

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, September 10, 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**

###### **i. Report of Nominating Committee**

###### **ii. Annual Election of Officers**

##### **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 – August 13, 2019 – Pre- meeting and Regular meeting

2. Minutes – August 27, 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. **SP19-00004 – (503 Rugby Road Special Use Permit)** – Landowner Epsilon Sigma House Corporation (Kappa Kappa Gamma sorority) owns approximately 0.319 acre of land having an address of 503 Rugby Road (fronting on both Rugby Road and Lambeth Lane) and identified on City Tax Map 5 as Parcel 52 (Tax Parcel ID No. 050052000) (“Subject Property”). The Subject Property is currently used as a sorority house for up to 36 residents. Landowner is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, to authorize a specific land use (sorority house with up to 37 residents) The Subject Property is zoned is zoned R3-H ("Multifamily", for Medium density, subject to historic overlay regulations). The Subject Property is within the Rugby Road—University Circle—Venable Neighborhood Architectural Design Control District. The Comprehensive Land Use Map for this area calls for High Density residential development. Information pertaining to request may be viewed five days prior to the Public Hearing online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 605 East Main Street. Persons interested in this SUP application may contact NDS Planner Joey Winter by e-mail ([winterj@charlottesville.org](mailto:winterj@charlottesville.org)) or by telephone (434-970-3991).

#### **IV. COMMISSION'S ACTION ITEMS**

*Continuing:* until all action items are concluded

1. SP19-00003 – 602-616 West Main Special Use Permit request for a mixed-use building
2. Entrance Corridor – Hillsdale Place Comprehensive sign package

## V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, September 24, 2019 – 5:00PM	Work Session	218 W Market Street Preliminary Discussion
Monday, September 30, 2019 – 5:00PM City Space	Work Shop	Standards and Design Manual
Tuesday, October 8, 2019 – 4:30 PM	Pre-Meeting	
Tuesday, October 8, 2019 – 5:30 PM	Regular Meeting	<u>Rezoning</u> –209 Maury Avenue

### **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, Form Based Code (November 2019)

SUP –MACAA (1021 Park Street), SP19-00002 – 1201 Druid Avenue, 218 West Market St.

SUP/EC - Seminole Square Shopping Center - Drive though

Rezoning - 240 Stribling Avenue,

Emmet Streetscape - Jan/Feb 2020

**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  
8/1/2019 TO 8/31/2019**

**1. Preliminary Site Plans**

- a. Gallery Court Hotel (TMP 8-4) – July 9, 2019
- b. 10<sup>th</sup> & High Medical Office Building (TMP 53-273, 274, 275) - July 15, 2019

**2. Final Site Plans**

- a. 319 11<sup>th</sup> Street NE (Charlottesville Day School Parking lot – July 1, 2019

**3. Site Plan Amendments**

- a. Sigma Chi Renovation & Addition - August 8, 2019
- b. Water Street Promenade (Amendment 4 – Pocket Park Layout) – August 27, 2019

**4. Subdivision**

- a. BLA – William Taylor Plaza Phase II (TMP 29-147 Lot D) – August 9, 2019
- b. 2025 Spottswood Road (TMP 40-9.1) – August 28, 2019
- c. 901 Rivers Road (TMP 49-98) – August 28, 2019

Minutes

**PLANNING COMMISSION REGULAR DOCKET**  
**August 13, 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 Hosea Mitchell, Jody Lahendro, Taneaia Dowell, Lyle Solla-Yates, Gary Heaton, and Rory Stolzenberg

**Staff Present:** Missy Creasy, Lisa Robertson, Alex Ikefuna, Joey Winter, Brian Haluska, and Brennan Duncan

Chairman Green called the meeting to order at 5:10pm. She asked if there were any questions on items for this evening.

Commissioner Dowell ask if there was information provided on the price point for the units in the West Main proposal. Brian Haluska noted it was not. He further stated that the SUP request provides options for the applicant and it is likely that the development will be similar to the property next door.

Commissioner Stolzenberg noted concern with cost. Mr. Haluska noted that the proposal would require compliance with the affordable housing code section.

Commissioner Solla Yates asked for information on the setback provided and Mr. Haluska noted that the setback was the result of BAR conditions. He reviewed all of the BAR conditions. Commissioner Mitchell asked for clarification on condition #4 (pedestrian engagement) and it was noted that condition was proposed to memorialize the proposal in the application materials. Commissioner Dowell noted concern with prices. Mr. Haluska noted some background on what information the schools provided concerning enrollment increases when the multifamily properties on West Main came on line.

Chair Green asked if Fire had reviewed the Access ZTA. Ms. Robertson noted that they had been part of the discussion. She clarified the fire code and SADM standards which dictate requirements for access. Commissioner Mitchell noted that clarity on this item needs to be provided to the public so they understand. Chair Green asked if Fire had reviewed this language and it was noted that consultation would occur. It was noted that the Fire Code requirements would be required to be met regardless of any change proposed here.

**II. COMMISSION REGULAR MEETING**

**Beginning: 5:30 pm**

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

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

**A. COMMISSIONER'S REPORTS**

**Commissioner Mitchell:** The Parks and Recreation Board met in July where we talked about the activity surrounding our trails. Part of the dialogue was to remind us that our trails are the #1 recreational amenity that our community wants us to invest in. Staff also reminded us that the greatest ROI on our trails would be to develop trails that allow for local travel and incorporate recreational activity and tourism. There were discussions about the Meadowcreek trail system and the greenway associated with it. A few months ago, a developer was interested in developing the area near the trail and to make an investment in the trails to help us with that. That has been tabled, but the Parks and Rec staff and the Board would like us to be sensitive to the need to develop that. Parks and Rec will develop it if they must, but they would love to partner with anyone who would want to develop the Giant lot nearby. We received a comprehensive update on aquatics and we get nearly 100,000 visits to our aquatics facilities per year. We teach about 1,200 people how to swim every year and at peak season we have about 180 people who work for Parks and Rec. We do the Red Cross lifeguard training and have pups in the pool, which is a lot of fun.

**Commissioner Stolzenberg:** On July 16 there was an MPO Technical Committee meeting where we discussed the Hydraulic Road intersection and the 3 different options. We are getting settled on a possible solution but it is urgent that we use the money that was left over from the other 29 projects and put it into something before it disappears. On August 8 we had a PLACE Committee meeting where we heard about the upcoming participatory budgeting program for the Ridge Street neighborhood starting in a few months. They will decide how the \$100,000 allocated by Council will be spent on a capital improvements project to help the neighborhood.

**Chairman Green:** Since we didn't get Smart Scale funding for the intersection, is this the \$18 million left over from Rio?

**Commissioner Stolzenberg:** It's left over from two different projects and they plan to resubmit for Smart Scale. Regardless, the City/Council will have to put up a fair amount of money for it.

**Commissioner Heaton:** I attended the July meeting of the Thomas Jefferson Planning District CTAC meeting and we added new members at that meeting. We continue to look for additional citizens to serve on that board. The Unity Days Committee has met frantically throughout the month and there is a meeting tomorrow night to do an evaluation of how the weekend events went.

**Commissioner Dowell:** No report.

**Commissioner Solla-Yates:** The Barracks Road/Emmet Street Improvement Project Steering Committee met for the first time on July 25 and discussed how to frame a survey soliciting public input, how to make bicycling safe in the corridor, and how to calm traffic, manage congestion and preserve trees. The HAC Planning Subcommittee met on August 9 to discuss housing affordability impacts of the Standards and Design manual, focusing on street widths and clear zone spatial requirements and concrete material requirements, which combined can raise the cost of new housing construction. We requested more clarity on what is required by state code, requested checking requirements against NACTO requirements, and suggested more staff flexibility to permit more affordable housing.

**Commissioner Lahendro:** I attended the BAR meeting on July 16 where we approved 7 COA applications for projects and 2 were deferred. The BAR Guidelines are still being reviewed and updated at work sessions by the BAR members every third Thursday of the month at 5:30 pm in the NDS conference room and it is open to the public. The Tree Commission met on August 6 where we had updates from several members who serve on steering committee members for Fontaine Avenue, the East High streetscape study, and the Barracks/Emmet streetscape study. We are monitoring those studies and looking to make an impact to represent our concerns.

Lastly, we expressed a frustration over a Downtown large urban project that has been submitting site plans since last October. Our City Urban Forester and the Tree Commission have been asking to review these plans without any luck. The last site plan has been submitted and unfortunately several large important trees are going to be taken down when we've had absolutely no input. We are trying to reconcile that with our mandate from City Council in our bylaws, which is to stay informed on local changes and intentions involving trees, plans for public lands, and infrastructure in the City and advocate for trees before City Council and the Planning Commission.

## **B. UNIVERSITY REPORT**

**Bill Palmer:** No report.

## **C. CHAIR'S REPORT**

**Chairman Lisa Green:** We have a nominating committee that will be making a recommendation for the new Chair and Vice Chair in September. Mr. Lahendro and Mr. Solla-Yates have agreed to be this committee and I look forward to the recommendations.

## **D. DEPARTMENT OF NDS**

**Missy Creasy:** This Thursday there is a joint work session with City Council on the form-based code where the consultants are coming back to discuss moving forward. The meeting is from 6-8 pm at CitySpace. On August 27 there will be a preliminary work session on the application concerning 240 Stribling. Because we anticipate public interest, we have reserved the Water Street Center for that from 5-7 pm. On September 4 there is a meeting concerning the Standards and Design Manual. There was a request the last time staff brought it forward to Council for additional discussion with groups, as well as review of comments, and then to hold a joint discussion with Planning Commission, City Council, and representatives of several community groups to talk through the next steps. After that there will be public discussions. The location is still pending but as soon as we have more information it will be posted on the meeting website. The September meeting will be our annual meeting where elections are held. The Commission noted that once leadership is changed you all were interested in having a retreat of some sort, which is something to keep in mind and we will work towards that.

**Mr. Alex Ikefuna:** At the last meeting the Commission asked me to provide an update on the Comprehensive Plan. The RFP is closing on August 16 and the proposal analysis group has been set up, which is driven by the Assistant City Manager, Mr. Murphy. There will be 11 people in this group, including two members of the Planning Commission, and they will review the proposals submitted by various consultants to make a selection. The City Manager has put the fate of the Long Range Planner on hold until he finishes with the reorganization and then he will decide if he will move forward with it or not. In the meantime, once the consultant is selected for updating the Comprehensive Plan, Zoning Ordinance, and Affordable Housing Strategy, staff and the Planning Commission will work with the consultant until the City Manager makes a decision. NDS has a wealth of knowledge in terms of coordinating the activities of consultants and can figure out how to move the project forward. Regarding the Belmont Bridge, a few weeks ago the Planning Commission received a quarterly update and the bridge is moving forward. In the past 30 days we have requested and received right-of-way acquisition from VDOT. This was a major milestone and it was contingent upon the approval of stage 1 bridge design. We are now moving forward with phase 2 bridge design. Once this is completed, it goes back to VDOT again for review. Hopefully we will complete the right-of-way acquisition by next summer and in the late fall we can bid the project out.

