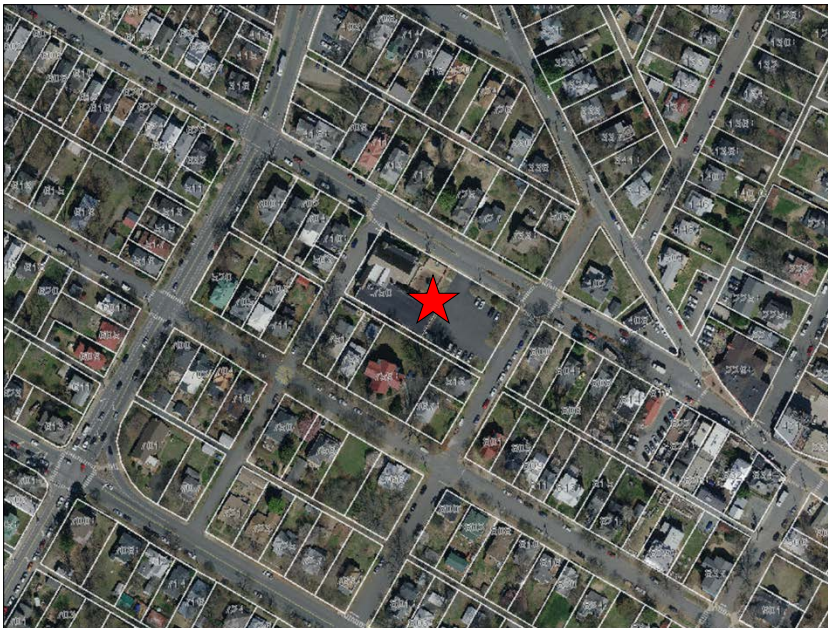


## Zoning Map



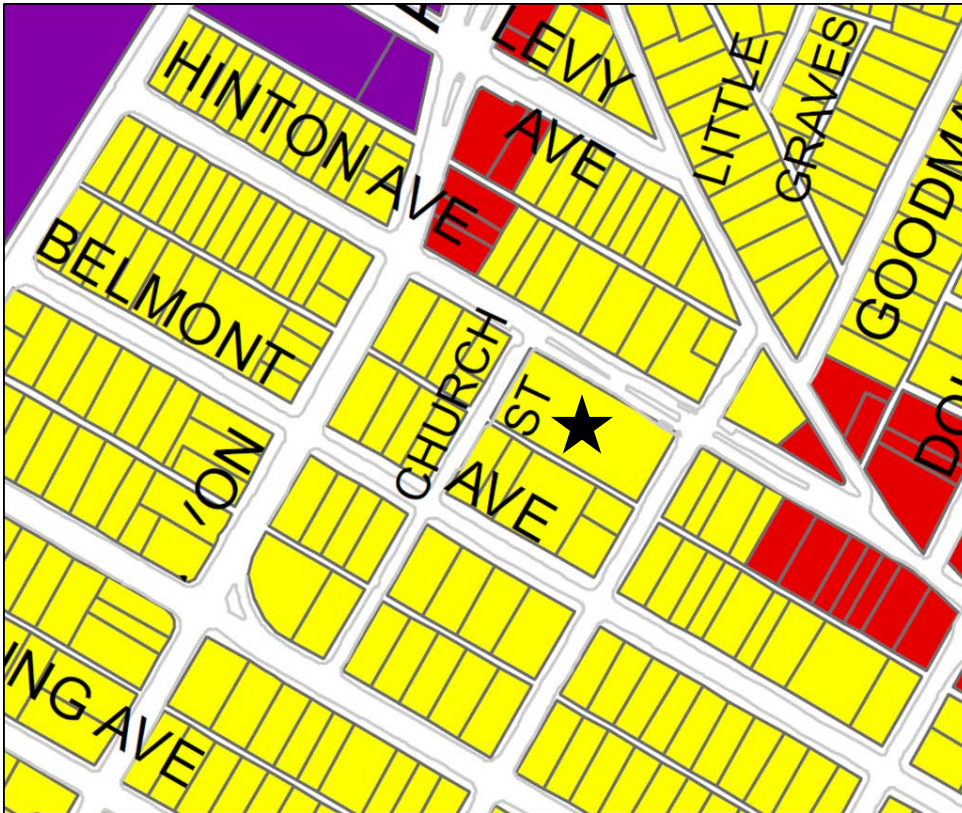
**KEY - Yellow: R-1 – Single Family, Low-Density Residential; Orange: R-2 – Two-Family, Low-Density Residential; Magenta: Neighborhood Commercial Corridor (NCC); Red: B-2 - Business**

## 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 Property in order to obtain an approval allowing development of a specific project: a multi-family dwelling. Within the current R-1S zoning district classification, multi-family dwellings are not permitted. If rezoned to NCC the Subject Property could be developed at the following density/ densities:

- **By-right (per Z.O. Sec. 34-700):** up to 21 dwelling units per acre (DUA).
- **With a Special Use Permit** (per Z.O. Sec. 34-700) permits residential development up to 43 DUAs with a special use permit, but the applicant has proposed a proffer to limit the residential density on the Subject Property to 21 dwelling units per acre (i.e., voluntarily giving up the right to seek a special use permit under the provisions of Sec. 34-700).

NCC zoning would also permit some commercial uses on the property, whereas no commercial uses would be allowed within the current R-1S zoning district. However, the proffered development conditions include a proffer that no non-residential uses will be permitted on the Subject Property, with the exception of educational facilities and day care facilities.

**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 prohibited on the site.

**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.

**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 application materials state that the specific development project proposed will 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, especially if in fact it will serve developmentally disabled individuals.

**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 zoning reclassification of the Subject Property 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 and the accompanying proffer statement would raise the maximum permitted building height to 38 feet, a three foot increase over the maximum height under R-1S zoning. It would reduce the side and rear yard setbacks to 10 feet, establish a six foot minimum primary street frontage setback, and impose a 10 foot maximum primary street frontage 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 not be a significant change from the current zoning regulations, or from existing patterns of development within this area.

**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 for an underserved group of individuals, including a type of residential dwelling (multifamily dwelling) that is not permitted under the current low-density zoning of the property.

Additionally, while several members of the public have asked whether a different zoning district classification, such as R-3, might be a better to allow for this specific proposed development project, that could not be done at this time, because (since the applicant has proffered out commercial uses) the R-3 classification would allow a higher density of development (up to 87 DUA with a special use permit, per Z.O. §34-420). At this time, the rezoning proposal described within the required notice of public hearing is for NCC, limited to a multifamily dwelling at a density of not more than 21 DUA, and the Commission is required to complete its review and make a recommendation to City Council no later than June 27, 2019.

Staff has included a memo previously drafted, which compared the R-3 zoning classification with the NCC classification.

**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, and low-density residential development is contemplated by the long-range [future] Land Use Map within the Comprehensive Plan. Neither the Future Land Use Map nor the Comp Plan narrative sets out a density range to define the term “low density”. The proffer which restricts density of the residential development to not more than 21 DUA provides an overall density that is relatively low, but is higher than what could be achieved within a SFD development in the R-1S zoning district (per Z.O. §34-1123 SFDs are allowed at 7.26 DUA, as a result of the 6,000 SF minimum lot size requirement). The applicant has indicated in their proposal that the purpose of the rezoning is to allow development of this specific project: a multifamily dwelling that will provide housing for developmentally disabled individuals. The goal of providing housing 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**

The specific development proposed by this application within the Subject Property will be evaluated for overall compliance with zoning and public facilities standards, during site plan review. Due to the location of the Subject Property, staff anticipates that all public services and facilities would have capacity adequate to support this development.

The applicant has proffered that the existing entrance on Hinton Avenue would be closed upon issuance of a building permit for the construction of the multi-family dwelling. This would then 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 located on-site at the Church will be reduced with the proposed development, which will in turn increase the demand for 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. Technically: redesigning the parking lot within the site plan process, to accommodate the needs of the multifamily dwelling, will result in no net decrease in on-site parking that meets current 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 Future Land Use Map was approved in 2013 and in many ways it simply mirrors the current zoning of the City, without anticipating potential needs for different types of housing within "low density" residential areas (i.e., housing types other than SFDs). As referenced above, staff finds that this proposal is in conflict with the Land Use element of the Comprehensive Plan.

The text of another chapter, however, gives the City additional guidance. As the applicant notes in their presentation, many of the goals in the Housing Chapter 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. The Transportation Chapter references the need to locate development proximate to transportation centers. 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 established 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 Land Use goals with the Housing and Transportation goals, relative to this specific project and its location. City staff continually stresses that the Comprehensive Plan is a guide for making land use decisions, not a "law" or "requirement" .. In evaluating the proposed residential use within this application, staff has given more weight to the goals of the Housing Chapter, and supports the potential

rezoning of the Subject Property to permit this specific development project: a multifamily dwelling, up to 21 DUA, serving developmentally disabled individuals.

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 offered a proffer that would limit the maximum height of any new buildings on the property to 38 feet, which is only three feet higher than the maximum height in the R-1S zone.

Additionally, staff finds that the concerns raised by adjacent residents regarding the extension of commercial uses into the 700 block of Hinton Avenue were originally a compelling argument against the application; however, the applicant responded to these concerns by proffering out all potential commercial uses of the Subject Property. The result is a rezoning that would allow three additional uses on the property by right – multi-family dwellings, educational facilities, and day care facilities – and in staff’s opinion these three uses that are complementary with the existing single-family dwelling character within the R-1S zoning district.

Based on staff’s evaluation of the proposal in relation to the goals of the Comprehensive Plan, specifically staff’s determination that the application meets the goals of the Housing chapter of the Comprehensive Plan, staff recommends that the application for rezoning be approved.

### **Suggested Motions**

1. I move to recommend approval of **ZM19-00001** to rezone the Subject Property from R-1S to NCC, subject to proffered development conditions, to allow for the specific multifamily development described within the application, based on a finding that the rezoning is required by public necessity, convenience, general welfare, or good zoning practice.

**OR,**

2. I move to recommend denial of ZM19-00001.

### **Attachments**

- A. Rezoning Application Received March 19, 2019
- B. Re-Zoning Petition Application Supplemental Information
- C. Draft Proffer Statement Received May 15, 2019
- D. Applicant’s Public Meeting Details, dated December 6, 2018
- E. Comparison of R-3 and NCC Zoning on 750 Hinton Avenue, dated May 13, 2019
- F. Public Correspondence Received as of June 3, 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) \_\_\_\_\_

Other (specify): CHAIR OF TRUSTEES

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

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:

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

1. 

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2. 

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3. 

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4. 

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5. 

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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 14<sup>th</sup> 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	
<b>TOTAL</b>			<b>\$2000.00</b>

### 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-15 (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 Alwardson

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 <sup>nd</sup> 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**

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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 apartments 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

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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.<sup>i</sup>

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.<sup>ii</sup> 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 20<sup>th</sup> 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.<sup>iii</sup> 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.*"<sup>iv</sup> 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.*"<sup>v</sup> 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.*"<sup>vi</sup>

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.*"<sup>vii</sup>

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.<sup>viii</sup>

## 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.*<sup>ix</sup>

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-Redevelopment) 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) <sup>1</sup>				
USE	DESIGN UNIT	QUANTITY	FLOW PER USE	
GENERAL OFFICE	200 GPD PER 1,000 SF GFA	4.60	920	
CHURCH SANCTUARY <sup>2</sup>	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 <sup>2</sup>	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		
<b>USES:</b>		
	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
<b>PARKING REQUIRED:</b>		
<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
	<b>TOTAL REQUIRED PARKING =</b>	<b>85 SPACES</b>
<b>PARKING REDUCTIONS:</b>		
	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
	<b>TOTAL PARKING REDUCTION =</b>	<b>8 SPACES</b>
	<b>TOTAL PARKING REQUIRED AFTER REDUCTION =</b>	<b>77 SPACES</b>
<b>OFFSITE PARKING PROVIDED:</b>		
<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
	<b>TOTAL OFFSITE PARKING PROVIDED =</b>	<b>44 SPACES</b>
<b>ONSITE PARKING PROVIDED:</b>		
	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
	<b>TOTAL ONSITE PARKING PROVIDED (EXCLUDING BONUSES) =</b>	<b>28 SPACES</b>
	<b>TOTAL ONSITE PARKING PROVIDED (INCLUDING BONUSES) =</b>	<b>33 SPACES</b>
	<b>TOTAL OFFSITE AND ONSITE PARKING PROVIDED =</b>	<b>77 SPACES</b>

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.

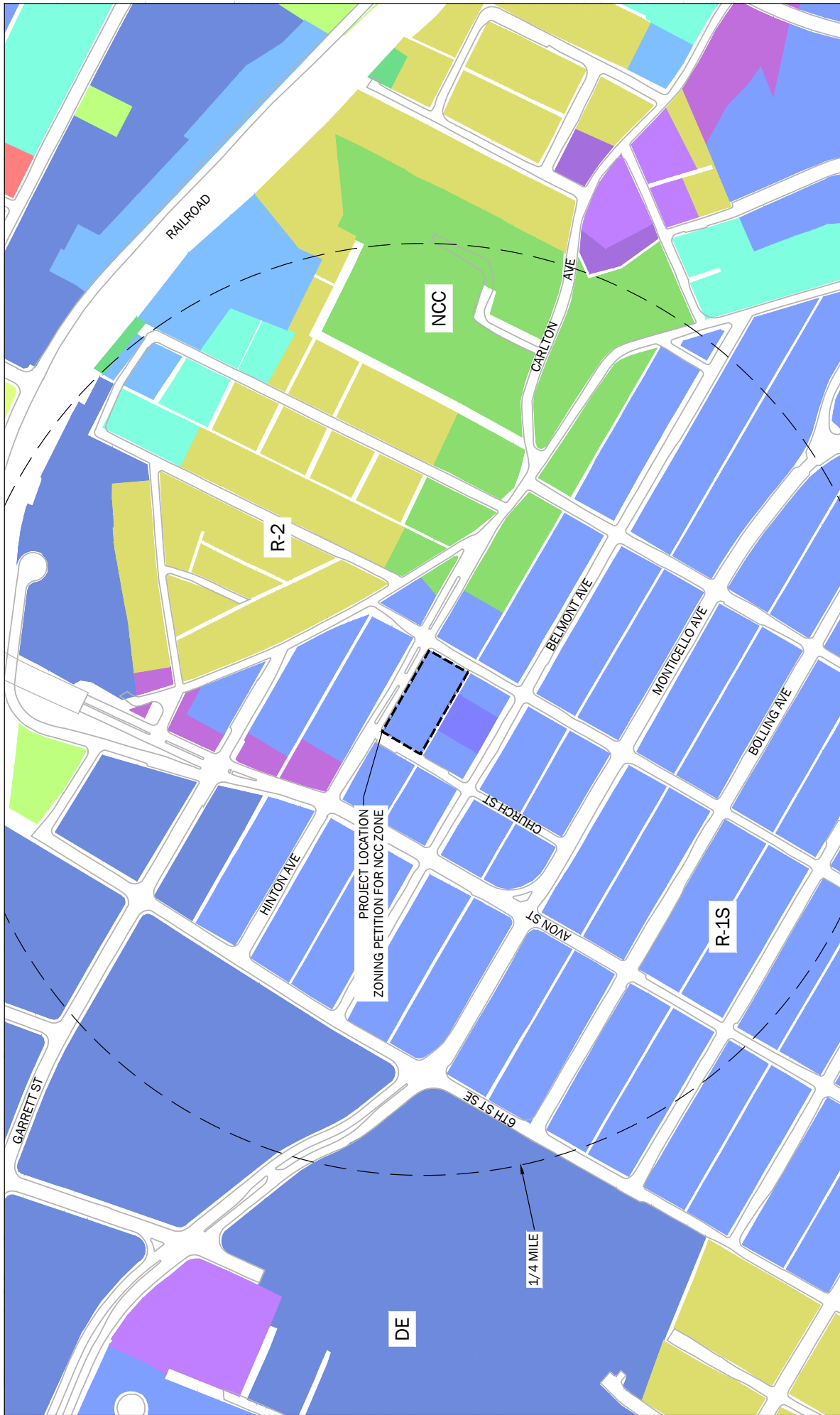
## Rachel's Haven

apartment living, the Hinton Avenue United Methodist Church



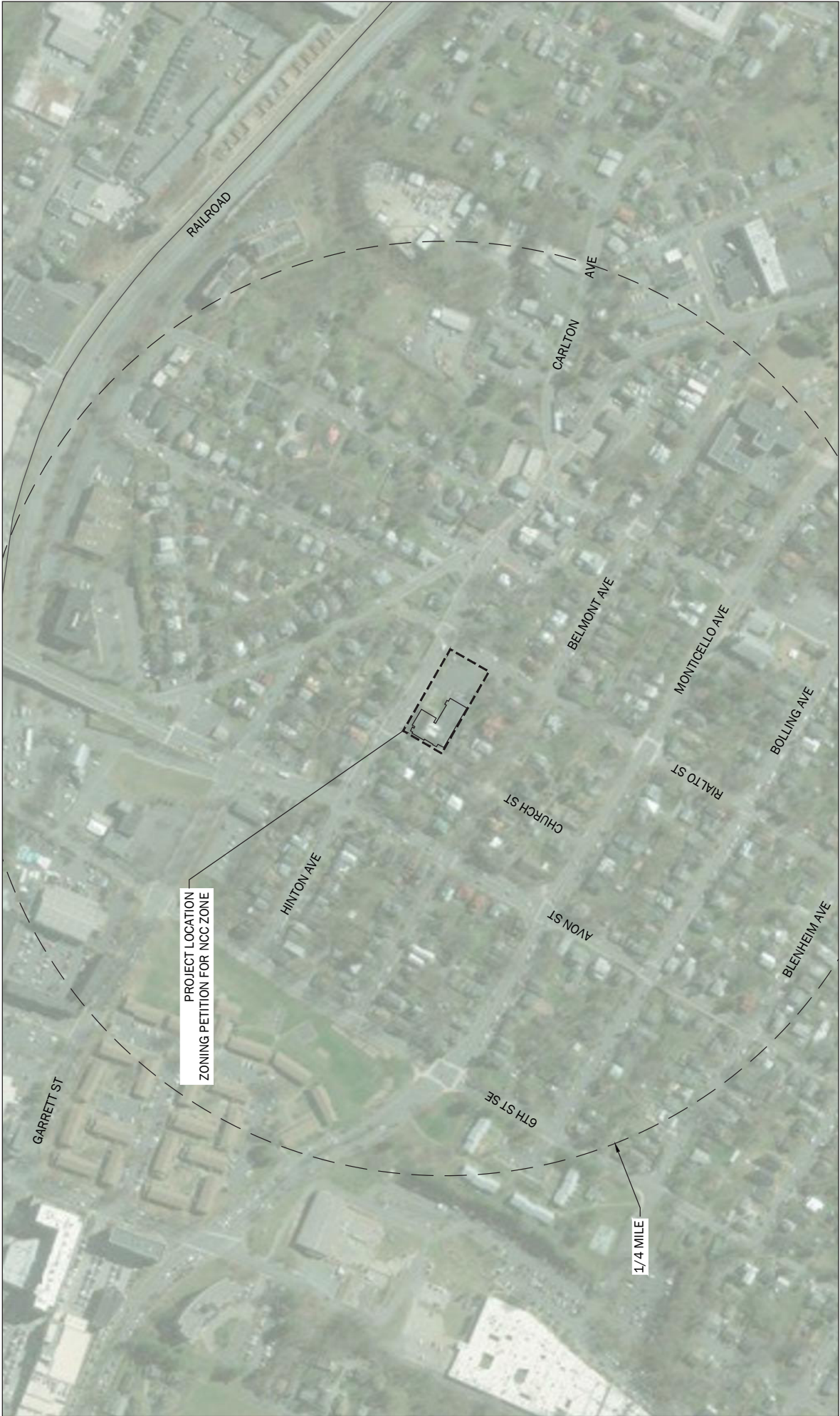
### 4) Maps

- 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)**

**1B**



EXISTING NATURAL CONDITIONS MAP (0.25 MILE RADIUS)



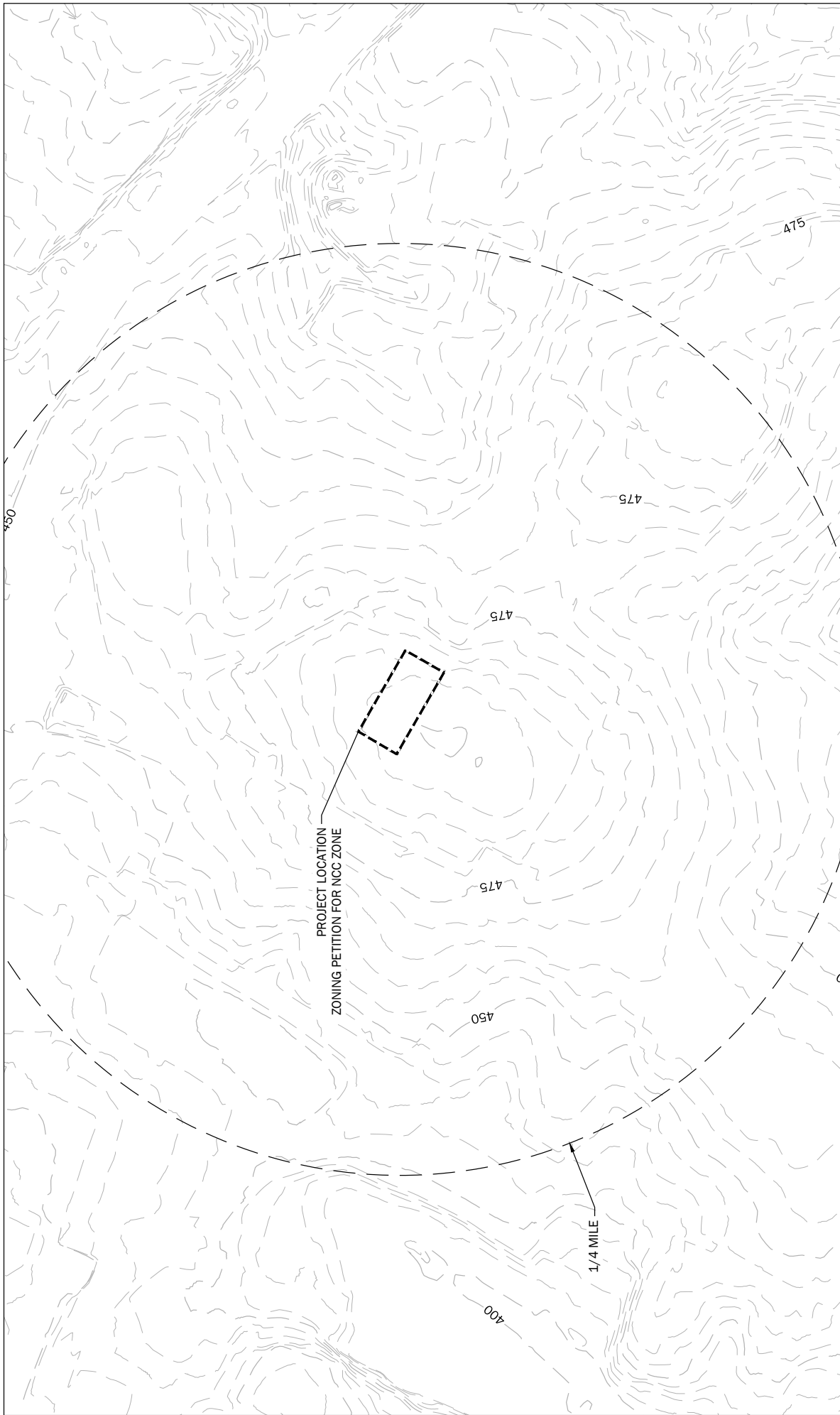


PROJECT LOCATION  
ZONING PETITION FOR NCC ZONE

EXISTING MAN-MADE CONDITIONS MAP (0.25 MILE RADIUS)

1" = 250' 500'





EXISTING TOPOGRAPHY MAP (0.25 MILE RADIUS)

1" = 250' 250 500

4B









## 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.

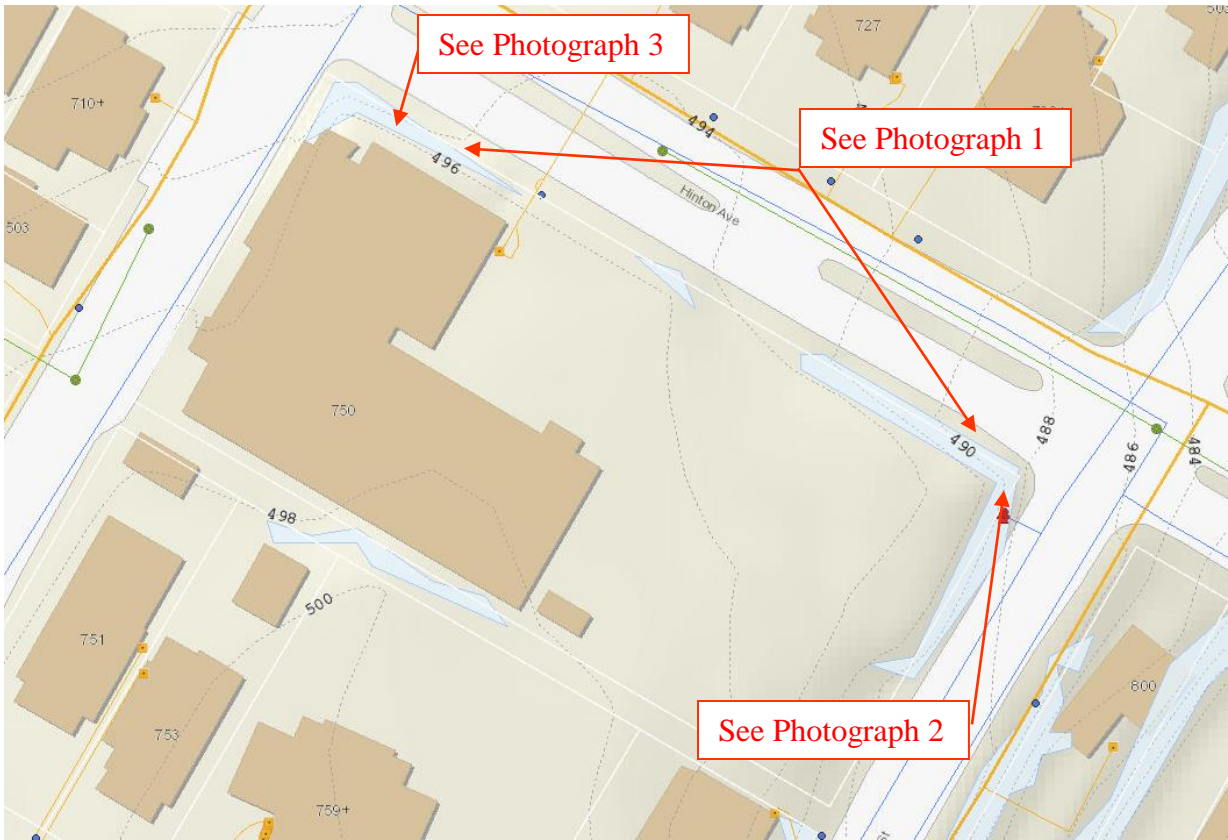


Figure 3 -

**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

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**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

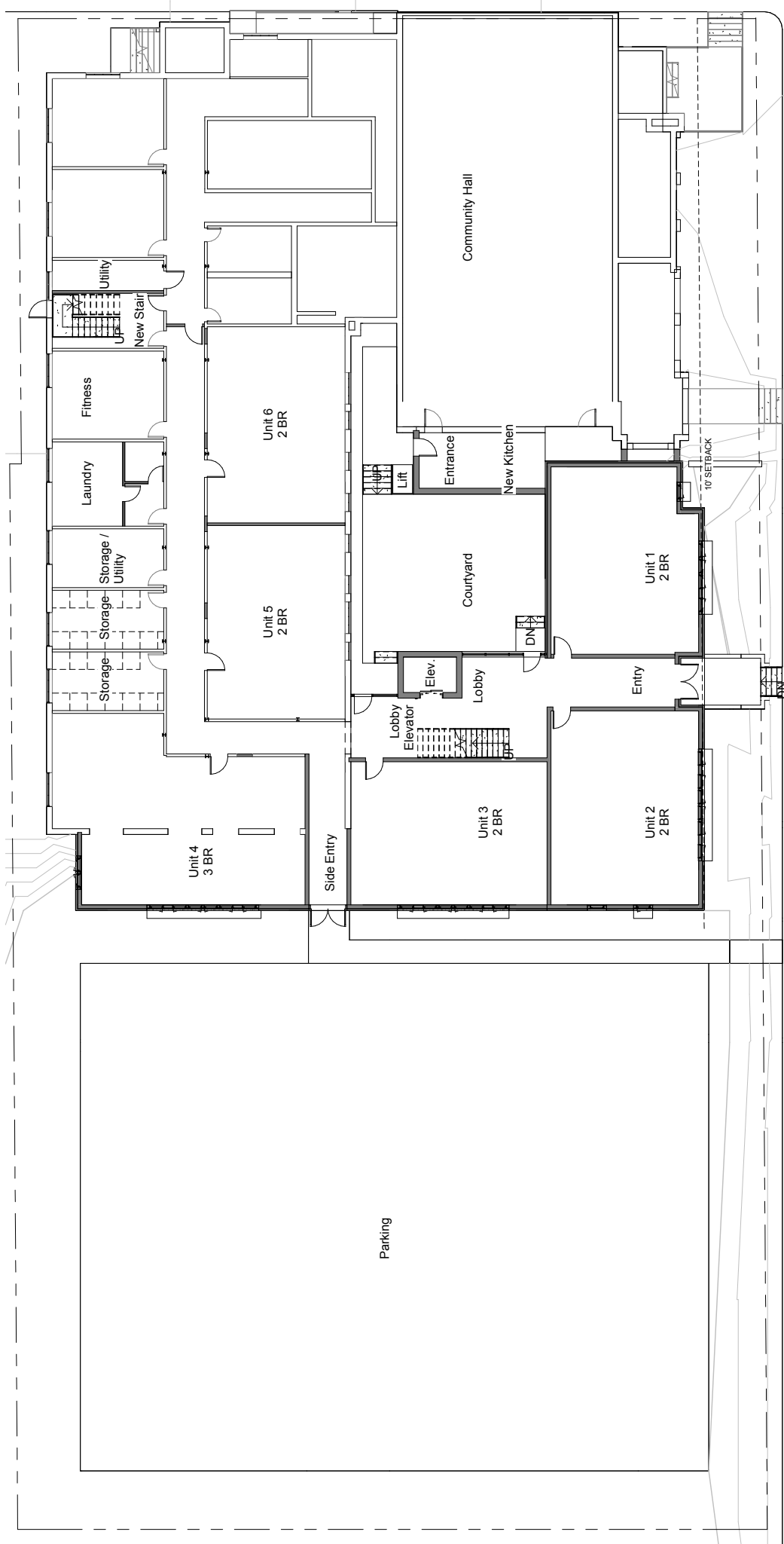


Photograph 3 - Looking at Existing Entrance at the corner of Hinton Ave. and Church St.

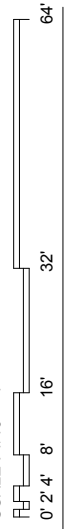


**6) Project concept plan**

- 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'



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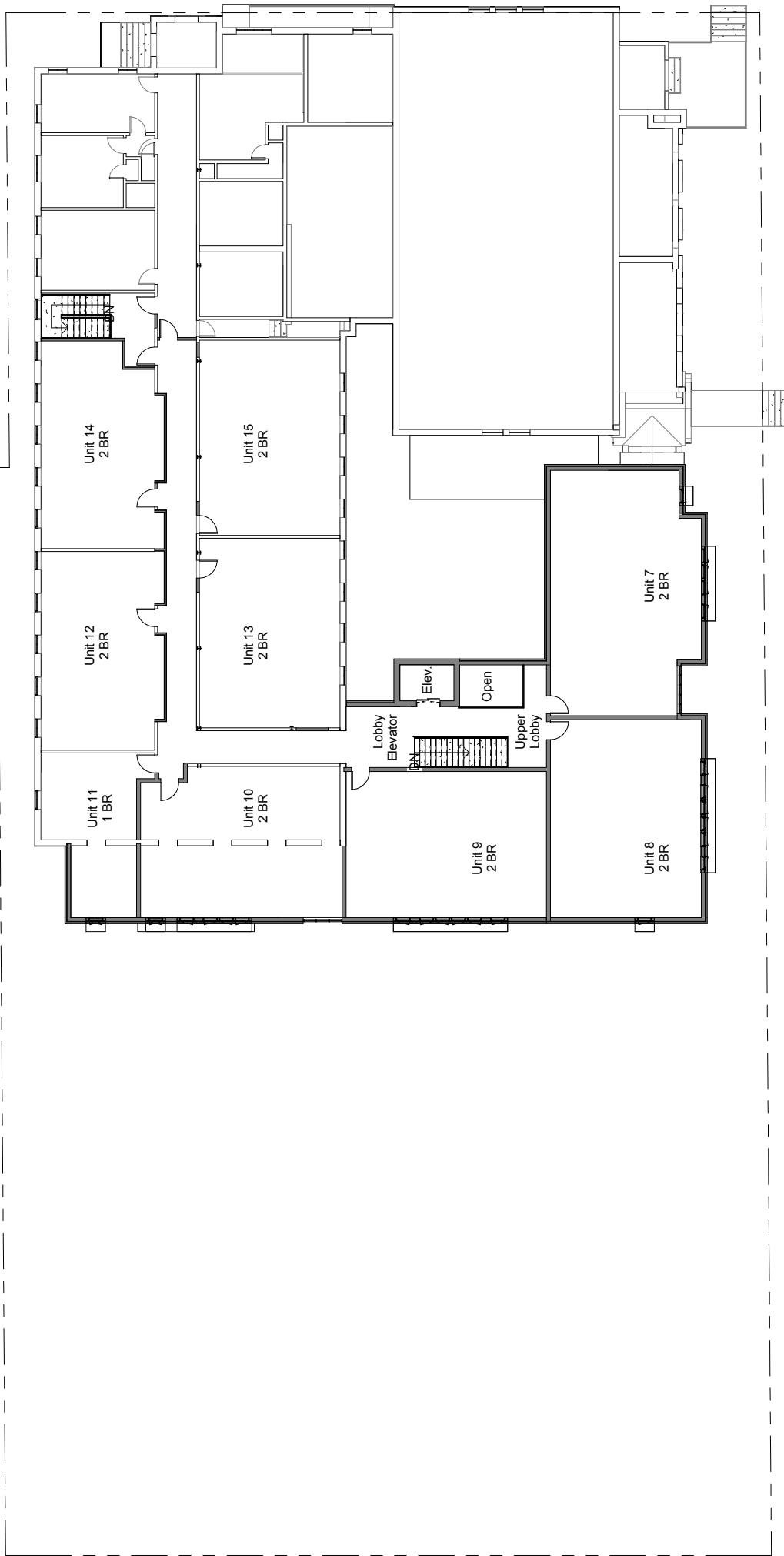
**First Floor Plan**

**Rachel's Haven Apartment Project**  
**Schematic**

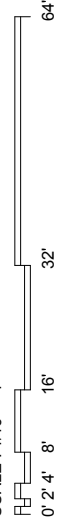
750 Hinton Avenue, Charlottesville VA

**1**

DATE: MARCH 18, 2019



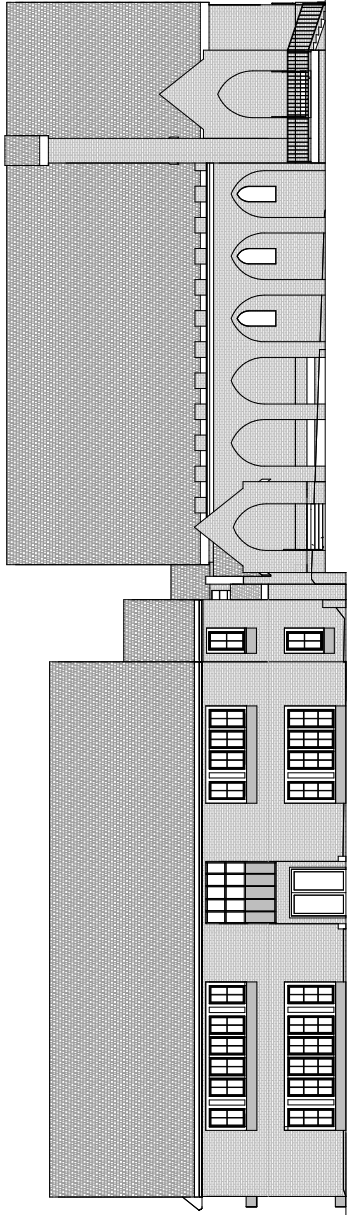
SCALE : 1/16" = 1'



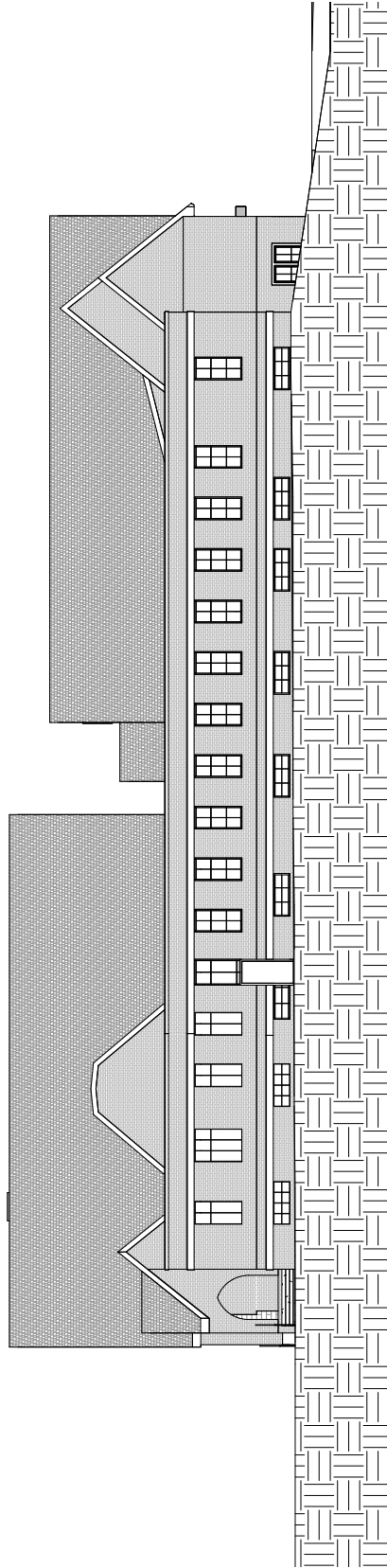
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 Second Floor Plan  
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**Rachel's Haven Apartment Project**  
 Schematic  
 750 Hinton Avenue, Charlottesville VA



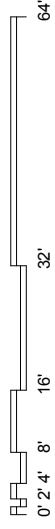


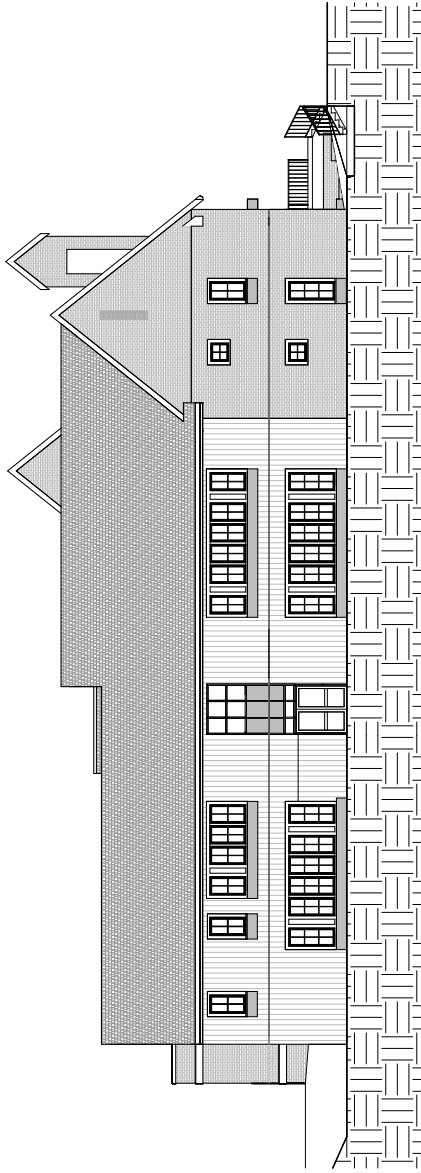
① North Elevation  
1/16" = 1'-0"



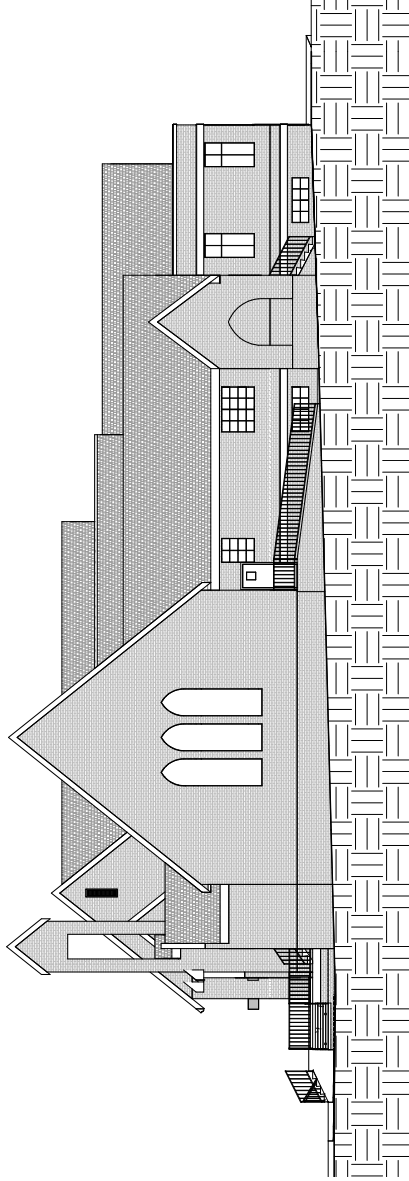
② South Elevation  
1/16" = 1'-0"

SCALE: 1/16" = 1'





① East Elevation  
1/16" = 1'-0"



② West Elevation  
1/16" = 1'-0"

SCALE: 1/16" = 1'



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

4



**JJMM**  
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**Andrew Thomas Architect, PLLC**  
SITE CONCEPT PLAN  
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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 750 Hinton Avenue, Charlottesville, VA 22902

**SITE PERSPECTIVE**  
 REZONING SUBMISSION

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 DATE: March 18, 2019

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**Rachel's Haven Apartment Project**  
 Schematic

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**First Floor Proposed the Building**

**Rachelitesville Apartment Project Schematic**

750 Hinton Avenue, Charlottesville VA





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First Floor Proposed Building

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**Rachafostesville Apartment Project  
Schematic**

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**FirstLinesProposed the Building**

**Rachelitesville Apartment Project  
Schematic**

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## End Notes

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

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

<sup>iii</sup> 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](https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH34ZO_ARTVIMIUSCODI_DIV1GE_S34-541MIUSDINTDE)

<sup>iv</sup> Charlottesville Comprehensive Plan 2013, Community Values, p.2

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

<sup>v</sup> 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.