**Commissioner Stolzenberg:** The update said it was seeking a waiver or permit from the Buckingham Branch railway. Does that mean fences will be gone forever or just during construction?

**Mr. Ikefuna:** There will still be some kind of fence because as much as they can, the railroad tries to keep people away from the track. They have been very cooperative working with us, and the City Attorney has been very helpful in terms of helping us draft the legal agreement.

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

**Sean Tubbs, Piedmont Environmental Council:** Earlier this year I made the decision to try to avoid driving through the City of Charlottesville. I live 1.5 miles away from where I work and for years, I had the mentality that the CAT would not work for me. I decided to challenge myself and I have gotten my commute down to 20 minutes from my door to my stop. That doesn't work for everyone, especially those in the urban ring, so it's important to realize that we can make vast improvements if we work together. The Regional Transit Partnership has helped us to do that and I'm here tonight to raise their profile. Many of our planning objectives call for us to reduce the number of people who drive to work alone. To get there, we need options. Part of that is biking and walking, but transit is something needed especially for those areas in the urban ring and outlying counties. We have 3 transit agencies in this community and to get the improvements we need faster, better coordination is going to happen because we are unlikely to have an authority that does it all at once. Every month the RTP discusses these and early successes including better sharing of data, discussions of best practices, and an agreement that gives Albemarle County more clarity about how the money they contribute to CAT is spent. The City also has transit questions and at the July 23 work session regarding the Fontaine Avenue Streetscape, they discussed how transit is going to be served on that corridor. CAT doesn't travel on Fontaine and there are extensive shuttles, but they aren't necessarily open to the public. As the Fontaine Research Park grows, there will be a need to coordinate that. My quality of life has improved through transit and realizing I am part of a community. The RTP is a place where we are already discussing these things and I hope one of you will join us.

#### **F. CONSENT AGENDA**

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

1. Minutes – July 9, 2019 – Pre Meeting and Regular meeting
2. Minutes – July 23, 2019 – Work Session

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

#### **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. SP19-00003 – Landowner Heirloom West Main Street Second Phase LLC, by its agent Milestone Partners is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-641, to allow additional residential density for a mixed-use building at its property having an address of 602-616 West Main Street, having approximately 163 feet of frontage on West Main Street. The applicant is proposing a mixed-use building with ground floor commercial space, and up to 55 residential units above the ground floor. The property is further identified on City Real Property Tax Map 29 as Parcel 3 ("Subject Property"). The Subject Property is zoned West Main East Corridor (WME), subject to the West Main

Street Architectural Design Control Overlay District and the Parking Modified Zone Overlay District. In WME residential uses are allowed by-right, including multifamily dwellings, at a density up to 87 dwelling units per acre and additional density, up to 120 dwelling units per acre, is allowed pursuant to an SUP. Building(s) within the proposed development are to have a minimum height 35 feet and a maximum height of 52 ft. max, subject to a bulk plane restriction; ADC architectural guidelines state that height should be within 130 percent of the prevailing average of both sides of the block and should relate to adjacent contributing buildings. The Comprehensive Land Use Map for this area calls for Mixed Use, but no density range is specified by the Comprehensive Plan.

**Commissioner Lahendro:** In the interest of full disclosure, I provide architectural preservation consulting to First Baptist Church, who owns the adjacent building and has concerns about this project. In no way do I receive any payment for my consultation to them and do not believe I have a conflict of interest, for which I would look to Council to verify.

**Ms. Robertson:** You do not have a conflict and you can participate and be objective under your own procedural guidelines.

**Staff Report, Brian Haluska:** This is a SUP request for a property located between 602-616 West Main Street. It is currently the location of the University Tire and Auto Center. The proposal is in conjunction with a plan to demolish the existing structure on the property and build a new mixed-use building, which is ground floor commercial with the potential for residential on the upper floors. One of the issues we had with the agenda item is it said the by-right density is 87 dwelling units per acre, but it is actually 43. Under a by-right scheme, the building would be limited to 20 residential units. The proposed SUP would increase the density to a maximum of 120 dwelling units per acre, which is the maximum allowed in the zone. It would permit the applicant to build up to 55 residential units. The size of the building is not impacted by the SUP request. Staff has reviewed this against the city code and the school population issue has come up a few times in conversation with the school board. Typically, this type of unit does not appeal to families with school-aged children, but we found that when other developments along West Main Street have opened, there is a reshuffling of residential units. It's not necessarily that school-aged children are living in those large apartment buildings, but the residents that move in there move out of housing that is attractive to families with young children and those children are going to the schools. The schools have reported that they saw spikes in enrollment when large multi-family structures were opened on West Main. The unit count here is much lower and it's a different end of West Main, but nonetheless we wanted to highlight it because it is not normally an impact for these types of developments. The recommendation from the BAR found no issues with the request but they added conditions that are suggested that relate to the design of the building. Those conditions have been carried forward by staff. In discussion with the applicant, they would like to have discussion on two of these items, which are conditions 1(b) regarding building height and item (e) regarding how the parking is arranged. Staff recommends approval and the conditions serve to mitigate our main concern, which is the design review that would be handled at the BAR. There is an opportunity to create something that contributes to the overall nature of the West Main East Corridor that was rezoned several years ago to get development that was more conducive with the existing character of the street, which is reflected in the staff report.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** It looks like there is a 10' setback. Is that zoning or design review? It looks like the 10' setback is being pushed back further than the rest of the street wall, which looks strange.



**Mr. Haluska:** One of the issues with West Main Street with the mixed-use code is the amenities in front of the building and being able to accommodate that in terms of the amount of space we have. It's a 10' minimum and a maximum of 20' and the reason for the setback is to open up the space for street trees, to give them more space to accommodate for utilities, and to provide space for street furniture or cafés.

**Commissioner Solla-Yates:** Affordable housing was called out as a question mark. What are the possibilities here?

**Mr. Haluska:** This application requires adherence to the affordable housing code section in the zoning ordinance. The applicant has not indicated how they would meet that section, but they acknowledge that they will have to.

**Commissioner Solla-Yates:** We're finding no impact visually, but there are a lot of requirements recommended to offset the non-impact. How does that work?

**Mr. Haluska:** They would have to go through the BAR process, and I would conceive that when we're talking about the actual increase in residential density, the visual is another element that would get dealt with at another time. The idea behind putting this into the conditions is partly so it's not forgotten.

**Commissioner Lahendro:** One of staff's conditions says that the building shall be broken down to reflect the multi-parcel massing historically on the site. How important is our review of whether the drawings comply with that recommendation tonight? Is it more of a BAR issue to discuss?

**Mr. Haluska:** Highlighting that condition of the SUP is just an intent, but it is a BAR recommendation. The drawings tonight don't need to reflect that, but it is a reminder to the applicant and staff. You are not approving the details of those drawings.

**Commissioner Stolzenberg:** How do you reconcile condition 2 with 1(a)? Why do we have a problem with them having two side-by-side buildings so it actually would be multiple parcels. Do they just need to pretend it is visually?

**Mr. Haluska:** I don't think the applicant's intention is to build two buildings, even though that would achieve the intent of what the BAR is looking for. In the absence of the intent to build multiple buildings on this site, we are saying that they will build one building, but the façade needs to reflect the pattern of West Main east. There needs to be an intent to break up the massing.

**Commissioner Mitchell:** I am a member of First Baptist Church and make regular offerings, so I do have a financial interest in that I give them money. I was unaware they had an interest in this and I think I can be objective, but I will leave it up to Council to decide if I should be recused.

**Ms. Robertson:** Your contributions do not give you a legal conflict. You are a member of a congregation that includes 3 or more people and the decision in this particular case is not going to change your financial position positively or negatively. Your guidelines simply require you to say whether or not you believe you can participate objectively.

**Chairman Green:** Since we don't know how many dwelling units are actually going to be in this development, is that why we don't have a number for what is required under the affordability?

**Mr. Haluska:** 34.12 is a zoning requirement so there's no way to get around it, but it typically comes at the final site plan. Based on the final site plan where we have square footages, we would plug it into our spreadsheet and

generate the number of units or the amount of cash contribution they provide, should they choose to forego units.

**Applicant, Jeff Levien:** I apologize for the box on the site because it has no integrity and we're here today to discuss what can go in that box. We know there needs to be articulation along the road and we have to break it up so it is beautiful and we understand that. Regarding the conditions, they are a little restrictive. We fully intend to comply with the ordinance with the four-stories, which is a 52 ft. height maximum. You will get a certain amount of stories within the 52 ft. with probably a max of 5 ft., but we haven't looked at the detail in the grading to see if you could get five stories. It won't impact the amount of units. We aren't that far along, but we would like the flexibility to not have the restriction of four stories. With respect to parking, we just laid out a general tray of parking and it came out to 53 spots. It is not well articulated, and it was more to provide comfort and if there is any parking relief needed here, there is ample space to park according to the zoning ordinance. I would like to eliminate any particular count of parking spaces and just make it clear that we will comply with the ordinance, including taking into consideration the credits you can and what kind of units we build, since that is still up in the air. Regarding the First Baptist Church, I would like the Commission to recognize that we are here to talk about this particular SUP and the number of units that can go in the box, but we aren't going to go for a SUP for residential density. There is nothing particular of this development that's adversely impacting any of the neighboring land owners with respect to building these additional residential units.

#### COMMISSIONER QUESTIONS

**Commissioner Stolzenberg:** In April 2018 you spoke with Sean Tubbs from Charlottesville Tomorrow and said you didn't have any prices available for the project at the time, but that they would be priced higher than the general market but wouldn't be the most expensive units in town. When looking at the rental rates for the project that is almost complete, a studio is going for \$1499-\$1750 per month, a two bedroom is \$2680-3860, and a three bedroom for \$4090. Do you think those are not the most expensive in town?

**Mr. Levien:** I know there are units that rent for \$4100-\$4200.

**Commissioner Stolzenberg:** Do you think the units in this new phase are going to be comparably priced?

**Mr. Levien:** These won't come to market until 3 years from now so it's hard to say. It depends on what the market is, but they will be market rate.

**Commissioner Dowell:** You have 3 options available for the affordable housing fund. What option are you leaning towards?

**Mr. Levien:** I don't know until I see the whole formula and what it comes out to. At 600 West Main I had an agreement on the site plan to pay into the fund and voluntarily built them on-site. It's difficult to say until it's all laid out, but I've worked very closely with the City on complying with that and I certainly will.

**Commissioner Stolzenberg:** At four stories, it would be one of the shorter buildings on West Main east. Would you build higher if it were permitted?

**Mr. Levien:** That's getting into a larger urban planning discussion, but height isn't the only definitive measure of context along a street. Going along setbacks is also indicative of context. I'd rather have tall and thin, but with restrictions on height there's only so tall and thin you can do. I would probably build higher if I could.

**Commissioner Stolzenberg:** If you went higher and made more units, would those units potentially have to be lower priced in order for you to rent them all? Are you encouraged to have high prices or able to because of the limited supply you are offering here?

**Mr. Levien:** I would have to sit down with the site because it might not even need more units. A lot of things would have to factor into the equation so it would be very hard to answer that.

**Commissioner Stolzenberg:** Related to the side setback next to one of the historic houses you're preserving, the design shows that you're preserving the view of the mural. Does that mural exist?

**Mr. Levien:** There is an internationally renowned muralist coming in September to do that mural. Being an adjacent land owner, rather than covering it up with a building, I have the opportunity to preserve it, make it visible and have some open space. That mural was approved by the BAR and it went along with their recommendations.

**Commissioner Stolzenberg:** Regarding the meditative courtyard, are the amenities of the phase 1 going to be available for the phase 2 residents?

**Mr. Levien:** I don't know. It's a much larger conversation about combining them or not.

**Chairman Green:** If we allowed you to build 12 stories, how much affordable housing would you put in it at 20-30% AMI? Or would you go all market rate because you could?

**Mr. Levien:** I would probably build all market rate. The private and public sector should work together to build true affordable housing. There should be real estate tax incentives to try to build the housing that we desperately need. I operate under the current ordinances today, but I've seen different municipalities work together to achieve this. Without inclusionary housing inducement, the economics don't work.

**Chairman Green:** Randomly adding height just anywhere doesn't give us affordable housing.

**Ms. Robertson:** It's important to focus on the specifics of this application in front of you. Perhaps you might invite Mr. Levien to a workshop in the future.

**Chairman Green:** At this current zoning ordinance, there is a certain height restriction.

**Ms. Robertson:** In our zoning ordinance, there is a generally applicable provision that if you reference four stories, it refers to 50 ft. of height. In the West Main Street east zoning district you're allowed to have 52 ft. of height maximum. If the applicant is asking to be able to go to the maximum height the zoning ordinance allows, you don't need a condition at all that describes height.

**Commissioner Stolzenberg:** You bought this property a few months ago for \$2.9 million. Were you in a hurry for some reason?

**Ms. Robertson:** Again, it's very important to focus on the details that are presented in the application materials and to ask questions to clarify how the ordinance is and the general land use issues.

**Commissioner Dowell:** Staff recommends the height shall not exceed 4 stories. Can you justify why you need 5?

**Mr. Levien:** The zoning speaks to 52 ft. in height and I have to comply with that height and stick to the ordinance.

**Commissioner Lahendro:** The recommendation for the underground parking that no direct access shall be provided from the building street wall on West Main Street. How will the underground parking be accessed?

**Mr. Levien:** It will have to be setback along West Main so it isn't in the building wall. It has to come off of West Main, but the condition says it can't be right in the street wall. I am fine with that condition.

## **PUBLIC HEARING**

**Pat Edwards:** I am a member of First Baptist Church and a Starr Hill resident. The Annex/Holsinger building is delicate. One of the conditions is that it be seismically monitored, but I would love for you to flesh that out to say how it goes on and who would be responsible for reading it and communicating to the church what is discovered because of it. There is also a mural on the side of our building that may be covered up. That retaining wall in the alley between those two buildings belongs to Mr. Levien, but we use that alley. It is an active alley and we cannot have it blocked. Lastly, the Starr Hill neighborhood is being parked in by everyone, including UVA, construction workers, people getting on the Amtrak, etc. and parking is a serious issue for the neighborhood. It's not that simple to get neighborhood parking and it's not convenient. I would appreciate if you were mindful of the fact that surrounding neighborhoods are being impacted by all the construction and there will be people who park long term in our neighborhoods. It's a problem. The trashmen can't back down the hill anymore because of the cars on both sides so they have to walk to get it.

**Mark Kavitt:** Earlier this year or last year, a board member made the comment that when developers come before you for SUPs they need to give back to the community. This is a good case where that could and should be done. It would be nice if the developer did efficiency units that could be at a lower cost. There are people that work Downtown that would like to not have to take a car into town and this could be a good location for that. There should also be some affordable housing onsite and I hope the developer will look at that. In this case we have a developer that is looking at it from the standpoint of how much he can possibly get out of the units and maximize his return on investment.

**Pool Ita:** I reside in the Fifeville neighborhood and would like to echo the comment made about parking in the neighborhoods. We have yet to see the impact of the allowance for a lower parking provision from 600 West Main Street. That is going to impact parking in the Fifeville and Starr Hill neighborhoods. Since we have the convenience of having the same developer here, perhaps we ought to be looking to make up a little bit on what we haven't got. If I recall, a long time ago they agreed to make provisions for parking for people who couldn't park within 600 West Main and I wonder where that got to because we haven't seen any of it yet. It's naive to expect that we're going to put up these very expensive apartments and expect people won't have cars in it.

## **COMMISSIONER DISCUSSION**

**Commissioner Solla-Yates:** How detailed can we get on the seismic monitoring procedure?

**Mr. Haluska:** I don't know much about it either so it is unclear how much you'd want to spell things out in the condition versus what could be left to the applicant to demonstrate that they've complied with that. The only guidance we may have is City Council's blasting ordinance that delved into that. The applicant mentioned they've worked very closely with the adjacent building on the other side of 600 West Main when building their current project, so they went through precautions. Typically, there is seismic monitoring that can be done including a

survey of the property prior to any construction activity and periodically checking on it to see if there are any signs of disruption to mitigate it.

**Commissioner Lahendro:** The Holsinger building goes back to 1912 and has some wonderful history. I am familiar with the monitoring because of my work at the Rotunda. The details of course have to be worked out, but I would suggest modifying the recommendation to say that “real-time notification of building occupants of significant movement would be required” that way it is being monitored as the work is going on and there are certain movement amounts. The main concern is the safety of the occupants of the building and we want to know if there is any damage to the building as a result of the construction activities.

**Chairman Green:** Does it make sense to have a setback on that side to the alley as opposed to just the building to give more room to work?

**Commissioner Lahendro:** As an architectural historian, I am fine with just the alley being there because that is the historic development of buildings on this street. There’s a retaining wall so it’s not like they’ve had additional space to pull out in the past.

**Commissioner Stolzenberg:** Is there existing recourse if there is seismic damage?

**Ms. Robertson:** You would have to write something into the conditions.

**Chairman Green:** What happens if there is damage to a historic structure?

**Ms. Robertson:** The question is always how close the relationship is between damage that someone finds in their building and proving that it is the result of seismic activity caused by the development on the parcel. It’s not something the City would typically be in the middle of, but if you do include a condition that requires the gathering of data regarding seismic activity, the easiest thing to do would be to require that information to be shared with an adjacent property owner on request. The landowner may not want to agree to that but that’s as far as you should go. The landowners would have private recourse.

**Commissioner Lahendro:** It would be wise to digitally document the building before construction starts and have it monitored during construction, as well as at the end of the project. I can’t give you the details of that but hopefully there is a way for them to get worked out as the project goes along.

**Chairman Green:** Is this something we’ve done in the past?

**Mr. Haluska:** We’ve never put a condition in terms of seismic monitoring. We’ve done conditions on notification of businesses prior to construction or a phone number contact, but this suggestion by the BAR is the first time it has come forward.

**Commissioner Stolzenberg:** Is the Annex building an individually protected property?

**Commissioner Lahendro:** The Holsinger building is a contributing member to the historic district, so it is a certified historic building. The church itself is individually listed on the state and national registers.

**Commissioner Dowell:** Why would we have monitoring in place with no enforcement behind it?

**Mr. Haluska:** The rational is there is a condition on the SUP to generate a record that the parties involved would be able to access. The City wouldn't swoop into a civil matter and we aren't a party to that. We can only enforce the rules we have the legal authority to enforce.

**Commissioner Dowell:** If there is a shift in the building, what happens? Where is the accountability? What is the purpose of having the monitoring in place and how are we enforcing it?

**Mr. Haluska:** The way the condition is worded, the applicant satisfies the condition by having the monitoring in place. What is done beyond that is done between the private property owners to mitigate. We can't step in on the church's behalf.

**Chairman Green:** Why wasn't there a section on this about data collection from the BAR?

**Commissioner Lahendro:** It's because there are a lot of details to consider so it was left as a general statement with the understanding and hope that the details would be worked out later.

**Mr. Levien:** I did a similar agreement with the adjacent landowner. It is comforting to know that I built 600 West Main and didn't knock four buildings down, two of which being contributing structures that were very old. I had an arrangement with adjacent landowners and can work with you on the language and details on how to monitor it. The ultimate recourse is getting sued for taking down a building and that's not a good idea.

**Ms. Robertson:** One modification might be to simply require a written agreement with the adjacent property owner setting forth the terms under which monitoring will occur. I just don't know what types of provisions are in the agreement you are referring to.

**Mr. Levien:** I could never agree to that because it would put the power in the adjacent landowner so I could never get a SUP until they agreed with me and they would simply not agree. I would agree to the condition that we would seismically monitor, provide data, and not cause any structural damage to the neighboring building. To do that, I would provide detailed language on how I would do that as a condition, but I can't have an agreement to agree because it gives them too much leverage over me to never agree.

**Ms. Robertson:** There has to be more words in this condition, and you can make a recommendation for those categories of things to be included. The applicant could then send us the specific language that he would be agreeable to including within the condition, which can be incorporated as this goes forward to Council. Perhaps the condition coming out of this is that the applicant will provide language to be included as part of the seismic monitoring condition. The condition needs to be finessed because it's too general. The applicant is offering a solution, but they should provide the specific wording to create a final wording for a condition that is consistent with the representation he just made.

**Chairman Green:** The concern is that this is not a proffer, so all this is not left up to the applicant to provide the language he wants.

**Ms. Robertson:** Staff or the BAR have to help us craft the specific language because we don't have it. As long as the final wording is consistent with what has been discussed tonight, you could make a recommendation on the vague outlines and work through it before it goes to Council.

**Councilor Walker:** If you are talking about potentially settling this in court, the landowner would have more funds available to do that and it could put the church in the position where they may not be able to fight a legal battle. We need to take care of whatever we can do on our end.

**Commissioner Lahendro:** Could we ask the applicant to work with the church to come up with an agreement and come back to us with a proposal?

**Councilor Galvin:** The National Park Service has guidelines for protecting a historic structure during adjacent construction. That document very well may provide that language. In short, there should be a protected plan.

**Councilor Walker:** Can legal look into potentially enforcement from the City's end?

**Chairman Green:** Based off state law, this is a civil matter between two private landowners.

**Ms. Robertson:** The reference to a protected plan, given that the status of the building is a historic building, is something that I would be more comfortable with in a SUP condition such as this. It's difficult to do this at a public meeting, but I'm more comfortable with the notion that we would require a protective plan. We don't know what that plan would look like right now and we don't have one that staff has ever used.