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

<sup>vii</sup> Ibid, p. 3

<sup>viii</sup> Ibid, p. 7

<sup>ix</sup> Ibid, p. 7



**PROFFER STATEMENT**

May 14, 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.: \_\_\_\_\_

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 multifamily dwelling building(s) on the subject property 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 or to residential uses located on the Subject Property, shall not be permitted on the Subject Property.
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.

6. Height regulations as follows: Maximum height: Thirty-eight (38) feet.
7. Streetwall regulations as follows: (b) Setbacks.
  - (1) Primary street frontage: Six (6) feet minimum required; ten (10) feet, maximum.

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	
Kim Crater	(HAUMC) 506 Second Street NE
Tack & Carolyn MARRS	1750 Decca Ln, Charlotte
Robert Lewis	808 Hinton Ave, Coville
BOB BRADSHAW	1415 Melbourne Rd, Coville
Julia Williams	3005 WHITE OAK LN, COVILLE
Deb Jackson	751 Belmont Ave
Laurie Nichols	210 Douglas Ave
Kimber Hawkey	16672 LOUISA Rd LOUISA VA
Trudy Neofotis	709 Belmont Ave
	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 development 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  
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CH'VILLE RED & HOUSING  
AUTHORITY  
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JOHNSON, MILDRED H  
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  
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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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SPRINKLE, LINDA A  
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408 MONTICELLO ROAD, LLC  
87 TURK MOUNTAIN LN  
WAYNESBORO VA 22980

MELCP, LLC  
5355 STUDELEY AVE  
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STINELY, JANE & MARY KAY  
KOTELEC  
609 AVON STREET  
CHARLOTTESVILLE VA 22902

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  
826-B HINTON AVENUE  
CHARLOTTESVILLE VA 22902

VARNES, ANDREW E  
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SHAH, TAYJES M &  
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604 SPARTANBURG AVE  
CAROLINA BEACH NC 28428

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HOPPER  
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J'SEN, PAULETTE  
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JACKSON, GILES A & NINA S  
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JUST RIGHT REAL ESTATE  
DEVELOPMENT INC  
415 AVON ST  
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WOOD, GEORGE THOMAS JR  
718 LEVY AVENUE  
CHARLOTTESVILLE VA 22902

CASSIDY, SHARON & NOELLE;&  
LS MORRI  
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ANDRIENNE TURNER  
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HARLOW, WILLIAM S & KIMMIE D  
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WILLIAMSON, SARAH E &  
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SEITZ, CHRISTOPHER GEORGE  
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901 FENDALL TER  
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MURPHY, GRIER R & KEVIN D  
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MILTON RIDGE PROPERTIES, LLC  
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SMITH, FRANCINE A  
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JOHNSON, MICHAEL & SUSAN  
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MARGARET L  
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ELIZABETH SARGENT  
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SUCHAK, SANJAY  
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LOWERY, BARBARA T  
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GENDROT, CHARLES & KIMBER  
HAWKEY  
709 BELMONT AVENUE  
CHARLOTTESVILLE VA 22902

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HELENIUS  
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WILLIAMS, JULIA V  
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4 BELMONT LLC  
622 MCINTIRE RD  
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GARDNER, AMY E  
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MORRIS, HOOVER & ROSE S  
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VIEWMONT ASSOCIATES LLC  
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DAY, IAN C &  
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GREENLAND, WILLIAM E &  
FIONA A  
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KOLLMANSPERGER, CHARLES W  
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CHARLOTTESVILLE VA 22902

HACKETT, JEFFREY COLIN  
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OHLMS, PETER B & AMANDA B  
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COOK, HELEN  
811 BELMONT AVE  
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HOUSLEY, EDWARD W  
832 MONTICELLO ROAD  
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ATKINS, JOSEPH & HEATHER  
WARREN  
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ALDERFER, STEVE, ETAL,  
TRUSTEES CHARLOTTESVILLE  
MENNONITE CHURCH  
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K  
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DURHAM, HARRY M II & JUDITH  
ANN  
721 MONTICELLO AVENUE  
CHARLOTTESVILLE VA 22902

MACDONALD, ZANNE  
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829 BELMONT, LLC  
4744 SUGAR HOLLOW RD  
CROZET VA 22932

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WEAVER, WILLIAM T  
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MCDANIEL, DAVID A, JR & HOLLY  
HATCHER  
808 BELMONT AVE  
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JOHNSON, MICHAEL J & SUZANNE  
E MICHELS  
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HERRING, SYLVESTER L JR &  
CAROLYN P  
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CELENTANO, JOSEPH J  
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DAMIANI, KEITH D & LISA M  
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820 BELMONT, LLC  
904 BELMONT AVE  
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SATO, TOSHI  
202 2ND ST NW  
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FARRAR, RONALD J  
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KLEINSCHMIDT, JOHN A &  
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FARRAR, RONALD J & GLORIA  
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STEVENS, JONATHAN M  
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HILL, MICHAEL W & AMY L  
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CHARLOTTESVILLE VA 22902

HODGES, JENNIFER L & DEMARIS  
J  
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BALTIMORE MD 21234

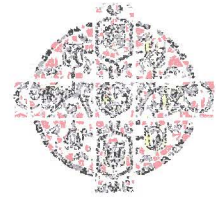
MELCP, LLC  
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VROOMAN, NATHAN W &  
RACHEL S  
5826 RAILROAD AVE  
CROZET VA 22932

FIELDS, JEREMY C & REBECCA K  
2424 THRUSH RD  
CHARLOTTESVILLE VA 22901



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](mailto:omo@ths85.net).

We look forward to meeting you on December 3<sup>rd</sup>.

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](mailto:church@hintonavenueumc.org) ☒ [www.hintonavenueumc.org](http://www.hintonavenueumc.org) ☒ [www.facebook.com/HintonAvenueUMC](https://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](http://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.



***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

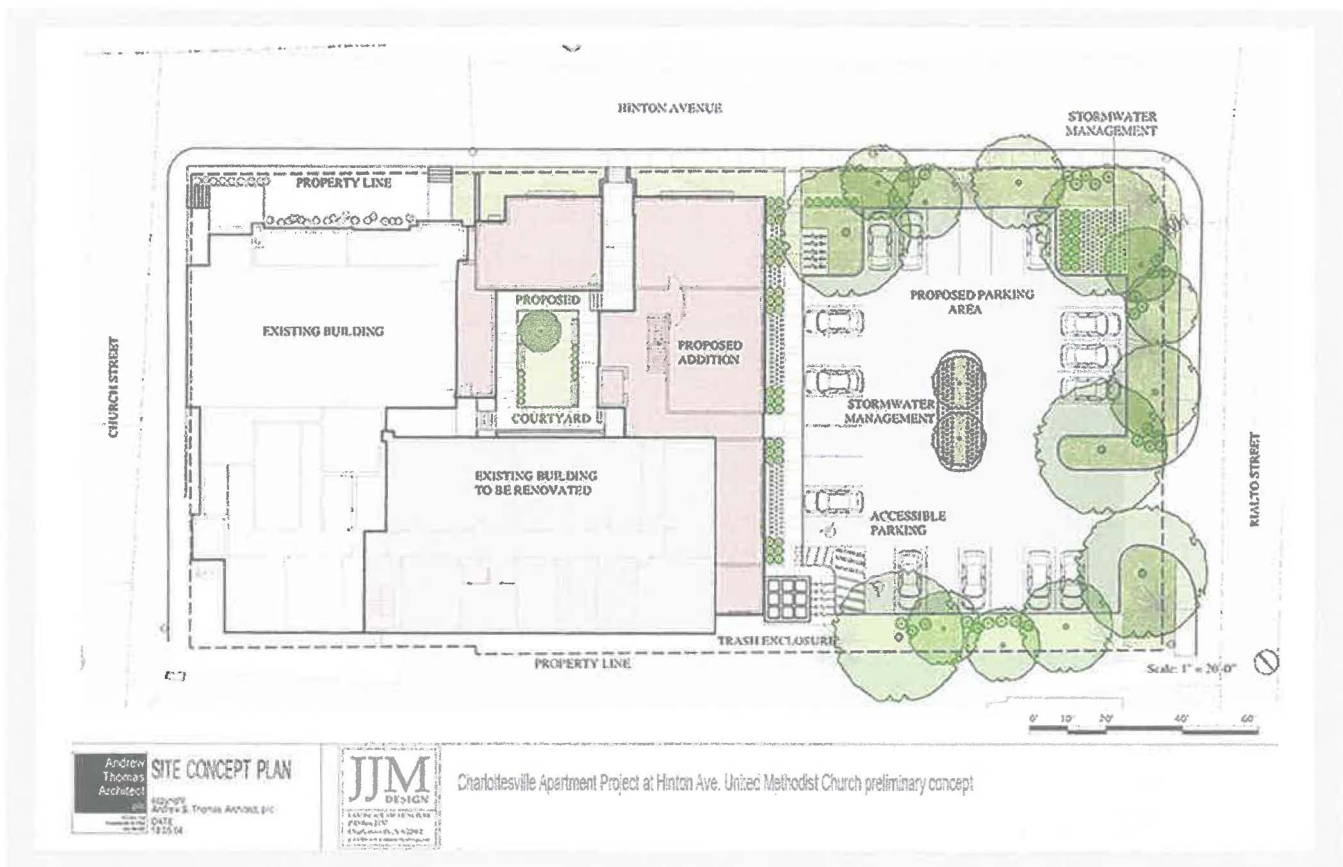


community hall space and kitchen. This allows the space to be well utilized throughout the week, giving the apartment residents a place for communal events, meetings, and shared recreational space. The church will continue to function as a neighborhood community of faith.

- 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.





**CITY OF CHARLOTTESVILLE  
NEIGHBORHOOD DEVELOPMENT SERVICES**

**MEMO**

To: Planning Commission  
From: Brian Haluska, Principal Planner  
Date: May 13, 2019  
Re: Comparison of R-3 and NCC Zoning on 750 Hinton Avenue

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Commissioners,

Several members of the public have made mention of the potential for an alternative to the applicant's request for a rezoning from R-1S to NCC on the property located at 750 Hinton Avenue scheduled for public hearing on Tuesday, May 14, 2019. The alternative zoning classification mentioned most frequently is the R-3 Multifamily Residential zoning. The purpose of this memo is to discuss the differences between the NCC and R-3 zones as they could potentially apply to the property at 750 Hinton Avenue.

In reviewing the two zones, the chief difference is the required setbacks.

	R-1S	R-3	NCC
Maximum height	35 feet	45 feet	45 feet
Rialto Street Setback	10.5 feet	10.5 feet	0 feet
Hinton Avenue Setback	20 feet	20 feet	0 feet
Church Street Setback	25 feet	25 feet	0 feet
Adjacent Property Setback	50 feet	25 feet	10 feet

The R-3 zoning has additional requirements under Section 34-366 that would result in the following being required on the property at 750 Hinton Avenue, should it be rezoned to R-3 and built as shown in the current proposal:

- Laundry facilities with at least 2 washers and 2 dryers.
- 39 square feet of storage space (other than that within the dwelling units)

- 3,000 square feet of “adult recreational areas” (ex: rooftops or other terraces, health club, gym areas). 750 square feet would be required to be usable year round
- 320 square feet of “child space” (ex: tot lots, playgrounds, nursery or daycare facilities). 80 square feet would be required to be usable year round.

Both R-3 and NCC zoning permit up to 21 dwelling units per acre by right.

R-3 zoning permits limited by-right non-residential uses including:

- health clinics
- day care facilities
- educational facilities
- libraries
- public indoor recreational facilities.

Additionally, R-3 permits the following as ancillary uses:

- consumer service businesses
- private indoor recreational facilities
- property management offices
- laundromats

The applicant’s current proffer statement (updated earlier today) would prohibit all non-residential uses, *with the exception of day care facilities and educational facilities*. The property currently has a special use permit for an educational facility in connection with the International School of Charlottesville.



## **Messages received prior to the scheduled May Public Hearing**

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 excluded through the revised proffer to allow quiet, low impact (environmental, traffic, parking, hours of operation, etc.), non-residential uses and excludes all food/drink related uses:
  - 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.)
    - Bakery wholesale
    - Catering business

- 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
- 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 Brian 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

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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

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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

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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

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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

---

## **Messages received prior to the scheduled June Public Hearing**

Dear Planning Commissioners,

I hope each of you are doing well.

I am writing in wholehearted support of the proposed Hinton Avenue rezoning.

I have spent a significant amount of time researching this project and listening to different voices in our community. I believe what the applicants are proposing is an amazing example of a grassroots effort to support some of our most delightful, important but also most vulnerable neighbors.

In my opinion, the updated proffers to exclude commercial uses from the property, limit the height of the building, and increase setbacks are an appropriate response to staff and neighbor concerns about how NCC zoning might be used in a way detrimental to the neighborhood.

I have worked with people with developmental disabilities in different capacities for the past 13 years. Many parents of people with developmental disabilities lose sleep for years as they worry about where their child will live when they grow up or when their parents can't take care of them any more.

The opportunity to provide them with housing is one we as a community ought to embrace and support.

Additionally the openness of the applicants to providing affordable units besides the units for people with developmental disabilities is an exciting opportunity for our city to support housing.

Across nearly every section of our Comp Plan, there is language about trying to provide this type of housing. I hope the PC will unanimously support this rezoning proposal.

Thank you for your time.

Peace

Matthew Gillikin

726 Orangedale Ave

---

Hi Brian,

My name is Francine Smith and I own 619 Belmont Ave. I will not be able to attend June 11th.

Regarding the 15 unit addition to the church: I have no objection to the units or its housing special needs residents.

To me, the travesty was done years ago when zoning allowed the church and its parking lot to be built in front of the historic Belmont Mansion.

Too late to remedy that now.

This is a side note: The development going on downtown and elsewhere seems uncontrolled. A 15 unit apartment to help folks with special needs

Is a community effort that binds us together. I'm all in for helping folks in our community. All these high rise office buildings don't seem to be lowering my

taxes that go up every year. I know that's not the issue at hand, but its on my mind...

Thank you

Fran

Fran Smith, DEZA Ltd

Spectrum Summer Programs  
At Tandem Friends School

619 Belmont Ave  
Charlottesville, VA 22902  
434-760-3097

---

Hello,

I am writing in favor of Hinton Avenue Methodist Church's request to re-zone to allow the building of an apartment unit for people with developmental disabilities.

This is a sorely needed resource in our community and this project has been in the works for many years with careful planning and fundraising.

Thanks for giving this proposal a fair hearing.

Susan Kaufman

---

To Whom it May Concern:

I am writing to express my absolute support for the Hinton Avenue church rezoning its unused space and turning it into affordable use apartments. This would help make a dent into the thousands of units that are desperately needed. As a Belmont resident, I can see no reason why this rezoning should not be immediately approved. Thank you so much for your time and attention.

Sincerely,

Nina M Knight

---

Hello,

I am a homeowner in the neighborhood of the Hinton Avenue United Methodist Church, and I am writing in support of their proposal to develop a 15 unit apartment building. A project like this would be of considerable benefit to our community.

Thank you,  
Clare Konizeski

---

I am a property owner and live with my family within sight of the Church. I am writing in support of the rezoning application that has been submitted for the proposed 15 unit apartment building on the property of the Hinton United Methodist Church. I personally was in support of this project when it was previously submitted with limited commercial use proffers. Regardless, I am hopeful that my neighborhood and the planning commission will support this project when it comes up for public hearing on June 11 with restrictions on all non-residential uses other than educational facilities and daycare facilities.

Thank you,  
Sarah Williamson

338 Monticello Rd, Charlottesville, VA 22902

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Dear Commissioners,

I am writing today in support of the Hinton Avenue rezoning of the proposed site of the 15 unit development.

In the three years I've lived in Charlottesville, I have seen Charlottesville as a great place to live, but one that is difficult to afford. This development is the result of months of community input and concerns, and recent changes only make the proposal more in line with both Charlottesville's goals as a city, and the concerns of neighbors.

It promises to be a location that not only provides a home for those who otherwise might not be able to afford to live in our community, but also shows that our community cares about the wellbeing of our neighbors with developmental disabilities. The proposed development is an opportunity for us to continue to uphold our values and to be inclusive and welcoming.

I hope you will consider this issue carefully and support rezoning of the property.

Thank you.

Alex Hendel

---

Hi! I'm writing to support the Hinton Avenue project.

I can't say anything more eloquently than other proponents of the project have written. So I'll just give a shout out to everyone else who has written in favor, and add my voice in saying: The Hinton Ave. project is well-meaning and will have good consequences. Vote for it.

Jake Gold

---

Hello,

I am writing to show support for the proposed rezoning at Hinton Avenue to allow construction of 15 units of housing. This will benefit our community materially both by ensuring housing for people who greatly need it and by creating a precedent for higher density in the city.

The changes to the proposal over the last month show that projects like this can serve the city and take the concerns of residents seriously.

Best,

Theodore Diamond

Charlottesville, VA

---

I also support the rezoning.

Thank you for your consideration,

Alissa Diamond

Charlottesville Resident

---

Dear Planning Commission Members,

I want to write in full support of the project proposed by the Hinton Avenue United Methodist Church to create affordable units for people with disabilities in the Belmont neighborhood.

I do not live in this neighborhood, but I do have some experience with a similar project in Durham, North Carolina where I lived before moving to Charlottesville. A group of people worked with a developer to buy a number of rental properties, essentially converting two city blocks into a neighborhood that would offer units to people of varying income levels as well as independent living abilities. The North Street neighborhood in Durham addresses a number of critical problems that cities face in terms of creating or retaining affordable units close to people's workplaces, providing alternatives to group homes for people with disabilities, and creating strong neighborhood fabrics where residents can get to know each other on many levels and work for their common good, regardless of their backgrounds and resources. I am sending a copy of an excellent master's thesis written about this neighborhood in case reading it can be of any use to the members of the commission in making their decision.

Clearly there are many issues that will need to be worked out regarding this plan to the satisfaction of local residents. Hopefully the zoning proposal, either in its current state or in an amended state, can go a long way towards resolving these issues. However, the plan should not be turned down out of hand if all issues are not resolved. This is a big, bold plan that is much needed in our city. Working out the details will require the goodwill and efforts of many people for some time to come. I hope to be one of

the city residents that can be a part of this housing project by giving my money and my efforts to build Rachel's Haven and to welcome its residents to independent and flourishing life in downtown Charlottesville.

Thanking you in advance for your deliberation and judgment on this proposal,  
Wendy Baucom

---

Good morning,

I live in Belmont, about 2 blocks away from Hinton avenue. I am writing in support of the proposed rezoning of Hinton avenue in order to accommodate the apartments on the church property.

There is a huge need for more affordable housing, and as a city we cannot just keep saying "it needs to be somewhere else". I will try to attend the meeting Tuesday at the church, but wanted my thoughts to be noted in case i cannot make it.

Thank you, Natalie Krovetz

---

Dear Planning Commission,

We own a house on Meade Ave less than a mile from the proposed housing development on Hinton Ave. We are fully supportive of the zoning change and of the project itself. We believe that diverse neighborhoods make better neighborhoods.

Thank you,  
Benjamin Randolph

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Dear Planning Commissioners:

I am writing as a resident of the City to express my support for the plan to add 15 apartments on the property of the Hinton Ave Methodist Church. Rezoning to allow this development is in line with both the Comprehensive Plan and the City's values. This is the type of development we need to see more of in order to address the affordable housing crisis in the City. Additionally, we should all be supportive of housing for adults with cognitive disabilities. Not only is it the right thing to do, as a nurse I know that we are all one unforeseen illness or accident for needing such housing for ourselves or a family member. While I do not live adjacent to this proposed re-zoning site, I do live very near a large group home for cognitively disabled adults. It sits at the outlet of my small cul-de-sac. They have made delightful neighbors.

I strongly encourage you to support the re-zoning request.

Kathryn Laughon

---



Dear Planning Commissioners,

For the past two years, my son has attended preschool on the campus of the Hinton Ave. Methodist Church, so I've followed news of the proposed rezoning of the church property carefully. During my son's time on their property, the church has been nothing but a good neighbor and host of the preschool. I was pleased to see the proffers offered in their most recent rezoning request, and I think those conditions (elimination of commercial/retail options, setbacks, etc.) do a good job of meeting neighborhood concerns while still moving forward with a project that's very much needed within the city. Given the high demand for housing close to the downtown core, we have a strong need for higher density housing in this area. I support this rezoning request and ask that the Commission vote in favor of this project.

Thank you for your consideration,

Tray Biasioli

---

Good afternoon!

I am a resident of the Belmont-Carlton neighborhood, and I am writing in support of the proposed rezoning on Hinton Avenue in order to build affordable housing for the developmentally disabled. I am a teacher in city schools and I strongly believe that our community should step up to the plate in providing for the more vulnerable members of our city. In my time teaching, I have worked with many students of varying abilities, and I worry about how those students with disabilities will fare once they leave our schools and must live more independently. It is, in my opinion, the moral obligation of a town or city to protect and provide for those who need more help. I think it will make the neighborhood a stronger and more welcoming place for all, and send a clear message to anyone looking at Charlottesville - that we accept, protect, and support all who wish to live here.

I am unable to attend the meetings this week to voice my full support, so I wanted to send it in email.

Thank you, and have a wonderful evening,

Tess Krovetz

**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: June 11, 2019**  
**APPLICATION NUMBER: ZM19-00002**

**Project Planner:** Matt Alfele, AICP  
**Date of Staff Report:** May 31, 2019  
**Applicant:** Southern Development  
**Applicants Representative:** Charlie Armstrong  
**Current Property Owner:** Southern Properties, LLC

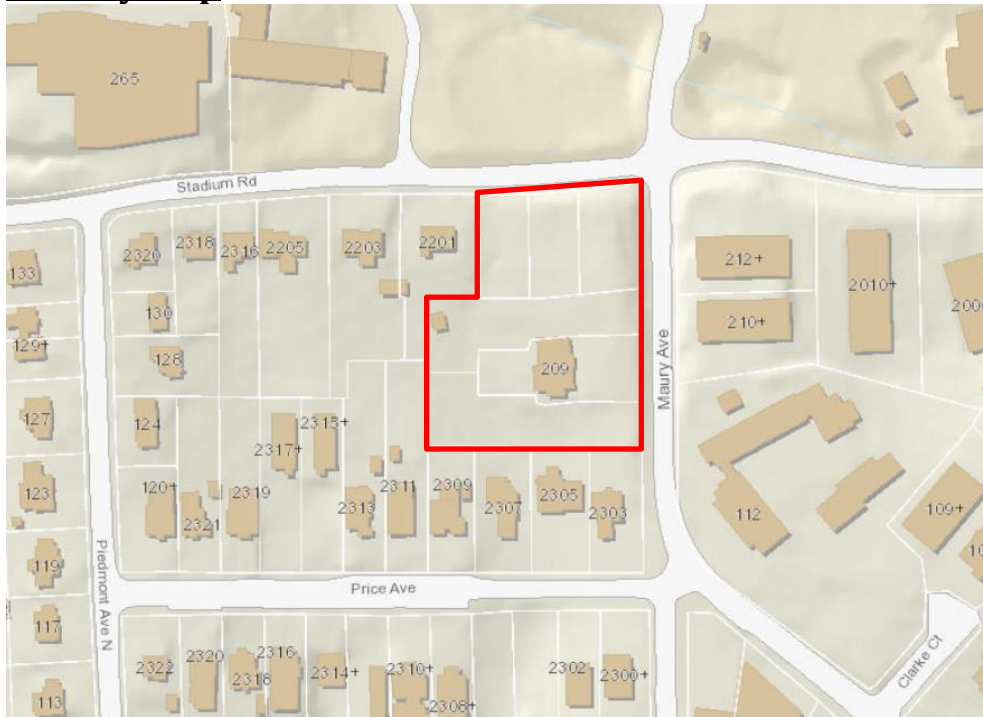
**Application Information**

**Property Street Address:** 209 Maury Avenue, two unaddressed lots with frontage on Maury Avenue, and three unaddressed lots with frontage on Stadium Road  
**Tax Map/Parcels #:** Tax Map 17, Parcels 180, 180.1, 180.2, 184, 185, and 186  
**Total Square Footage/ Acreage Site:** Approx. 1.6 acres (69,696 square feet) Comprehensive Plan (**General Land Use Plan**): Low Density Residential Current Zoning Classification: R-2U (Residential Two-family University)  
**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.

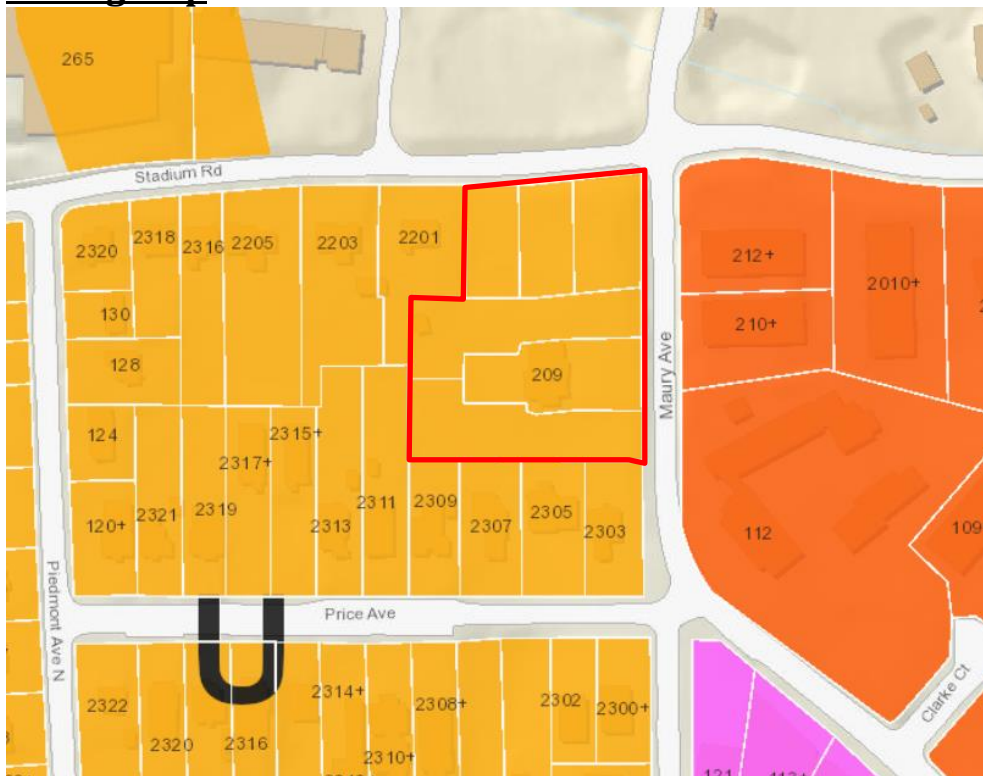
**Applicant's Request (Summary)**

Charlie Armstrong, representing the owner Southern Properties, LLC, has submitted an application seeking a zoning map amendment for approximately (1.6) at 209 Maury Avenue and the surrounding five parcels of land (collectively, "Subject Properties"). The Subject Properties have frontage on Maury Avenue and Stadium Road. The application is requesting a change from the current zoning of R-2U (Residential two-family University) to R-3 (Multifamily) with no Proffered conditions or development plan. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 Dwelling Units per Acres).

## Vicinity Map

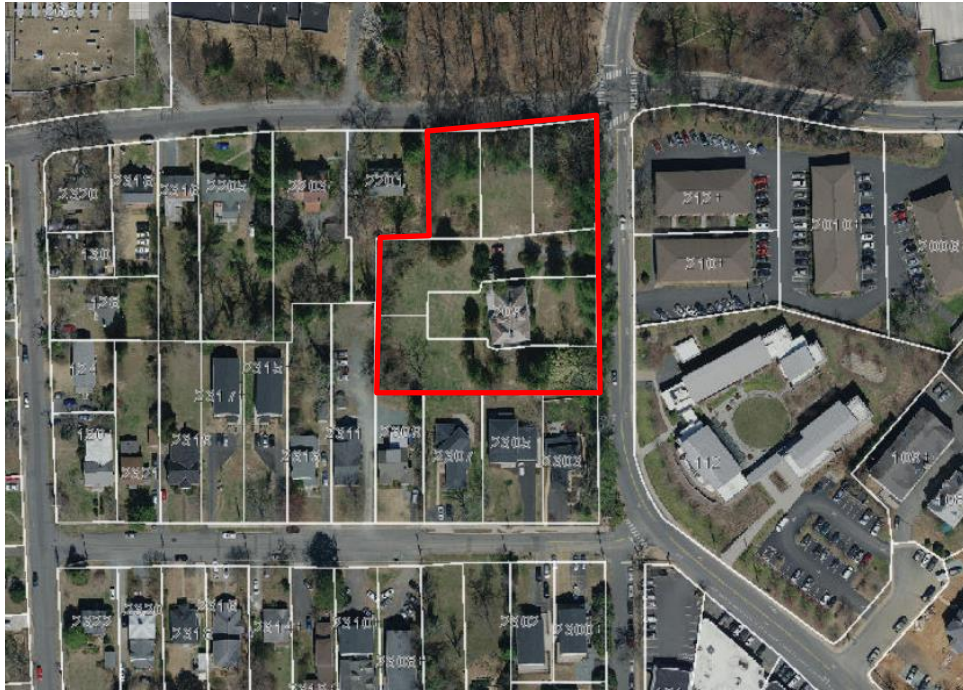


## Zoning Map

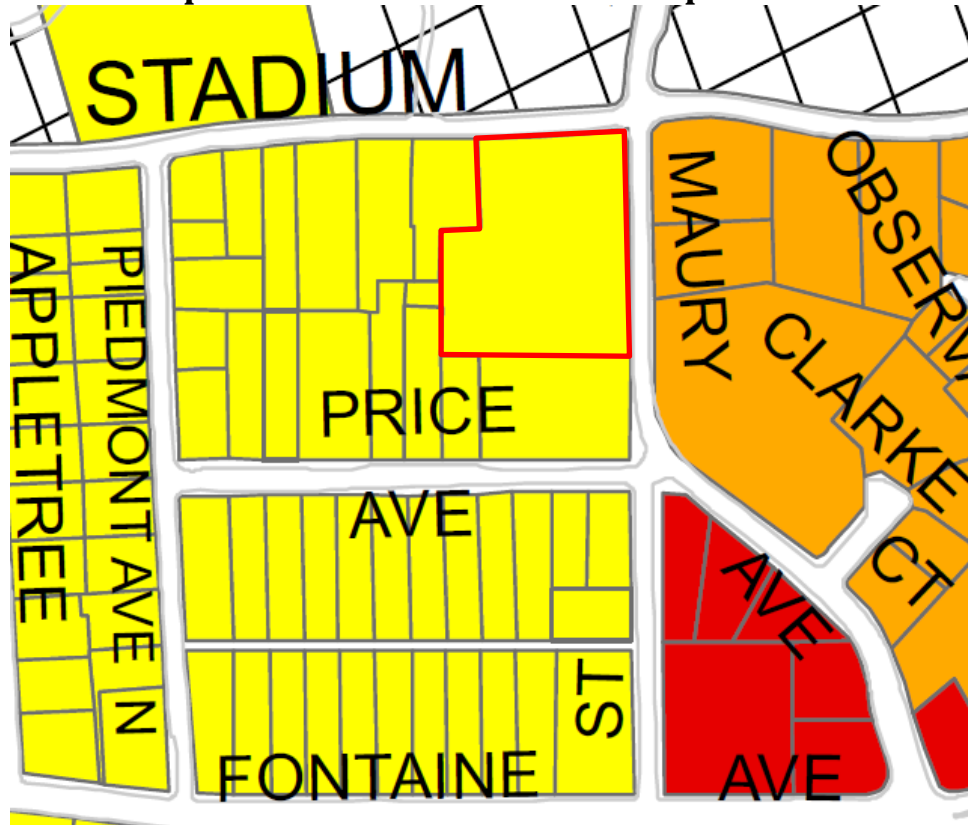


**Light Orange:** (R-2U) Residential Two-family University, **Dark Orange:** (R-3) Multifamily Residential, **Purple:** (NCC) Neighborhood Commercial Corridor, **No Color:** UVA

**2018 Aerial**



**2013 Comprehensive Plan Land Use Map**



**Yellow:** Low Density Residential, **Red:** Neighborhood Commercial, & **Orange:** High Density Residential, **White:** UVA

**Standard of Review**

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

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

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

**Preliminary Analysis**

The applicant is proposing to rezone the Subject Properties from R-2U to R-3 with no proffers or development plan. As no development is being proposed, staff analysis is based off the highest intensities and densities that would be permitted by-right in the R-3 zoning districts:

<b>Current R-2U Zoning</b> ("university"), consisting of quiet, low-density residential areas in the vicinity of the University of Virginia campus, in which single-family attached and two-family dwellings are encouraged.		<b>Proposed R-3 Zoning</b> consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.	
<b>Physical Characteristics</b>		<b>Physical Characteristics</b>	
<b>Front Setback</b>	25' min	<b>Front Setback</b>	25' min
<b>Side Setback</b>	5' min (Single Family Detached) 10' min (Single Family Attached) 10' min (Two-family) 50' min (Non-residential) 20' min (Corner Street Side)	<b>Side Setback</b>	10' min (Res 0 to 21 DUA, 1 foot for every 2 feet in height) 10' min (Res 22 to 43 DUA, 1 foot for every 3 feet in height) 10' min (Res 44 to 87 DUA, 1 foot for every 4 feet in height) 25' min (Non-residential) 20' min (Corner Street

			Side)
<b>Rear Setback</b>	25' min (Residential) 50' min (Non-residential)	<b>Rear Setback</b>	25' min
<b>Land Coverage</b>	No limit outside setbacks	<b>Land Coverage</b>	75% max of the site (Res 0 to 21 DUA) 80% max of the site (Res 22 to 87)
<b>Height</b>	35' max	<b>Height</b>	45' max
<b>Min Lot Size</b>	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft)(Single Family Attached) 7,200sqft (Two-family) No requirement (non-residential)	<b>Min Lot Size</b>	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft)(Single Family Attached) 7,200sqft (Two-family) 2,000sqft (Townhouses) No requirement multifamily No requirement (non-residential)
<b>Road Frontage</b>	50' (Single Family Detached and Two-family) 20' (Single Family Attached) No requirement (non-residential)	<b>Road Frontage</b>	50' (Single Family Detached and Two-family) 20' (Single Family Attached) 16' (Townhouses) No requirement multifamily No requirement (non-residential)
<b>Additional Regulations</b>		<b>Additional Regulations</b>	
		Buffering when Bordering Low-density districts	50' min (Res 22 to 43 DUA) 75' min (Res 44 to 87 DUA) No requirement (non-residential)

<b>Residential Use (by-Right)</b>	<b>R-2U</b>	<b>R-3</b>
Accessory apartment, internal		B
Accessory buildings, structures and uses	B	B
Adult assisted living	B	B
Amateur radio antennas, to a height of 75 ft.	B	B
Bed-and-breakfast Homestay		B

Bed-and-breakfast B&B		B
Dwellings Multifamily		B
Dwellings Single-family attached	B	B
Dwellings Single-family detached	B	B
Dwellings Townhouse		B
Dwellings Two-family	B	B
Family day home 1 – 5 Children	B	B
Family day home 6 – 12 Children		B
Residential Occupancy 3 unrelated persons	B	B
Residential Occupancy 4 unrelated persons	B	B
Residential Density 1 – 21 DUA		B
Residential Treatment Facility 1 – 8 residents	B	B

<b>Non-Residential Use (by-Right)</b>	<b>R-2U</b>	<b>R-3</b>
Access to adjacent multifamily, commercial, industrial or mixed-use development or use		B
Accessory buildings, structures and uses		B
Houses of worship	B	B
Health clinic (up to 4,000 SF, GFA)		B
Public health clinic		B
Attached facilities utilizing utility poles as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Daycare facility		B
Elementary		B
High schools		B
Colleges and universities		B
Libraries		B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	B

The subject properties, in the current configuration, could accommodate the construction of up to (6) single family detached dwellings or up to (12) single family attached or two-family dwellings. If the parcels were rearranged, the subject properties could accommodate (11) single family detached dwellings or (9 to 18) single family attached or two-family dwellings. A proposed maximum buildout does not take into account required road frontage or other limiting factors such as easements or critical slopes. If the subject properties are rezoned, the drawing below indicates the most likely buildable area for a by-right multifamily building at (21) DUA and (45) feet in height. The by-right DUA of



(21) will allow a multifamily building with (33) dwelling units.



Health clinics and educational facilities are the only by-right non-residential uses allowed in the R-3 zoning districts that are not allowed in the R-2U districts.

### Zoning History of the Subject Properties

Year	Zoning District
1949	A-1 Residence
1958	R-2 Residential
1976	R-2 Residential
1991	R-2 Residential
2003	R-2U Residential C
2016	SUP for Educational Facility and Daycare
2018	SUP Expired

**Sec. 34-42**

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

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

**a. Land Use**

**Staff Analysis**

The Subject Properties are currently zoned R-2U which is one of the most restrictive zoning categories in the City. All by-right, provisional, and special uses allowed within this zoning district are Residential and Related per Z.O. Sec. 34-420 and single-family attached and two-family are the most common of these uses. The R-2U districts are more restrictive than the R-2 in that Accessory dwelling units are not permitted. The 2013 Comprehensive Plan Land Use Map indicates the Subject Properties remain low-density residential. The land use section of the comprehensive plan indicates all single or two-family type housing and a density less than fifteen (15) DUA is Low Density. A rezoning of the subject properties to R-3 would create a by-right density of (21) DUA and make them High Density per the 2013 Comprehensive Plan Land Use Map.

The applicant is requesting a rezoning of the Subject Properties to R-3 with no development proposal or proffer statement. Without a proffered development, staff analysis is based off the most intense by-right uses. These uses would include a (33) unit apartment, educational facilities, or a Public health clinic.

The Subject Property is bordered by:

Direction	Zoning District	Current Use
East	R-3	Cavalier Court Apartments and the Jefferson Scholars Foundation building
South	R-2U	Duplexes
West	R-2U	Single family detached dwellings and duplexes
North	UVA Grounds	Gooch Dillard Student housing and Scott Stadium

Staff finds a rezoning of the Subject Properties would be consistent with the patterns of development to the north and east, but inconsistent with the patterns of development to the south and west. Apartment style housing (on grounds through dormitories, or off grounds at the intersection of

Maury and Stadium) is prevalent in this portion of the City. Large apartment complexes such as Cavalier Court or UVA housing such as Gooch Dillard are directly across the street from the Subject Properties. The Subject Properties are also bordered by duplexes and single family homes. Although many of the single family homes have been converted to duplexes and rented out to UVA students, individual families still resided in close proximity to the Subject Properties.

Although staff finds additional housing on the Subject Property is appropriate based on the patterns of development, staff is concerned that the current code does not offer any transition from R-3 to R-2U. Currently Maury Avenue and Stadium Road provides a transition point from the existing R-3 and UVA areas to the R-2U parcels on Price and Piedmont Avenue. Should the Subject Property be rezoned to R-3, they would abut R-2U parcels and could create transition problems.

**b. Community Facilities**

**Staff Analysis**

Community Facilities (Fire, Police, and Parks) reviewed the application and finds a rezoning of the Subject Properties from R-2U to R-3 would have no impact on Community Facilities. The Subject Properties would continue to be serviced by existing fire and police.

**c. Economic Sustainability**

**Staff Analysis**

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

**d. Environment**

**Staff Analysis**

Staff finds the uses within the R-3 are consistent with the current uses in the R-2U and would only differ in density. Staff finds no conflict with Chapter 4 (Environment) of the Comprehensive Plan with a change in zoning from R-2U to R-3.

**e. Housing**

**Staff Analysis**

Staff finds a rezoning of the Subject Properties from R-2U to R-3 could add additional housing stock to the City that could not be reached through the current zoning. A full build out of the site could create (33) additional units.

**f. Transportation**

**Staff Analysis**

Staff finds a rezoning of the Subject Properties from R-2U to R-3 would not have an impact on transportation. Cut through traffic to avoid the intersection of Maury Ave and Fontaine Ave / JPA is a concern in the

neighborhood. Any development on the Subject Properties could add to this problem. At this location the most likely development would be student housing that produces more pedestrian and bicycle traffic than vehicular. Any by-right development on the site would need to meet current parking standards.

**g. Historic Preservation & Urban Design**

**Staff Analysis**

The Subject Properties are not within or adjacent to any of the City's Architectural Design Control Districts. Five of the (6) lots are currently vacant, but were originally part of 209 Maury Avenue. The existing building at 209 Maury Avenue was constructed in 1910 and was designed by architect Eugene Bradbury. The Application materials state the historic Manor House located on the Conveyed Property shall, in perpetuity, be maintained in good repair through a deed restriction.

**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 can be found in the application materials (**Attachment B**).

**Staff Analysis**

Staff cannot make a definitive analysis on how rezoning the Subject Properties will further the purposes of this chapter and the general welfare of the entire community. No development is proposed as part of this rezoning request and the by-right uses within the R-3 district are very similar to the by-right uses allowed in the R-2U. Residential density, dwelling type, occupancy of unrelated persons, health clinics, and education facilities are the (5) main by-right differences in the districts. Due to the size and location of the Subject Properties, staff believes future development would most likely be residential in nature to serve the University.

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

The applicant has provided information on the factors that led to a request to rezone the subject properties from R-2U to R-3 in the Narrative section of their application (**Attachment B**).

**Staff Analysis**

According to the City's 2013 Land Use Map, this portion of the City should be Low Density Residential with a DUA under (15). The existing development patterns along Stadium Avenue and Maury Avenue are consistent with the current Land Use Map. A rezoning of the Subject Properties would raise the DUA to (33) which would make the Subject Properties High Density Residential. The Subject Properties are currently in alignment to the City 2013 Comprehensive Land Use Map and a change is not justified.

4. **When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.**

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

### **Staff Analysis**

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

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

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

**R-2U**, (“university”), consisting of quiet, low-density residential areas in the vicinity of the University of Virginia campus, in which single-family attached and two-family dwellings are encouraged.

**R-3**, consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.

It is most likely that any development proposed on the Subject Properties would comply with the purposes set forth at the beginning of the proposed district classification. This cannot be fully determined until a proposed development is under site plan review.

### **Public Comments Received**

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

On May 29, 2019 the applicant held a community meeting in the NDS Conference Room at City hall from 6:30pm to 8pm. No members of the public attended the meeting.

As of the date of this report, staff has received one email and phone call related to this proposed rezoning. The resident was concerned with:

- No development plan is proposed.
- Concerned the house will remain and be keep in good condition.

### **Staff Recommendation**

Staff finds the proposed zoning change, could contribute to goals of the City's Comprehensive Plan such as increasing the City housing stock. Staff finds that the by-right uses within the R-3 District are similar to the by-right uses in the R-2U District. The biggest differences are related to residential density, dwelling type, occupancy of unrelated persons, health clinics, and education facilities. If Planning Commission finds the Subject Properties should be zoned R-3, staff recommends Planning Commission also amend the City's 2013 Comprehensive Land Use Map designating the Subject Properties High Density Residential.

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 would not comply with the City's Comprehensive General Land Use Plan Map, but could 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.** *Undetermined, but Staff finds the proposed rezoning would most likely further the purposes of this chapter and the general welfare of the entire community.*
3. **Whether there is a need and justification for the change.** *Staff finds no justification for the proposed rezoning.*
4. **When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.** *Staff finds the proposed rezoning would have no impact on public services or facilities, and would most likely meet the intent of the Residential Zoning District as defined within the proposed district classification.*

### **Suggested Motions**

1. I move to recommend approval of this application to rezone the subject properties from R-2U, to R-3, 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-2U to R-3, on the basis that the proposal would not service the interests of the general public and good zoning practice.

### **Attachments**

- A. Rezoning Application Dated April 29, 2019
- B. Applicant's Narrative Statement and supporting documents undated but received April 29, 2019
- C. Community Engagement Information Dated April 30, 2019



# City of Charlottesville

## Application for Rezoning

Project Name: 209 Maury (all 6 lots)

Address of Property: 209 Maury Ave

Tax Map and Parcel Number(s): 170018000, 170018001, 170018002, 170018400, 170018500, 170018600

Current Zoning: R-2U

Proposed Zoning: R-3

Comprehensive Plan Land Use Designation: Low Density Residential

Applicant: SOUTHERN DEVELOPMENT

Address: 170 S PANTOPS LA, CHARLOTTESVILLE, VA 22911

Phone: 434-245-0894 Email: CHARLES@SOUTHERN-DEVELOPMENT.COM

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

Owner  Owner's Agent  Contract Purchaser

Owner of Record: SOUTHERN PROPERTY, LLC

Address: SAME AS APPLICANT

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**RECEIVED**

**APR 29 2019**

**NEIGHBORHOOD DEVELOPMENT SERVICES**

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

(1) Signature [Signature] Print Frank Ballif Date 4/26/19

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

(2) Signature [Signature] Print Frank Ballif Date 4/26/19

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

ZM19-00002





# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 209 Maury

Pre-Application Meeting Date: 4/23/2019

Applicant's Representative: \_\_\_\_\_

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. Traffic study as determined by the City's Traffic Engineer

2. ~~Missing Plan~~

3. Information from 34-41(d)(1,2,3,4,5,6, and 8)

4. \_\_\_\_\_

5. \*This is not a full list and other pertinent information and/or documents might be required per. sec. 34-158(a)(6). Staff will make a determination after the application has been submitted. This application is not complete until all documents required by  
Staff are provided.

Planner Signature: \_\_\_\_\_



# City of Charlottesville

## Application Checklist

Project Name: 1.6 acres surrounding 209 Marry Ave

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 *Applies only to S.U.P.*
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- Completed proffer statement
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature [Signature] Print Frank Bellif Date 4/26/19

By Its: Manager

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



# City of Charlottesville

## Community Meeting

Project Name: 1.6 acres surrounding 209 Mauvy Ave

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: Southern Development

By:

Signature [Signature] Print Frank Bellif Date 4/26/19

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



# City of Charlottesville

## Personal Interest Statement

Project Name: 1.6 acres surrounding 209 Mawry Ave

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: Southern Development

By:

Signature [Signature] Print Frank Ballif Date 4/26/19

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

### Commonwealth of Virginia

#### City of Charlottesville

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of April 26, 2019, by Frank T. Ballif, as Manager of Southern Property LLC

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

## Owner's Authorizations

(Not Required)

Project Name: 1.6 acres surrounding 209 Mawry Ave

### 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: Southern Property, LLC Date 4/26/19

By (sign name): [Signature] Print Name: Frank Bellif

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

Name of Corporate or other legal entity authorized to serve as agent: Southern Development

Owner: Southern Property, LLC Date: 4/26/19

By (sign name): [Signature] Print Name: Frank Bellif

Circle one:

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

Other (specific): \_\_\_\_\_





# City of Charlottesville

## Disclosure of Equitable Ownership

Project Name: 1.6 acres surrounding 209 Meury Ave

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 Frank Ballif Address 170 S Pantops Dr, Charlottesville, VA 22911

Name Charles Armstrong Address 170 S Pantops Dr, Charlottesville, VA 22911

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: Southern Development

By:

Signature [Signature] Print Frank Ballif Date 4/26/19

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

Attachment A



# City of Charlottesville

## Fee Schedule

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

### Office Use Only

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



**Attachment B**  
Narrative Project Description  
1.6 Acres Surrounding 209 Maury Avenue

The Applicant proposes to rezone approximately 1.6 acres surrounding 209 Maury Avenue, consisting of tax map parcels 170018000, 170018001, 170018002, 170018400, 170018500, and 170018600, from R-2U to R-3.

1. Project Proposal Narrative:

*This proposal is to rezone the above-listed parcels from R-2U to R-3. R-2U allows duplex units, which in this case would allow a total of 12 units (6 duplexes) to be built on the existing land by-right. Those 12 units would be freestanding structures on 6 individual lots in a suburban style. R-3 zoning would allow multifamily housing up to 21 DUA, or 34 units on this property, an increase of 22 units of density on the parcels. There is a dire need for more density in locations close to where occupants will work, or in this case where they would go to school. Multi-family zoning at this location will enable denser student-oriented development across the street from the University. If we don't encourage denser student-oriented housing in locations like this where would we put it?*

2. Comprehensive Plan Analysis:

*The 2013 Comprehensive Plan future land use map shows these parcels as low density residential. Though a revision to the Comprehensive Plan has not yet been completed, all draft land use maps published during the revision process have indicated a likely desire by the Planning Commission for increased density in this location.*

*Numerous comprehensive plan goals support increased density at this location. Chapter 1 calls for the City to pay special attention to increasing the supply of affordable housing. Rezoning these parcels from R-2U to R-3 will allow for denser student-oriented housing located across the street from existing UVA dorms. Putting students in locations adjacent to the University will relieve pressure of students pushing out into neighborhoods and occupying otherwise affordable single-family homes in neighborhoods down Jefferson Park Avenue. Keeping students from taking over existing housing stock is critical to keeping existing housing affordable.*

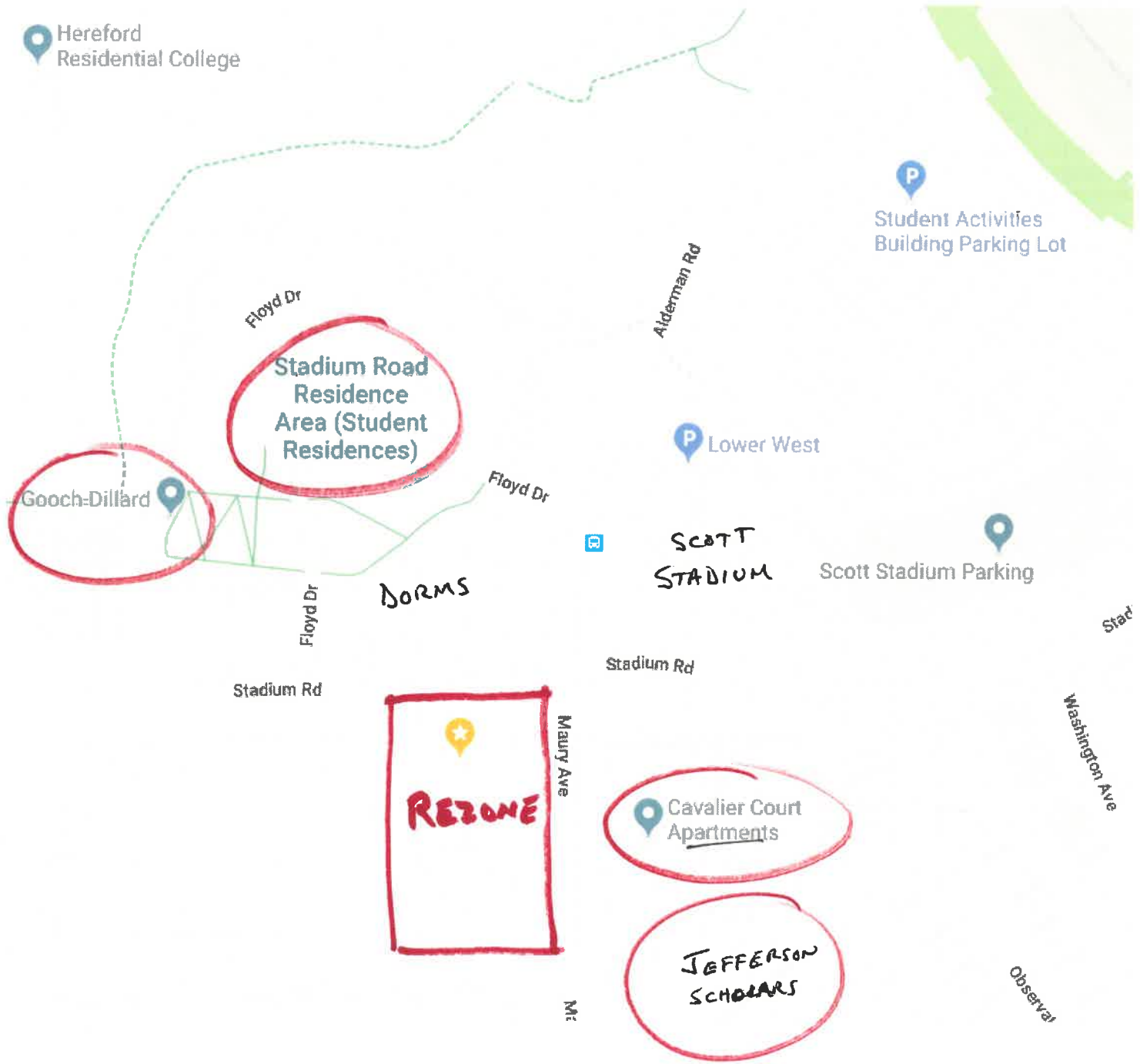
*Chapter 5, the Housing chapter, calls for the city to consider the effect of housing decisions on associated infrastructure and transit. These parcels already appear to be part of UVA and are walking distance to everything at the University. They are on the University Transit System route and on the CAT Trolley route. They are ideally suited for higher density. The chapter also calls for growth of the City's housing stock. Rezoning for housing stock growth at this location will enable other housing stock to be preserved, as highlighted above, and will also trigger the City's mandatory affordable housing ordinance in Sec. 34-12, requiring provision of affordable housing as part of whatever is developed on the property when a site plan is submitted.*

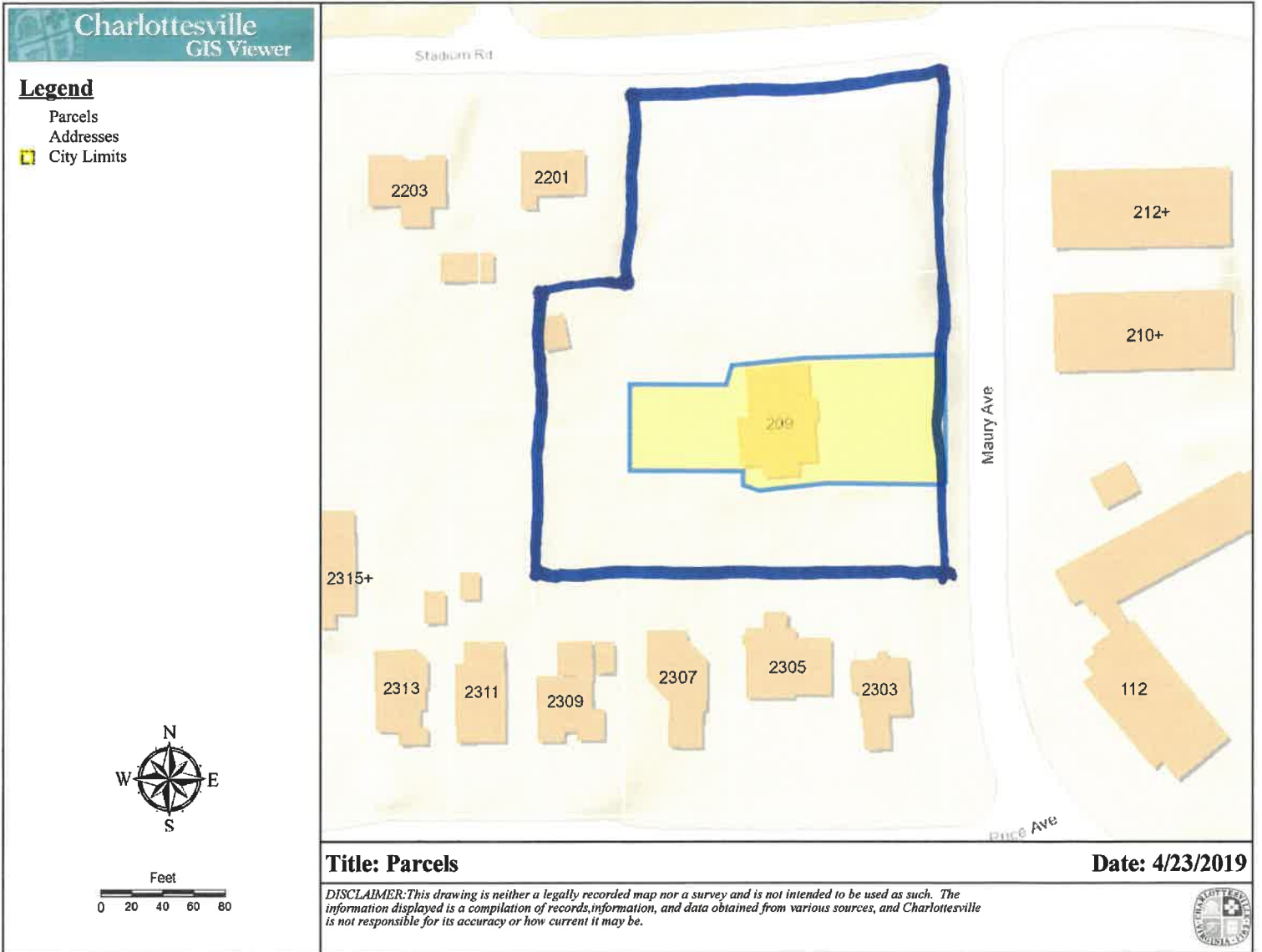
*And finally, Chapter 7, the Historic Preservation chapter, calls for preservation of historic resources through various methods such as adaptive reuse. To that end, a deed restriction has been recorded on the historic manor house at 209 Maury Avenue requiring: "the historic Manor House building located on the Conveyed Property shall, in perpetuity, excluding natural disasters, fires or other unforeseen calamities, be maintained in good repair. Nothing herein shall restrict the initial Grantee and his assigns from making reasonable and architecturally consistent additions or modification to the historic Manor House building located on the Conveyed Property." Historic preservation is important to the owners and stewards of this property and they have evidenced that commitment via a permanent deed restriction.*

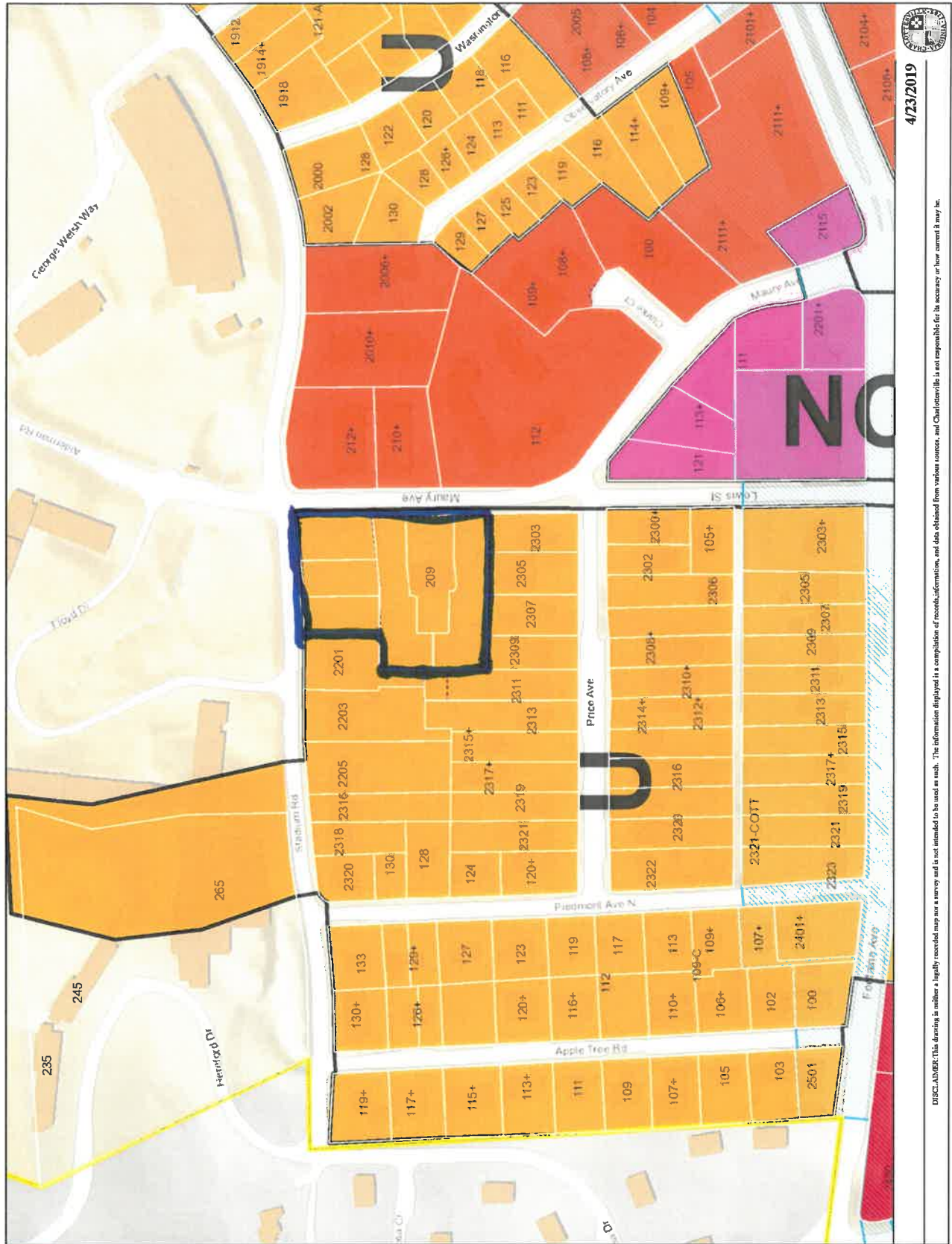
3. Impacts on Public Facilities and Infrastructure:

*Rezoning from R-2U to R-3 has no direct impact to public facilities or infrastructure. Higher density on the parcel would potentially be accompanied by higher traffic once the property is developed, but since this would likely be student housing due to the proximity to the University it is likely that most traffic from these units would be pedestrian or bicycle traffic. Improvements to sidewalks and transportation infrastructure would be governed by a site plan submittal once a specific development is proposed. Adequate sanitary sewer and water infrastructure already exists on the parcels and storm sewer infrastructure would be improved during site planning per state and local VSMP ordinances.*

# Attachment B







4/23/2019

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 geographic information, and data obtained from various sources, and Charlotteville is not responsible for its accuracy or how current it may be.

Charlotteville  
GIS Viewer

- Legend**
- Parcels
  - Addresses
  - City Limits
  - Parking Exempts
  - CORNER PARKING
  - PARKING MODIFIED
  - URBAN CORE
  - City Limits
  - Special Use Permit
  - Parks
  - Historic Districts
  - Conservation District
  - Entrance Corridors
  - Mixed Use Boundaries
  - Parcels with Multiple Zonings
  - Parcels with Multiple Zonings
  - Parcels with Multiple Zonings
  - Parcels with Multiple Zonings
  - Parcels with Multiple Zonings
  - PUD
  - R-1
  - R-1S
  - R-2, R-2U
  - R-3; UHD
  - MR
  - Parcels by Zoning
  - ES, B-1; B-1C, B-1H
  - B-2; B-2H
  - B-3; B-3H
  - Parcels by Zoning
  - Parcels by Zoning
  - R-1SUH, R-1S; R-1SC; R-1SH; R-1SHC; R-1SHC; R-1SU; R-1USH
  - PUD, PUDH
  - R-1; R-1C; R-1H; R-1U; R-1UH
  - R-2; R-2C; R-2H; R-2U; R-2UH
  - R-3; R-3H; UHD; UHDF; UMD;
  - UMDH
  - MR, MRI





# Attachment C

April 30, 2019

## NOTICE OF COMMUNITY MEETING

**RE:** Approximately 1.6 Acres Surrounding 209 Maury Ave  
**SUBJECT:** Application for Rezoning from R-2U to R-3  
**DATE:** May 29<sup>th</sup>, 2019  
**TIME:** 6:30pm  
**LOCATION:** Neighborhood Development Services Conference Room, City Hall, 605 E Main St.

Dear Neighbor:

An application to rezone approximately 1.6 acres of land at the corner of Maury Avenue and Stadium Road from R-2U to R-3 is being processed by the City of Charlottesville.

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 May 29<sup>th</sup> in the Neighborhood Development Services Conference Room in City Hall. The applicant's goal is to modify the zoning of the parcels to better match existing uses on the opposite sides of Maury Avenue and Stadium Road.

Sincerely,



Charlie Armstrong  
Owner/Applicant  
Southern Property, LLC

# Attachment C

## AFFIDAVIT OF MAILING NOTICE OF COMMUNITY MEETING

To: The City of Charlottesville, Virginia

I, Frank T. Ballif, as the Manager of Southern Property, LLC, a Virginia limited liability company, dba Southern Development Homes (the "Company"), do hereby state the following:

1. The Company acknowledges that on May 1, 2019 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.

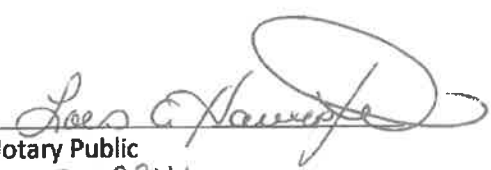
The undersigned further states that he is familiar with the nature of an oath and with the penalties provided by the laws of the Commonwealth of Virginia for falsely swearing to statements made in an instrument of this nature.

SOUTHERN PROPERTY, LLC, a Virginia limited liability company,  
dba Southern Development Homes

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 Southern Property, LLC, a Virginia limited liability company, dba Southern Development Homes, who is known to me, appeared before me on the 8th day of May, 2019, and acknowledged the foregoing instrument under oath.

  
Notary Public

ID # 298946

My commission expires: 7-31-2020

**LOIS A. HAVERSTROM**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JULY 31, 2020  
REGISTRATION NO. 298946

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



**APPLICATION FOR A REZONING OF PROPERTY**

**JOINT CITY COUNCIL AND PLANNING COMMISSION**  
**PUBLIC HEARING (original held on May 14, 2019)**

**DATE OF HEARING: June 11, 2019**  
**APPLICATION NUMBER: ZM18-00003**

**\*Update Memo\***

**Project Planner:** Matt Alfele, AICP

**Date of Memo:** May 28, 2019

**Applicant:** Belmont Station, LLC

**Applicants Representative:** Charlie Armstrong (Belmont Station, LLC)

**Current Property Owner:** Belmont Station, LLC

**Application Information**

See original Staff Report for May 14, 2019

**Update (Summary)**

On May 14, 2019 the Planning Commission held a joint Public Hearing with City Council related to the application for the rezoning of the Subject Property from R-1S to PUD. Seven members of the Public spoke during the Public Hearing and expressed the following:

- The development will create more traffic and adversely impact the quality of life for existing residents.
- This area of the City lacks the infrastructure to support such a large development.
- The proposed townhouses will not be affordable.
- The development could adversely impact the schools.
- Sidewalks are not safe in this area and there is not enough public transportation.
- The Fry's Spring Neighborhood Association is neutral to the proposed rezoning, but any development should be well thought-out.
- The development will be good for the area by adding additional housing.



During the discussion, Planning Commission raised concerns with aspects of the proposed development. These concerns related to the safety of the road design, the stormwater design, affordability, and impact on the school system. The applicant requested, and was granted, a deferral to address some of the Commission’s concerns.

The original application and materials can be found within the May 14, 2019 staff report. Below are explanations of what updated materials have been provided.

**1. Updated Proffer Statement:**

Old Proffer Statement	New Proffer Statement (new language is highlighted)
<p>1. Density shall not exceed a maximum of 50 residential units.</p> <p>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.</p> <p>3. Affordable Housing</p> <p>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.</p> <p>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 10<sup>th</sup> Certificate of Occupancy.</p> <p>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.</p>	<p>4. Density shall not exceed a maximum of 50 residential units.</p> <p>5. At or prior to project completion, the Developer shall offer to donate approximately 3 acres of land to the City of Charlottesville, <b>at no cost to the City,</b> to be added to the adjacent Longwood Park.</p> <p>6. Affordable Housing</p> <p>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) <b>and §34-12(g),</b> with affordability over a term of a minimum of 10 years. <b>The ADU requirement shall be recorded as a deed restriction on each ADU lot.</b></p> <p>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 10<sup>th</sup> Certificate of Occupancy.</p> <p>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.</p>

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For reference the two codes outlined in the proffer statement are:

- **Section 34-12(c)** For purposes of this section, "affordable dwelling units" means dwelling units that are affordable to households with incomes at not more than 80% of the area median income and that are committed to remain affordable for a term of not more than thirty (30) years. However, the city may establish a minimum term as it deems necessary to ensure the establishment of committed affordable dwelling units provided pursuant to subsection (a), above, or (d)(1), below.
- **Section 34-12(g)** The city council may from time to time adopt regulations by resolution, for the administration of the provisions of this section. Pursuant to [section 34-82\(b\)\(1\)](#), the failure of any person to comply with such regulations shall constitute unlawful conduct in violation of this section.

**Staff Comment:** The updated proffer language clarifies that the approximately 3 acres of land for a new park will be donated to the City at no cost. The updated proffer statement still does not address a timeframe for the donation or clarify what "project completion" is.

The updated proffer statement clarifies staff's concern with how the ADUs will be guaranteed by adding the deed restriction language. Staff is still concerned that the proffer language does not address enforcement or what documentation will be provided to the City over the course of the 10-year period to ensure compliance with the proffer. Even if at least one ADU must be under construction prior to issuance of every 10 CO's, what is 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.

## **2. Update to the intersection of Flint Drive and Keene Court:**

The applicant has made no change to the design of the PUD or the street layout. The applicant did update the scale on the drawings and provided measurements at key points on the road. The update materials indicate that Flint Drive will be (24) feet wide and Keene Court (which is one-way) will be (20) feet wide. The intersection of Flint Drive and Keene Court will be (22) feet wide. The previous version's scale was incorrect and gave an indication the intersection would only be (10) feet wide.

**Staff Comment:** The City's Traffic Engineer reviewed the updated materials and finds the width of the intersection of Flint Drive and Keene Court will meet the City's Standards &

Design Manual. Staff is no longer concerned with the road layout as presented in the updated materials.

### **3. Updated the Supplemental Information packet to include details:**

A sheet was added to the end (last page) of the Supplemental Information packet to include details on wire backed silt fence, limits of disturbance, and tree protection.

Staff Comments: This information provides more detail on how the developer will protect trees and critical slopes during construction. This information also states the limits of disturbance, not the critical slope boundary, will be staked by a surveyor. Staff is concerned that the tree protection detail is not the current City standard. Staff is also concerned that the developer listed wire backed silt fence as “super silt fence”. Super silt fence is not wired backed silt fence per City standards.

### **Staff Recommendation Updated based off the new materials**

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. **No change in staff’s recommendation.**
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. **The updated materials indicate the intersection of Flint and Keene will be (22) feet wide. Staff no longer has any concerns with the layout of the roads or intersection.**
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. **Although the proffer language has been updated to include deed restrictions, staff is still concerned with the administrative and enforcement of this proffer.**

### **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 - H. Staff Report and all materials from the May 14, 2019 Public Hearing
- I. Updated Proffer Statement Dated May 20, 2019
- J. Updated Flint Hill Development Plan Dated May 20, 2019
- K. Updated Flint Hill Supplemental Information Packet Dated May 20, 2019
- L. Letter from a concerned resident.

**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.

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**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

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**(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 10<sup>th</sup> 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 last 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.



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**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.

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

## Vicinity Map



## Zoning Map



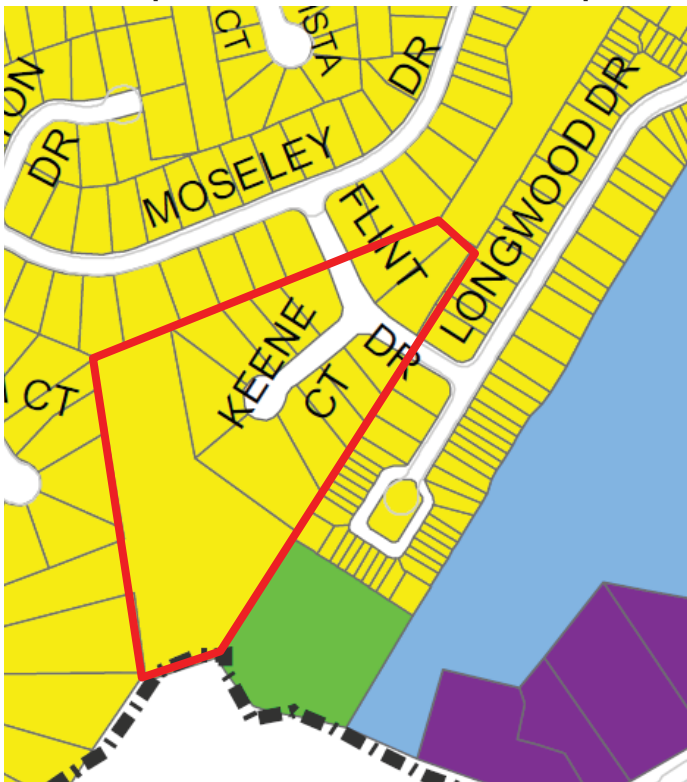
# Attachment A - H May 14, 2019 Public Hearing Old

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

2018 Aerial



2013 Comprehensive Plan Land Use Map



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**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;

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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



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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.

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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.



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- 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 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

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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

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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

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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

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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

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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.**

# Attachment A - H May 14, 2019 Public Hearing Old

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



# Attachment A - H May 14, 2019 Public Hearing Old

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 verity 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;**

# Attachment A - H May 14, 2019 Public Hearing Old

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**).

# Attachment A - H May 14, 2019 Public Hearing Old

## **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.).

# Attachment A - H May 14, 2019 Public Hearing Old

## 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.

# Attachment A - H May 14, 2019 Public Hearing Old

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.

# Attachment A - H May 14, 2019 Public Hearing Old

## 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:

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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. 

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3. 

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4. 

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5. 

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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 [Signature] Print Charlize 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 Meredy 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 10<sup>th</sup> 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	
<b>TOTAL</b>			

### 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:

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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

# Attachment A - H May 14, 2019 Public Hearing Old

## 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

# Attachment A - H May 14, 2019 Public Hearing Old

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

# Attachment A - H May 14, 2019 Public Hearing Old

## 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.

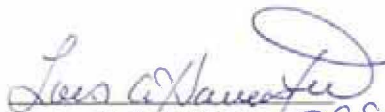
BELMONT STATION, LLC, a Virginia limited liability company

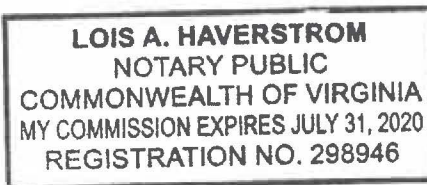
By:   
Frank T. Ballif, Manager

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 21<sup>st</sup> day of November, 2018, and acknowledged the foregoing instrument under oath.

My commission expires: 7-31-2020

  
Notary Public/ID # 298946





# Attachment A - H May 14, 2019 Public Hearing Old

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 13<sup>th</sup> 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







# 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.

Meeting date = 12/13/18

Applicant: Belmont Station, LLC

By:

Signature [Signature] Print Frank T. Ballif, as Manager Date 11/26/18

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

# Attachment A - H May 14, 2019 Public Hearing Old

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 10<sup>th</sup> 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 XX<sup>th</sup> day of XX, XXX.