**Chairman Green:** We always encourage coming to a work session to work out things like these.

**Mr. Levien:** Once you put in the condition about seismically monitoring, notifying the landowner, and cannot cause structural damage to the building, then I will have to show you that before I can get a COA once I complete the project. There's no hammer larger than that to ensure this happens.

**Commissioner Dowell:** I don't feel comfortable with that because these bodies love to punt items off to other people. For me to feel comfortable granting a SUP, I would like to see the details of what this will look like. Just saying that you're going to monitor it is one thing, but the details come in for determining what happens during different situations. Just saying you can't get a COA only covers you and we're not looking at it from both sides. The issue is we're trying to make sure the adjacent property owner is covered as well.

**Mr. Levien:** I'm not just saying I'll monitor it, I'm saying I won't cause structural damage to it, which will be in the condition. That is ultimately the goal and what is larger than that? It's no different than saying I can't build over 52 ft. and the risk on me is much greater because I have to stand before someone and show that I have not caused that structural damage. You're burdening risk where it should be, which is on me to not cause damage to this neighboring building.

**Ms. Robertson:** How would the zoning administrator resolve a situation in which the owner of this property says it didn't cause any damage and the owner of the adjacent property says they have damage and thinks it was attributed to this? It's not a zoning issue. We should talk about a protective plan to look out for historic properties under our zoning requirements and our BAR guidelines. I'm happy to review the language of the park service regulations with the applicant and see the pros and cons of it, but it can't be done on the fly. I can't think of another situation where we make someone promise absolutely no damage to an adjacent property and that gets enforceable by the zoning administrator.

**Chairman Green:** I agree if it's two individual properties that it's a civil matter, but it's not. This is a Special Use Permit and a governmental regulation. We need to be able to give the church some piece of mind.

**Ms. Robertson:** Our zoning administrator is not qualified to determine who caused a large crack in the foundation of a building.

**Commissioner Lahendro:** We should say that the applicant should implement a monitoring service that protects the Holsinger building and its occupants during construction that digitally documents the Holsinger building prior to construction, seismically monitored during construction with real-time notification to occupants if there is significant movement, and digitally document it following construction. Ultimately the church would have to prove that something happened to their building and they would have the documentation before and after construction to show that something did happen. They could then take it as a civil matter to the applicant.

**Commissioner Dowell:** I know the goal is to not damage the building, but he's not the one physically doing construction. If we put in a monitoring system and it moves, then what? Will they keep building? Will they fix the problem that they caused and then keep going? I'm okay with the agreement, but we also need to list how to mitigate it if something does happen.

**Commissioner Stolzenberg:** Perhaps it can be incorporated into the plan. They can lay out a plan with a structural engineer that states the threshold of seismic movement where it matters and something needs to happen.

**Commissioner Lahendro:** The responsibility can't fall entirely on the applicant. The church has to take responsibility that if they are notified that movement has occurred, the church puts the applicant on notice. If the applicant proceeds with construction and takes a chance of the building failing, that is a huge lawsuit. The church would also be wise not to have people go back in the building if the applicant decides to go ahead with construction.

**Chairman Green:** I agree, but this language needs to be worked out so it is comprehensive.

**Mr. LJ Lopez:** As part of the site plan process, we are responsible for providing a traffic management plan and the site plan has to return back to the Planning Commission. If we condition the preservation protection plan to be worked out between now and the site plan to return to the Commission for review and its approval, is that a potential alternative to allow us the opportunity to work through the details and language? As a side note, what Commissioner Lahendro outlined is exactly what we've done on the current 600 West Main for the directly adjacent property line for the ABC store.

**Chairman Green:** Would that hold up legally?

**Ms. Robertson:** It is doable. It would include a requirement for a preservation protection plan. You should have that resolved so an approved protection plan can be established before final site plan approval. I don't like the idea that it's part of the site plan, but if we can agree on who is going to approve that plan and the plan has to be in place before final site plan approval can be obtained, then that would work. We need to establish who is responsible for pronouncing the plan to be approved.

**Chairman Green:** How do we know who to put this on?

**Ms. Robertson:** Perhaps it's the BAR.

**Mr. Lopez:** We have to return to the BAR for a COA for design regardless of this application or a by-right commercial application. If you put both bodies in there, we can work with staff to craft a plan between now and



return and we could take opportunities at future work sessions to work through the details. It allows us more time to vet it and not spend that time here creating it on the fly.

**Commissioner Dowell:** Depending on the plan, I may not like the SUP. If we're going to vote we should have all the information in front of us to review and then make a decision. Right now we don't have enough details.

**Commissioner Lahendro:** Does it have to be a member of staff that approves it? If there is a civil engineer on staff, I'd be happy to work with that person to review it.

**Ms. Robertson:** It could also be the BAR or the Planning Commission. The site plan approvals are based on requirements in the ordinance and other zoning regulations. This wouldn't be an ordinance requirement, but it would be a zoning regulation because it would be in the SUP. There are very important historic issues, but it's very difficult when the BAR sets this out and it is unclear. People don't think about what it means to establish a zoning regulation that you expect a zoning administrator to enforce. The way this is coming forward is difficult.

**Chairman Green:** The protection of the building was going to be a huge topic of discussion whether the BAR included it or not.

**Ms. Robertson:** We can include a condition that requires an approval of a preservation protection plan, we just need to specify who is going to approve it. The BAR was the source of the recommendation so it could be approved by them before the applicant can get final site plan approval. Or you can specify someone else who can approve the adequacy of the plan, including the Commission. It won't necessarily guarantee that what is in the plan will keep damage from happening, it just approves the list of things that would be done to attempt to protect the adjacent property.

**Commissioner Dowell:** Who is going to be in charge of the City staff monitoring?

**Mr. Brennen Duncan:** If you're going to rely on City staff, I suggest we make a condition like we do for structural walls where there is a plan for the preservation that is stamped by a structural engineer that focuses on historic preservation that staff can then review. Putting the emphasis on a particular staff member would not be a good idea. It is a very specialized field and we may not have any civil engineers on staff who are specialized enough to speak to seismic fluctuations.

**Commissioner Solla-Yates moves to continue taking action on this application at the next regular meeting on September 10<sup>th</sup> and to direct staff to create a more comprehensive condition for a preservation plan. Seconded by Commissioner Stolzenberg. Motion is approved 5-0. Commissioner Heaton and Mitchell were not present during the vote.**

**Mr. Levien:** To clarify, when we return will the conversation be narrowed into a protection plan? I would like to hear a poll on the other discussion items, like not having a four-story limitation. If we're only focused on the protection plan that would focus us and we would be limited to that. The discussion should be about how the incremental density has an adverse impact on the neighborhood and I don't know how it has any affect on the adjacent landowner's building. I am disappointed that it is deferred, but I would like to limit it to this protection plan and reserve the right to have further conversations with my council to understand how the limited review of increased density has an affect on seismic affects of an adjacent building.

**Commissioner Dowell:** The height issue is still a concern and we haven't talked about how to mitigate parking because the applicant stated that what he gave us in this draft we're reviewing is not definitive. How can we make a decision on an estimated figure?

**Chairman Green:** Perhaps we can look at the conditions very quickly to get a consensus. What do we think about the building height not exceeding a height of 4 stories?

**Commissioner Stolzenberg:** I do not agree. The idea is that they might be able to squeeze it in, but if they end up with four, the ceiling heights are going to be huge. Although they say it doesn't affect the density, it would be better if there were some apartments that were somewhat lower down the market even though they are going to be at the top regardless.

**Commissioner Lahendro:** I am for the condition.

**Commissioner Dowell:** My conflict comes in with the zoning. We also talked about preserving the view of a mural, which I am all for. However, we often don't take into context the existing neighbors. Where is their view? That is an issue for me when it comes to height and that is for all the projects we see. I like four stories.

**Commissioner Solla-Yates:** I do not agree with the condition. My concern is the flexibility will allow a diversity of housing types within the construction, which would promote what we say we want in the Comprehensive Plan.

**Commissioner Dowell:** Do you really think those diversity types are going to give us what we want in the Comprehensive Plan? The people who need the housing that we're referring to aren't even going to be able to look at these apartments.

**Commissioner Solla-Yates:** This will help very few of the people who need the most help either way.

**Chairman Green:** I am inclined to stay with four stories only because of the transition areas that we're talking about in our Comprehensive Plan and having the historical site next to it. I don't think anything should be as high as that steeple. What about the condition that the building shall not contain more than 55 dwelling units?

**Commissioner Stolzenberg:** I am anti.

**Commissioner Lahendro:** I'm good with it.

**Commissioner Solla-Yates:** I'm anti. I don't see any value to it and I see potential issues with it, but ultimately the proposal is for 55 units and it's the maximum allowed by SUP anyway. We aren't achieving anything but if it makes people happy then I am okay with it.

**Chairman Green:** What about the condition that the building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor facing West Main?

**Commissioner Dowell:** On other projects we very clearly describe what type of retail we want to see in these spaces. Is there any use we would not want to see?

**Chairman Green:** That typically happens in a rezoning where the uses are spelled out. With this being a SUP, it would be anything allowed in that district. Everyone seems to agree that that condition is fine. What about the condition that underground parking shall be provided in a parking structure constructed underneath the building, provide at least 53 spaces, and no direct access is provided into the underground parking from the building's street wall along West Main Street?

**Commissioner Solla-Yates:** Assuming we can find a way to do it in the site plan, I'm fine with it.

**Commissioner Stolzenberg:** I would like to add a clause saying "less any reductions allowed under the zoning ordinance" because there are many incentives to do extra stuff. I would like to add a clause that allows them to use the incentives we have in the zoning ordinance we have.

**Chairman Green:** How does that help the neighborhood?

**Commissioner Stolzenberg:** To have more transit. It doesn't directly address the concerns, but the incentives we have in the ordinance are with the goal of lessening the traffic problems in the entire City by shifting people to alternative modes of transportation.

**Commissioner Lahendro:** I'm fine requiring the full number of spaces that are required.

**Commissioner Solla-Yates:** I don't like specifying 53. If they meet the code, that is adequate.

**Chairman Green:** Parking is a question we will have. What about the condition to break down the mass of the building to multi-parcel massing and they refer to historic buildings on either side?

**Commissioner Lahendro:** That is good. I'm happy to hear the applicant say that it has a long way to go to meet this recommendation.

**Commissioner Stolzenberg:** I'm anti because The Standard has them and I don't think they help.

**Chairman Green:** What about the condition that there shall be pedestrian engagement with the street with an active transparent and permeable façade at street level?

**Commissioner Solla-Yates:** I'm all for it.

**Ms. Robertson:** What is a permeable façade?

**Commissioner Lahendro:** Perhaps we say "passage and transparency" instead.

**Commissioner Stolzenberg:** If they were to do on-site affordable units, would that fall under the standard operating procedures the City has adopted at the home high rent limits?