Owner:  
Belmont Station, LLC

Owner's Address:  
170 South Pantops Drive  
Charlottesville, VA 22911

By: \_\_\_\_\_  
Frank Ballif, Manager







Attachment A - H May 14, 2019 Public Hearing Old  
Existing Conditions

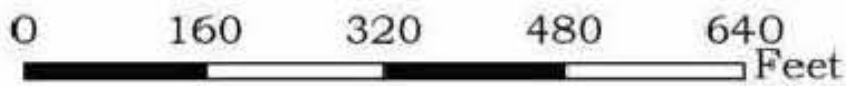
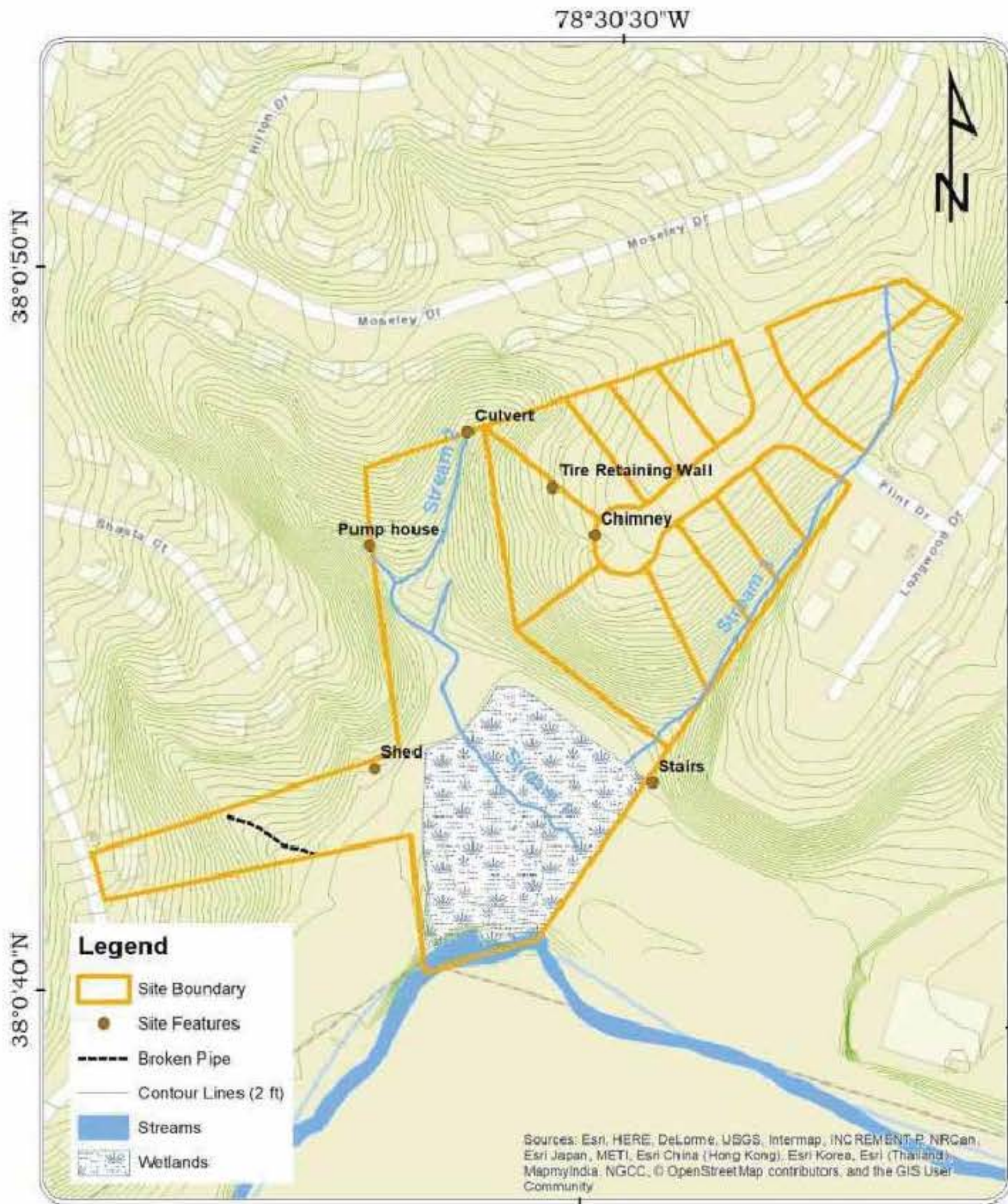




ENVIRONMENTAL FEATURES

# WILD GINGER FIELD SERVICES

NOTE: ON-SITE CONSULTATION WITH ACOE HAS DETERMINED THAT STREAM 3 IS NOT A STREAM



**Created by**  
**Wild Ginger Field Services, LLC**  
**Charlottesville, VA**



# Attachment A - H May 14, 2019 Public Hearing Old

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

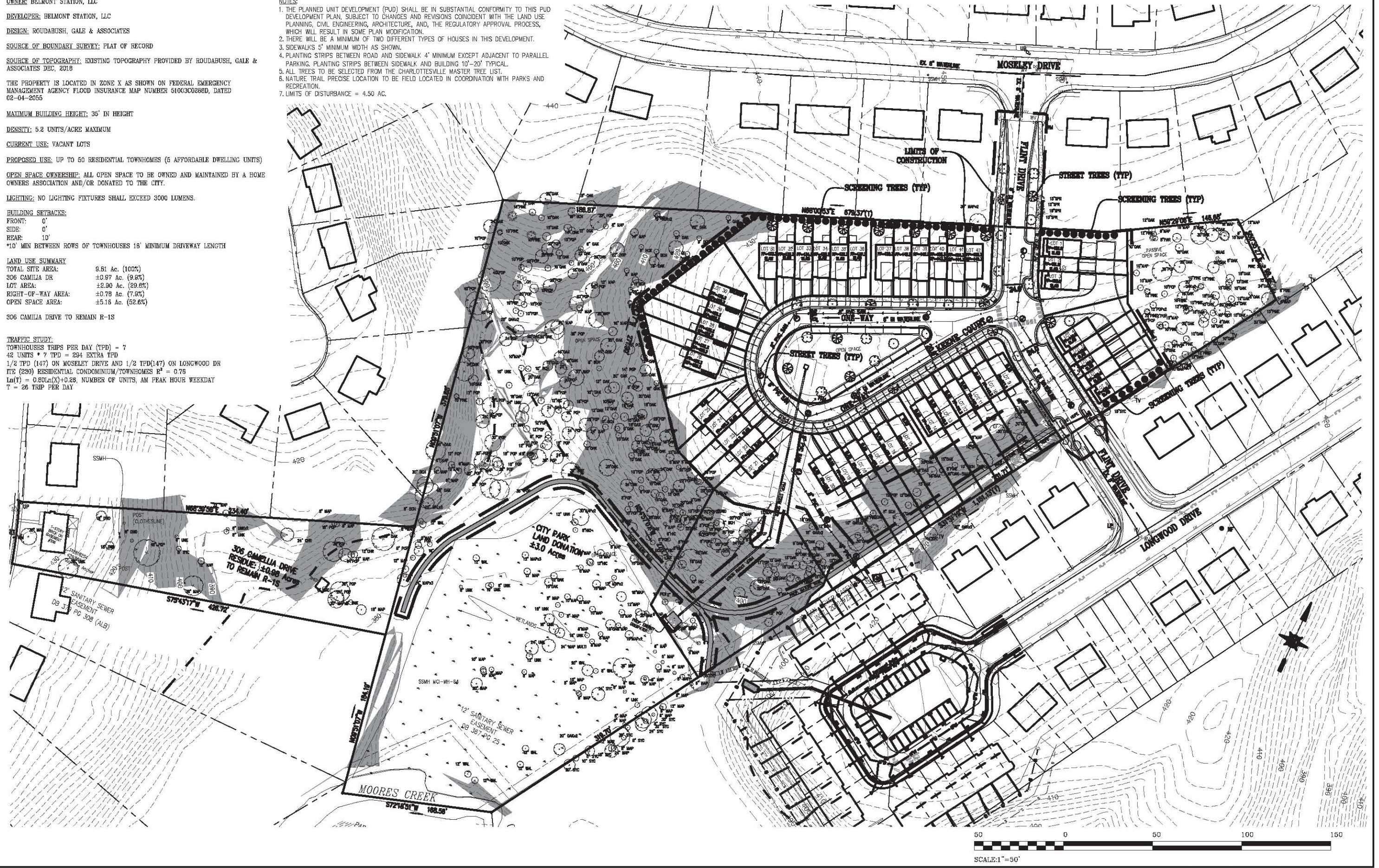
**LAND USE SUMMARY**

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:**  
 TOWNHOMES 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  
 ITC (290) RESIDENTIAL CONDOMINIUM/TOWNHOMES R<sup>2</sup> = 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 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.
  7. LIMITS OF DISTURBANCE = 4.50 AC.





**Attachment A - H May 14, 2019 Public Hearing Old  
Matrix of Use Types-Flint Hill PUD**

Use Types	Flint Hill PUD	Existing Zoning - R-1S (for reference)
<b>RESIDENTIAL AND RELATED USES</b>		
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)
<b>NON-RESIDENTIAL: GENERAL and MISC.</b>		
<b>COMMERCIAL</b>		
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)		

**Attachment A - H May 14, 2019 Public Hearing Old  
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



Attachment A – H May 14, 2019 Public Hearing Old  
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.*

Attachment A – H May 14, 2019 Public Hearing Old  
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



**Attachment A - H May 14, 2019 Public Hearing Old  
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 5100900028D,  
DATED 02-04-2015

**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	±0.87 Ac. (9.9%)
LOT AREA:	±2.90 Ac. (29.8%)
RIGHT-OF-WAY AREA:	±0.78 Ac. (7.9%)
OPEN SPACE AREA:	±5.16 Ac. (52.6%)

305 CAMILIA DRIVE TO REMAIN R-1S

**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 (290) RESIDENTIAL CONDOMINIUM/TOWNHOMES R<sup>2</sup> - D.78  
Ln(T) = 0.80Ln(2)+4.28, NUMBER OF UNITS, AM PEAK HOUR WRECKDAY  
T = 28 TRIP PER DAY

**Vicinity Map**



SCALE 1" = 500'

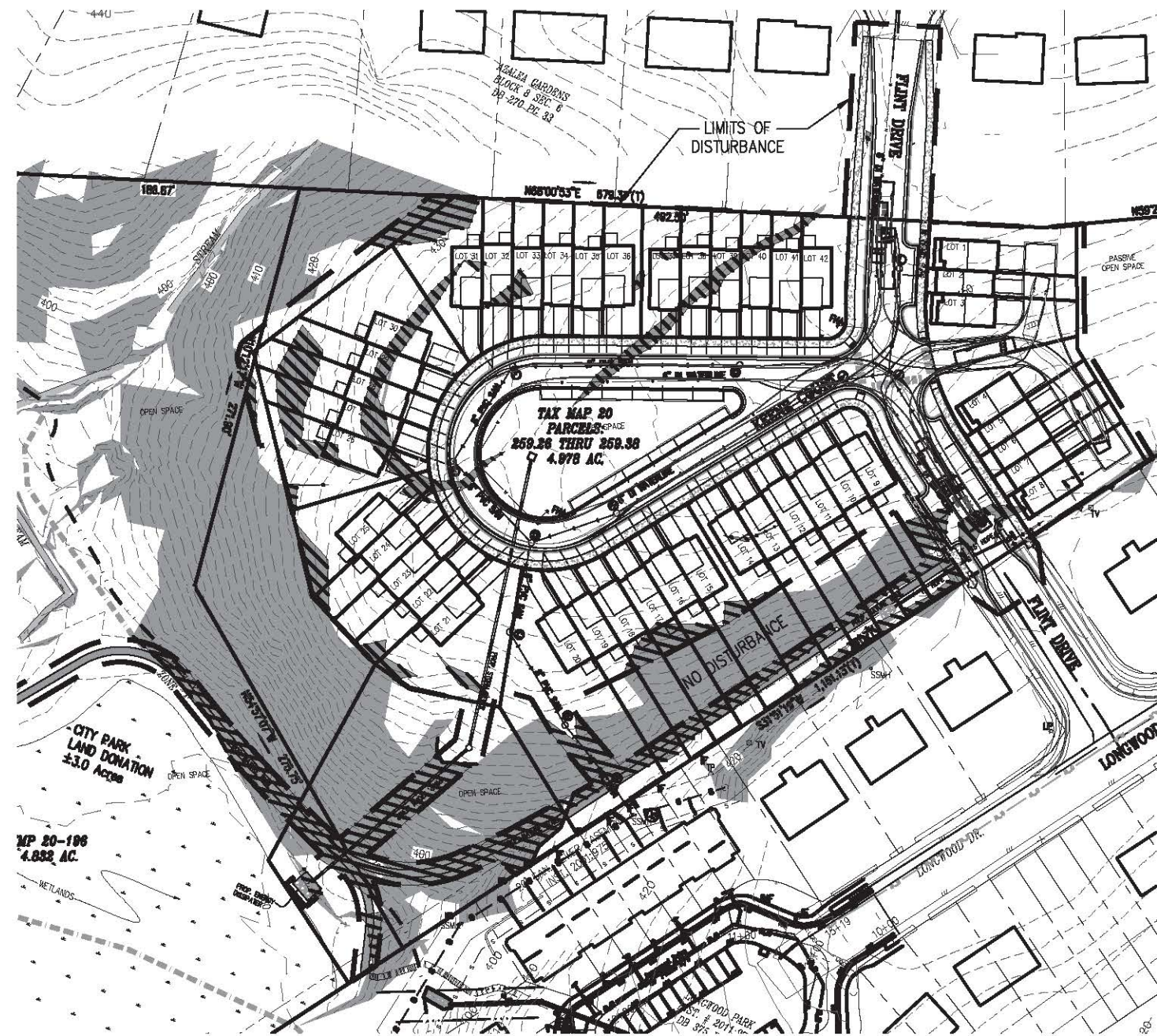
**SHEET INDEX**

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 II
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**

**Critical Slope Map: Subdivision**



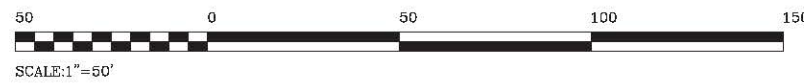
(34-1120(b)(2))

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.

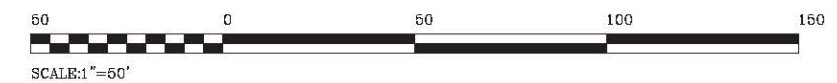
0.36 AC OF CRITICAL SLOPE DISTURBANCE  
0.26 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



(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

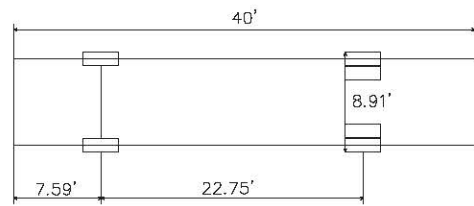


**LINETYPE LEGEND**

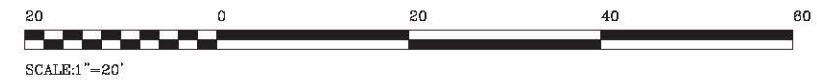
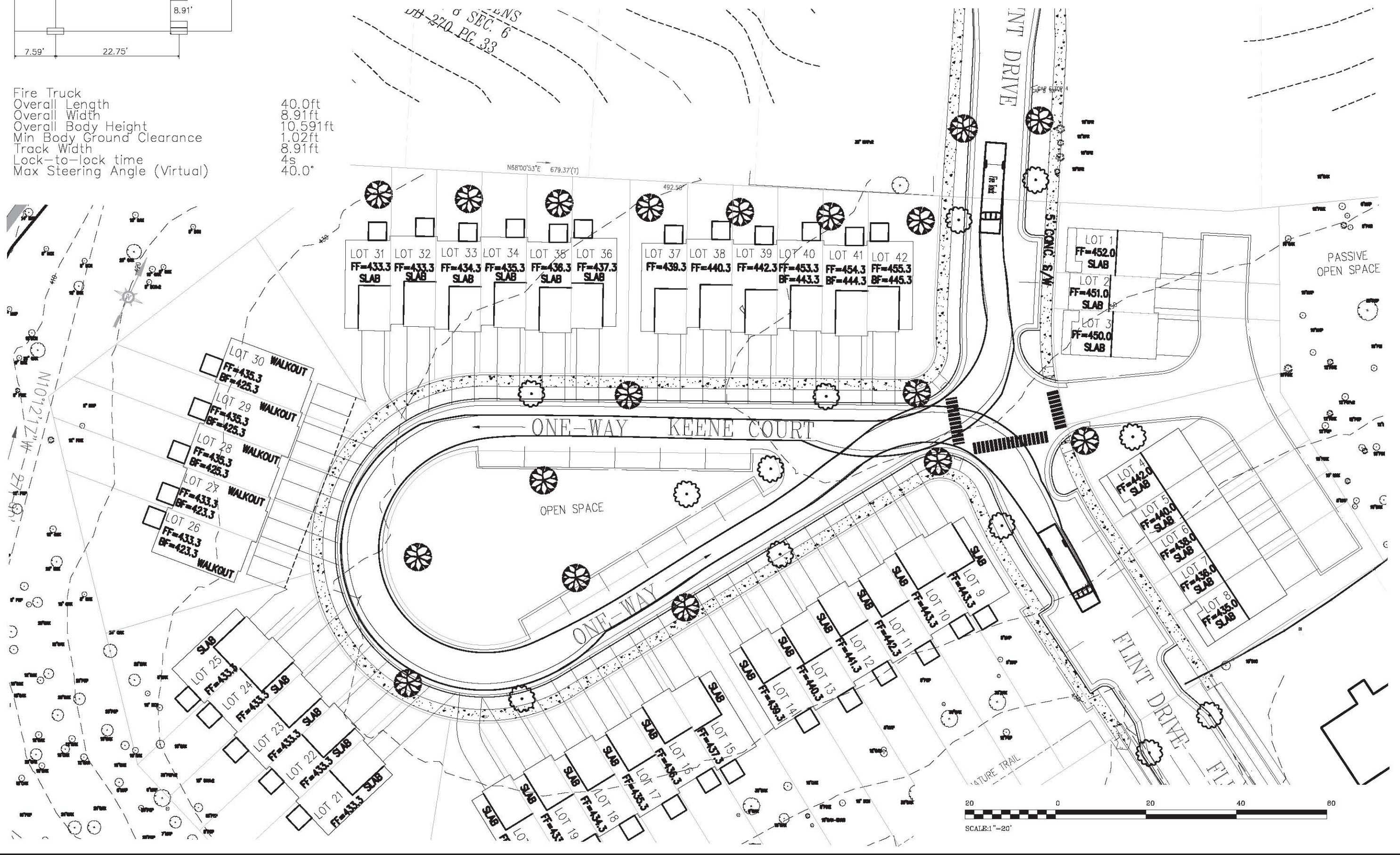
- LIMITS OF DISTURBANCE
- DISTURBED CRITICAL SLOPES



# Attachment A - H May 14, 2019 Public Hearing Old Firetruck Autoturn 1

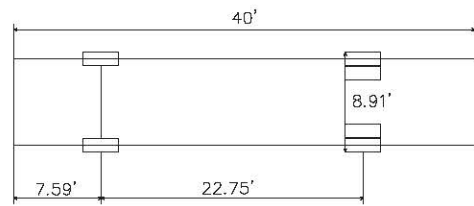


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.59ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

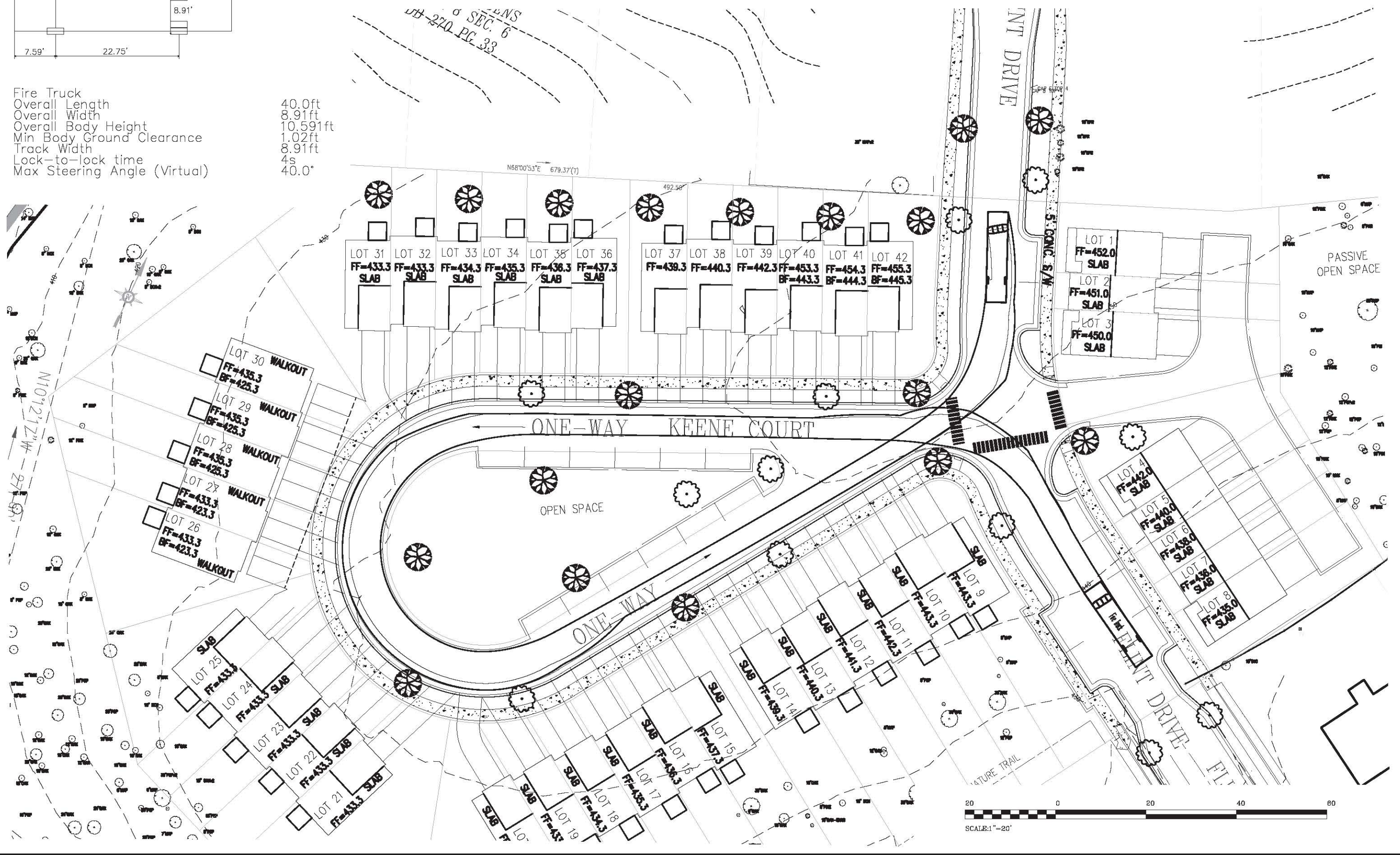




# Attachment A - H May 14, 2019 Public Hearing Old Firetruck Autoturn 2

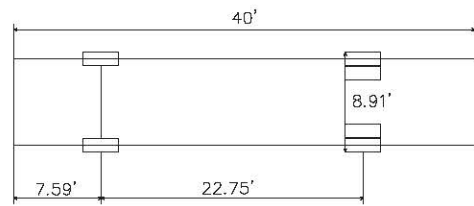


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.59ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

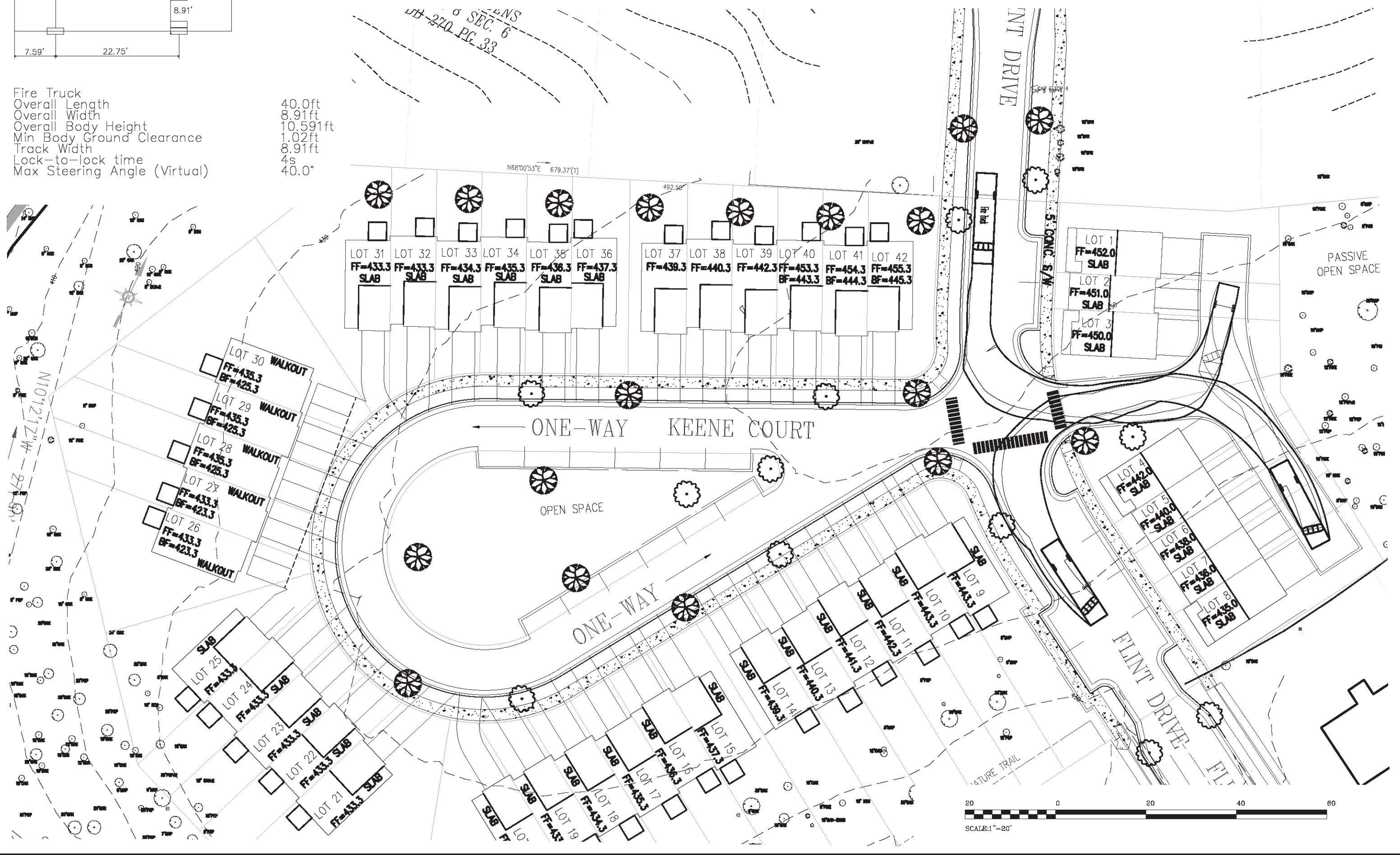




# Attachment A - H May 14, 2019 Public Hearing Old Firetruck Autoturn 3

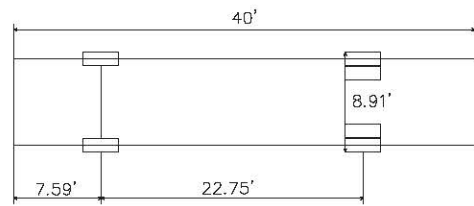


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.59ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

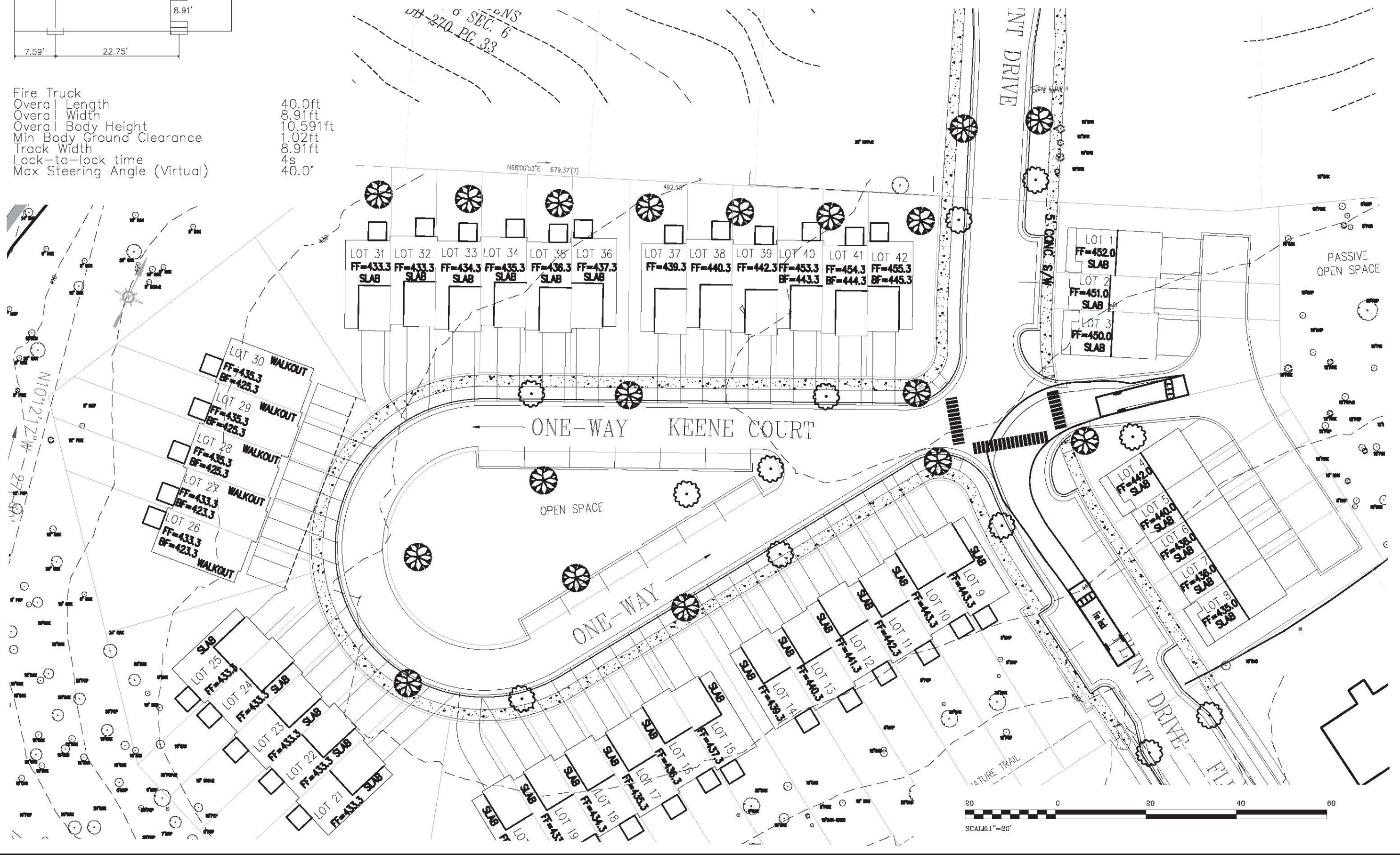




# Attachment A - H May 14, 2019 Public Hearing Old Firetruck Autoturn 4



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°





# Attachment A - H May 14, 2019 Public Hearing Old Landscape Plan

**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

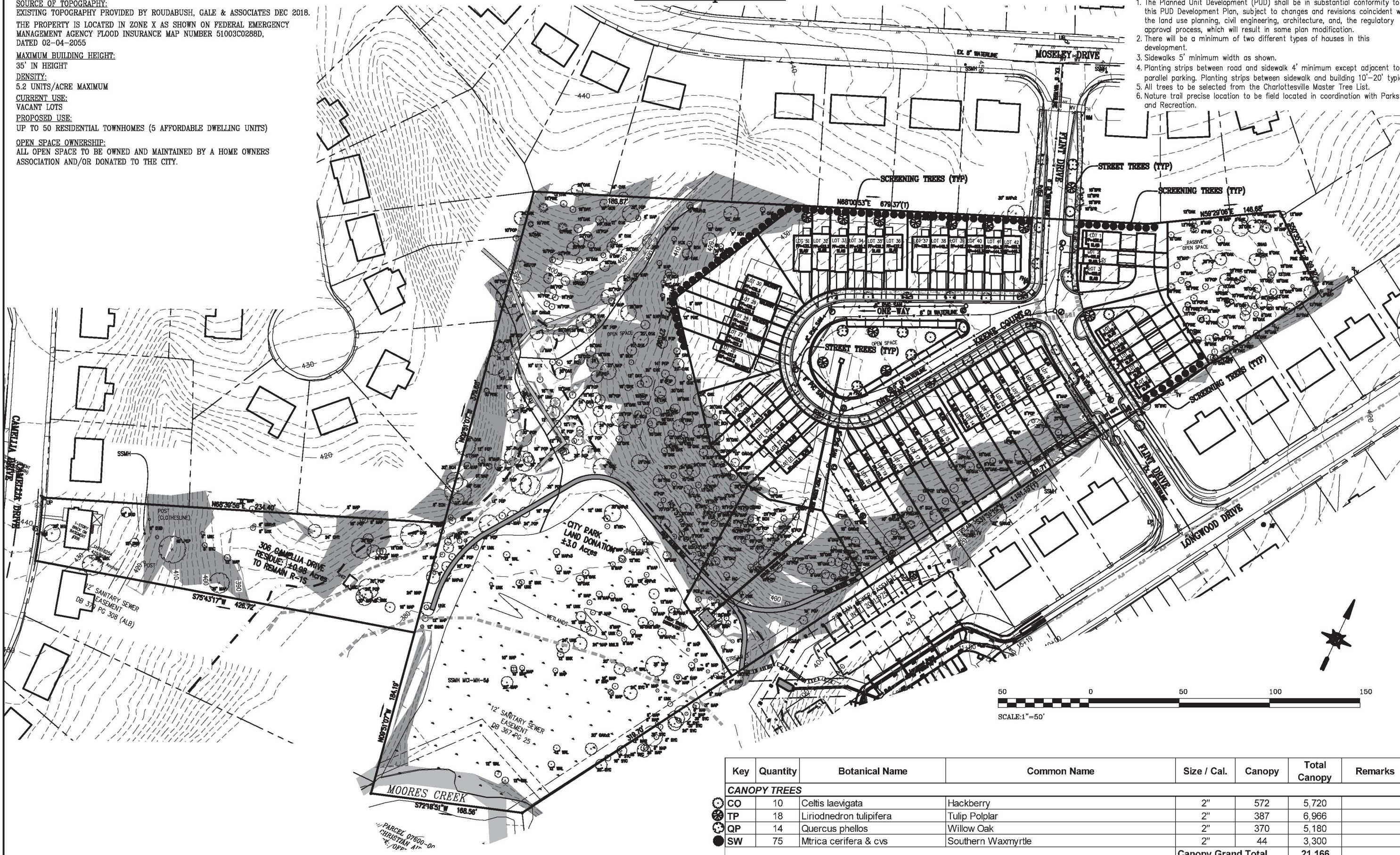
**DENSITY:**  
5.2 UNITS/ACRE MAXIMUM

**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.

- 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
<b>CANOPY TREES</b>							
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 &amp; cvs</i>	Southern Waxmyrtle	2"	44	3,300	
<b>Canopy Grand Total</b>						<b>21,166</b>	















# Attachment A - H May 14, 2019 Public Hearing Old Open Space Plan

**DENSITY:**  
5.2 UNITS/ACRE MAXIMUM

**CURRENT USE:**  
VACANT LOTS

**PROPOSED USE:**  
UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

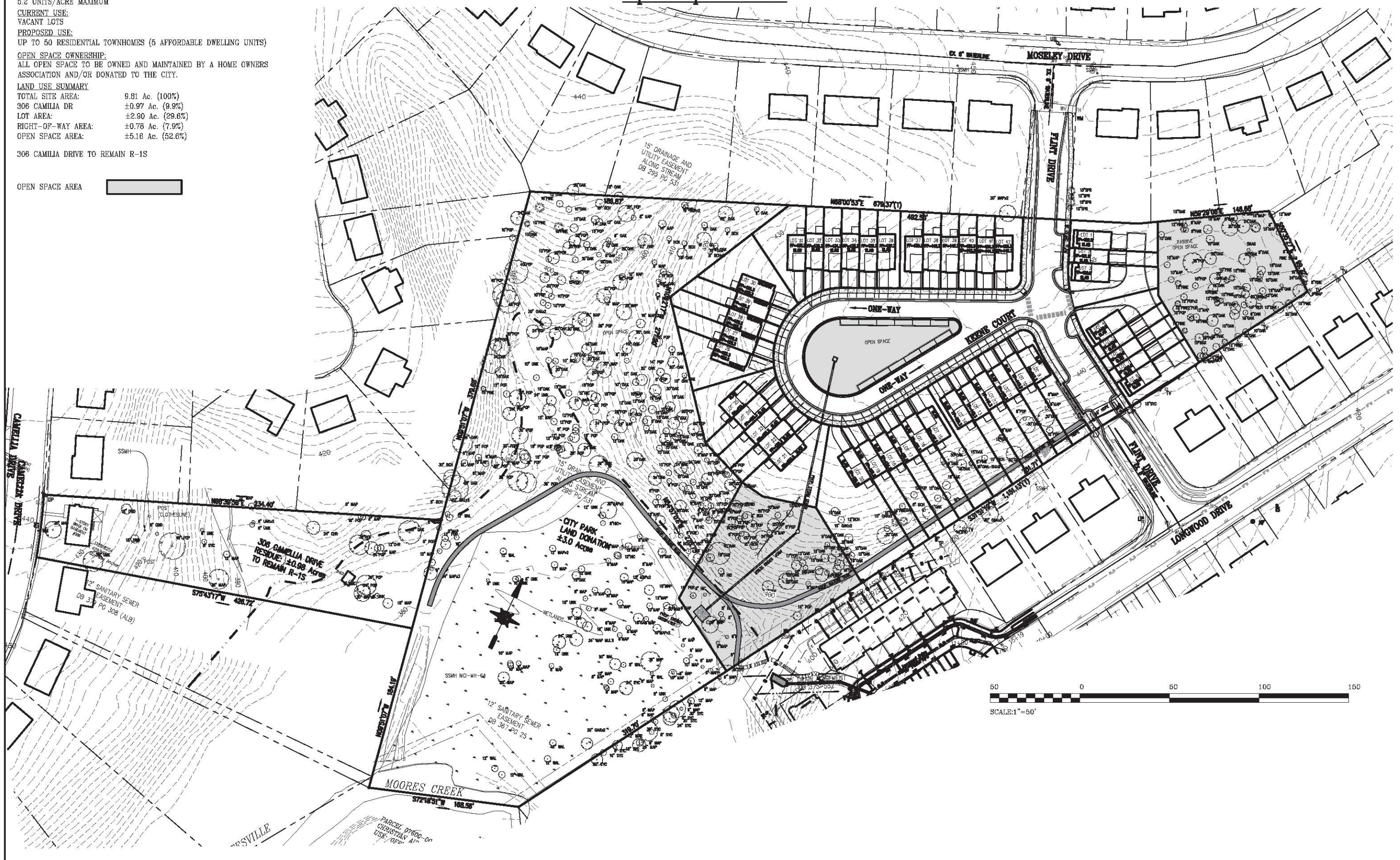
**OPEN SPACE OWNERSHIP:**  
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

**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





# Attachment A - H May 14, 2019 Public Hearing Old Parking Plan

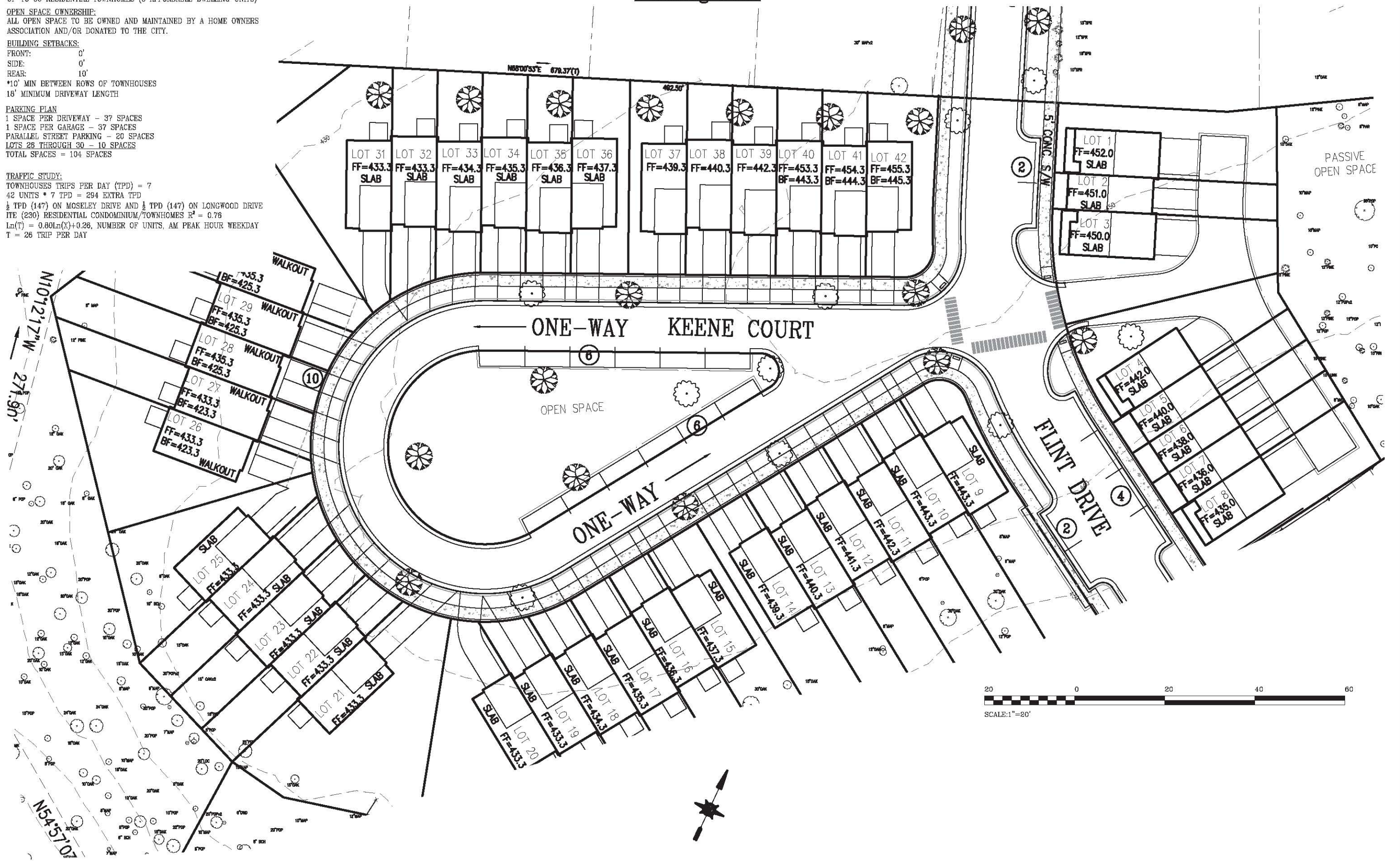
**PROPOSED USE:**  
UP TO 60 RESIDENTIAL TOWNHOMES (6 AFFORDABLE DWELLING UNITS)

**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  
½ TPD (147) ON MOSELEY DRIVE AND ½ TPD (147) ON LONGWOOD DRIVE  
ITE (230) RESIDENTIAL CONDOMINIUM/TOWNHOMES R<sup>2</sup> = 0.76  
Ln(T) = 0.60Ln(X)+0.26, NUMBER OF UNITS, AM PEAK HOUR WEEKDAY  
T = 26 TRIP PER DAY



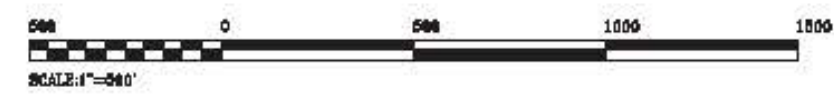
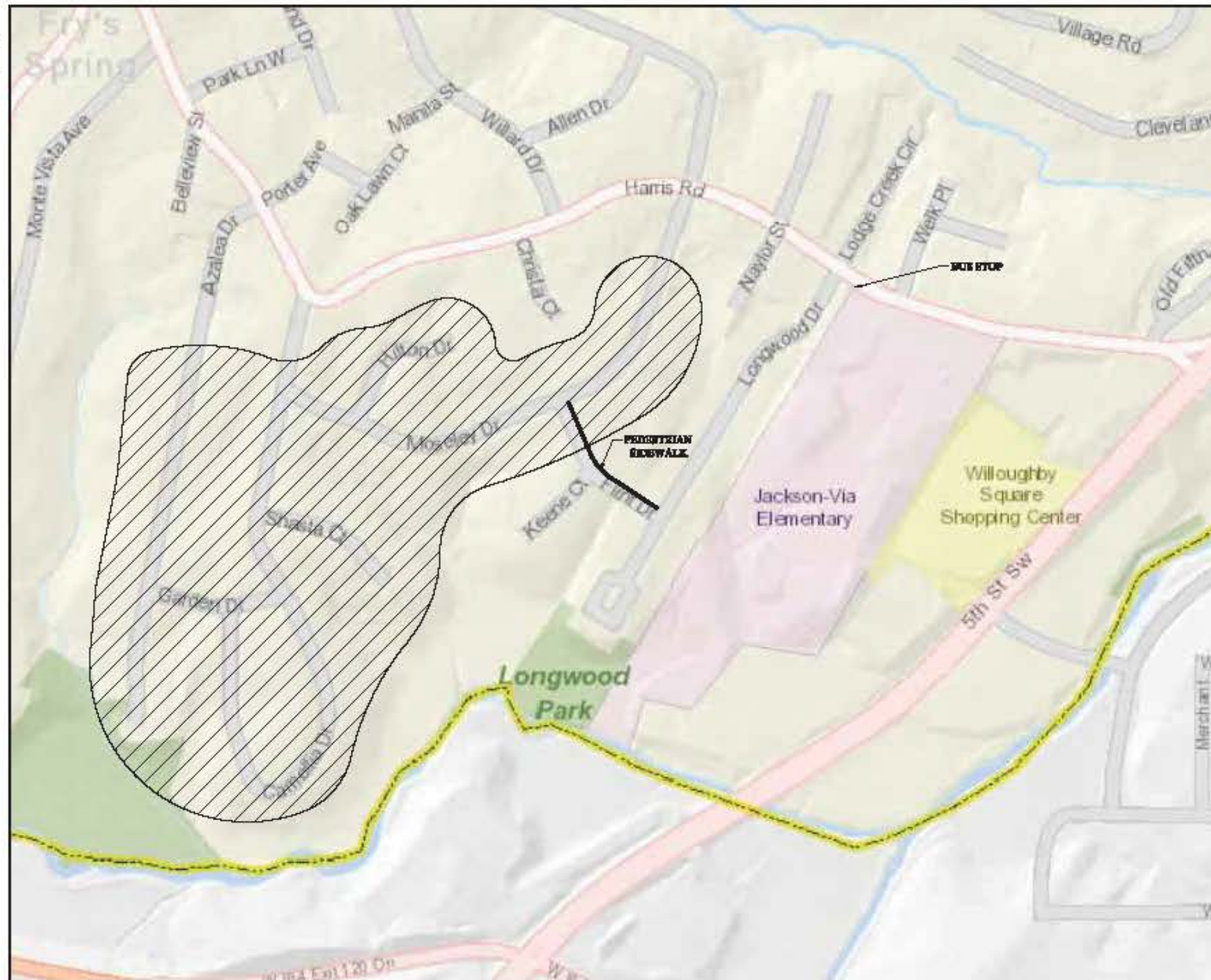


Attachment A - H May 14, 2019 Public Hearing Old  
Pedestrian System

**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. CITY ROUTE 4 IS APPROXIMATELY 1,400 FT AWAY FROM THIS PLANNED LINT DEVELOPMENT.









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 40°21'27" E
C8	158.07'	43.00'	21°57'13"	82.68'	150.19'	N 40°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'	21°57'12"	148.01'	270.66'	N 40°21'28" W



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

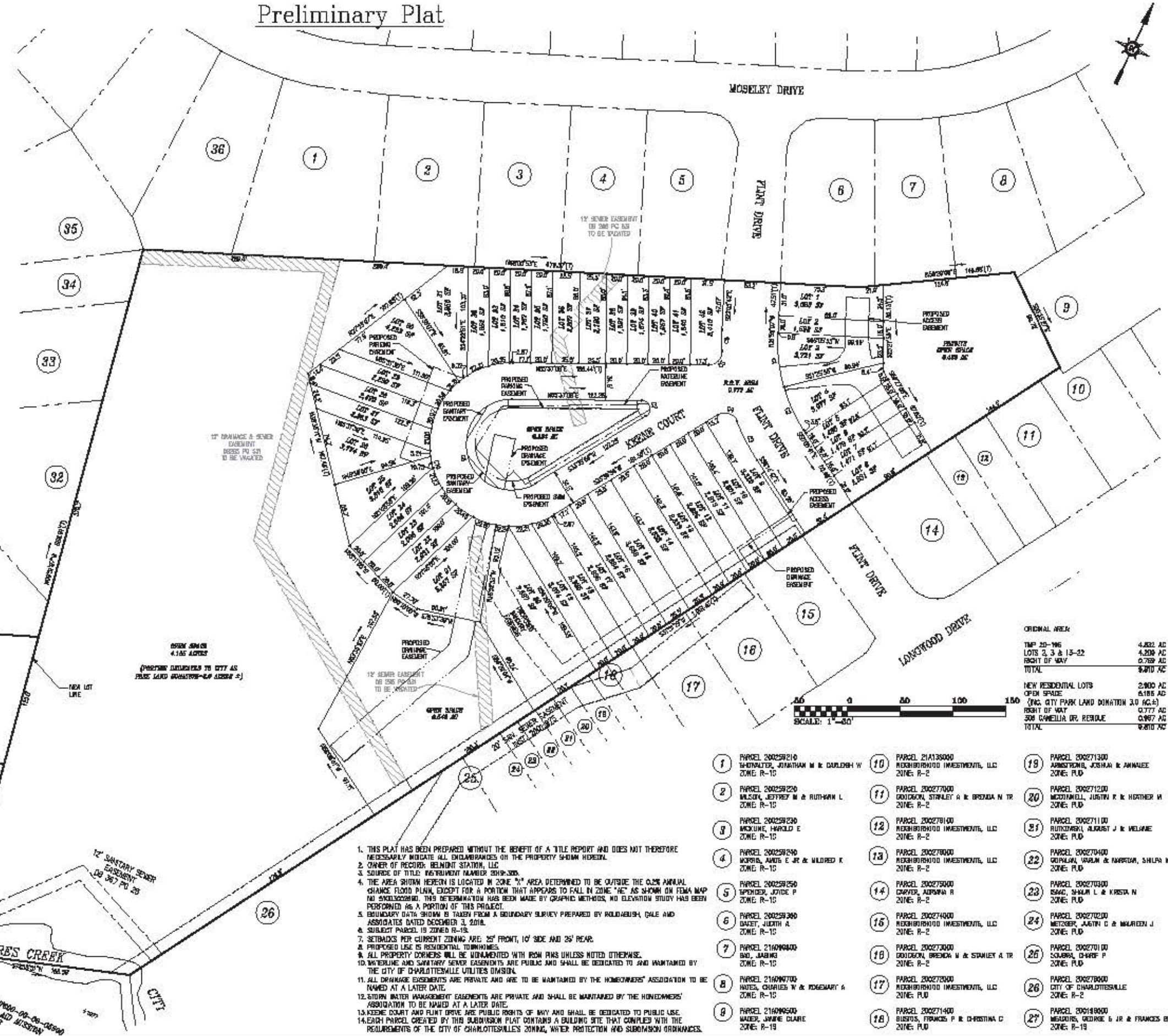
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHAIR, CITY PLANNING COMMISSION

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: \_\_\_\_\_

Preliminary Plat



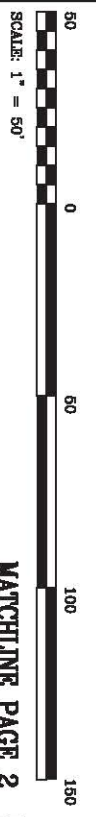
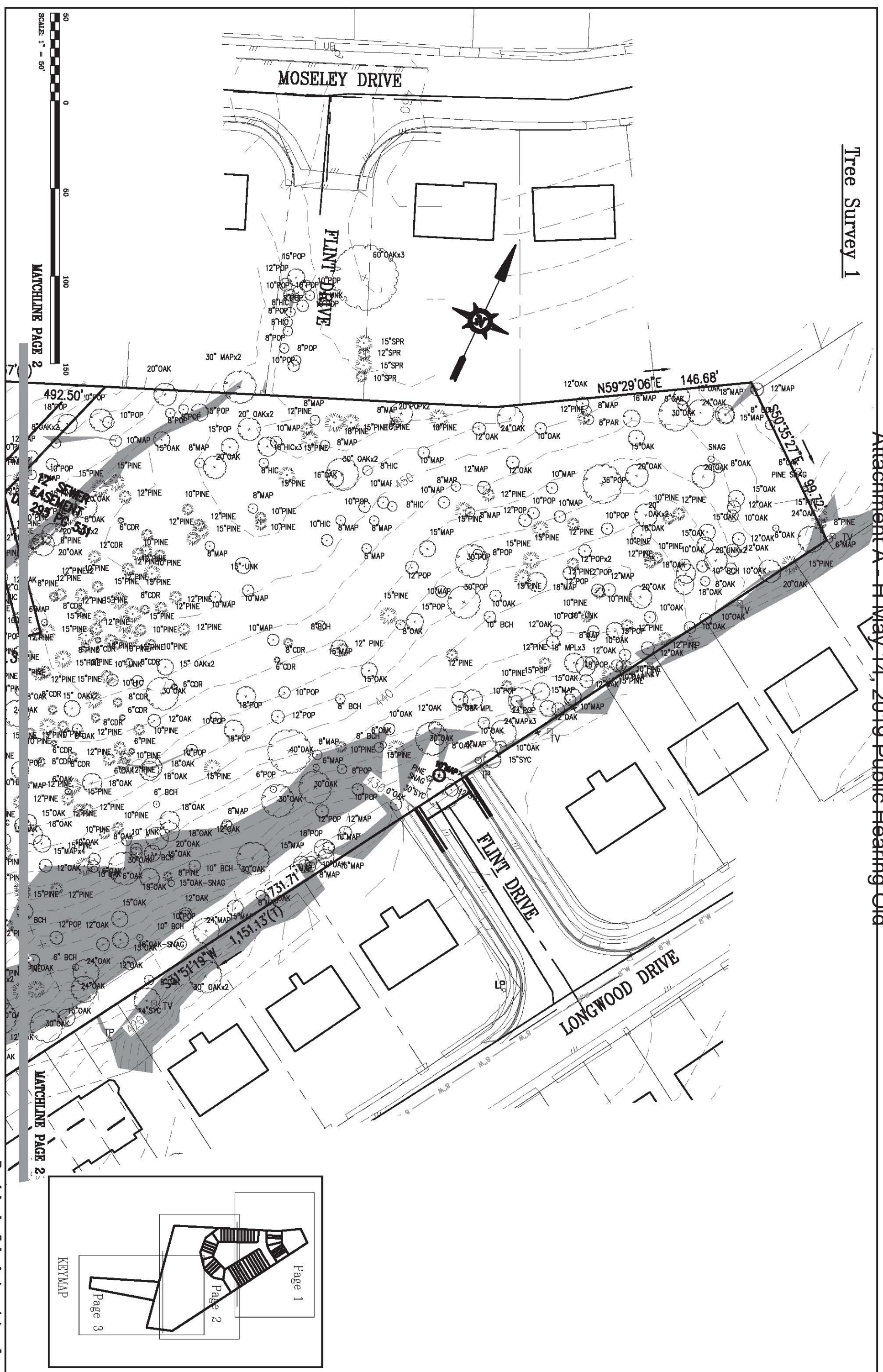
ORIGINAL AREA	
TMP 20-196	4,822 AC
LOTS 2, 3 & 13-22	4,208 AC
RIGHT OF WAY	0,789 AC
TOTAL	9,819 AC
NEW RESIDENTIAL LOTS	
OPEN SPACE	2,900 AC
(INC. CITY PARK LAND DONATION 3.0 AC.)	6,186 AC
RIGHT OF WAY	0,777 AC
300 DANIELLA DR. RESERVE	0,967 AC
TOTAL	9,870 AC



- 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 2019-300.
- THE AREA SHOWN HEREON IS LOCATED IN ZONE "R-10" AREA DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN, EXCEPT FOR A PORTION THAT APPEARS TO FALL IN ZONE "AE" AS SHOWN ON FEMA MAP NO. 58030C002. 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 ROLAND BUSH, CHASE & ASSOCIATES DATED DECEMBER 3, 2018.
- SUBJECT PARCEL IS ZONED R-19.
- SETBACKS PER CURRENT ZONING ARE 25' FRONT, 10' SIDE AND 25' REAR.
- PROPOSED USE IS RESIDENTIAL TOWNHOMES.
- ALL PROPERTY OWNERS WILL BE NOTICED 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.

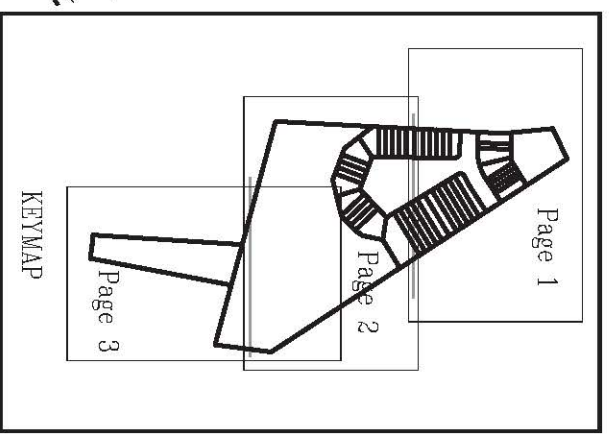
- |   |  |    |   |    |  |
|---|--|----|---|----|--|
| 1 | PARCEL 200258210<br>SHAWLTER, JONATHAN M & DAUGHSH W<br>ZONE: R-10 | 10 | PARCEL 21A13000<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2     | 19 | PARCEL 200271300<br>ARMSTRONG, JOHANN & ANNALISE<br>ZONE: PUD        |
| 2 | PARCEL 200258220<br>WILSON, JEFFREY M & RUTHAN L<br>ZONE: R-10     | 11 | PARCEL 200277000<br>ODDICON, STANLEY A & BRENDA N TR<br>ZONE: R-2 | 20 | PARCEL 200271200<br>MCCOMMELL, JUSTIN K & HEATHER M<br>ZONE: PUD     |
| 3 | PARCEL 200258230<br>WICKLINE, HAROLD E<br>ZONE: R-10               | 12 | PARCEL 200278100<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2    | 21 | PARCEL 200271100<br>RUTENFRAN, AUGUST J & VELVINE<br>ZONE: PUD       |
| 4 | PARCEL 200258240<br>MORRIS, ANDY E JR & WILDRED K<br>ZONE: R-10    | 13 | PARCEL 200278000<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2    | 22 | PARCEL 200270400<br>GONZALEZ, VASIM & MARIONA, SHEILA M<br>ZONE: PUD |
| 5 | PARCEL 200258250<br>SPENCER, JUDY P<br>ZONE: R-10                  | 14 | PARCEL 200278000<br>CARVER, ADEENA R<br>ZONE: R-2                 | 23 | PARCEL 200270300<br>ESKAL, SHARIL & KRISTA N<br>ZONE: PUD            |
| 6 | PARCEL 200258260<br>BARTY, JUDITH A<br>ZONE: R-10                  | 15 | PARCEL 200274000<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2    | 24 | PARCEL 200270200<br>METZGER, JAMIN C & MARLEEN J<br>ZONE: PUD        |
| 7 | PARCEL 21A090400<br>BND, JARROLD<br>ZONE: R-10                     | 16 | PARCEL 200273000<br>ODDICON, BRENDA M & STANLEY A TR<br>ZONE: R-2 | 25 | PARCEL 200270100<br>SOMERS, CHARLES P<br>ZONE: PUD                   |
| 8 | PARCEL 21A090700<br>HAYES, CHARLES W & ROSEMARY A<br>ZONE: R-10    | 17 | PARCEL 200272000<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD    | 26 | PARCEL 200270000<br>CITY OF CHARLOTTESVILLE<br>ZONE: R-2             |
| 9 | PARCEL 21A090500<br>WALKER, JANINE CLARE<br>ZONE: R-19             | 18 | PARCEL 200271400<br>BUSTOS, FRANCIS P & CRISTINA C<br>ZONE: PUD   | 27 | PARCEL 200180000<br>MEADORS, GEORGE G JR & FRANCES B<br>ZONE: R-19   |





MATCHLINE PAGE 2

MATCHLINE PAGE 2



April 17th, 2019

Flint Hill  
Charlottesville, Virginia

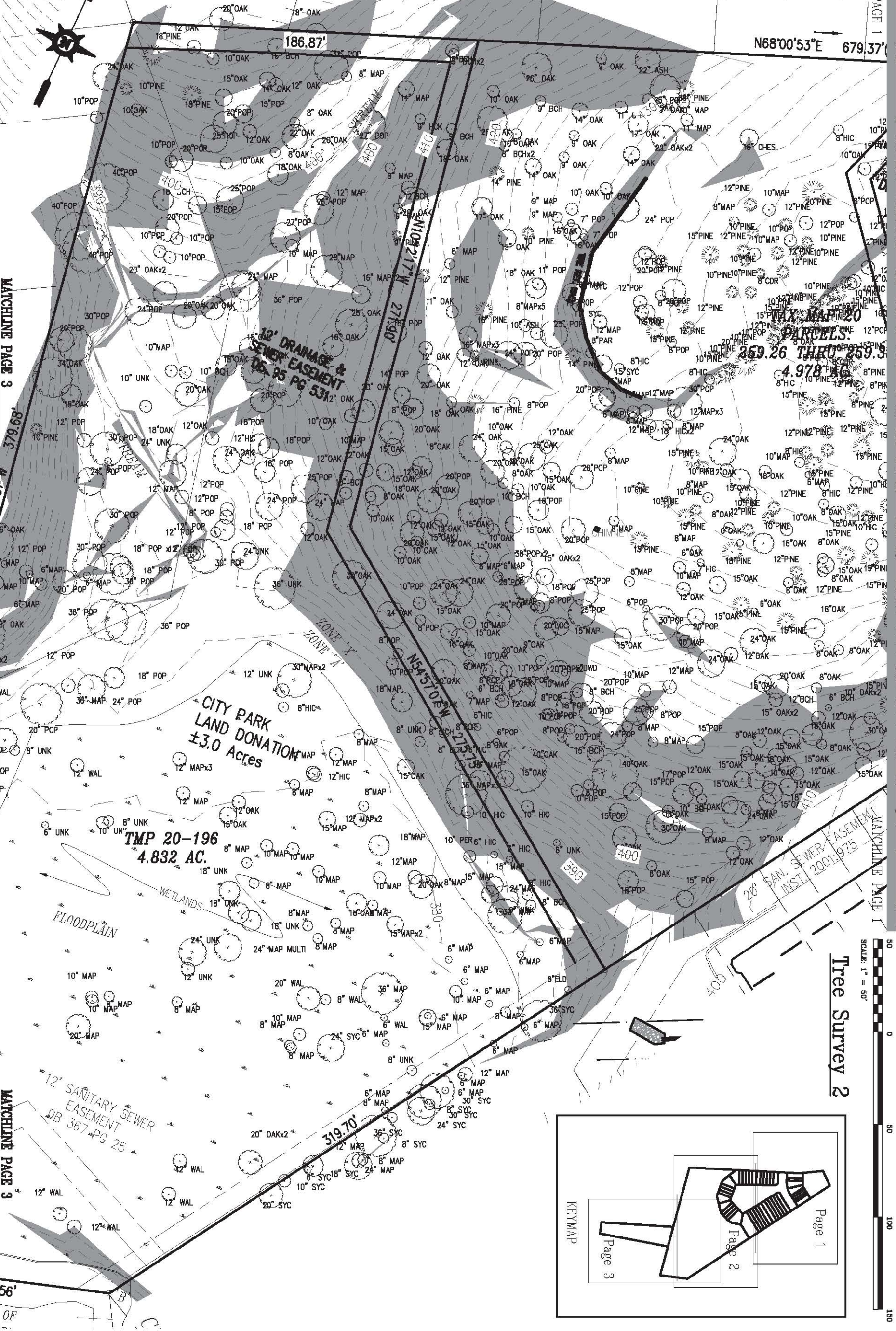
Roudabush, Gale & Associates, Inc.  
Charlottesville, Virginia



SECS. 6  
270 PG. 33



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

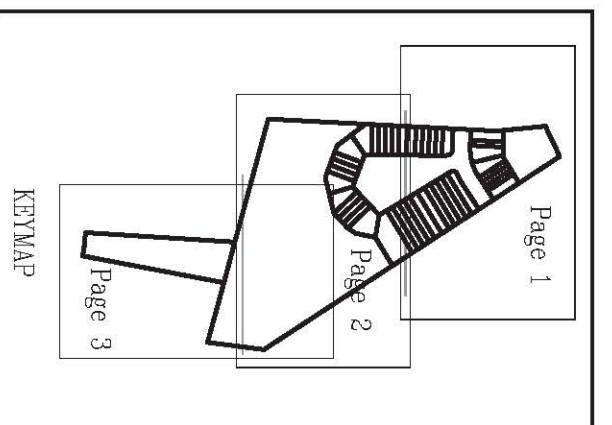
MATCHLINE PAGE 3

56'

Attachment A - H May 14, 2019 Public Hearing Old

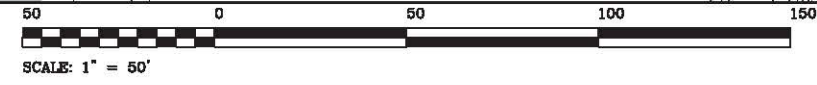
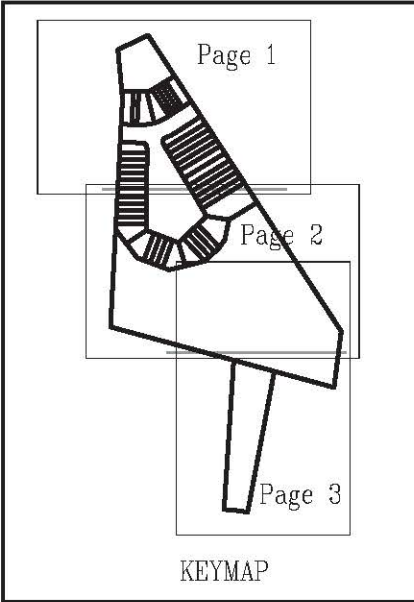


Tree Survey 2





Tree Survey 3





# Attachment A - H May 14, 2019 Public Hearing Old 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 60 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









Attachment A - H May 14, 2019 Public Hearing Old



Attachment A - H May 14, 2019 Public Hearing Old



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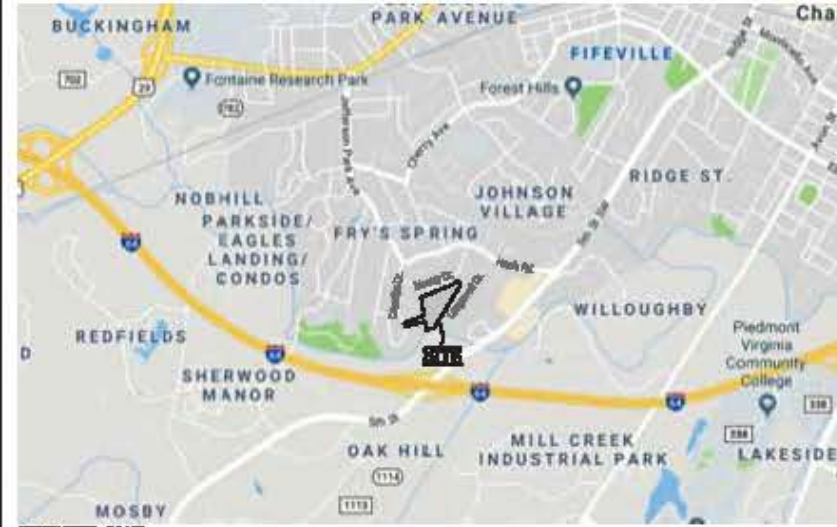
Attachment A - H May 14, 2019 Public Hearing Old



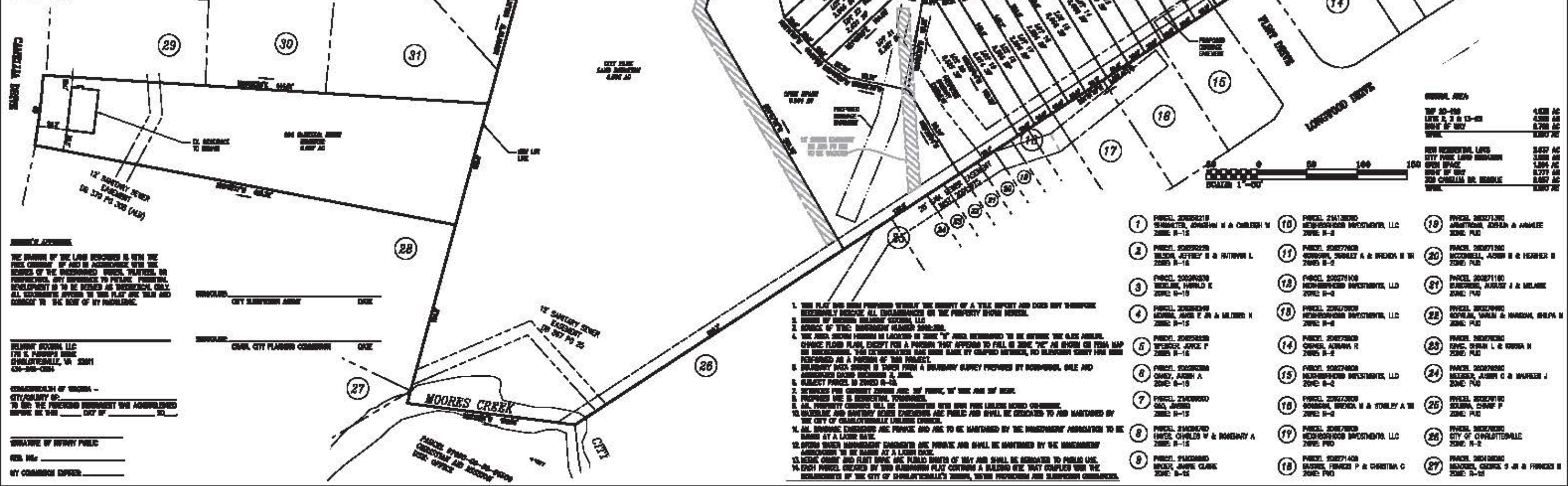


Preliminary Plat

Curve	Length	Radius	Delta	Chord	Tangent	Chord Bearing
C1	81.45'	192.00'	18°23'07"	81.18'	25.98'	N 31°21'37" W
C2	48.15'	192.00'	17°01'11"	44.88'	22.74'	N 49°44'07" W
C3	41.35'	205.74'	17°33'58"	41.35'	23.74'	S 52°26'47" E
C4	21.73'	12.90'	88°28'43"	21.10'	14.78'	N 83°28'18" E
C5	20.25'	12.90'	87°17'48"	20.18'	13.84'	S 16°28'15" W
C6	20.04'	208.74'	8°34'31"	20.03'	10.03'	E 24°03'13" E
C7	20.67'	8.50'	148°02'47"	18.35'	27.94'	S 43°21'22" E
C8	168.87'	43.00'	2°15'13"	62.68'	193.11'	N 40°23'27" W
C9	70.27'	622.89'	6°22'48"	70.23'	28.17'	N 18°10'25" W
C10	285.68'	77.50'	2°17'57.12"	148.21'	270.68'	N 40°12'28" W



VICINITY MAP  
SCALE 1" = 1000'



**NOTICE TO CONTRACTORS**

THE BOUNDARIES OF THE LAND SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE ENGINEERED SURVEY PLANNED OR PERFORMED BY THE ENGINEER. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEY OR RECORDS THAT WOULD AFFECT THE BOUNDARIES SHOWN ON THIS PLAN. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEY OR RECORDS THAT WOULD AFFECT THE BOUNDARIES SHOWN ON THIS PLAN.

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1. THIS PLAN HAS BEEN PREPARED UNDER THE DIRECTION OF A TITLE REPORT AND DOES NOT REPRESENT A GENERAL SURVEY. ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
2. OWNER: MOORE'S CREEK DEVELOPMENT, LLC
3. SURVEYOR: THE ENGINEERED SURVEY COMPANY, INC.
4. THE AREA SHOWN HEREON IS LOCATED IN ZONE "R" AND IS SUBJECT TO THE CITY OF CHARLOTTESVILLE ZONING ORDINANCES. THE DEVELOPER HAS OBTAINED A ZONING VARIANCE FROM THE CITY OF CHARLOTTESVILLE TO PERFORM AS A PORTION OF THIS PROJECT.
5. THE PROPERTY SHOWN ON THIS PLAN IS SUBJECT TO A BOUNDARY SURVEY PERFORMED BY ROSSWORTH, GALE AND ASSOCIATES, INC. ON 11/11/18.
6. SUBJECT PARCELS TO ZONED R-2.
7. SERVICES FOR CONVEYANCE AND RECORDING OF THIS PLAN ARE THE RESPONSIBILITY OF THE BUYER.
8. PROPOSED USE IS RESIDENTIAL, TOWNHOUSE.
9. ALL PROPERTY OWNERS WILL BE NOTIFIED WITH 30 DAYS PRIOR TO THE COMMENCEMENT OF THE SURVEY AND SHALL BE OBLIGATED TO ATTEND AND MAINTAIN THE SURVEY AT ALL TIMES.
10. BOUNDARIES AND SURVEY DATA SHOWN ARE PUBLIC AND SHALL BE MAINTAINED BY THE CITY OF CHARLOTTESVILLE.
11. ALL ENCUMBRANCES AND EASEMENTS ARE TO BE MAINTAINED BY THE MANAGEMENT ASSOCIATION TO BE FORMED AT A LATER DATE.
12. AFTER SUCH MANAGEMENT ASSOCIATION IS FORMED AND SHALL BE MAINTAINED BY THE MANAGEMENT ASSOCIATION TO BE FORMED AT A LATER DATE.
13. THESE CURBS AND FLAT BENCH ARE PUBLIC RIGHTS OF WAY AND SHALL BE DEDICATED TO PUBLIC USE.
14. EACH PARCEL CREATED BY THIS SUBDIVISION PLAN CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, SEWER PROVISIONS AND SUBDIVISION ORDINANCES.

- |   |   |    |   |    |  |
|---|---|----|---|----|--|
| 1 | PARCEL 201802218<br>SHAMBERG, JONATHAN M & CHARLES M<br>ZONE: R-2 | 10 | PARCEL 201812010<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 19 | PARCEL 201821200<br>ARNDTSON, ADRIAN & ANNALEE<br>ZONE: PUD    |
| 2 | PARCEL 201802228<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 11 | PARCEL 201827608<br>ROSSWORTH, GALE & ASSOCIATES, INC.<br>ZONE: R-2 | 20 | PARCEL 201827180<br>SCOTT, JAMES B & HEATHER B<br>ZONE: PUD    |
| 3 | PARCEL 201802238<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 12 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 21 | PARCEL 201827110<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: PUD |
| 4 | PARCEL 201802248<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 13 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 22 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |
| 5 | PARCEL 201802258<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 14 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 23 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |
| 6 | PARCEL 201802268<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 15 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 24 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |
| 7 | PARCEL 201802278<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 16 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 25 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |
| 8 | PARCEL 201802288<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 17 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 26 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |
| 9 | PARCEL 201802298<br>BESON, JEFFREY B & PATRICIA L<br>ZONE: R-2    | 18 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: R-2      | 27 | PARCEL 201827108<br>NEIGHBORHOOD INVESTMENTS, LLC<br>ZONE: PUD |







# Attachment A - H May 14, 2019 Public Hearing Old

**Alfele, Matthew**

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**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

# Attachment A - H May 14, 2019 Public Hearing Old

**Alfele, Matthew**

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**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

# NEW Attachment I

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM-18-00003)  
STATEMENT OF draft PROFFER CONDITIONS  
For the Flint Hill PUD  
Dated as of May 20<sup>th</sup>, 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, at no cost to the City, 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) and §34-12 (g), with affordability over a term of a minimum of 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
  - 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