**Ms. Creasy:** They would have to meet the criteria that is part of the affordable housing program. Typically, an applicant will look at the multiple options to choose from and figure out which one works the best.

2. **ZT19-06-01** -- A proposed amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. Currently the ordinance requires 2 points of access for any development that contains 50 or more dwelling units; this requirement is outdated and does not match current Fire Code or other engineering and safety standards. The purpose of the amendments are to clarify that access must be designed and constructed in accordance with the standards set out in the City's Standards and Design Manual, and mandatory safety standards, and to eliminate conflicts with those other documents.

**Staff Report, Missy Creasy:** At the May Planning Commission meeting, Mr. Trey Steigman suggested the Commission consider a text amendment to this section and provided background information concerning it. The Commission discussed it at the June work session and decided to initiate. In this case there is not a specific applicant because text amendments have to be either initiated through Planning Commission or City Council. At the July 9<sup>th</sup> meeting it came forward for a formal initiation. We've received comments concerning this and it's a little difficult to explain. The access section of the ordinance, as well as many other portions of the ordinance, are problematic. Updates need to be made and there are conflicts with existing standards. Since this was brought forward for review, we took a deeper look at it and found that the standards exist that would create safe and secure situations, but the number that was placed in the section for two entryways with 50 units or more was arbitrarily put in. We couldn't find a specific reason and in consulting the fire code and Standards of Design Manual, those are the locations where the true information needs to come from. With that number in the zoning ordinance, it could limit the situation where fire or traffic needs something different based on safety standards. We want to be clear that this wasn't pertaining to a specific development and we looked at this code section independently of that, however we anticipated we would have some concern from the community because there are a number of developments where the concern could result. We anticipated those and provided some background on that and plan to do more tonight.

**Mr. Brennen Duncan:** Staff and fire reviewed this and the code that we have is arbitrary. We have language in the draft Standards in Design Manual that should be coming before you and Council later this fall that address some of these access issues from a traffic management standpoint. The fire code already addresses it from the health and safety aspect as well, which are the two reasons for this. The code that we currently have is restrictive because all it takes into consideration are the dwelling units. It doesn't consider if it's a corner lot, other buildings around it, the road it comes out onto, etc. and it doesn't give me the flexibility to assess these projects on a case-by-case basis that they deserve.

## COMMISSIONER QUESTIONS

**Chairman Green:** This states that it is outdated from the current fire code. Wouldn't they still be reviewing any site plan for any amount of dwelling units?

**Mr. Duncan:** Yes. The fire code official would be reviewing it. This only applies to how many dwelling units, but the fire code actually speaks to commercial and industrial developments, multi-family, one or two family, etc. There is more information in the fire code than what our current zoning code provides.

**Commissioner Solla-Yates:** We've received a lot of public comment from people in the Belmont neighborhood with a concern that there was a relationship to a specific project in Belmont that is by-right. Is there a relationship between that specific project and this specific proposal?

**Mr. Duncan:** The fire code official would have to look at it from their point of view. From my point of view, it would still require multiple access points so I don't know with that particular project that this code change would affect anything. It will require at least two points of access whether this changes or not.

## PUBLIC HEARING:

**Trey Steigman:** As mentioned in May, I represent numerous property owners and clients in the City from a development perspective. This came to our attention very surprisingly in February of this year during a pre-

application meeting with City staff when we were proposing a project that was otherwise a by-right use project of approximately 90 units. We were told because of our site plan and this access management zoning code, we would be restricted to no more than 49 units. That was a surprise to us in a City that is severely lacking in the number of units we need to support the existing and future growth of Charlottesville. Beyond that, it also came to our attention by doing some limited research that over the past dozen years at least nine projects of new construction development have been approved where this code was not enforced. It was peculiar that we were being asked to limit our proposal to this zoning ordinance. Staff has done a great job of digging in and agreeing that the arbitrary number of no more than 50 units without two points of access is not practical for urban development. We appreciate the suggestion of a work session where many things we put on the table and thought that this zoning text amendment was a good idea. Staff and the City Attorney's office has come up with a solution that corrects a previously unenforced situation that doesn't make any sense. It's important for staff to analyze projects on a case-by-case basis particular to access management and we ask you to support this zoning text amendment and we thank you for your time.

**Kat Meyer:** Resides at 208 Douglas Avenue. If you put the amount of consideration to all of the applicants that come forward looking at different access that you just did to the last project, I have complete trust and faith. You took your time, went through all the nuances, protected the neighborhood and really listened to the applicant. I came to be educated about this and in Belmont there are a lot of contra folks, but we really want to be your allies. We are looking at development and we moved there because 20 years ago we could afford it and there was diversity. That is changing and we want to be your allies. The climate is changing and there are a lot more emergencies and storms and we need to look into the future and make sure there is easier access. When I hear that each one will be taken into its own considered by the fire department, you have both sides in mind.

**Mark Kavitt:** I am concerned that this will open the floodgate to a lot development on the books right now that's being required to have 2 or 3 entry points and going down to only 1 entry point. An example is 100 Avon Street. Currently there may be 2 entry points for it, but it might end up being changed. If it only has 1 entry point, anyone trying to go from that area to the Belmont Bridge and the development that planned for the area will have a difficult time getting through and they will have a long wait. It's not just about emergency vehicles getting to the project, it's also a convenience factor for the people who are there and have to deal with the traffic. I personally would like to see it done as a situation where it is counted on each individual merit as to what we have, rather than doing a blank change.

**Valerie Long:** I wanted to call your attention to paragraph A of the proposed text, which sufficiently addresses the comments that were just raised. It continues to provide discretion to the City's traffic engineer to require additional access points. The new text says "each entrance onto any street for vehicular traffic to and from a development shall be designed to reduce or prevent congestion in the public streets, minimize conflict and friction with vehicular traffic on the public street and onsite, minimize conflict with pedestrian traffic, and provide continuous and unobstructed access for emergency purposes... To these ends, the traffic engineer and the review of the site plan may specify the number, type and location of access points on a public street." It goes on to retain a significant amount of discretion as Mr. Duncan stated. The flexibility for him and his colleagues to review each application on a case-by-case basis to determine what makes the most sense its context, location, neighborhood, and the traffic conditions.

**Julia Williams:** I live in Belmont and recently became aware of this. In the quarterly meeting that the neighborhood associations had with the City Manager I happened to stand in for the President of the Belmont-Carlton Neighborhood Association. When summarizing the critical issues, the thread that was most common was the concern about development pressure. It was mostly regarding conflicts between commercial and residential development, but housing density also creates pressures that are very similar when you have low density

residential neighborhoods. In considering this proposal, a long range planner is still a position we very much need in the City and I encourage the City Manager to consider that. In section A, why doesn't it say, "conflicts or friction with pedestrian or multi-modal transportation?" In Belmont some intersections may work better for traffic, but we're getting many concerns about safety of pedestrians. Why can't we build that into this language since we are trying to be a multi-modal community? It's surprising that the traffic engineer has all of the review on this. If there is a long range planner, they may also have insight as to how these intersections, changes in density, and vehicular access affect long range plans.

## COMMISSIONER DISCUSSION

**Commissioner Dowell:** Regardless of whether we vote to do the zoning text amendment change, none of the language in the amendment supersedes what fire and rescue already have in place. If fire says that it's okay to access this with one entry point but the traffic engineer comes back and says it's still not safe, that does not supersede what we have in the zoning text amendment.

**Chairman Green:** To be clear, the fourth line talks about minimizing conflict with pedestrian traffic. As the traffic engineer, do you already look at pedestrian and bicycle traffic or is it something we should add?

**Mr. Duncan:** I have no issues if you would like to change it to multi-modal, so it covers all modes.

**Commissioner Solla-Yates:** This is astonishing progress. We should be enforcing our code and we should have enforceable code. This is a big pain point and I'm grateful to see action on it.

**Chairman Green:** I am also very grateful for the folks who requested this to come forward and take their time for us to work through this and ask all our questions. Hopefully in the future we will have more of that.

**Commissioner Stolzenberg moves to recommend approval of this zoning text amendment to amend and re-ordain section 34-896 access to the zoning ordinance on the basis that the changes would serve the interests of public necessity, convenience, general public welfare, and/or good zoning practice, with the amendment to add "multi-modal traffic" after "pedestrian". Seconded by Commissioner Dowell. Motion is approved 7-0.**

## IV. COMMISSION'S ACTION ITEMS

### 1. 503 Rugby Road – Preliminary Discussion

**Staff Report, Joey Winter:** This item is a SUP request for a sorority with up to 37 residents. The property is zoned R-3H so it is historic. It already has a valid SUP for a sorority with up to 36 residents. With this request the applicant will ask to increase the amount of density by one resident and they will also be asking for relief from front and side setback requirements. This is a preliminary discussion with some questions to consider as you review this request. What is the impact in the neighborhood of allowing the additional resident? Are there measures the applicant can take to mitigate this sorority impact on the neighborhood? What is the impact of granting modifications to front and side setback requirements? This property is in a historic district so BAR will make a recommendation on this SUP request in their August meeting next week. Currently this SUP is on track for a public hearing at the September 10<sup>th</sup> Planning Commission meeting.

**Applicant, Erin Hannegan**– There is no change in the zoning from R-3 and the use is staying the same as a residential boarding house that was already granted through a SUP. We are asking for one additional resident that is technically considered one dwelling unit. The reason for this is the building is currently functionally obsolete and they need to expand to meet their required needs. The current architecture doesn't reflect the character they desired and as part of the renovation, we'll be modifying the architectural character. We are dealing with a very irregular trapezoidal site and we're asking for setback modifications in assisting the architectural character they would like. The bedrooms are about 9 ft. wide by 15.7 ft long, which is smaller than a standard UVA dorm room. They require custom sized beds that are smaller than a standard twin bed and they don't meet the current accessibility requirements. When we renovate, we are removing all of the demising walls between the six bedrooms on the front and expanding the width of each bedroom to be 11 ft. wide, which meets the requirements. The other reason for the change is their current chapter room doesn't seat enough of the members at the same time for their chapter meetings, as there is a fireplace in the middle of the plan. Removing that is a major piece of the renovation to expand the size of the room. We are also relocating the front entry, as there is currently no front door from Rugby Road. We think that by adding this, it will enhance the streetscape, the connection to the street life, better organization in the plan, and better circulation. This is a noncontributing structure and the building was built in 1979. In addition to putting an addition on the rear, we are going up a story and adding a front porch with a front entry point. We would still maintain the side entrance, but it wouldn't be the main entrance any longer. The yard is currently not usable. Regarding the setback relief, we aren't asking for any change in the rear yard. With the other two, it isn't to add any gross square footage to the building, but instead to provide the character defining conditions that help change that character and provide scale. The reason we are proposing the roof overhangs as we are is because they are correct for the proportion of the building and it helps to shield the façade from heat gain in the summer. In addition, the current zoning ordinance reads that it has to be uncovered and unenclosed, which would mean that a porch would not be allowed, which is why we're asking.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** What was here before this building?