### May 20th, 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 7: 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 area 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	ZIP	Property Address	Owner	Address	City / State	ZIP	Property Address
WHITE, CLARA R	601 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	601 MOSELEY DR	CHAMBERS, TIMOTHY & SARAH MOORE	324 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	324 CAMELLIA DR
WINKLER, CHARLES M	603 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	603 MOSELEY DR	BROWN, JAMES C & IDA S	322 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	322 CAMELLIA DR
WINKLER, CHARLES M	603 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	605 MOSELEY DR	IRANI, MICHAEL	105 TRIPPER COURT	CHARLOTTESVILLE VA	22903	320 CAMELLIA DR
ROGERS, JOHN & BARBARA C, TR	607 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	607 MOSELEY DR	MOEWIBER, LLC	5168 ROLLING RD	SCOTTSDALE VA	24580	318 CAMELLIA DR
DUNN, JOYCE S, LIFE ESTATE	101 HILTON DR	CHARLOTTESVILLE VA	22903	101 HILTON DR	ABBOTT, BETTY D, TRUSTEE	316 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	316 CAMELLIA DR
CAMPBELL, TODD B & PAULA B	609 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	609 MOSELEY DR	BARRY, MICHAEL R & KATHERINE E	314 CAMELLIA DR	CHARLOTTESVILLE VA	22903	314 CAMELLIA DR
SMART, HAROLD R & SUE R	100 HILTON DRIVE	CHARLOTTESVILLE VA	22903	100 HILTON DR	SHEPARD, BETTY Y	312 CAMELLIA DR	CHARLOTTESVILLE VA	22903	312 CAMELLIA DR
EDGECOMB, TIMOTHY A & NICOLE L	611 MOSELEY DR	CHARLOTTESVILLE VA	22903	611 MOSELEY DR	MC DACE, LAURIE & DAVID HANNAH	310 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	310 CAMELLIA DR
COHEE, MARK W & AMY	613 MOSELEY DR	CHARLOTTESVILLE VA	22903	613 MOSELEY DR	SRVA, MOHAMMED AL & AMJAD A AL	308 CAMELLIA DR	CHARLOTTESVILLE VA	22903	308 CAMELLIA DR
DEMAS, JAMES N & SUSAN E, TRUSTEES	617 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	617 MOSELEY DR	DENOBE, MARK &	309 CAMELLIA DR	CHARLOTTESVILLE VA	22903	309 CAMELLIA DR
OKAYE, JUDITH A	634 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	634 MOSELEY DR	HISTAND, D MERRILL & JOANNE E	315 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	315 CAMELLIA DR
KNERRIM, R SCOTT & KAREN H	1704 KENWOOD LANE	CHARLOTTESVILLE VA	22901	615 MOSELEY DR	SCHNEIDER, RICHARD L & PORTIA L	325 CAMELLIA DR	CHARLOTTESVILLE VA	22903	325 CAMELLIA DR
SPENCER, JOYCE P	600 MOSELEY DR	CHARLOTTESVILLE VA	22903	600 MOSELEY DR	DRUMHELLER, ARTHUR C & LULA B	327 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	327 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	304 FLINT DR	MELSH, PATRICIA S	5 WORDEN CT	ANNAPOLIS MD	21401	329 CAMELLIA DR
MILLS, AARON L & LINDA K BLUM	620 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	620 MOSELEY DR	MC CAULEY, JESSE JR & MARY T	331 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	331 CAMELLIA DR
MORRIS, AMOS E JR & MILDRED K	602 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	602 MOSELEY DR	BOBKO, RYAN P &	333 CAMELLIA DR	CHARLOTTESVILLE VA	22903	333 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	306 FLINT DR	SCHROEDER, JUSTIN & LAUREN	336 CAMELLIA DR	CHARLOTTESVILLE VA	22903	336 CAMELLIA DR
WICKLINE, HAROLD E	604 MOSELEY DR	CHARLOTTESVILLE VA	22903	604 MOSELEY DR	BEACH, DANIEL &	334 CAMELLIA DR	CHARLOTTESVILLE VA	22903	334 CAMELLIA DR
DEGROAT, DONNA L	618 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	618 MOSELEY DR	CAMELLIA GROUP, LLC	709 ST CLAIR AVE	CHARLOTTESVILLE VA	22902	332 CAMELLIA DR
MANN, BETTY H	616 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	616 MOSELEY DR	STEPHENS, ALVIS BELT JR & BETTY H	330 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	330 CAMELLIA DR
WILSON, JEFFREY M & RUTHANN L	606 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	606 MOSELEY DR	RITTER, JUSTIN A & MELISSA M	328 CAMELLIA DR	CHARLOTTESVILLE VA	22903	328 CAMELLIA DR
GOODSON, STANLEY A & BRENDA M TR	32 CATTAIL LOOP	ZION CROSSROADS VA	22942	119 LONGWOOD DR	POOLE, WILLIAM B & JOAN H	340 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	340 CAMELLIA DR
STRAMPE, JASON TIMOTHY	614 MOSELEY DR	CHARLOTTESVILLE VA	22903	614 MOSELEY DR	UMBERGER, ERIN A	P O BOX 253	IVY VA	22945	337 CAMELLIA DR
SHOWALTER, JONATHAN M & CARLEIGH W	608 MOSELEY DR	CHARLOTTESVILLE VA	22903	608 MOSELEY DR	CONLEY, EVELYN M	335 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	335 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	101 KEENE CT	SHIPP, JAMES A, JR	3003 SAYRE RD	FAIRFAX VA	20131	303 CAMELLIA DR
FOX, JONATHAN M & LAURA L	4202 SW SUMMERBROOK ST	BENTONVILLE AR	72712	612 MOSELEY DR	PROFFITT, MARIA S	305 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	305 CAMELLIA DR
BRIGHTMAN, ANN M	610 CATALPA CT	CHARLOTTESVILLE VA	22903	610 MOSELEY DR	BELMONT STATION, LLC	170 S PANTOPS DR	CHARLOTTESVILLE VA	22911	306 CAMELLIA DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	121-A LONGWOOD DR	COLEMAN, REBECCA A & PATRICK J	304 CAMELLIA DR	CHARLOTTESVILLE VA	22903	304 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	103 KEENE CT	STEPHENS, JILLIAN	302 CAMELLIA DR	CHARLOTTESVILLE VA	22903	302 CAMELLIA DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	121-B LONGWOOD DR	GREEN, CLARENCE W & TERESA A	300 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	300 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	105 KEENE CT	SULLIVAN, PATRICK M &	218 CAMELLIA DR	CHARLOTTESVILLE VA	22903	218 CAMELLIA DR
CARVER, ADRIANA R	123 LONGWOOD DRIVE #A	CHARLOTTESVILLE VA	22903	123 LONGWOOD DR A&B	MC CURDY, CHARLES W & SHARON	216 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	216 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	107 KEENE CT	AMT, MICHELLE L & AMY V OGDEN	214 CAMELLIA DR	CHARLOTTESVILLE VA	22903	214 CAMELLIA DR
SCOTT, VICTORIA L	118 LONGWOOD DR APT B	CHARLOTTESVILLE VA	22903	118 LONGWOOD DR	BULLOCK, DOLORES S	212 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	212 CAMELLIA DR
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	109 KEENE CT	KIRBY, MARY H & JOSEPH P	106 SHASTA CT	CHARLOTTESVILLE VA	22903	106 SHASTA CT
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	109 KEENE CT	PANCRAZIO, JOSEPH & ANNI ADAMS	5812 GALLANT FOX LN	PLANO TX	75083	110 SHASTA CT
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	102 KEENE CT	ERKSA, DENNIS V & SANDRA G	112 SHASTA COURT	CHARLOTTESVILLE VA	22903	112 SHASTA CT
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	126-L LONGWOOD DR	PRYSEY, NICOLE P &	114 SHASTA CT	CHARLOTTESVILLE VA	22903	114 SHASTA CT
FORLQINES, ELLEN D	1296 KENWOOD LN	CHARLOTTESVILLE VA	22903	122-A LONGWOOD DR	DUNN, WILLIAM W & SALLY P, TRUSTEES	225 CARRSBROOK DR	CHARLOTTESVILLE VA	22901	116 SHASTA CT
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	104 KEENE CT	PARR, JOHN H & ALTHA M, JR	2806 BROCKMERE RD	CHARLOTTESVILLE VA	22901	115 SHASTA CT
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	106 KEENE CT	MOON, WILLIAM F JR & HAZEL A	113 SHASTA COURT	CHARLOTTESVILLE VA	22903	113 SHASTA CT
GOODSON, BRENDA M & STANLEY A TR	32 CATTAIL LOOP	ZION CROSSROADS VA	22942	127-L LONGWOOD DR	WAHL, MARTIN & LYNN	489 CORTE MADERA AVE	CORTE MADERA CA	94925	111 SHASTA CT
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	128 LONGWOOD DR	MUSSIO, MICHAEL J & ANGELA M	2420 CHILHAM PLACE	POTOMAC MD	20854	109 SHASTA CT
MOSLEY GARDENS, LLC	660 HUNTERS PL STE 101	CHARLOTTESVILLE VA	22911	108 KEENE CT	FRANCK, JOHN W & CHARLENE H	107 SHASTA COURT	CHARLOTTESVILLE VA	22903	107 SHASTA CT
VAUGHAN, WARREN & HELEN (ESCHAEATED)	GARDEN DRIVE	CHARLOTTESVILLE VA	22903	0 GARDEN DR	FENDIG, ELIOT R	105 SHASTA COURT	CHARLOTTESVILLE VA	22903	105 SHASTA CT
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	130-A LONGWOOD DR	HANDLEY, LUKE	103 SHASTA CT	CHARLOTTESVILLE VA	22903	103 SHASTA CT
CITY OF CHARLOTTESVILLE	P O BOX 911	CHARLOTTESVILLE VA	22902	0 LONGWOOD DR	WEBBER, DAVID J	1213 HAZEL ST	CHARLOTTESVILLE VA	22902	105 GARDEN DR
YENOKVIAN, JOHN & JANET W	338 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	338 CAMELLIA DR	AKHTAR, JABEEN &	107 GARDEN DR	CHARLOTTESVILLE VA	22903	107 GARDEN DR
BONNER, LANE	620 PLANTATION CT	CHARLOTTESVILLE VA	22903	307 CAMELLIA DR	TAMANG, SANTEY & NIM S	215 CAMELLIA DR	CHARLOTTESVILLE VA	22903	215 CAMELLIA DR
MOORE, JOHN B, JR	262 YANCEY MILL RD	CROZET VA	22932	505-A MOSELEY DR	JENSEN, ARNOLD W & MARIANNE S	213 CAMELLIA DRIVE	CHARLOTTESVILLE VA	22903	213 CAMELLIA DR
BEVERLY, ANDREW J & SUE A	504-B MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	504-B MOSELEY DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	130-B LONGWOOD DR
MOORE, JOHN B, JR	262 YANCEY MILL RD	CROZET VA	22932	505-B MOSELEY DR	CHIANG, TZU-YING	1001-13 CHESTNUT ST UNIT 401W	PHILADELPHIA PA	19107	102 LONGWOOD DR D
COOK, GORDON M	506-A MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	506-A MOSELEY DR	BUSTOS, FRANCIS P & CHRISTINA C	131 LONGWOOD DR	CHARLOTTESVILLE VA	22903	131 LONGWOOD DR
HAWK, KYLE M & LAURA W	509 MOSELEY DR	CHARLOTTESVILLE VA	22903	509 MOSELEY DR	NEIGHBORHOOD DEVELOPMENT, INC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	0 LONGWOOD DR
LIN, DAJUN & SIYING LIU	506-B MOSELEY DR	CHARLOTTESVILLE VA	22903	506-B MOSELEY DR	MADER, JANINE CLAIRE	512 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	512 MOSELEY DR
CAMPBELL, MOLLY M & EVAN F	508-A MOSELEY DR	CHARLOTTESVILLE VA	22903	508-A MOSELEY DR	SASSDRAGON, LLC	977 SEMINOLE TR #354	CHARLOTTESVILLE VA	22901	0 NAYLOR ST
GODDIN, NORMA & CHARLES TRUSTEES	511 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	511 MOSELEY DR	SASSDRAGON, LLC	977 SEMINOLE TR #354	CHARLOTTESVILLE VA	22901	2619 NAYLOR ST
OWEN, ARCHIBALD D & MARGARET G CO TR	41 COTTONWOOD DR	BARBOURSVILLE VA	22923	513 MOSELEY DR	SASSDRAGON, LLC	977 SEMINOLE TR #354	CHARLOTTESVILLE VA	22901	2623 NAYLOR ST
EDDY, DOUG & HEATHER	508-B MOSELEY DR	CHARLOTTESVILLE VA	22903	508-B MOSELEY DR	SASSDRAGON, LLC	977 SEMINOLE TR #354	CHARLOTTESVILLE VA	22901	2627 NAYLOR ST
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	105-A LONGWOOD DR	SASSDRAGON, LLC	977 SEMINOLE TR #354	CHARLOTTESVILLE VA	22901	2631 NAYLOR ST
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	105-B LONGWOOD DR	SMITH, THOMAS M	2108 TWYMAN DR	CHARLOTTESVILLE VA	22903	103 LONGWOOD DR A
HUGUS, TONIA	112 HILTON DRIVE	CHARLOTTESVILLE VA	22903	112 HILTON DR	METZGER, JUSTIN C & MAUREEN J	137 ALMERE AVE	CHARLOTTESVILLE VA	22902	103 LONGWOOD DR B
MAURER, GEOFFREY W & KELLY S	517 MOSELEY DR	CHARLOTTESVILLE VA	22903	517 MOSELEY DR	CRICKENBERGER, CYRUS DANIEL & NANCY	510 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	510 MOSELEY DR
PAVLIC, DAVOR & ZINKA	519 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	519 MOSELEY DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	120-A LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	107 LONGWOOD DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	120-B LONGWOOD DR
LAUER, LYNETTE R	110 HILTON DRIVE	CHARLOTTESVILLE VA	22903	110 HILTON DR	NEIGHBORHOOD DEVELOPMENT, INC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	126 LONGWOOD DR C
MCLAFFERTY, CHARLES L, JR & DEBRA H	106 HILTON DR	CHARLOTTESVILLE VA	22903	106 HILTON DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	128-B LONGWOOD DR
COLE, ROBERT E & LOUISE RAMSEY	108 HILTON DRIVE	CHARLOTTESVILLE VA	22903	108 HILTON DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	128-A LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	104-L LONGWOOD DR	NEIGHBORHOOD DEVELOPMENT, INC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	126 LONGWOOD DR B
STEVENSON, DONALD III & LEAH STODDARD	514 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	514 MOSELEY DR	NEIGHBORHOOD DEVELOPMENT, INC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	128 LONGWOOD DR A
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	109 LONGWOOD DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	124-B LONGWOOD DR
HAYES, CHARLES W & ROSEMARY A	516 MOSELEY DRIVE	CHARLOTTESVILLE VA	22903	516 MOSELEY DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	124-A LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	111 LONGWOOD DR	FORLQINES, ELLEN D	1296 KENWOOD LN	CHARLOTTESVILLE VA	22901	122-B LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	106-A LONGWOOD DR	NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	114-B LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	106-B LONGWOOD DR	MCCONNELL, JUSTIN R & HEATHER M	6107 BILOT CT	JEFFERSONTON VA	22724	135 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	518 MOSELEY DR	ARMSTRONG, JOSHUA & ANNALIEE	133 LONGWOOD DR	CHARLOTTESVILLE VA	22903	133 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	113 LONGWOOD DR	RUTKOWSKI, AUGUST J & MELANIE	137 LONGWOOD DR	CHARLOTTESVILLE VA	22903	137 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	108 LONGWOOD DR	GOPALAN, VARUN &	138 LONGWOOD DR	CHARLOTTESVILLE VA	22903	139 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	115-A LONGWOOD DR	ISAAC, SHAUN L & KRISTA M	141 LONGWOOD DR	CHARLOTTESVILLE VA	22903	141 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	110 LONGWOOD DR	METZGER, JUSTIN C & MAUREEN J	137 ALMERE AVE	CHARLOTTESVILLE VA	22902	143 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	115-B LONGWOOD DR	SOURBA, CHARIF P	145 LONGWOOD DR	CHARLOTTESVILLE VA	22903	145 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	117 LONGWOOD DR	ABBOTT, STEPHEN B & SOPHIA E	151 LONGWOOD DR	CHARLOTTESVILLE VA	22903	151 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	112 LONGWOOD DR	AYAT, BAHAR	1214 STONEGATE WAY	CROZET VA	22932	153 LONGWOOD DR
SHAFFER, JASON	11806 FARNBOROUGH RD	HUNTERSVILLE NC	28078	202 CAMELLIA DR	CHEON, HEE JIN	155 LONGWOOD DR	CHARLOTTESVILLE VA	22903	155 LONGWOOD DR
NEIGHBORHOOD INVESTMENTS, LLC	810 CATALPA CT	CHARLOTTESVILLE VA	22903	114-A LONGWOOD DR	HOCKENBERRY, BR				



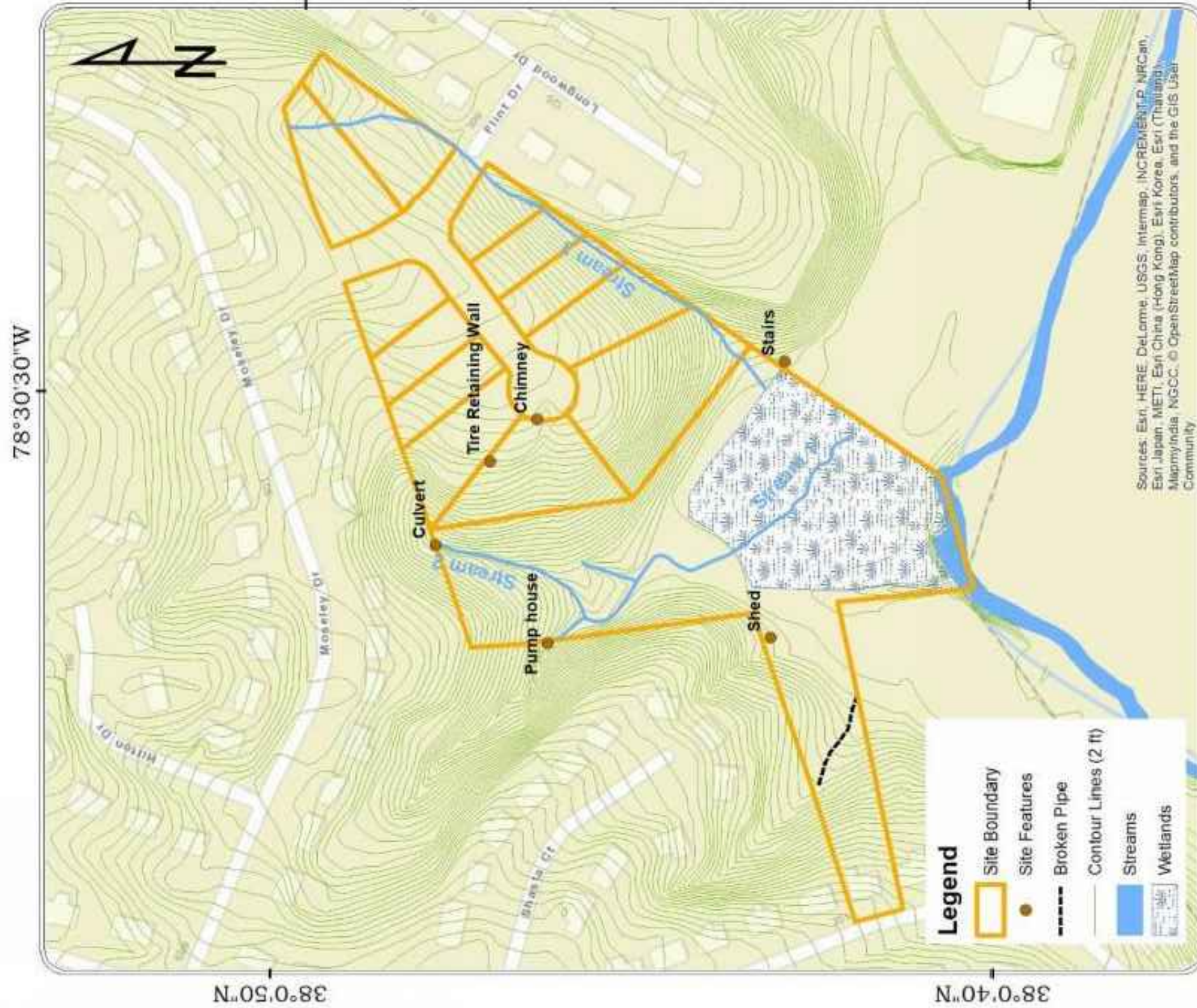
Existing Conditions



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 & ANNALEE 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, SHAUN L & KRISTA M ZONE: PUD
6	PARCEL 200259360 OAKLEY, JUDITH A ZONE: R-1S	15	PARCEL 200274000 NEIGHBORHOOD INVESTMENTS, LLC ZONE: R-2	24	PARCEL 200270200 METZGER, JUSTIN C & MAUREEN J ZONE: PUD
7	PARCEL 21A099800 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 21A099700 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



ENVIRONMENTAL FEATURES



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



# NEW Attachment J

## 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 18' MINIMUM DRIVEWAY LENGTH

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

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

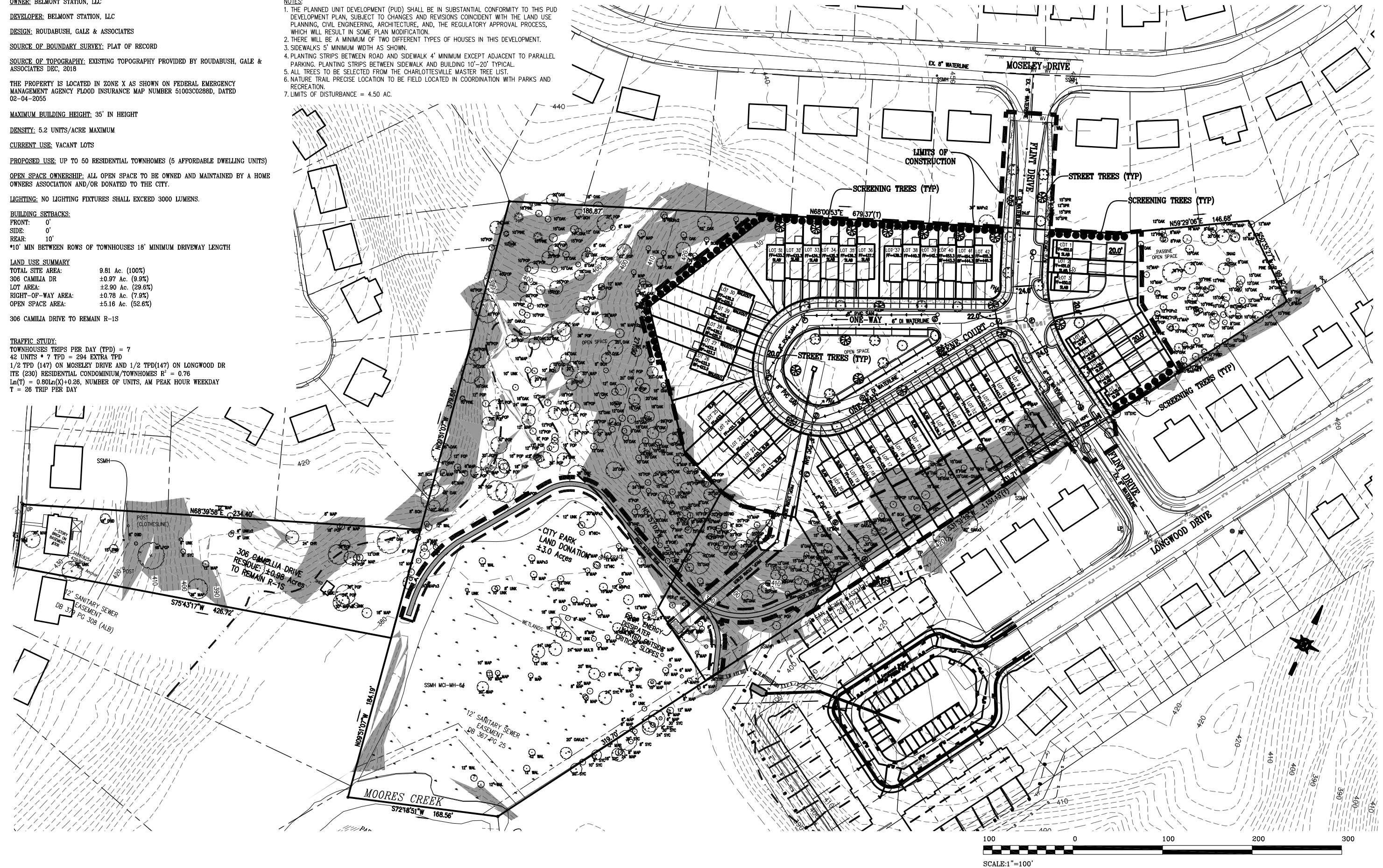
ITE (230) RESIDENTIAL CONDOMINIUM/TOWNHOMES  $R^2 = 0.76$

$L_n(T) = 0.80L_n(X) + 0.26$ , 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 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.
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)
<b>RESIDENTIAL AND RELATED USES</b>		
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)
<b>NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL</b>		
Access to adjacent multifamily, commercial, industrial or mixed-use development or use		
Accessory buildings, structures and uses		
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  
May 20th, 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-18-00003)  
STATEMENT OF draft PROFFER CONDITIONS  
For the Flint Hill PUD  
Dated as of May 20th, 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, at no cost to the City, 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) and §34-12 (g), with affordability over a term of a minimum of 10 years. The ADU requirement shall be recorded as a deed restriction on each ADU lot.
  - 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:**  
BELMONT STATION, LLC

**DEVELOPER:**  
BELMONT STATION, LLC

**DESIGNER:**  
ROUDABUSH, GALE & ASSOCIATES

**SOURCE OF BOUNDARY SURVEY:**  
PLAT OF RECORD

**SOURCE OF TOPOGRAPHY:**  
EXISTING TOPOGRAPHY PROVIDED BY ROUDABUSH, GALE & ASSOCIATES INC, 2018

THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FEDERAL EMERGENCY  
MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 510900286D,  
DATED 02-04-2055

**MAXIMUM BUILDING HEIGHT:**  
36' 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  
10' MINIMUM DRIVEWAY LENGTH

**LAND USE SUMMARY**

TOTAL SITE AREA:	8.81 Ac. (100%)
345 CAMILLA DR	±0.97 Ac. (9.9%)
LOT AREA:	±2.90 Ac. (29.8%)
RIGHT-OF-WAY AREA:	±0.78 Ac. (7.8%)
OPEN SPACE AREA:	±5.16 Ac. (58.5%)

345 CAMILLA DRIVE TO REMAIN R-1S

**TRAFFIC STUDY:**  
TOWNHOUSES TRIPS PER DAY (TPD) = 7  
42 UNITS \* 7 TPD = 294 EXTRA TPD  
½ TPD (147) ON MUSELEY DRIVE AND ½ TPD (147) ON LONGWOOD DRIVE  
I/E (290) RESIDENTIAL CONDOMINIUM/TOWNHOMES R<sup>1</sup> - D.76  
 $Ln(T) = 0.86Ln(X) + 0.26$ , NUMBER OF UNITS, AM PEAK HOUR WEEKDAY  
T = 28 TRIP PER DAY

Vicinity Map



SCALE 1" = 500'

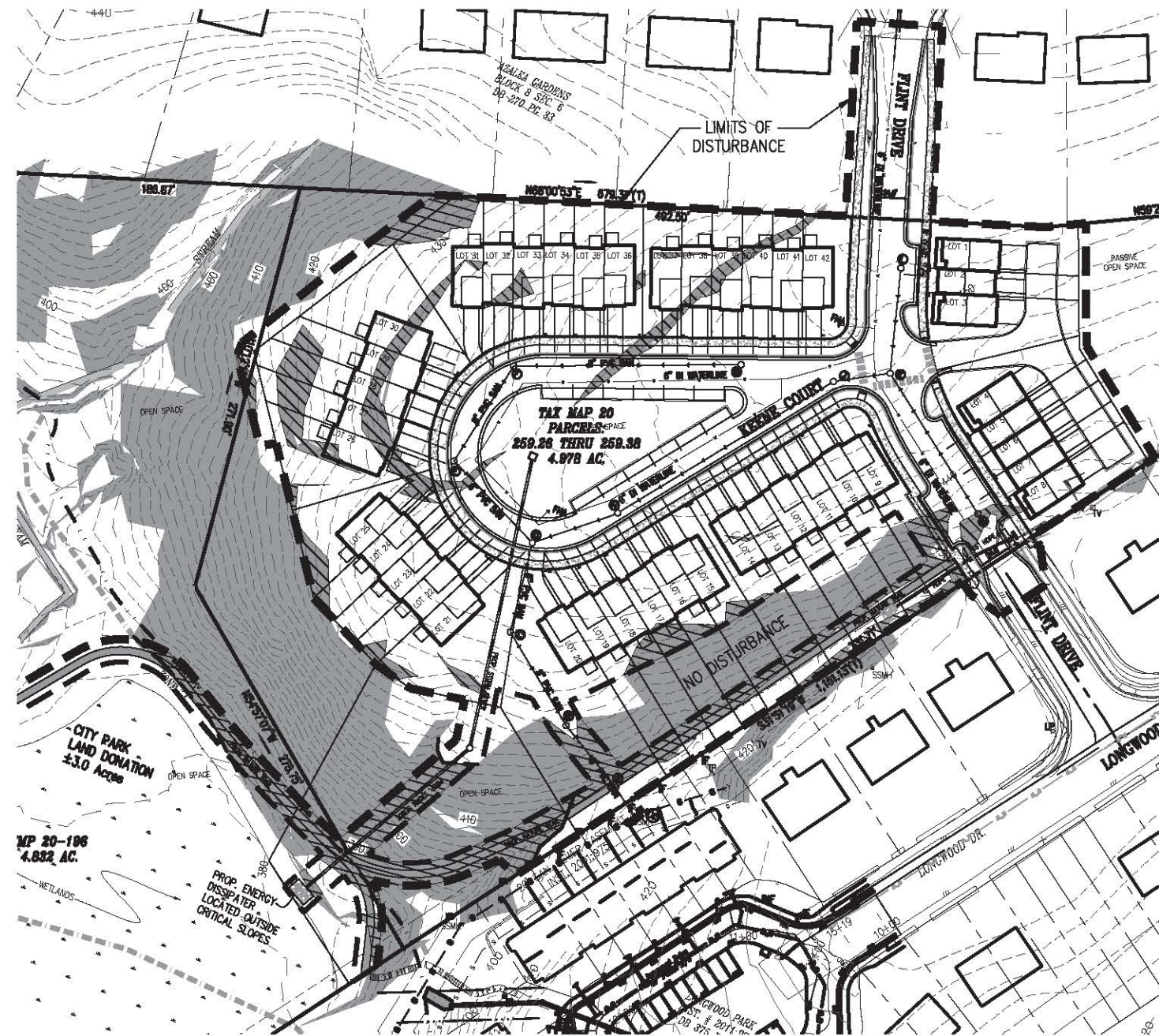
**SHEET INDEX**

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
20. LOD EXHIBIT



Critical Slope Map: Zoning

Critical Slope Map: Subdivision



(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.

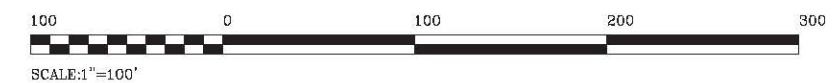
0.35 AC OF CRITICAL SLOPE DISTURBANCE  
0.25 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



(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



NOTE: THE LIMITS OF DISTURBANCE SHALL BE STAKED BY A LICENSED SURVEYOR. TREE PROTECTION FENCING SHALL BE APPLIED 1' OFF OF LIMITS OF DISTURBANCE WITH WIRE SUPPORTED SILT FENCE 3' OFF OF THE LIMITS OF DISTURBANCE. SEE SHEET 20 FOR DETAILS.

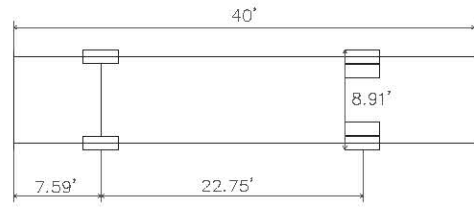
ENERGY DISSIPATER OUTLET SHALL NOT RELEASE FLOW ABOVE CRITICAL SLOPES.

LINETYPE LEGEND

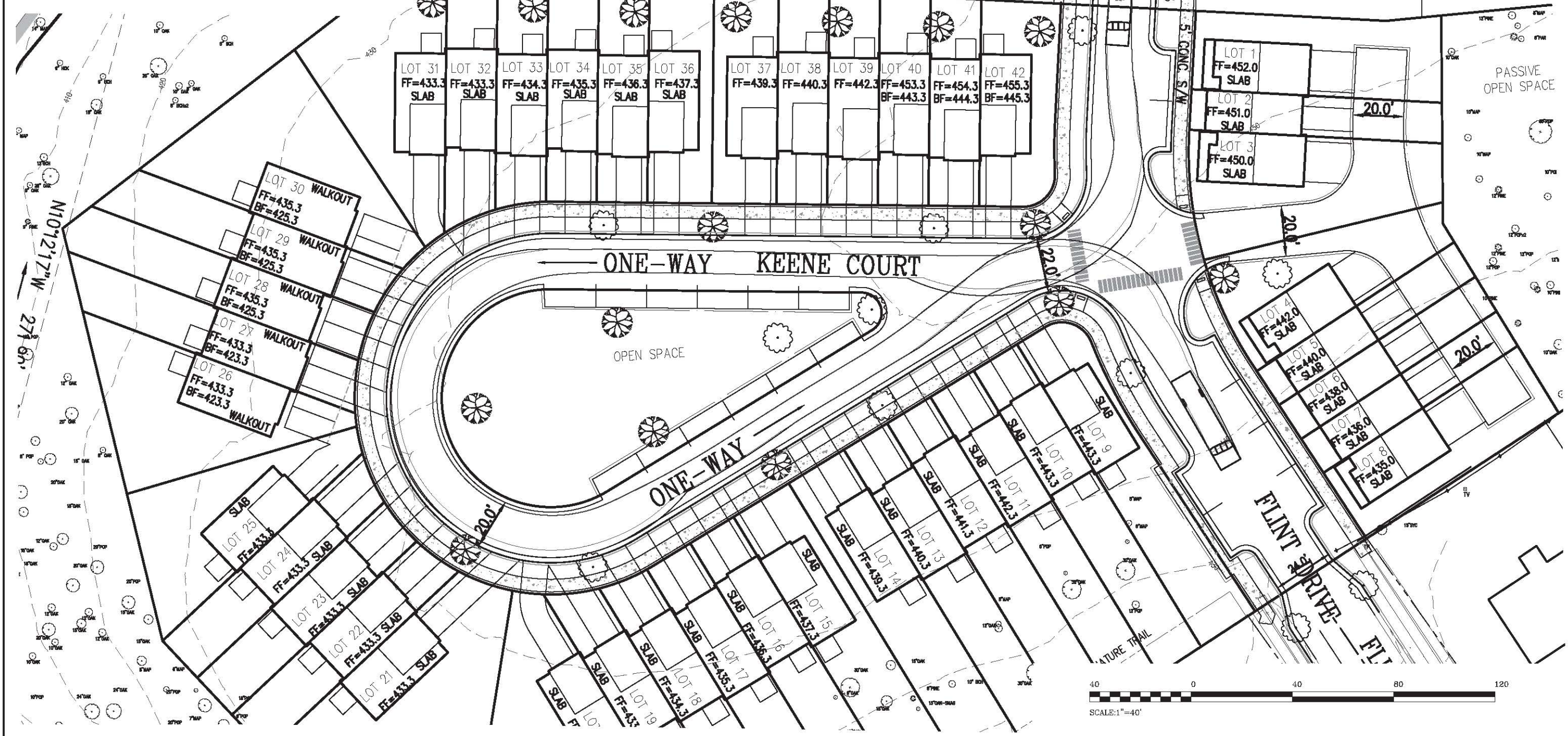
- LIMITS OF DISTURBANCE
- DISTURBED CRITICAL SLOPES



Firetruck Autoturn 1

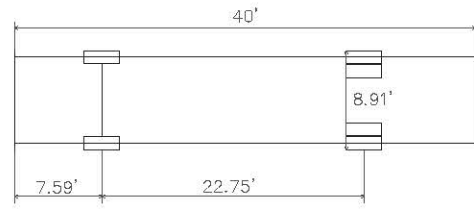


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.59ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

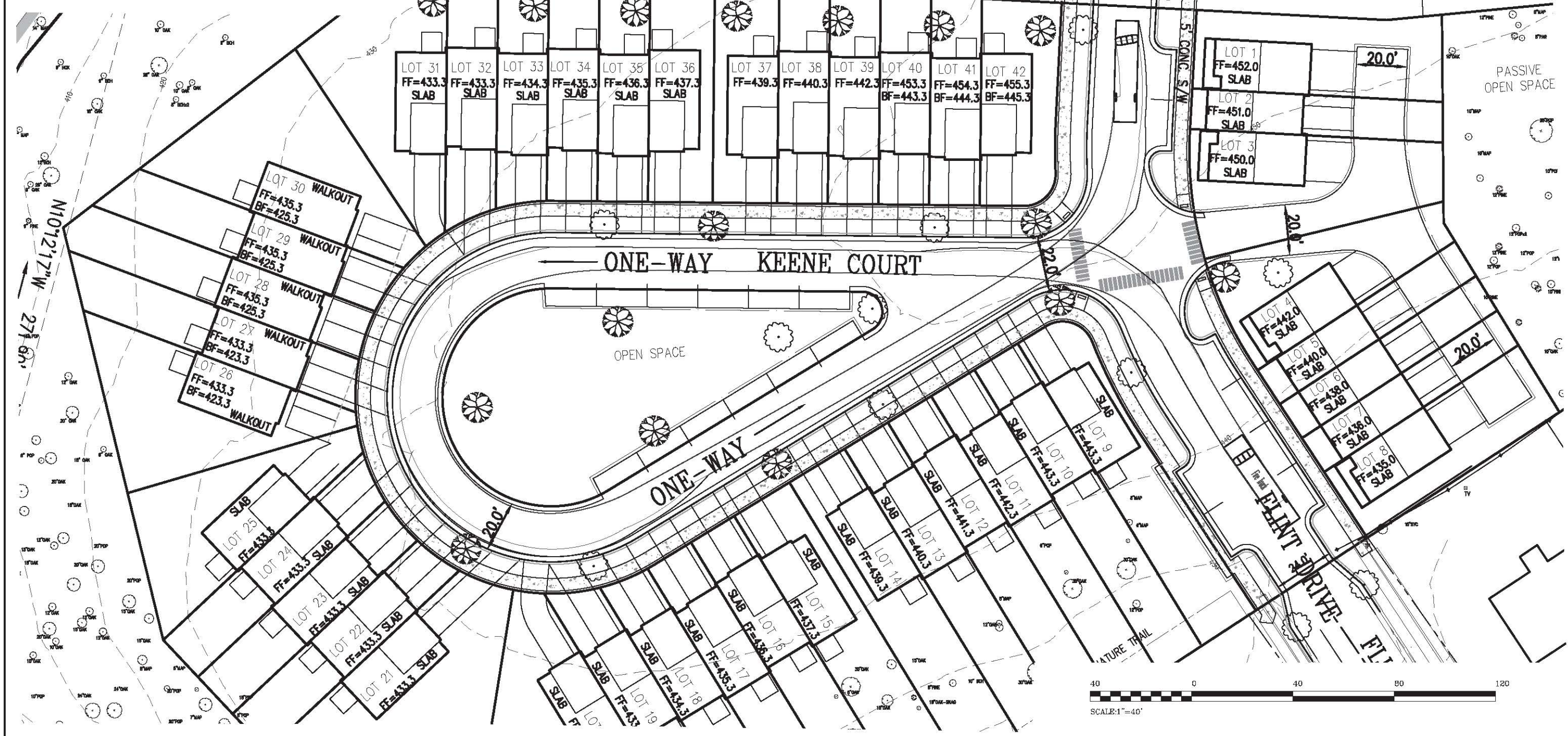




Firetruck Autoturn 2

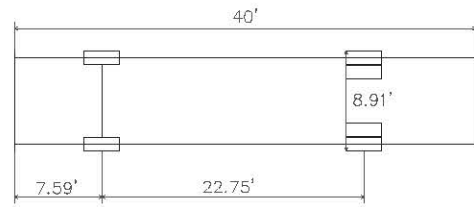


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.591ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

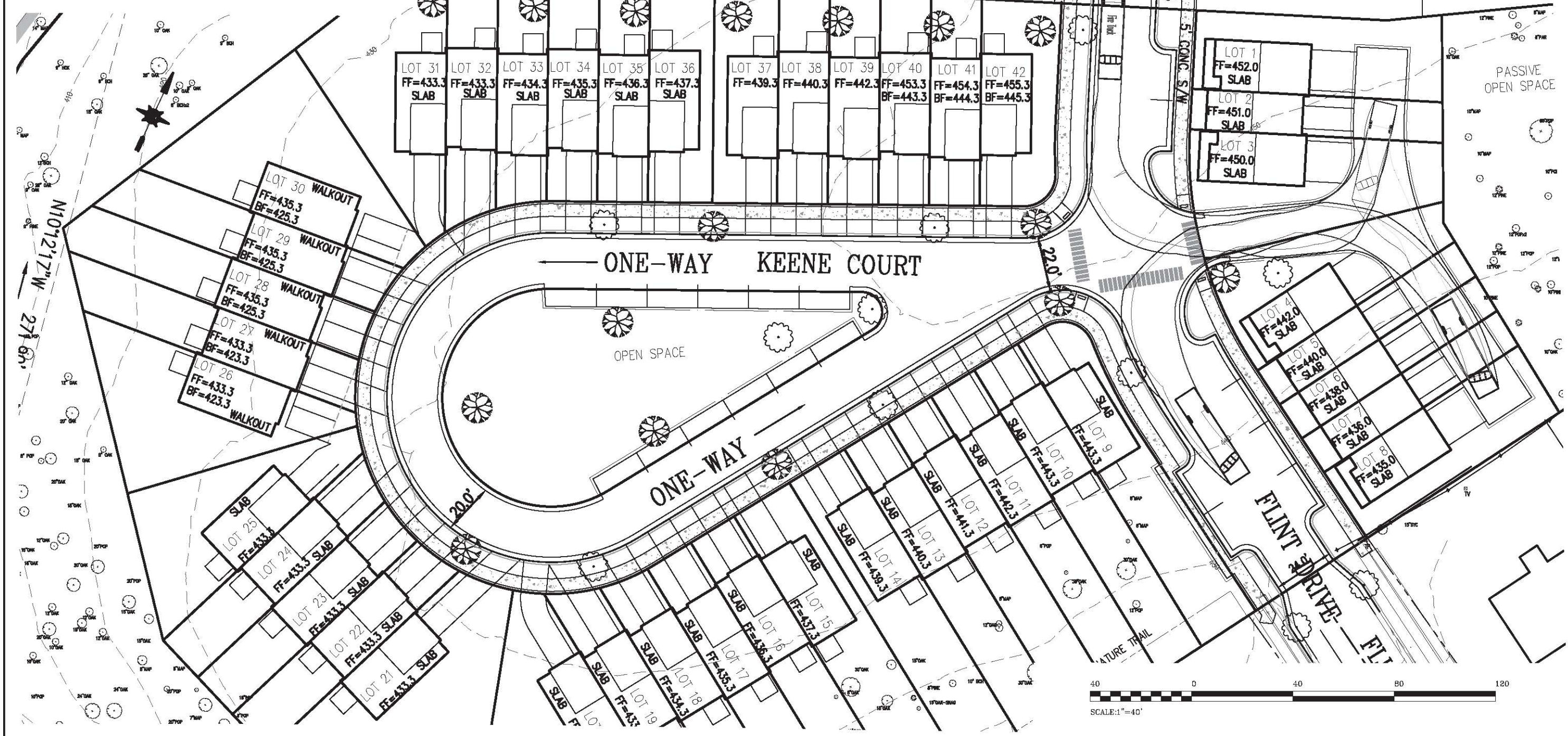




# Firetruck Autoturn 3

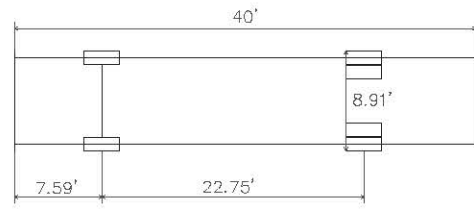


Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.59ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°

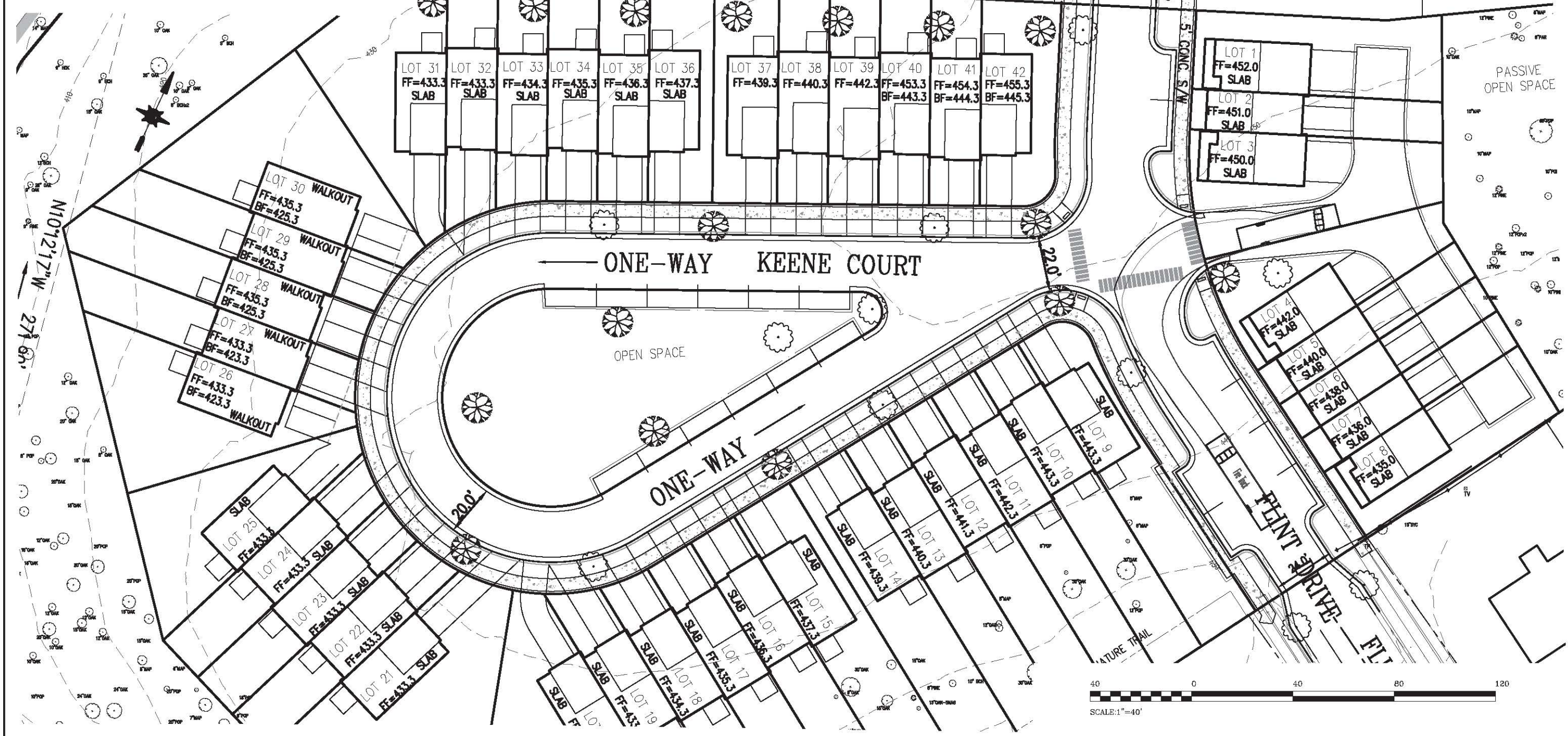




# Firetruck Autoturn 4



Fire Truck  
 Overall Length 40.0ft  
 Overall Width 8.91ft  
 Overall Body Height 10.591ft  
 Min Body Ground Clearance 1.02ft  
 Track Width 8.91ft  
 Lock-to-lock time 4s  
 Max Steering Angle (Virtual) 40.0°





# Landscape Plan

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

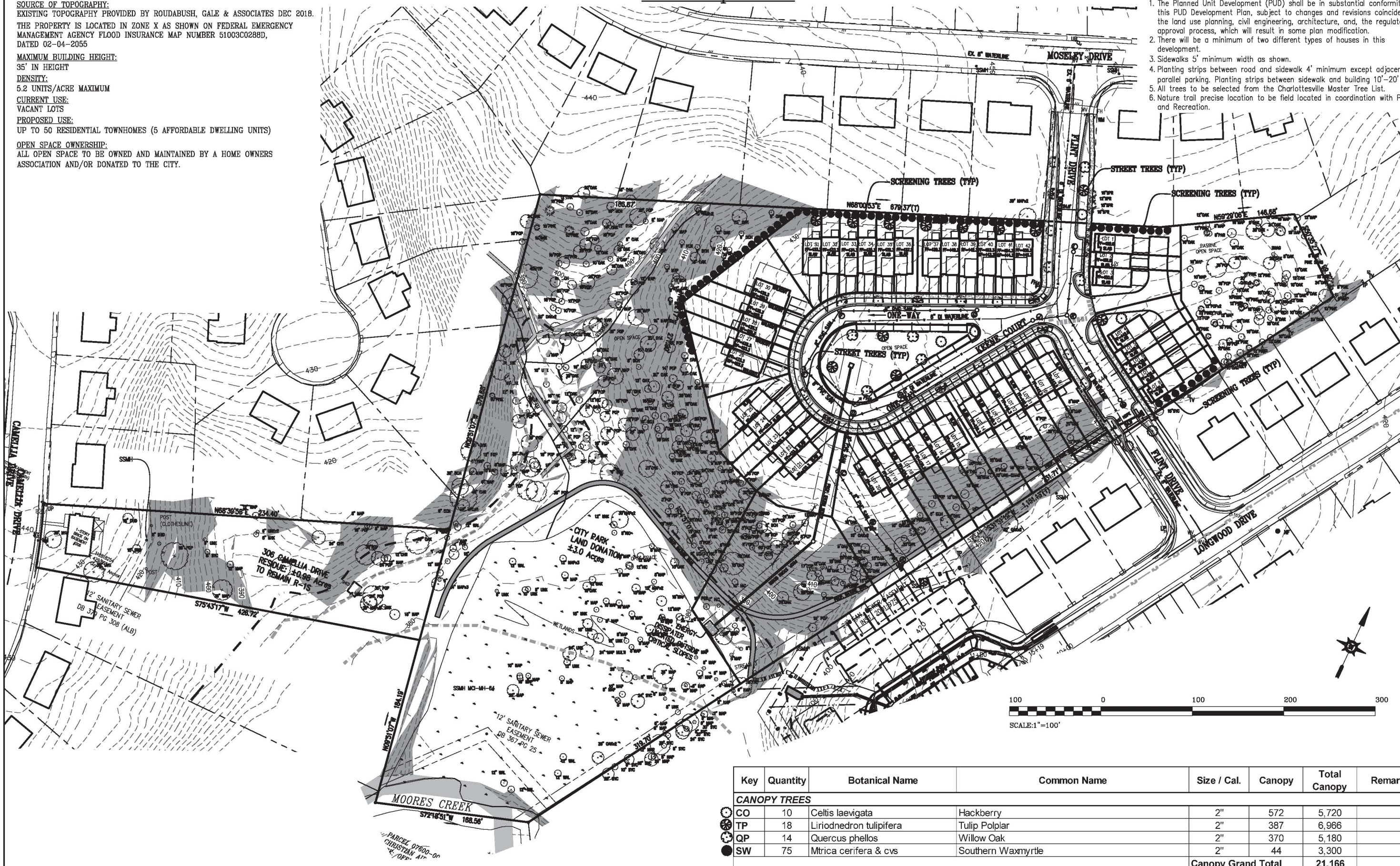
DENSITY:  
5.2 UNITS/ACRE MAXIMUM

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.

- 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
<b>CANOPY TREES</b>							
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 &amp; cvs</i>	Southern Waxmyrtle	2"	44	3,300	
						<b>Canopy Grand Total</b>	<b>21,166</b>















# Open Space Plan

DENSITY:  
5.2 UNITS/ACRE MAXIMUM

CURRENT USE:  
VACANT LOTS

PROPOSED USE:  
UP TO 50 RESIDENTIAL TOWNHOMES (5 AFFORDABLE DWELLING UNITS)

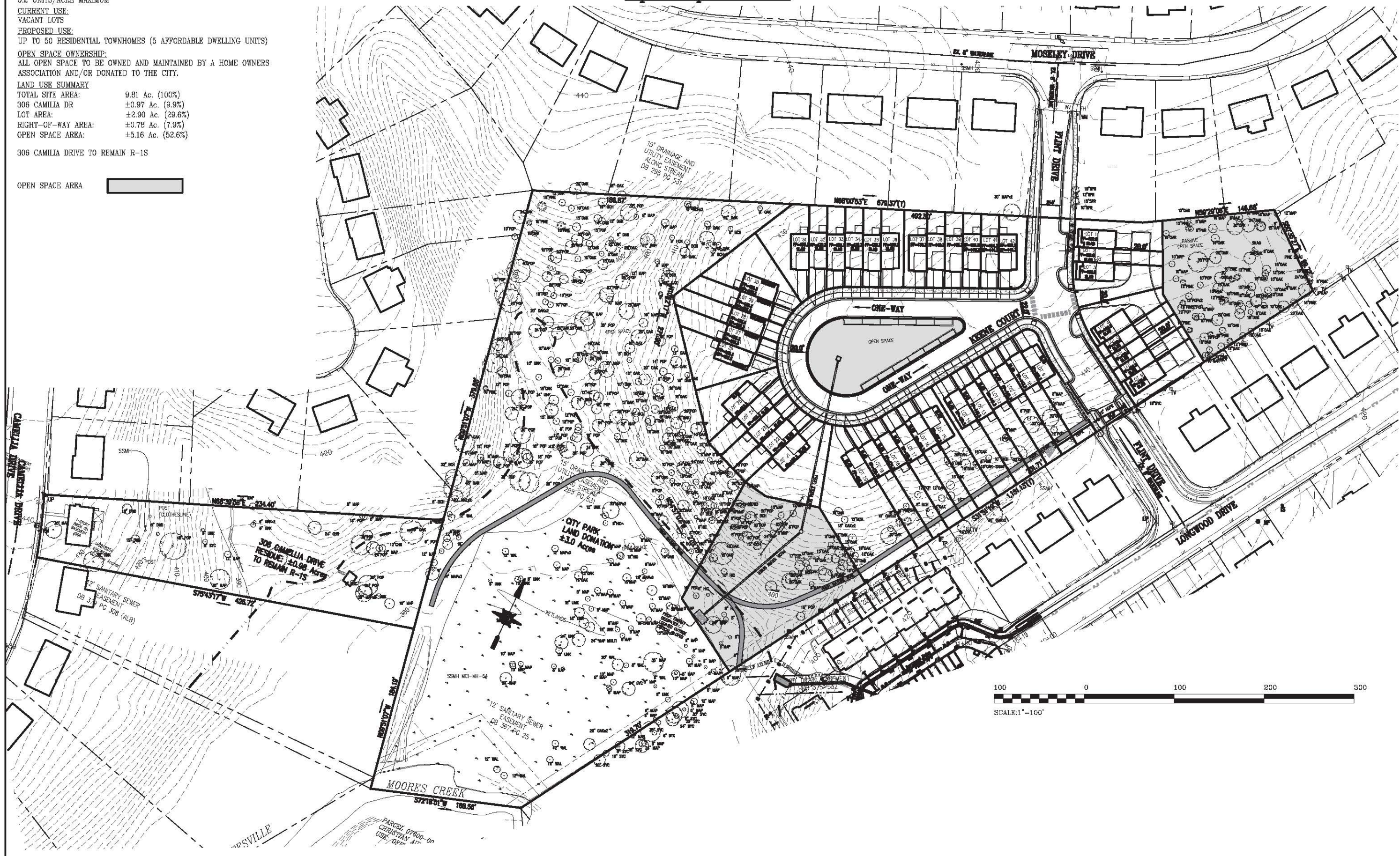
OPEN SPACE OWNERSHIP:  
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

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 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'

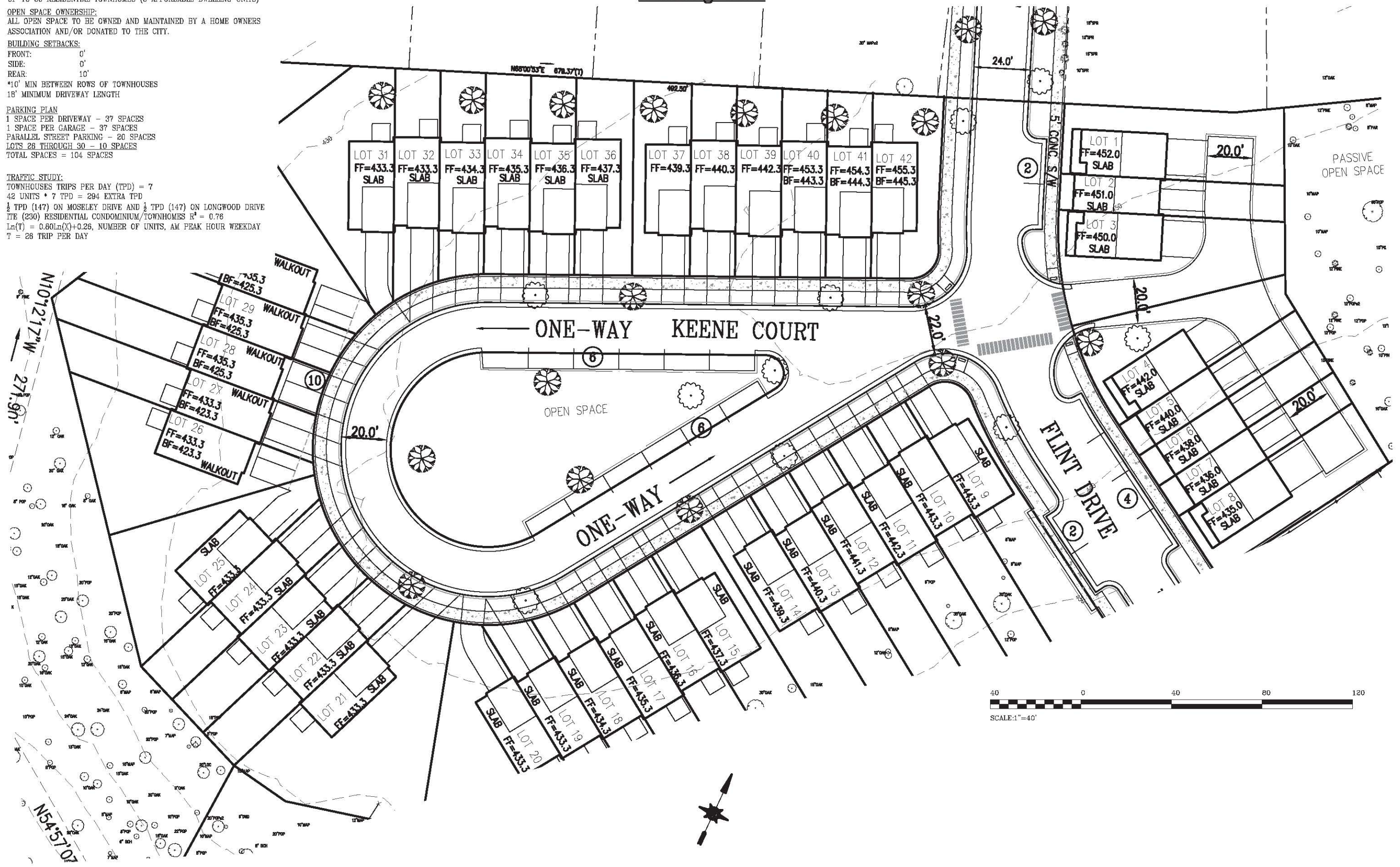
\*10' MIN BETWEEN ROWS OF TOWNHOUSES  
18' MINIMUM DRIVEWAY LENGTH

**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<sup>2</sup> = 0.76  
Ln(T) = 0.60Ln(X)+0.26, NUMBER OF UNITS, AM PEAK HOUR WEEKDAY  
T = 26 TRIP PER DAY



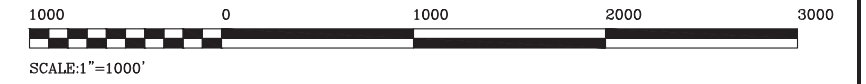
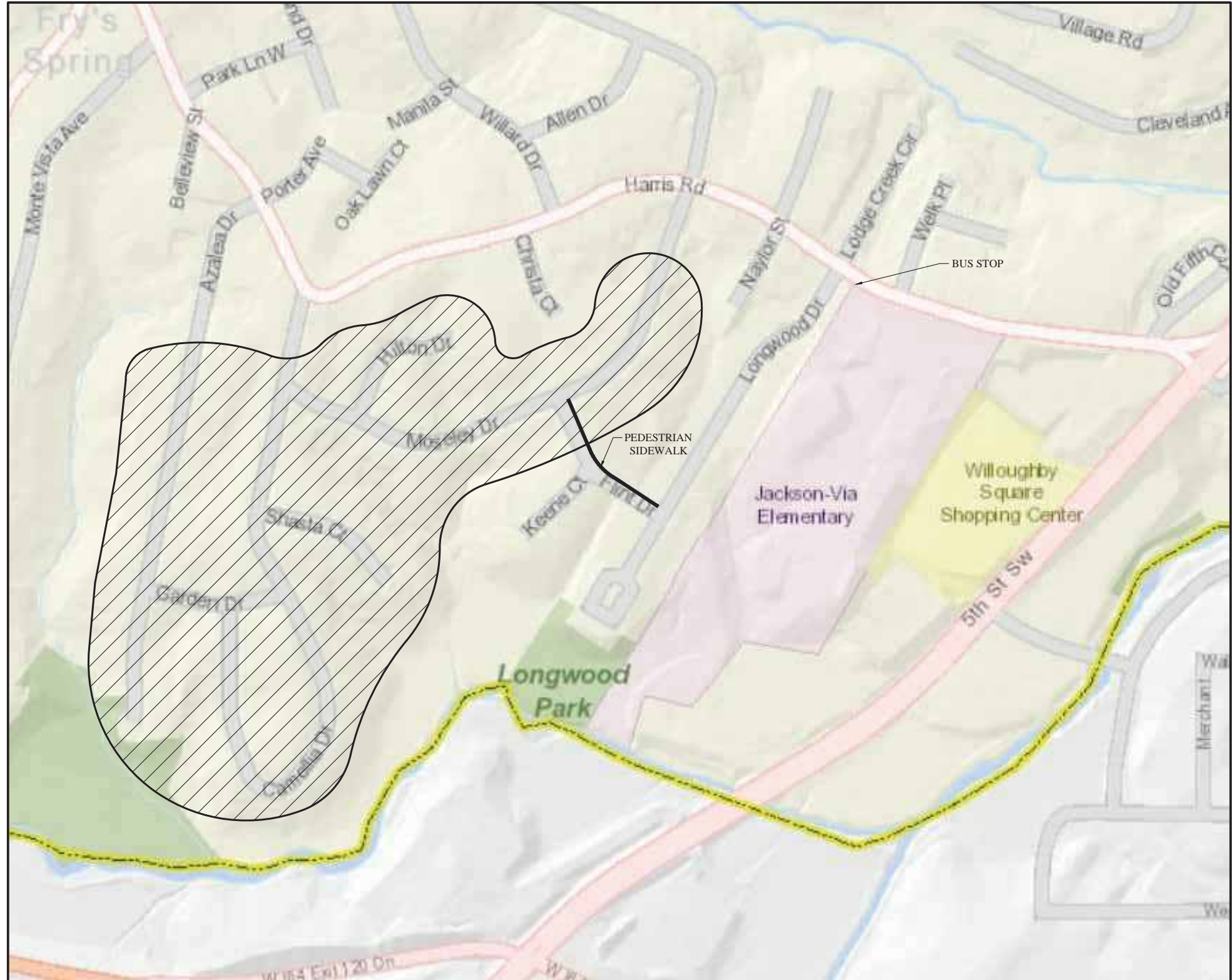


Pedestrian System

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 130 HOUSES THAT RESIDE IN THE SHADED AREA PROVIDED ON THIS SHEET.

THE CLOSEST BUS STOP IS AT THE INTERSECTION OF LONGWOOD DRIVE AND HARRIS ROAD. CTS ROUTE 4 IS APPROXIMATELY 1,400 FT AWAY FROM THIS PLANNED UNIT DEVELOPMENT.







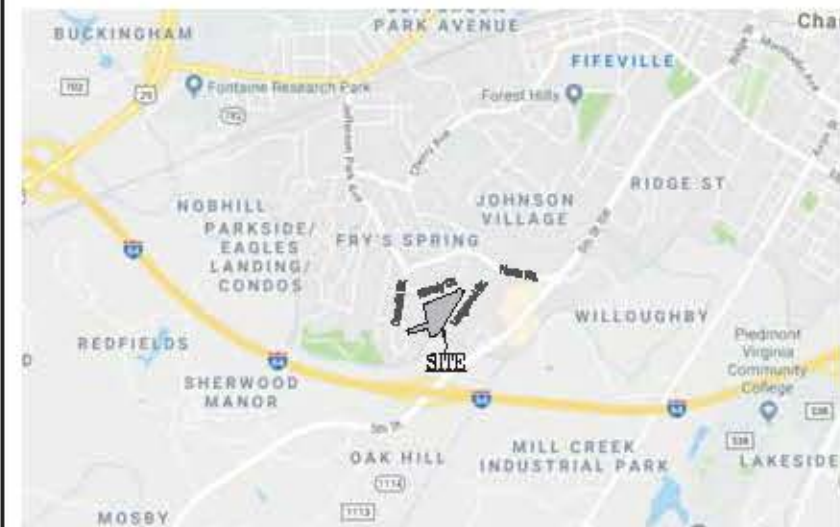


Curve	Length	Radius	Delta	Chord	Tangent	Chord Bearing
C1	51.43'	152.00'	18°23'07"	51.18'	25.96'	N 31°31'57" W
C2	45.15'	152.00'	17°01'11"	44.89'	22.74'	N 48°44'07" W
C3	41.35'	205.74'	11°30'50"	41.28'	20.74'	S 52°28'47" E
C4	21.73'	12.50'	99°36'43"	18.10'	14.78'	N 83°35'18" E
C5	20.35'	12.50'	83°17'45"	18.18'	13.24'	S 18°58'19" W
C6	20.04'	205.74'	5°34'51"	20.03'	10.03'	S 24°53'13" E
C7	20.87'	8.00'	148°02'47"	15.38'	27.84'	S 40°21'27" E
C8	158.07'	43.00'	211°57'13"	82.68'	150.19'	N 40°21'27" W
C9	70.27'	622.48'	6°27'46"	70.23'	36.17'	N 18°10'25" W
C10	256.66'	77.50'	211°57'12"	149.61'	270.69'	N 40°21'28" W

Preliminary Plat

100 0 100 200 300

SCALE: 1"=100'



VICINITY MAP

SCALE: 1" = 2,000'

**NOTICE OF APPOINTMENT**

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 AFFRRED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

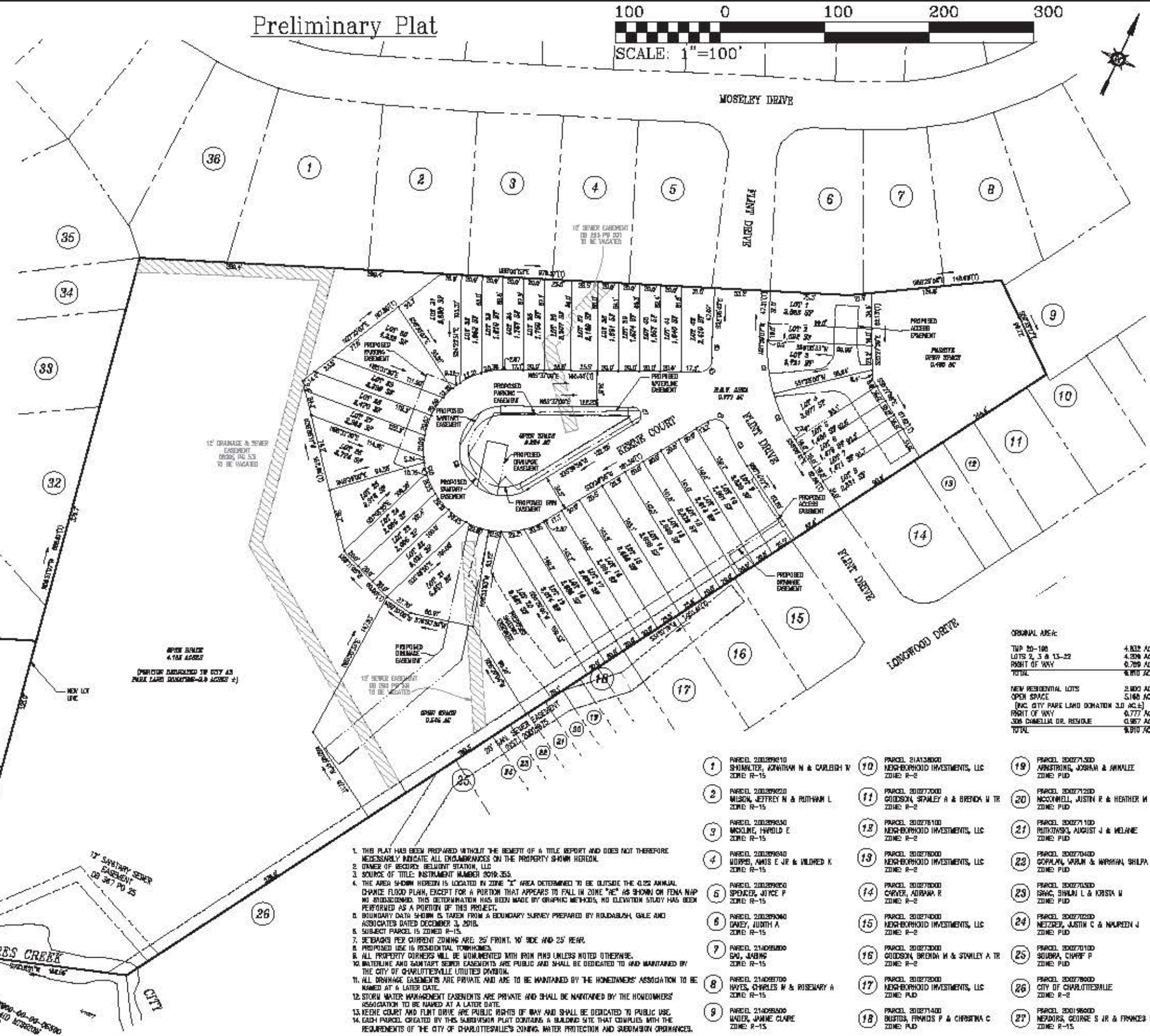
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY SUBDIVISION AGENT

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHAIR, CITY PLANNING COMMISSION

BELMONT STATION, LLC  
170 S. PANTONS DRIVE  
CHARLOTTESVILLE, VA 22911  
434-245-0864

COMMONWEALTH OF VIRGINIA -  
CITY/COUNTY OF: \_\_\_\_\_  
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019

SIGNATURE OF NOTARY PUBLIC \_\_\_\_\_  
REC. NO.: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_



ORIGINAL AREA:

TWP 20-100	4.832 AC
LOTS 2, 3 & 13-22	4.326 AC
RIGHT OF WAY	0.709 AC
TOTAL	9.867 AC
NEW RESIDENTIAL LOTS	2,800 AC
OPEN SPACE	5,140 AC
(INC. CITY PARK LAND DONATION 3.0 AC ±)	
RIGHT OF WAY	0.777 AC
306 CHAMELLA DR. RESIDENCE	0.987 AC
TOTAL	9.870 AC

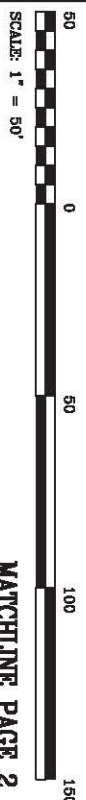
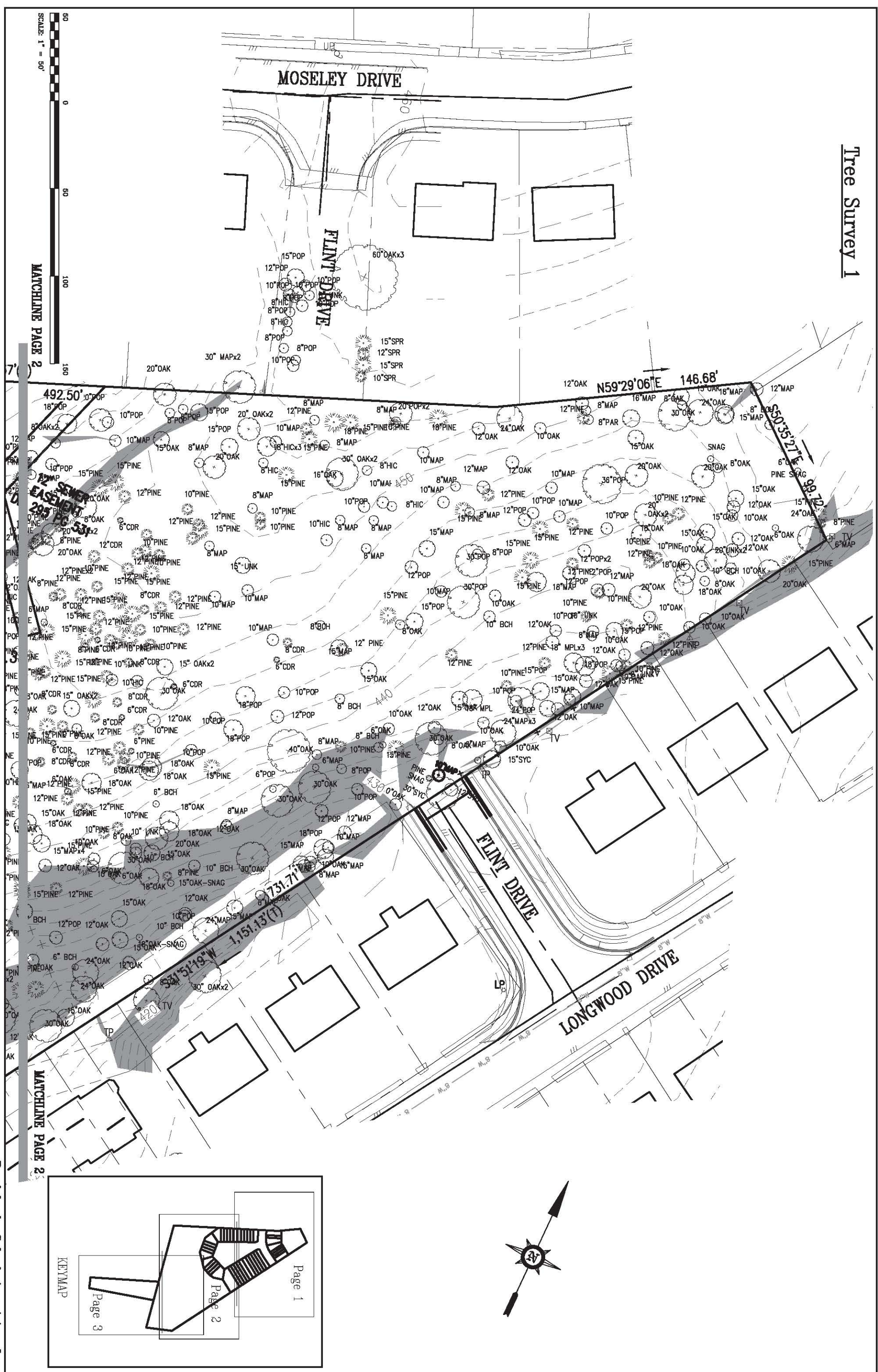
- 1 PARCEL 200299210 SHANKLER, ANTHONY M & CARLEIGH N ZONE R-15
- 2 PARCEL 200299220 MURKIN, JEFFREY M & RUTHANN L ZONE R-15
- 3 PARCEL 200299230 MCKINLEY, HAROLD E ZONE R-15
- 4 PARCEL 200299240 MURPHY, AMOS E JR & WILDRED K ZONE R-15
- 5 PARCEL 200299250 SPENCER, JAYCE P ZONE R-15
- 6 PARCEL 200299260 SNEY, JUDITH A ZONE R-15
- 7 PARCEL 214095800 SPO, JASING ZONE R-15
- 8 PARCEL 214095810 HAYES, CHARLES M & ROSEMARY A ZONE R-15
- 9 PARCEL 214095820 WATERS, JAMIE CLARE ZONE R-15
- 10 PARCEL 214130000 NEIGHBORHOOD INVESTMENTS, LLC ZONE R-2
- 11 PARCEL 200272000 GIDDISON, SPANLEY A & BRENDA M TR ZONE R-2
- 12 PARCEL 200276100 NEIGHBORHOOD INVESTMENTS, LLC ZONE R-2
- 13 PARCEL 200276200 NEIGHBORHOOD INVESTMENTS, LLC ZONE R-2
- 14 PARCEL 200276300 CARVER, ADRIANA R ZONE R-2
- 15 PARCEL 200276400 NEIGHBORHOOD INVESTMENTS, LLC ZONE R-2
- 16 PARCEL 214095830 GIDDISON, BRENN M & STANLEY A TR ZONE R-2
- 17 PARCEL 200276500 NEIGHBORHOOD INVESTMENTS, LLC ZONE PUD
- 18 PARCEL 200271400 BUSTON, FRANKS P & CHRISTINA C ZONE PUD
- 19 PARCEL 200271500 ARMSTRONG, JOSHUA & ANNALEE ZONE PUD
- 20 PARCEL 200271200 MCCONNELL, JUSTIN R & HEATHER M ZONE PUD
- 21 PARCEL 200271100 RUTKOWSKI, AUGUST J & MELANIE ZONE PUD
- 22 PARCEL 200270400 GOPPAL, VARAN & ANISHA, SHILPA M ZONE PUD
- 23 PARCEL 200270300 ISHAC, SHILPA L & KRISTA M ZONE PUD
- 24 PARCEL 200270200 NETZER, JUSTIN C & NAUREEN J ZONE PUD
- 25 PARCEL 200270100 SOUBRA, CHARP P ZONE PUD
- 26 PARCEL 200270000 CITY OF CHARLOTTESVILLE ZONE R-2
- 27 PARCEL 200196600 NEADORS, GEORGE S JR & FRANCES B ZONE R-15

- 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.
- DIVISION OF RECORDS: BELMONT STATION, LLC
- SOURCE OF TITLE: INSTRUMENT NUMBER 2018-355.
- THE AREA SHOWN HEREON IS LOCATED IN ZONE "R-15" AREA DETERMINED TO BE OUTSIDE THE 425 ANNUAL CHANCE FLOOD PLAN, EXCEPT FOR A PORTION THAT APPEARS TO FALL IN ZONE "R-15" AS SHOWN ON FEMA MAP NO 22020D002. 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 ROUNDBUSH, GALE AND ASSOCIATES DATED DECEMBER 3, 2018.
- SUBJECT PARCEL IS ZONED R-15.
- 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.



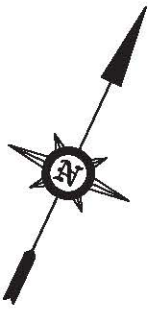
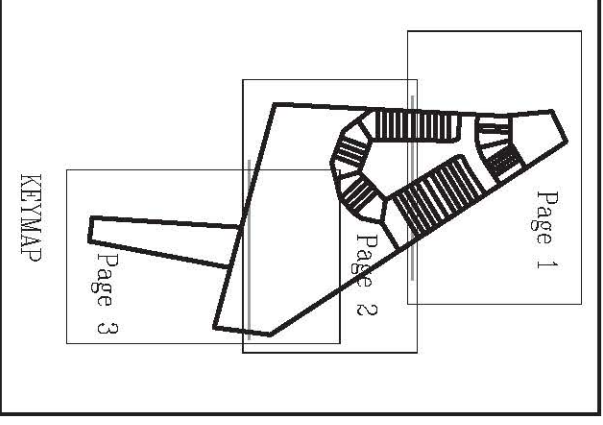
Tree Survey 1

NEW Attachment K



MATCHLINE PAGE 2

MATCHLINE PAGE 2



May 20th, 2018

Flint Hill  
Charlottesville, Virginia

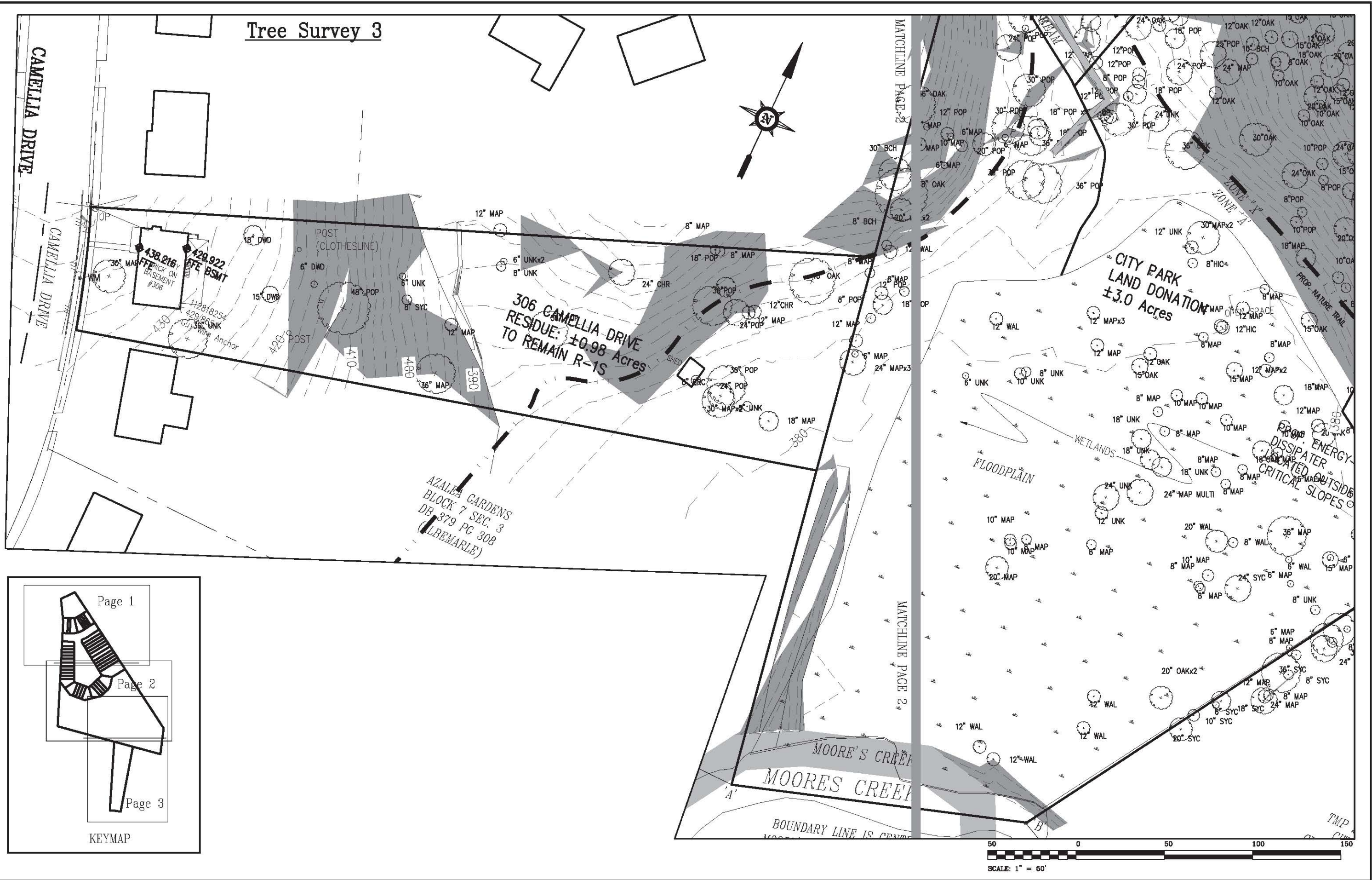
Roudabush, Gale & Associates, Inc.  
Charlottesville, Virginia







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

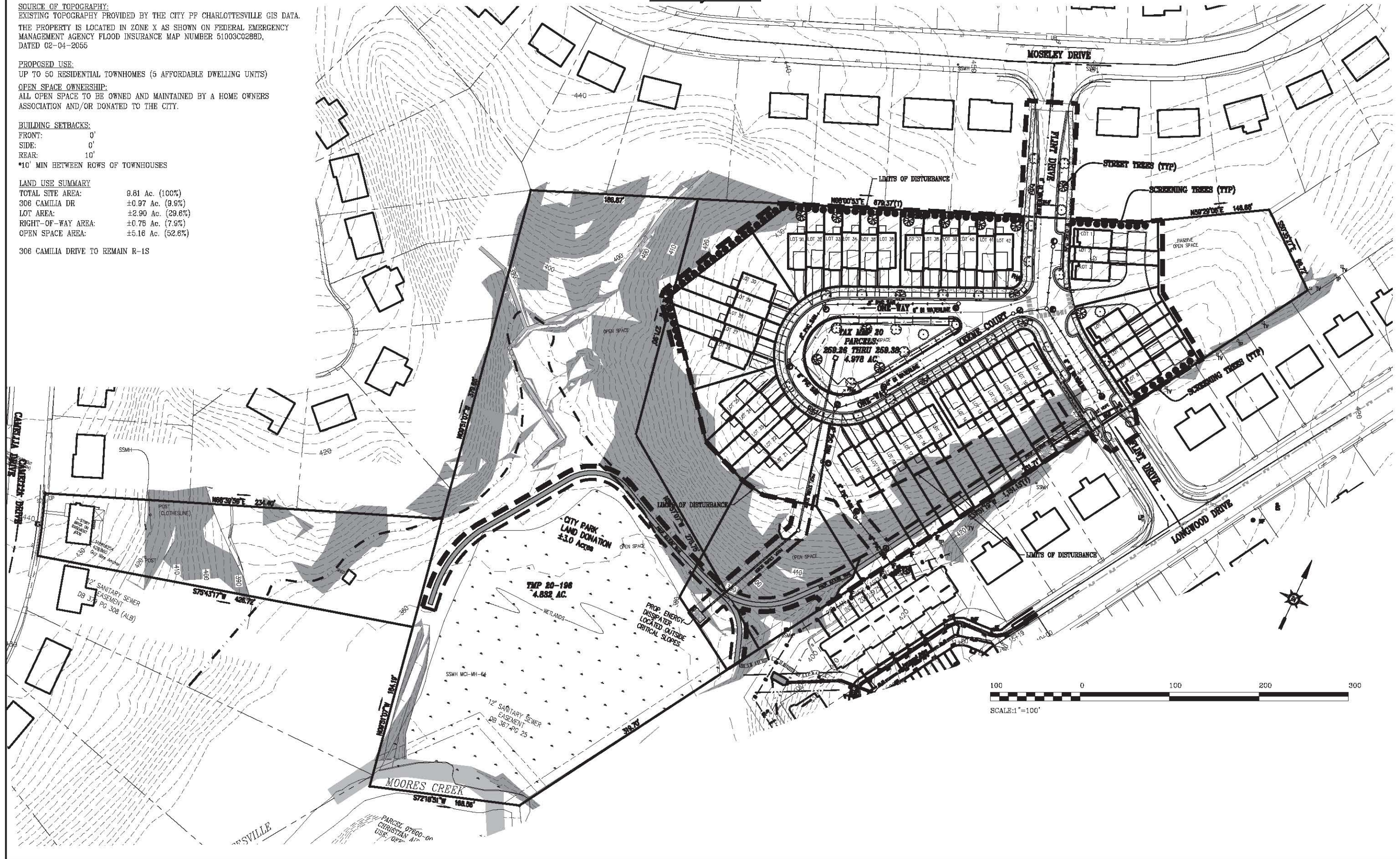
PROPOSED USE:  
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OPEN SPACE OWNERSHIP:  
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION AND/OR DONATED TO THE CITY.