**Ms. Hannegan:** It was a boarding house and the owner became sick and moved back to New York. It fell into dilapidation and eventually people got into it and set fires in it. The building caught on fire. The City raised the building and Kappa Kappa Gamma purchased the parcel to develop the proposal for the building that currently exists.

**Commissioner Solla-Yates:** You mentioned the front yard isn't usable. Does this mean the sorority can't use it as it's currently configured?

**Ms. Hannegan:** A better word would be that it isn't utilized. There is no connection to the front yard and it's just grass. The landscaping has been left to overgrow and conceal the building because the building doesn't represent the architectural character that the client would prefer.

**Commissioner Stolzenberg:** On the side setbacks, there is a very tight driveway there. You stated that the building footprint doesn't actually change, so it wouldn't be affected. Is that true?

**Ms. Hannegan:** Correct. That drive is on their property, not this property. We're not expanding that direction at all except for the eave and a pilaster at the corner.

**Commissioner Solla-Yates:** The idea behind the setbacks is to get at an aesthetic control, which is redundant since we have architectural design control in this area. Setting aside aesthetics, is there a health, safety, or public welfare benefit to the current setbacks as currently laid out to this specific location?

**Chairman Green:** Setbacks are sometimes utilized and looked at for fire code. If you're only 3 ft. from the next building, you have to have specific fire rating, even on the eaves. The setbacks are generally related to building code.

**Mr. Winter:** There will be a site plan related to this and the building official will review it. It will have to conform to the building codes.

**Commissioner Heaton:** So, there's a whole other story for one more resident?

**Mr. Winter:** The current house has 21 residents with the house director as it is. With this expansion they are going to 37. The SUP from 1978 authorized them to have 36 residents, so they could go to 36 now.

**Chairman Green:** No one seems to have any problem with the one unit being requested.

**Commissioner Dowell:** Why 37? That seems like an odd number.

**Ms. Hannegan:** There are 9 bedrooms on each floor with double occupancy. The house director makes it 37.

**Commissioner Mitchell:** I really like everything about this because it makes it look so much more like all the other houses on Rugby.

**Commissioner Lahendro:** When this building was being constructed in 1979, I was in graduate school and walked in front of it every day. It was a notable building at the time and it was an attempt to transition from very traditional buildings to something that was a bit modern. It was a significant building locally and was appreciated by the architects that walked by it.

**Chairman Green:** Has staff come with a list of conditions to be addressed?

**Mr. Winter:** There are conditions on the old 1978 SUP, most of which are not relevant today. I will do a staff report and get input from other reviewers to come up with conditions. If there is a sorority or fraternity that has had a SUP approved recently that you like the conditions from, I can work off that. Otherwise, staff will go through it as they see fit to come up with conditions.

**Chairman Green:** In the past parking and noise are concerns.

**Ms. Hannegan:** The IFC at UVA is a board that sets rules about what can and cannot occur at fraternity and sorority houses. Parties are not allowed at sorority houses, along with other conditions that are different between the two. In addition, the national chapter has rules and regulations about what can occur in the house. On top of that, there is a house director and there are guidelines in place for what they want to occur locally in their chapter house. There are multiple levels of oversight. We held a neighborhood meeting last week and only 2 people showed up, but both were in favor of it.

**Commissioner Solla-Yates:** In terms of impact, I am not very concerned. There are potential impacts with trip generation and parking. One thing I'd like to consider are bicycle facilities.

**Mr. Winter:** There is a requirement for bicycle facilities for fraternities and sororities, which is one bike space per 500 sq. ft. of bedroom area.



**Commissioner Solla-Yates:** Lastly, I was asked by a professor at VCU to speak on a panel on Charlottesville's efforts on affordable housing in the next few months. Turns out this is a Virginia APA event, so I wanted to alert the Commission about that.

**V. Adjournment**

**9:30 pm – Commissioner Dowell moves to adjourn until the second Tuesday in September 2019.**

# CITY OF CHARLOTTESVILLE

DEPT. OF NEIGHBORHOOD DEVELOPMENT SERVICES

STAFF REPORT



## APPLICATION FOR A SPECIAL USE PERMIT

### JOINT CITY COUNCIL & PLANNING COMMISSION PUBLIC HEARING

<b>DATE OF HEARING:</b>	<i>Tuesday, September 10, 2019</i>
<b>PROJECT NAME:</b>	<i>Kappa Kappa Gamma - 503 Rugby Road SUP</i>
<b>APPLICATION NUMBER:</b>	<i>SP19-00004</i>
<b>REASON FOR SPECIAL USE PERMIT:</b>	<i>To authorize a specific land use (sorority house with up to 37 residents)</i>
<b>Project Planner:</b>	Joey Winter (winterj@charlottesville.org)
<b>Date of Staff Report:</b>	September 3, 2019
<b>Applicant:</b>	Mitchell Matthews Architects
<b>Applicants Representative:</b>	Ms. Erin Hannegan
<b>Owner of Record:</b>	Epsilon Sigma House Corporation of Kappa Kappa Gamma
<b><u>Application Information</u></b>	
<b>Property Street Address:</b>	503 Rugby Road ("Subject Property")
<b>Tax Map   Parcel Number:</b>	TM 5-52   050052000
<b>Site Area (per GIS):</b>	0.3440 acres (14,985 ft <sup>2</sup> )
<b>Comprehensive Plan (Land Use Plan):</b>	High Density Residential
<b>Current Zoning Classification:</b>	R-3H
<b>Overlay Districts:</b>	Rugby Road—University Circle—Venable Neighborhood Architectural Design Control District
<b>Completeness:</b>	
<ul style="list-style-type: none"> <li>Application contains all info required by Zoning Ordinance Secs. 34-41(d), 34-158(a), &amp; 34-158(b)</li> </ul>	
• Existing dwelling units on site:	1
• Dwelling units proposed by this development:	1
• Pre-application meeting required by Sec. 34-41(b)(1) was conducted on:	<u>July 2, 2019</u>
• Community meeting required by Sec. 34-41(c)(2) was conducted on:	<u>August 6, 2019</u>
Meeting location – <i>Kappa Kappa Gamma House (503 Rugby Road, Charlottesville, VA 22903)</i>	

**\*\*\*The Planning Commission held a preliminary discussion of this SUP request at their August 13, 2019 regular meeting\*\*\***

## **Application Components**

Per Sec. 34-158(a), *the procedure for filing and consideration of an application for a special use permit is the same as that required by section 34-41 for an owner-initiated petition for a zoning map amendment, except that a complete application for a special use permit shall also include:*

<b>(1) A site plan when required by section 34-802 of the City Code;</b>	<i>ATTACHMENT 2, Pages 54-70</i>
<b>(2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of his status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner;</b>	<i>ATTACHMENT 1, Page 8</i>
<b>(3) For developments including any non-residential uses, and developments proposing the construction of three (3) or more single- or two-family dwellings, the applicant shall provide a completed low-impact development ("LID") methods worksheet;</b>	<i>ATTACHMENT 1, Page 9</i>
<b>(4) For applications proposing the alteration of the footprint or height of an existing building, or the construction of one (1) or more new buildings: (i) a building massing diagram and (ii) elevations;</b>	<i>ATTACHMENT 2, Pages 24-32</i>
<b>(5) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development;</b>	<i>ATTACHMENT 1, Pages 10-12</i>
<b>(6) Other supporting data sufficient to demonstrate compliance with the purposes and standards of this Zoning Ordinance, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the factors set forth within section 34-157 above.</b>	<i>See list of attachments on page 12 of this staff report</i>

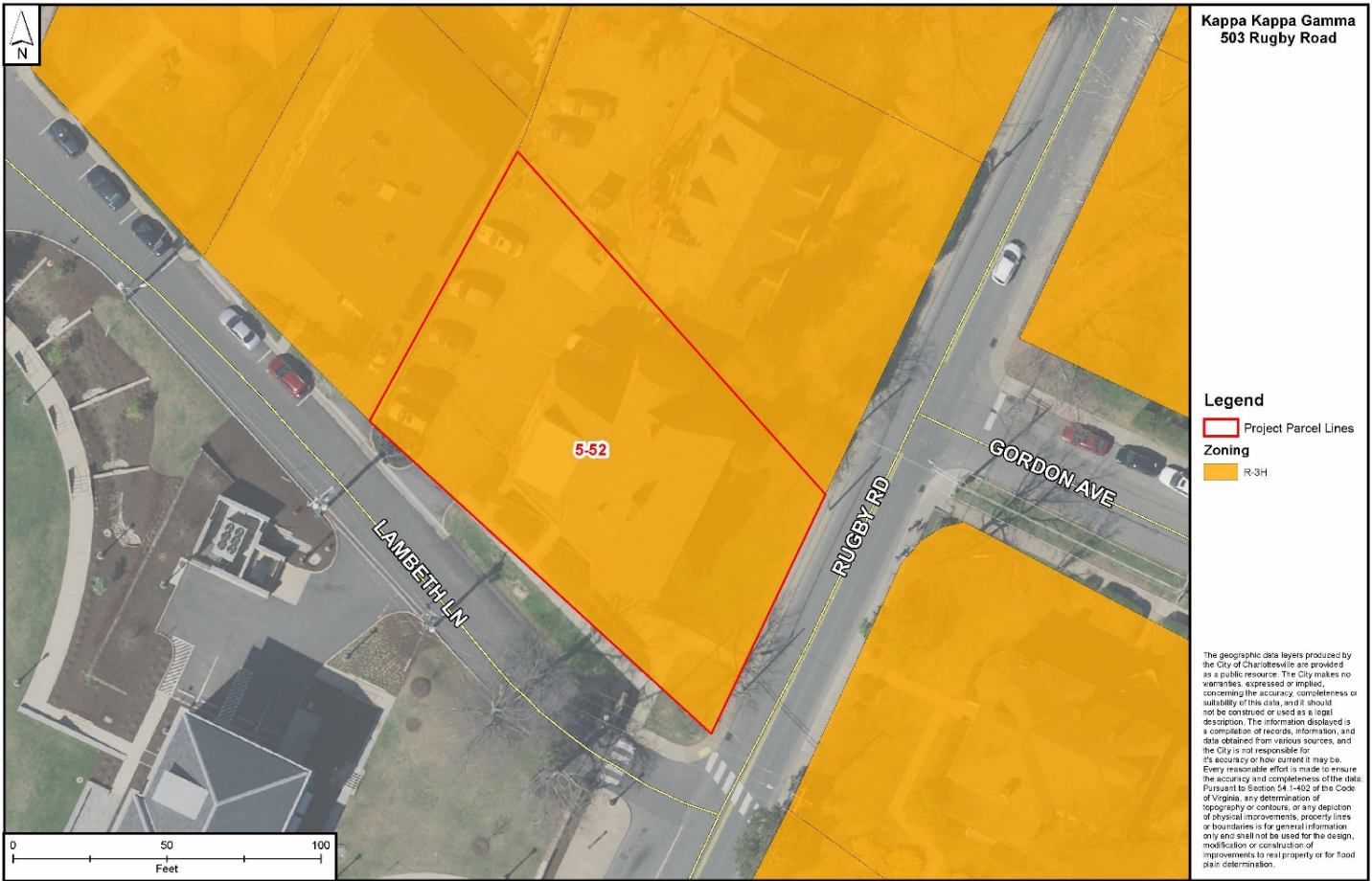
### Applicant’s Request

Ms. Erin Hannegan of Mitchell/Matthews Architects on behalf of the Epsilon Sigma House Corporation of Kappa Kappa Gamma has submitted a Special Use Permit (SUP) application for a sorority at 503 Rugby Road. Pursuant to City Code Sec. 34-420, an SUP is being requested for a sorority house with up to 37 residents. The property is further identified on City Real Property Tax Map 5 Parcel 52. The site is zoned R-3H and is approximately 0.3440 acres. The General Land Use Plan calls for High Density Residential development. A preliminary site plan for the Subject Property was submitted to the City on July 16, 2019 and is included with this staff report (see Attachment 2, pages 54-70). This site plan is currently under review by city staff.