BUILDING SETBACKS:  
FRONT: 0'  
SIDE: 0'  
REAR: 10'  
\*10' MIN BETWEEN ROWS OF TOWNHOUSES

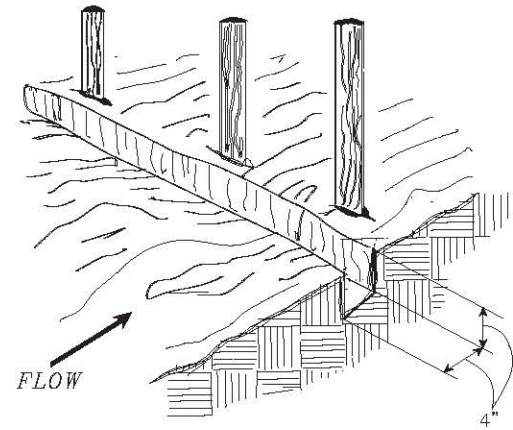
LAND USE SUMMARY	
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LOT AREA:	±2.90 Ac. (29.6%)
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306 CAMILIA DRIVE TO REMAIN R-1S

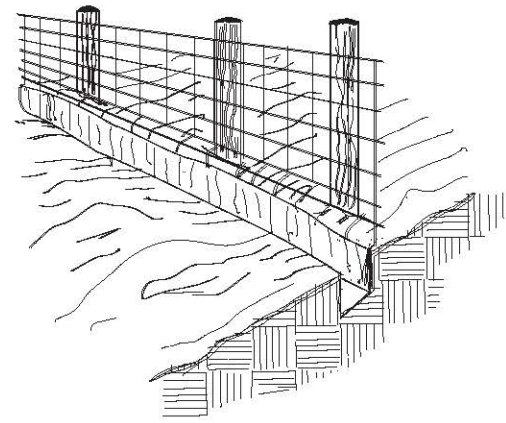




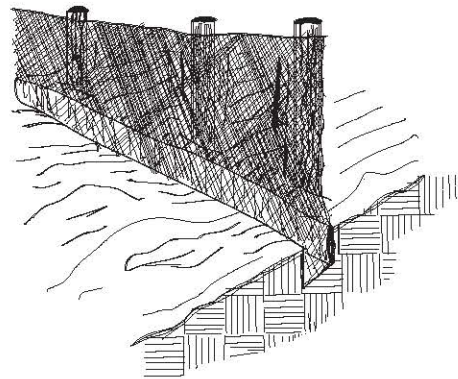
1. SET POSTS AND EXCAVATE A 4"x4" TRENCH UPSLOPE ALONG THE LINE OF POSTS.



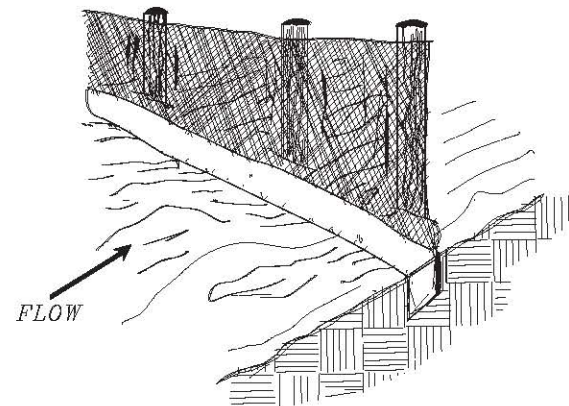
2. STAPLE WIRE FENCING TO THE POSTS.



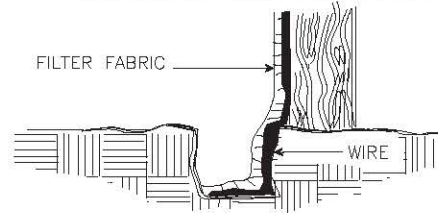
3. ATTACH THE FILTER FABRIC TO THE WIRE FENCE AND EXTEND IT INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

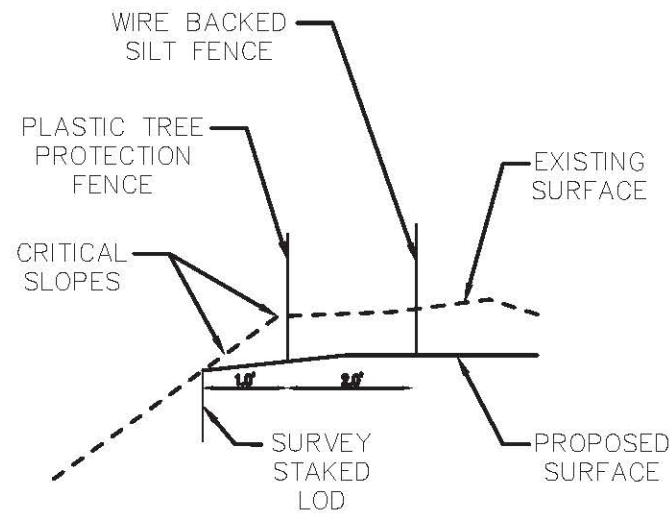


EXTENSION OF FABRIC AND WIRE INTO THE TRENCH.



WIRE BACKED SILT FENCE DETAIL (3-05-A1)

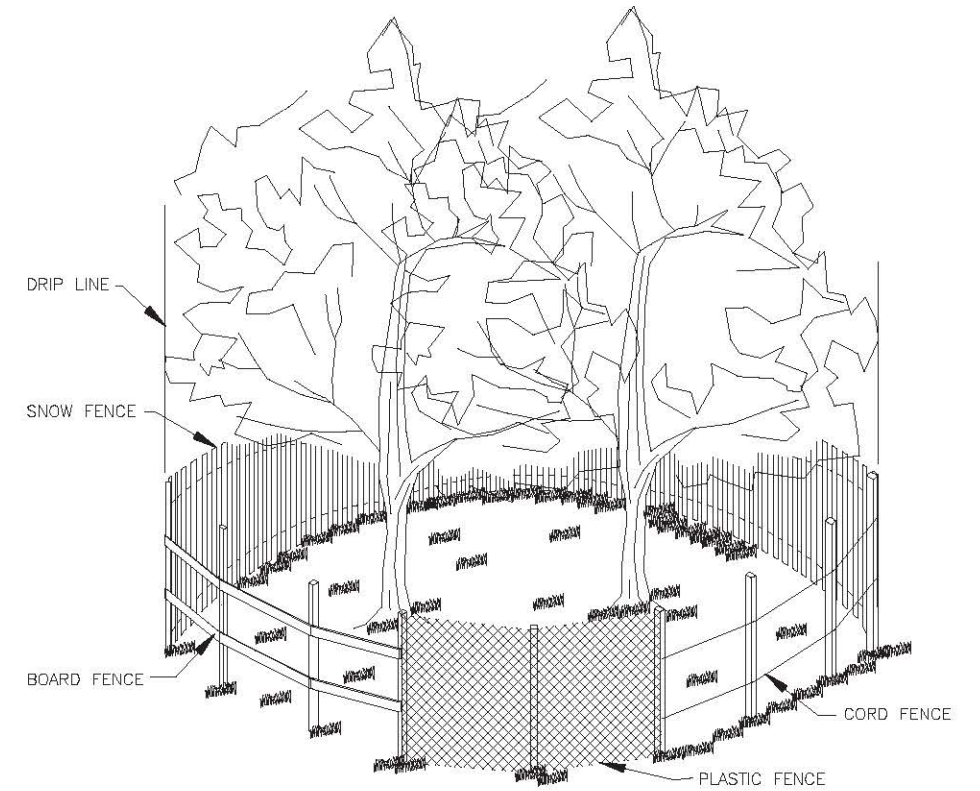
NOT TO SCALE



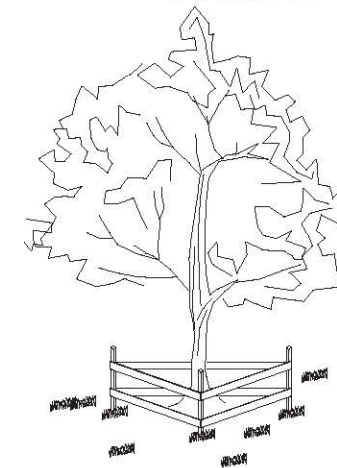
LIMITS OF DISTURBANCE DETAIL

NOT TO SCALE

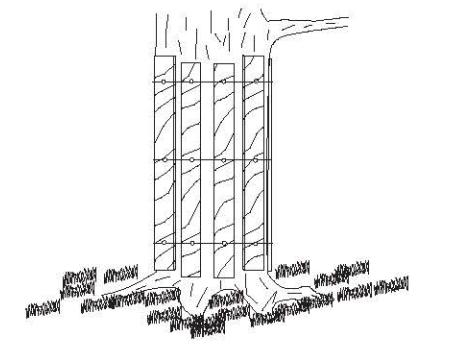
NOTE: LIMITS OF DISTURBANCE SHALL BE STAKED BY SURVEYOR. TREE PROTECTION SHALL BE PLACED 1' OFF OF THE LIMITS OF DISTURBANCE. WIRE SUPPORTED SILT FENCE (SUPER SILT FENCE) SHALL BE PLACED 3' OFF OF LIMITS OF DISTURBANCE WHEREVER THE LATEST EROSION AND SEDIMENT CONTROL HANDBOOK DICTATES THAT SILT FENCE SHOULD BE PLACED. CRITICAL SLOPES OUTSIDE OF THE LIMITS OF DISTURBANCE SHALL NOT BE DISTURBED.



CORRECT METHODS OF TREE FENCING



TRIANGULAR BOARD FENCE (placed at dripline)



CORRECT TRUNK ARMORING

TREE PROTECTION FENCING DETAIL (3-38-2)

NOT TO SCALE

\*REFERENCE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH) FOR DETAILS REGARDING INDIVIDUAL CONTROL MEASURES.

## Attachment L

My husband and I have lived 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. There are several issues to be considered regarding the rezoning application for Flint Hill.

At the May 14th, 2019 Joint Public Hearing, it was mentioned how nice it was in a Washington, D.C. development with a central area in front where the community could gather together. What will happen to the community of homes on Longwood Drive and in Azalea Gardens, especially Moseley Drive and Camellia Drive when their streets become the thoroughfare for access to 50 townhouses? The potential of having up to 100 or more cars on their streets will have a profound impact on their communities. These are residential streets with children playing and riding bikes. The increased traffic will make it more dangerous for the residents along them.

There has been a lot of increased growth south of the city and our area is a cut through for many of these cars. A few years ago, my husband was riding his bicycle on JPA going toward Fry's Spring Beach Club. A car passed him and abruptly turned right onto West Park Lane. My husband couldn't stop fast enough and hit the side of the car. The police and rescue squad were called. Fortunately, my husband was wearing a helmet and sustained only scrapes and bruises. The driver admitted that it was his fault and paid over \$400 for bike repairs. We were lucky as it could have been a lot worse.

I worked at UVA Hospital for over 40 years and both biked and rode the bus to and from work. Toward to end of my working years, when leaving work, I tried to get to the bus stop before 5:00 PM. After 5:00 PM, I often didn't know what time I would get home. The next bus would either get stuck in traffic or simply not show up.

What will be the effect on the property values of the homes along these streets if a development of this size is approved? One would think that it would be highly doubtful that anyone would jump at the opportunity to buy a home for their family knowing that your street would have a huge increase in traffic.

As far as the visual impact on these homes, one only has to look at the new homes in the back of Johnson Village that now have Beacon On 5<sup>th</sup> in their backyards. Would you have bought one of them if you knew that your backyard would abut Beacon On 5<sup>th</sup>?

Another concern is that the properties will be converted into rental units instead of being owner occupied dwellings. The city pushes for home ownership. Can the city guarantee that each one of the homes will be owner occupied, and not, for example, become housing for a group of UVA students? Depending upon how many bedrooms in the homes, the rent would be split among the occupants. This could make the townhouses an attractive investment property to acquire as a rental property.

How many parking spaces will be provided for each townhouse? There are too few parking spaces in Willoughby Townes and, as a result of this, cars have to park along Harris Road.

Finally, can the land surrounding the Flint Hill property absorb the runoff of water and the contaminants in it?

For these reasons, we request that the rezoning application of Flint Hill be **denied**. Please keep these properties Low Density Residential.

Dennis and Sandy Erksa 112 Shasta Court, Charlottesville, VA.

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



**REQUEST FOR A WAIVER: CRITICAL SLOPES**

**PLANNING COMMISSION REGULAR MEETING**

**Original held on May 14, 2019**

**DATE OF PLANNING COMMISSION MEETING: June 11, 2019 (P19-00013)**

**\*Update Memo\***

**Project Planner:** Matt Alfele, AICP

**Date of Memo:** May 29, 2019

**Applicant:** Belmont Station, LLC

**Applicant's Representative:** Charlie Armstrong (Belmont Station, LLC)

**Current Property Owner:** Belmont Station, LLC

**Application Information**

See original Staff Report for May 14, 2019

**Update (Summary)**

On May 14, 2019 the Planning Commission held a joint Public Hearing with City Council related to a rezoning request for (13) vacant parcels between Longwood Drive and Moseley Drive. In connection with the rezoning request, a critical slope waiver request was also submitted. At the meeting on May 14<sup>th</sup> the Commission focused on the rezoning request and granted the applicant a deferral before a full discussion on the critical slope application was held. The Commission did state some concern with stormwater and how that would impact critical slopes and Moores Creek.

The original application and materials can be found within the May 14, 2019 staff report. Below are explanations of what updated materials have been provided.

**1. Limits of Disturbance:**

The applicant has updated the maps within the application to better illustrate the limits of disturbance. Additional information on how the critical slopes, trees, and limits of disturbance will be defined and protected can be found on the last page of the Supplemental Packet of the



rezoning

request.

Staff Comments: Staff sees no change in the limits of disturbance, but they are now more clearly illustrated.

## **2. Note added to the Critical Slopes Map:**

The applicant added the following note to the critical slopes map (last page of the application)

“Note: The limits of disturbance shall be staked by a licensed surveyor. Tree protection fencing shall be applied 1’ off of limits of disturbance with wire supported silt fence 3’ off of the limits of disturbance. See sheet 20 for details. Energy dissipater outlet shall not release flow above critical slopes.”

Staff Comments: Staff is concerned that wire supported silt fence is being used and not super silt fence. Staff is also concerned the note calls out a detail on a page that is not in the application materials. The Development Plan Document stops at page 8 and the Supplemental Packet is not numbered.

## **Suggested Motions and Conditions \*Updated\***

### Motions

1. “I move to recommend approval of the critical slope waiver for and in connection with the Flint Hill PUD Development depicted within the application materials for ZM18-00003, 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 and in connection with the Flint Hill PUD Development depicted within the application materials for ZM18-00003, subject to the following conditions that are necessary to mitigate the potential adverse impacts of development within the critical slope area:
  - (i) in order to protect the sensitive on-site wetland features and stream buffer of high environmental value along Moore’s Creek from increases in stormwater flow volumes and velocities: all **water quality requirements** for the Flint Hill PUD Development will be satisfied on-site and not through

- off-site measures or nutrient credits, as proposed and represented by the developer within its narrative supporting the PUD rezoning ZM18-0003.
- (ii) all **stormwater outfalls and associated energy dissipaters** shall be outside critical slope areas and wetlands; no critical slope area will be disturbed with borings for any sanitary sewer laterals; the final site plan for the project will include measures to reinforce eroded areas currently existing in the upper reaches of Stream 2; the on-site biofilter shall be designed to offer opportunity for groundwater recharge; the mature upland wooded area will be permanently preserved.
  - (iii) the following shall be included as part of the **erosion and sediment control measures** for all construction activities within the development area for the Flint Hill PUD Development: use of super silt fence with wire reinforcing and six (6) feet stake spacing, to be detailed within the E&S Plan and SWPPP for the area within the PUD;
  - (iv) fixed, immovable barriers shall be installed during construction activities within the area of the Flint Hill PUD at the drip line of trees to be preserved, and this requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area Applicant has stated will be preserved; to native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD. These barriers shall remain in place throughout full completion of construction activities.
  - (v) This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development and shall not apply to any other development on the Subject Property.

This motion is 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 steep slope waiver requested for and in connection with the proposed Flint Hill PUD Development depicted within the application materials for ZM18-00003.

### **Attachments**

- A –D. Staff Report and all materials from the May 14, 2019 meeting.
- E. Updated Critical Slope Exhibit dated May 20, 2019.

**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.



# Attachments A - D Old

## 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.

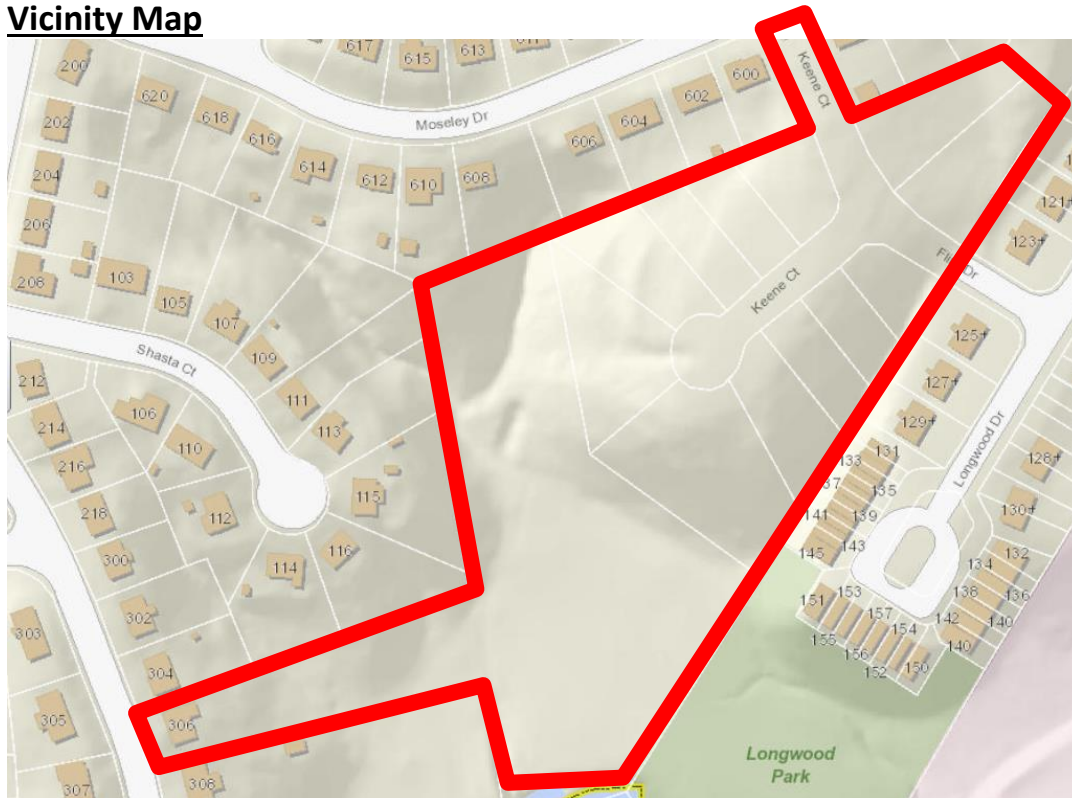
Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (**Attachment B**) and include portions of lots 9 through 22, lots 24 and 25, lot 31, open space, future park land, and parking on Flint Drive.

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;

## Attachments A - D Old

- 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**



## Attachments A - D Old

**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.

# Attachments A - D Old

*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

## Attachments A - D Old

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)



## Attachments A - D Old

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>

Attachments A - D Old



**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
<input type="checkbox"/> *Contact Staff for Supplemental Requirements	<input type="checkbox"/> Off-street Parking	
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Lighting	259.31, 259.32, 259.33, 259.34,
<input type="checkbox"/> Landscape	<input type="checkbox"/> Signs	259.35, 196
<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 \_\_\_\_\_ Date 2/6/19  
 Property Owner Signature (if not applicant) \_\_\_\_\_ Date 2/6/19

**For Office Use Only:** Date Received: \_\_\_\_\_

Review Required: Administrative \_\_\_\_\_ Planning Commission \_\_\_\_\_ City Council \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Director of NDS \_\_\_\_\_

Comments: \_\_\_\_\_

# Attachments A - D Old



## 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   | <b>Parcels Cont'd</b> |
| <input type="checkbox"/> *Contact Staff for Supplemental Requirements | <input type="checkbox"/> Off-street Parking  | 259.38, 259.26,       |
| <input type="checkbox"/> Site Plan Review                             | <input type="checkbox"/> Lighting  | 259.27, 259.28,       |
| <input type="checkbox"/> Landscape                                    | <input type="checkbox"/> Signs   | 259.29, 259.30        |
| <input type="checkbox"/> Setbacks                                     | <input checked="" type="checkbox"/> Critical Slopes <i>*additional application form required</i> | 259.31, 259.32,       |
| <input type="checkbox"/> Communication Facilities                     | <input type="checkbox"/> Other   | 259.33, 259.34,       |
| <input type="checkbox"/> Stream Buffer Mitigation Plan                |  | 259.35, 196           |

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

Attachments A - D Old  
**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

INFO@ROUDABUSH.COM



WILLIAM J. LEDBETTER, L.S.  
BRIAN D. JAMISON, L.S.  
KRISTOPHER C. WINTERS, L.S.

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.

## Attachments A - D Old

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 5<sup>th</sup> 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.

# Attachments A - D Old

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.



# Attachments A - D Old

### **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

# Attachments A - D Old


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

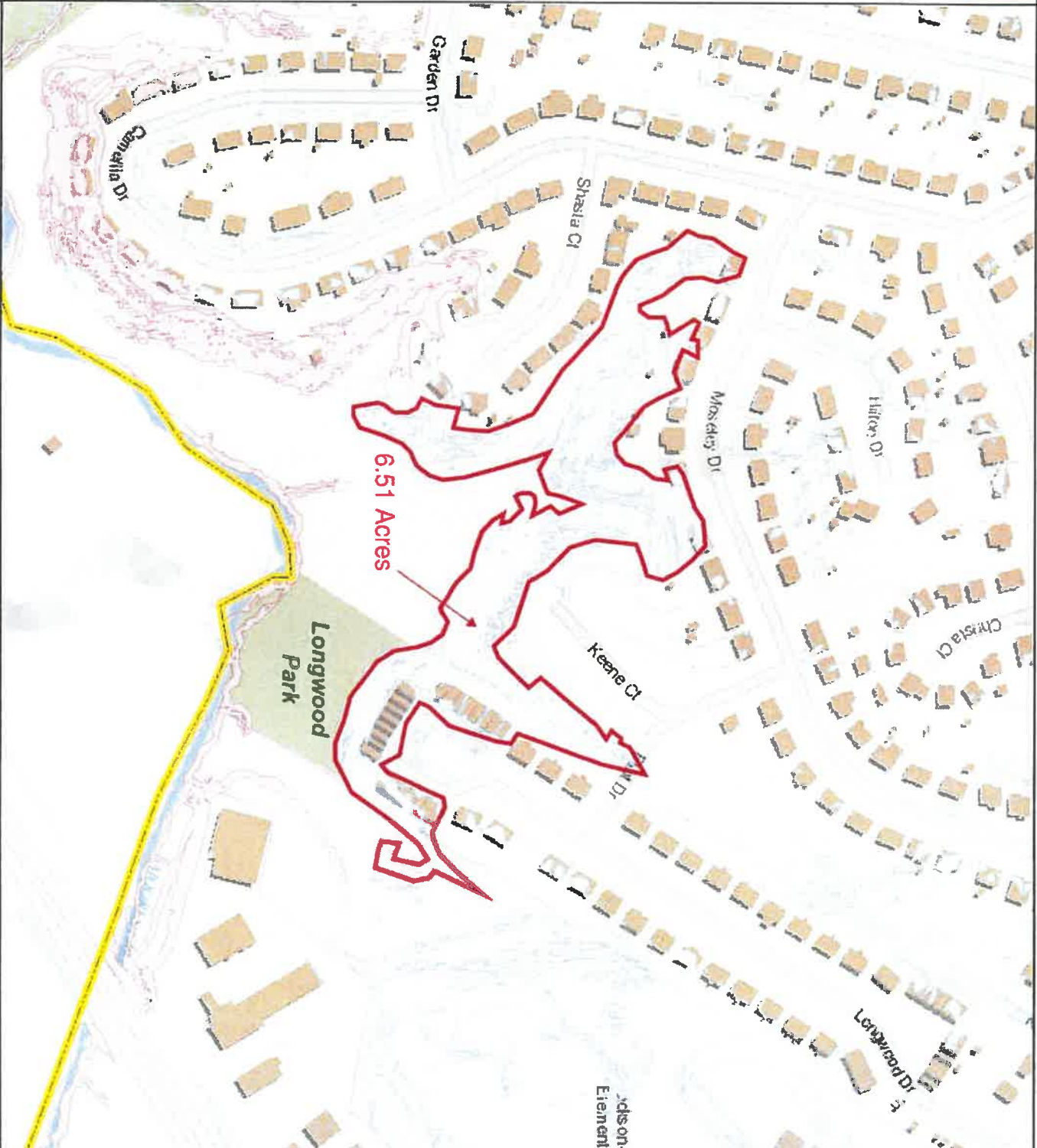
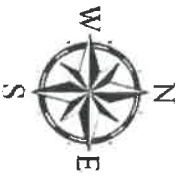
 MEMBER

---

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:**

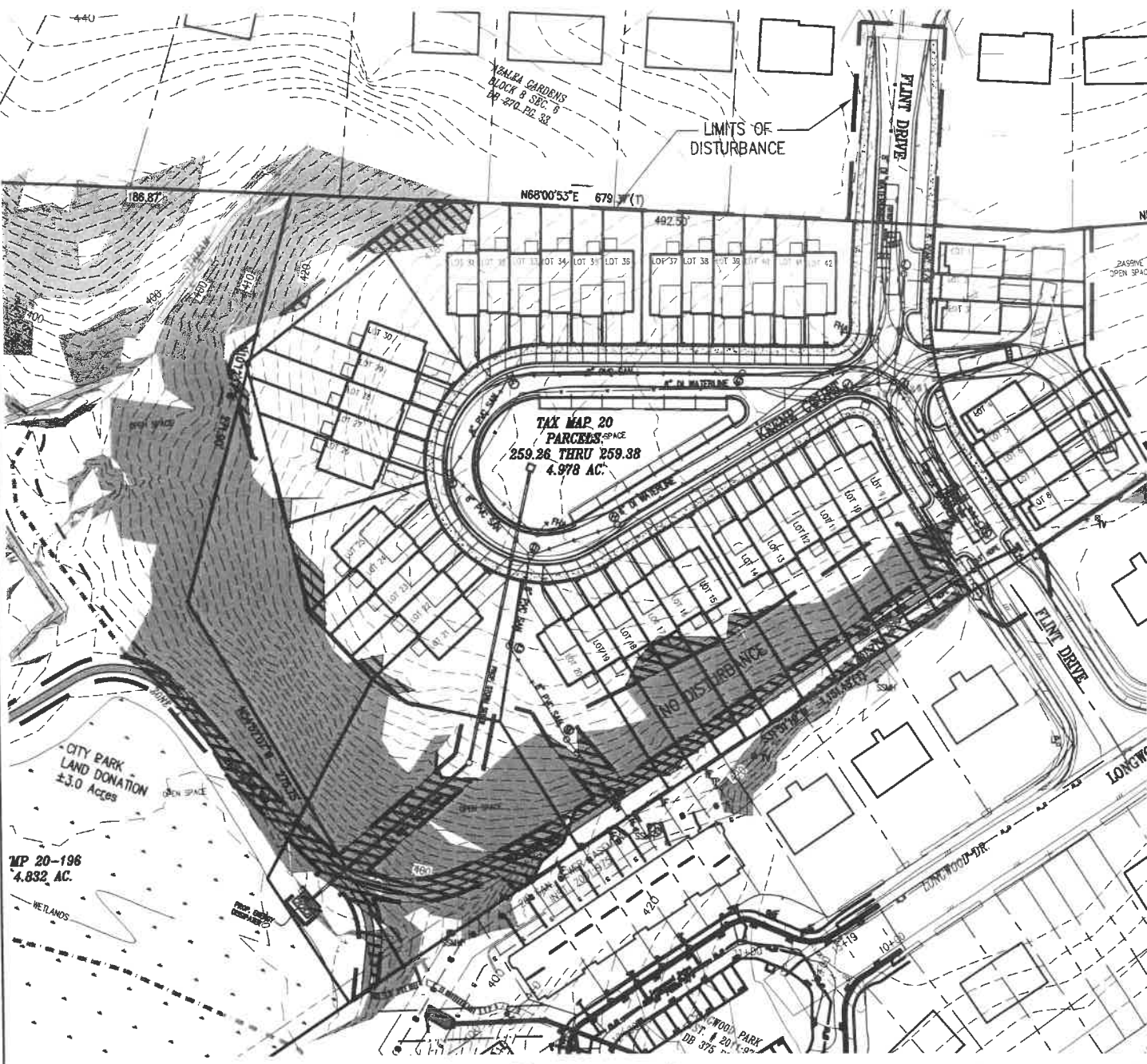
*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlotteville is not responsible for its accuracy or how current it may be.*

**Date:** 1/30/2019





Critical Slope Map: Zoning



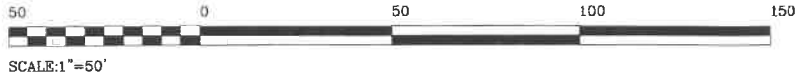
(34-1120(b)(2))

DEFINITION OF CRITICAL SLOPE. A CRITICAL SLOPE IS ANY SLOPE WHOSE GRADE IS 25% OR GREATER AND:

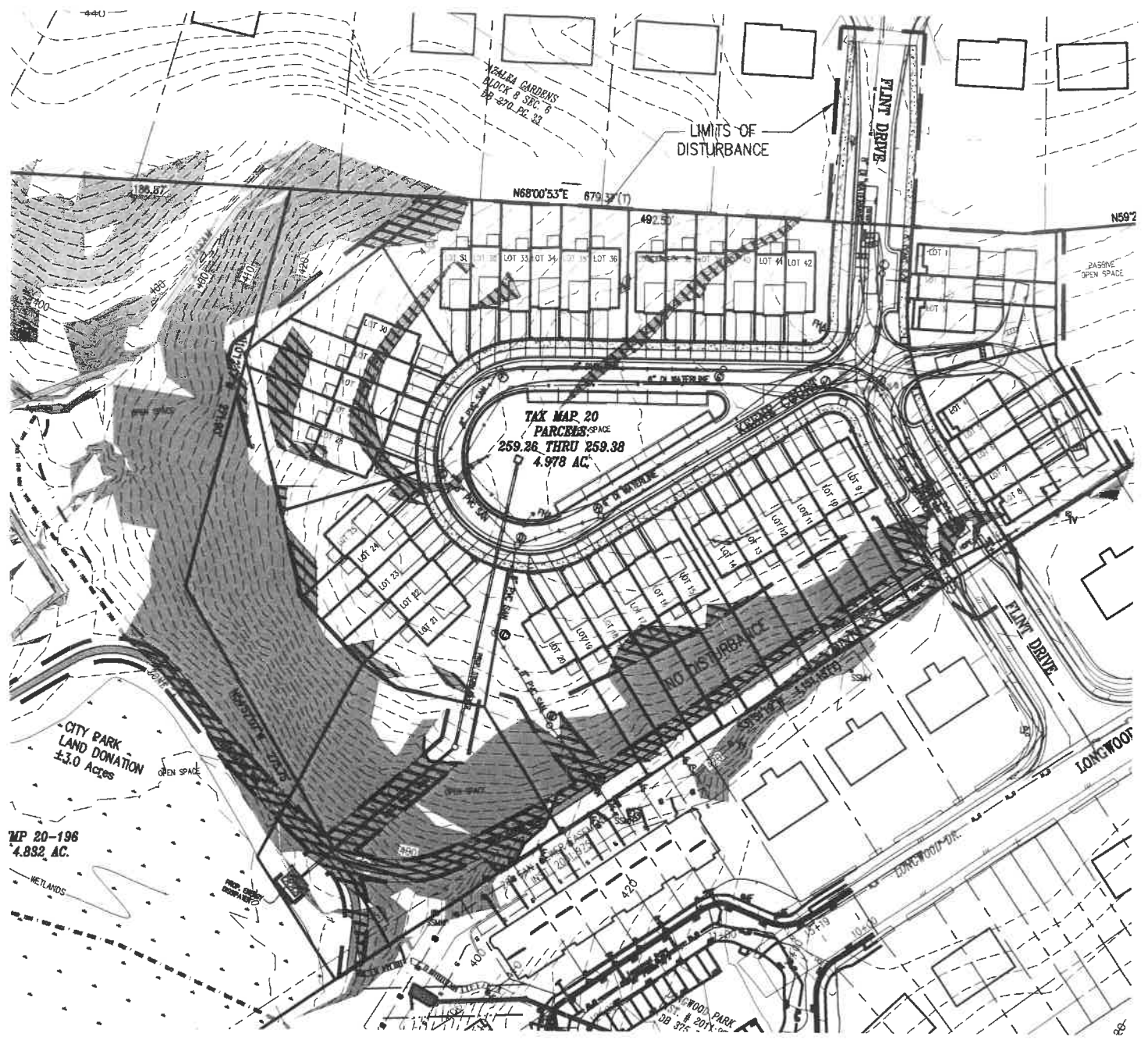
A. A PORTION OF THE SLOPE HAS A HORIZONTAL RUN OF GREATER THAN TWENTY (20) FEET AND ITS TOTAL AREA IS SIX THOUSAND (6,000) SQUARE FEET OR GREATER; AND

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



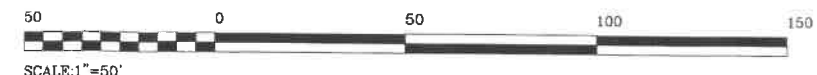
Critical Slope Map: Subdivision



(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

# Attachments A - D Old

2/14/2019

Charlottesville, VA Code of Ordinances

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.

# Attachments A - D Old

Charlottesville, VA Code of Ordinances

2/14/2019

- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a building 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.



# Attachments A - D Old

2/14/2019

Charlottesville, VA Code of Ordinances

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

# Attachments A - D Old

Charlottesville, VA Code of Ordinances

2/14/2019

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)

Critical Slope Map: Zoning

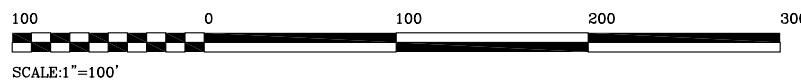


(34-1120(b)(2))

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0.36 AC OF CRITICAL SLOPE DISTURBANCE  
0.26 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



NOTE: THE LIMITS OF DISTURBANCE SHALL BE STAKED BY A LICENSED SURVEYOR. TREE PROTECTION FENCING SHALL BE APPLIED 1' OFF OF LIMITS OF DISTURBANCE WITH WIRE SUPPORTED SILT FENCE 3' OFF OF THE LIMITS OF DISTURBANCE. SEE SHEET 20 FOR DETAILS.

ENERGY DISSIPATER OUTLET SHALL NOT RELEASE FLOW ABOVE CRITICAL SLOPES.

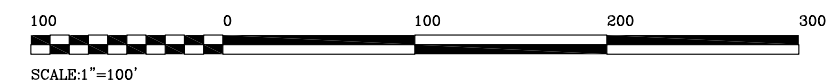
Critical Slope Map: Subdivision



(29-3)

CRITICAL SLOPE REFERS TO THE PORTION OF A LOT THAT HAS A GRADE IN EXCESS OF TWENTY-FIVE (25) PERCENT.

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0.29 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE



LINETYPE LEGEND

- LIMITS OF DISTURBANCE
- DISTURBED CRITICAL SLOPES