### Vicinity Map



**Zoning Map**



**Background**

A Special Use Permit is being requested for a sorority house with up to 37 residents, one resident more than the previously approved quantity of 36 residents allowed by a Special Use Permit for the Subject Property granted by City Council on February 21, 1978. In addition, modifications to front and side yard regulations are being requested to (1) permit ornamental features, roof overhangs, and covered porches; AND (2) permit the front wall and north side wall of the building to remain in their current locations.

**Increased Density**

Pursuant to City Code Sec. 34-420, a sorority house with up to 37 residents is being requested. A Special Use Permit for a sorority house with as many as 36 residents for the Subject Property was granted by City Council on February 21, 1978 (see attachments 3 and 4). The addition of one resident above the previously approved quantity of 36 residents will not have a detrimental impact on the neighborhood.

**Modification of Yard Regulations**

Pursuant to City Code Sec. 34-162(a), in reviewing an application for a special use permit, the city council may modify yard regulations provided:

1. Such modification will be in harmony with the purposes and intent of [the special use permits] division, the zoning district regulations under which such special use permit is being sought; and
2. Such modification is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and
3. No such modification shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

Modifications to front and side yard regulations are being requested to (1) permit ornamental features, roof overhangs, and covered porches; AND (2) permit the front wall and north side wall of the building to remain in their current locations.

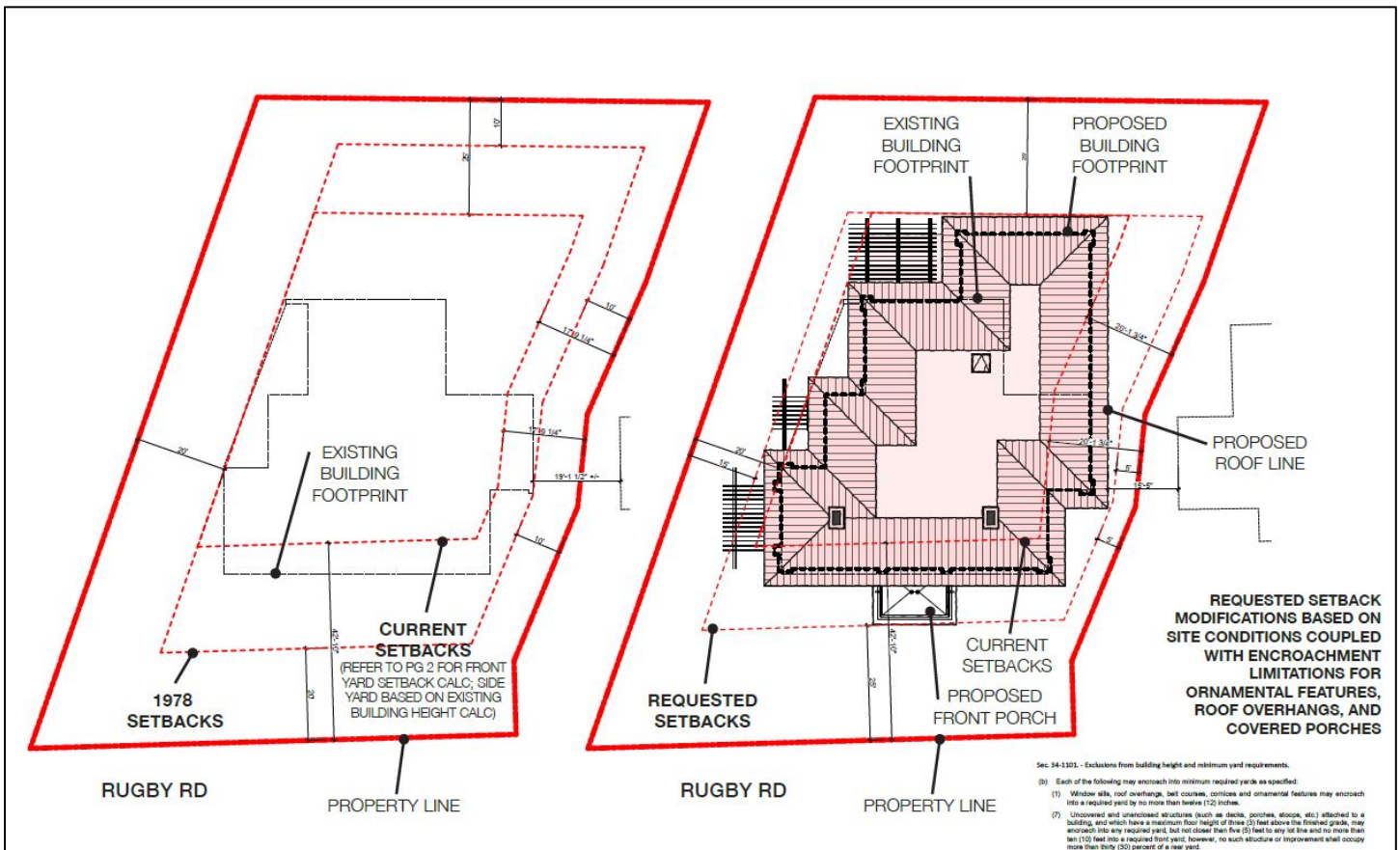


Diagram of requested yard modifications. - SOURCE: Applicant (via email - 08/21/2019)

**REQUESTED NORTH SIDE YARD MODIFICATION ABUTTING TMP 5-53:**

*A side yard of five (5) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.*

STAFF ANALYSIS: This modification to side yard regulations is being requested to allow ornamental features and roof overhangs on the north side of the renovated sorority house. The existing sorority house already encroaches into the required north side yard due to changes in the zoning ordinance since construction.

**REQUESTED CORNER SIDE YARD MODIFICATION ABUTTING LAMBETH LANE:**

*A side yard of fifteen (15) feet, minimum will be required instead of twenty (20) feet, minimum.*

STAFF ANALYSIS: This modification to side yard regulations is being requested to allow ornamental features and roof overhangs on the south side of the renovated sorority house.

**REQUESTED FRONT YARD MODIFICATION ABUTTING RUGBY ROAD:**

*A front yard of twenty-five (25) feet, minimum will be required instead of the average depth of the existing front yards within five hundred (500) feet.*

STAFF ANALYSIS: This modification to front yard regulations is being requested to allow the front of the building along Rugby Road to remain in its current location and the addition of a front porch. The existing building already encroaches significantly into the required front yard due to changes in the zoning ordinance made after its construction.

**Standard of Review**

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

Section 34-157 of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Staff's analysis of those factors, based on the information provided by the applicant is as follows:

**Sec. 34-157. - General standards for issuance.**

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

- 1. Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;**

Staff Analysis:

The proposed use of the Subject Property (sorority house) is harmonious with existing patterns of use and development within the neighborhood. The Subject Property is located on the corner of Rugby Road and Lambeth Lane and directly abuts the University of Virginia campus. There are at least 15 fraternity/sorority houses within 1000 feet of the Subject Property. The properties immediately surrounding the subject property are described as follows:

Direction	TMP	Use	Zoning
North	5-53	Fraternity	R-3H
West	5-51	Apartment Building	R-3H
South	n/a (UVA Campus)	Academic Offices (O’Neil Hall)	n/a (UVA Campus)
East	9-3	Church	R-3H

- 2. Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;**

Staff Analysis:

The Subject Property is designated High Density Residential on the City’s General Land Use Plan and lies in the R-3 ("multifamily") Residential District. Per City Code Sec. 34-350(c), the purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The proposed use of the Subject Property – a sorority house with up to 37 residents – is appropriate for the neighborhood and will substantially conform to the city's comprehensive plan and zoning ordinance.

- 3. Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;**

Staff Analysis: Renovation and expansion of the existing structure cannot proceed without approval by the City’s Building Code Official. Any buildings or structures on this site will be required to comply with all applicable building code regulations per City Code Chapter 5.

- 4. Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:**

- a. Traffic or parking congestion;**

Staff Analysis: The proposed development will be required to comply with current off-street parking and bicycle storage facility requirements for sororities found in City Code Sections 34-984 and 34-881(2) respectively. Due to increased off-street parking requirements and limited



physical space available for on-site parking, additional signing and pavement markings may be necessary to designate the travel ways and specify the direction of traffic in parking area(s). Proposed staff condition 4 on pages 10-11 of this report is included to address this concern.

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

Staff Analysis: The proposed use (sorority house) is identical to the use of the Subject Property for the past 35+ years. Changes in yard regulations will not adversely affect the natural environment.

**c. Displacement of existing residents or businesses;**

Staff Analysis: The proposed development will not lead to displacement of existing residents or businesses.

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

Staff Analysis: The proposed development will not lead to discouragement of economic development activities that may provide desirable employment or enlarge the tax base.

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

Staff Analysis: Proposed staff conditions 5 and 6 on pages 10-11 of this report include measures to mitigate any adverse impact on the neighborhood in relation to undue density of population or intensity of use in relation to the community facilities existing or available.

**f. Reduction in the availability of affordable housing in the neighborhood;**

Staff Analysis: The proposed development will not lead to a reduction in the availability of affordable housing in the neighborhood. Increasing the number of residents at the Subject Property may increase the number of available housing units in the neighborhood.

**g. Impact on school population and facilities;**

Staff Analysis: The proposed development will not have an impact on school population and facilities. No school aged children will reside in the Subject Property.

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

Staff Analysis: The Subject Property lies in the Rugby Road-University Circle-Venable Neighborhood ADC District. The existing building at 503 Rugby Road is designated as a non-contributing structure and was constructed in the late 1970s. The Board of Architectural Review recommends that, based on the general design and building footprint as submitted, the granting of this Special Use Permit will not have an adverse impact on the Rugby Road-University Circle-Venable Neighborhood ADC District.

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

Staff Analysis: The applicant has certified that the proposed development will conform to federal, state and local laws.

**j. Massing and scale of project.**

Staff Analysis: The Board of Architectural Review has recommended that the massing and scale of this project is appropriate for the neighborhood.

**5. Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;**

Staff Analysis:

- R-3 DISTRICT: Per City Code Sec. 34-350(c), the purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The proposed use of the Subject Property – a sorority house with up to 37 residents – will be in harmony with the purposes of the R-3 zoning district in which it will be placed.
- RUGBY ROAD—UNIVERSITY CIRCLE—VENABLE NEIGHBORHOOD ARCHITECTURAL DESIGN CONTROL DISTRICT: Per City Code Sec. 34-274(8), City council has designated only certain buildings within this overlay district as contributing structures; and the existing building has NOT been designated as a contributing structure. The renovated and expanded building has been designed to be in harmony with the architecture of the existing neighborhood.

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

Staff Analysis: The proposed building on the Subject Property will not conform to specific yard regulations for the R-3 district and is requesting modifications to yard requirements. See pages 4-5 for staff analysis. Proposed staff conditions 2 and 3 on pages 10-11 of this report are included if the Planning Commission wishes to modify yard regulations for the Subject Property.

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

Staff Analysis: This application was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on August 20, 2019. The following action was taken:

*Motion - Sarafin moved to recommend that based on the general design and building footprint as submitted the proposed Special Use Permit for 503 Rugby Road will not have an adverse impact on the Rugby Road-University Circle-Venable Neighborhood ADC District, with the understanding that the final design and details will require BAR review and approval, and with the condition that the recommendation is based on the general design and building footprint as submitted. Balut seconded. **Approved (9-0).***

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

Staff Analysis: Conditions recommended by staff are found on pages 10-11 of this report.

## **Public Comments Received**

COMMUNITY MEETING: As required by Sec. 34-41(c)(2), the applicant held a community meeting for this SUP application on August 6, 2019, at the Subject Property (503 Rugby Road, Charlottesville, VA 22903). A City Planner attended this meeting as a representative of NDS. The two neighborhood residents in attendance indicated they were in favor of this SUP request.

BAR HEARING: At the BAR hearing for this SUP on August 20, 2019, several Kappa Kappa Gamma alumni spoke in favor of this SUP request. A representative of the developer building the apartment building at 513 Rugby Road spoke in favor of this SUP request.

WRITTEN COMMENT: Staff received one email from a nearby property owner in favor of this SUP request.

No public comment in opposition to this SUP request has been received by staff.

## **Staff's Recommendations**

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

- What is the impact of allowing (1) additional resident over the previously approved quantity of 36 residents allowed by the existing Special Use Permit?
- What is the impact of granting modifications to front and side yard setbacks?
- Are there measures the applicant can take to mitigate any adverse impact on the neighborhood?

## **Proposed Staff Conditions**

If the Planning Commission recommends approval, staff recommends the following conditions be placed on this Special Use Permit:

1. The sorority house shall have a maximum of thirty-seven (37) residents. Any expansion of the sorority house beyond thirty-seven (37) residents will require an amendment to this Special Use Permit.
2. For the building and use described above, modifications of generally-applicable yard regulations (City Code 34-353) are approved, as follows:
  - (a) The following side yards shall be required:
    - i. North Side Yard abutting TMP 5-53: A side yard of five (5) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.
    - ii. South Side Yard Corner, street side abutting Lambeth Lane: A side yard of fifteen (15) feet, minimum will be required instead of twenty (20) feet, minimum.
  - (b) The following front yard shall be required:

- i. East Front Yard abutting Rugby Road: A front yard of twenty-five (25) feet, minimum will be required instead of the average depth of the existing front yards within five hundred (500) feet.
3. Except as specifically modified within condition (2), buildings and structures, and the uses thereof, located on the Subject Property shall be in accordance with the provisions of City Code Sec. 34-353 and any other applicable provision of Chapter 34 (Zoning) of the Code of the City of Charlottesville.
4. On-site parking will be provided in the general location and configuration shown within the preliminary site plan dated 07/16/2019. The final site plan shall demonstrate compliance with all of the following:
  - (a) All on-site parking shall be used exclusively by residents of the sorority house and their guests. No selling or leasing of on-site parking for off-site functions is permitted.
  - (b) Additional signing and pavement markings, including both lane lines and text, may be required by the City's Traffic Engineer to designate the travel ways and specify the direction of traffic in parking area(s).
5. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light (such as shields, visors, or hoods) to eliminate the luminaire glare and block direct light from on-site fixtures from spilling over onto neighboring properties. Fixtures shall be recessed and shall completely conceal the light source from all viewing positions other than those on-site positions intended to receive illumination from the fixture.
6. All trash receptacles must be hidden from view when not set out for curbside pickup.

### **Possible Motion(s)**

1. On the basis that the proposal would service public necessity, convenience, general welfare, and good zoning practice, I move to recommend approval of this application for a Special Use Permit to authorize a boarding (fraternity or sorority) house use with up to 37 residents at 503 Rugby Road, within a building of the size and location depicted within the proposed Preliminary Site Plan, subject to the following conditions:
    - The six (6) conditions presented in the staff report
    - *[alternative conditions, or additional condition(s)...list here]*
- OR,**
2. On the basis that the proposal would NOT service public necessity, convenience, general welfare, and good zoning practice, I move to recommend denial of this application for a Special Use Permit to authorize a boarding (fraternity or sorority) house use with up to 37 residents at 503 Rugby Road.

**Attachments**

1. Special Use Permit Application SP19-00004
2. Link To Supporting Documentation From Applicant:  
<https://mitchellmatthewsarchitects.sharefile.com/d-s7ea4b854c3b4fcab>
3. Resolution Granting A Special Use Permit For Increased Density Development Of Property Located At 503 Rugby Road – Adopted By The Charlottesville City Council On February 21, 1978
4. Charlottesville City Council Minutes From February 21, 1978 – Includes List Of Conditions For 1978 SUP (see pages 5-6)
5. General Standards For Issuance Of A Special Use Permit - City Code Section 34-157
6. Exceptions And Modifications As Conditions Of Permit Special Use Permit - City Code Section 34-162



# City of Charlottesville

## Application for Special Use Permit

Project Name: Kappa Kappa Gamma - 503 Rugby Rd SUP

Address of Property: 503 Rugby Road

Tax Map and Parcel Number(s): 050052000

Current Zoning District Classification: R-3H

Comprehensive Plan Land Use Designation: High Density Residential

Is this an amendment to an existing SUP? yes

If "yes", provide the SUP #: see pp. 335-336, record of City Council Mtg from Feb 21, 1978

Applicant: Mitchell Matthews Architects (c/o Erin Hannegan) on behalf of KKG

Address: 300 Twin Sycamores Lane, Charlottesville VA 22903

Phone: 434-979-7550 Email: eh@mitchellmatthews.com

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

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Epsilon Sigma House Corps of Kappa Kappa Gamma

Address: 3466 Keswick Road, Keswick VA 22947

Phone: 804-564-6687 Email: cbrown1200@gmail.com

Reason for Special Use Permit:

- Additional height: \_\_\_\_\_ feet
- Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre, or 37 total residents
- Authorize specific land use (identify) \_\_\_\_\_
- Other purpose(s) (specify City Code section): \_\_\_\_\_

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

(1) Signature Erin Hannegan Print Erin Hannegan Date 7-13-19

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

Other (specify): Project Manager

(2) Signature Catherine Brown Print Catherine Brown Date 7/15/19

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

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



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: Kappa Kappa Gamma - 503 Rugby Rd SUP

Pre-Application Meeting Date: Tuesday, July 2, 2019 10:00 am

Applicant's Representative: Erin Haggeman and John Mitchell (Mitchell-Matthews)

Planner: Joey Winter

Other City Officials in Attendance:

Reed Brodhead - Zoning Administrator

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

1. SUP requires BAR approval

~~2. Zoning letter from Reed Brodhead (as discussed in this meeting)~~

~~3. Materials related to adjacent property owners and Neighborhood Association emailed to Erin + John on 7/2/19~~

4. JW 07/15/19

5. \_\_\_\_\_

Planner Signature: Joey Winter



# City of Charlottesville

## Application Checklist

Project Name: Kappa Kappa Gamma - 503 Rugby Rd.

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

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant Mitchell/ Matthews Architects 90 Erin Hannegan

Signature Erin Hannegan Print Erin Hannegan Date 7-13-19

By Its: Project Manager

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





# City of Charlottesville

## Community Meeting

Project Name: Kappa Kappa Gamma - 503 Rugby Rd.

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: Mitchell Matthews Architects c/o Erin Hannegan

By:

Signature Erin Hannegan Print Erin Hannegan Date 7-13-19

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

**AFFIDAVIT**

Commonwealth of Virginia )

) S.S.

City of Charlottesville )

I, Erin Hannegan, of Charlottesville, Virginia, MAKE OATH AND SAY THAT:

1. The community meeting invitation for our project at Kappa Kappa Gamma (503 Rugby Road) was mailed, by U.S. Mail, first-class, postage paid, on July 16, 2019.

2. The mailing was sent to the list provided by the City.

COMMONWEALTH OF VIRGINIA

COUNTY OF Albemarle

SUBSCRIBED AND SWORN TO BEFORE ME,  
on the 16th day of July, 2019

Signature Susan M Lanterman

(Seal)

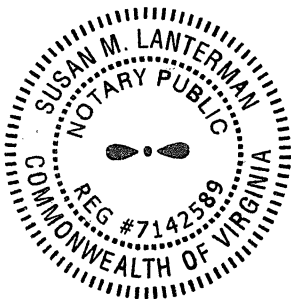
NOTARY PUBLIC

My Commission expires:

Nov. 30, 2020

Erin Hannegan  
(Signature)

Erin Hannegan





15 July 2019

Re: Kappa Kappa Gamma Sorority at 503 Rugby Rd – Neighborhood meeting invitation

Dear Venable/University Circle neighbors,

Mitchell / Matthews Architects is representing the owner, Epsilon Sigma House Corporation of Kappa Kappa Gamma Sorority, for the application of a special use permit in the renovation & addition of 503 Rugby Rd, the Chapter House on the corner of Rugby Rd and Lambeth Ln. See reverse side for a map and photograph of current conditions.

We invite you to attend a meeting **Tuesday, August 6th at 7:00pm at KKG located at 503 Rugby Rd**, to discuss the proposed plans for the building.

The proposed project is a continuation of the existing use as a sorority house. This special use permit specifically seeks to add one bedroom above the currently approved quantity. In addition, the project requests relief to the setbacks in order to accommodate a small front porch and the proposed architecture detailing, including pilasters and roof overhangs. Through thoughtful design, we hope to traditionalize the modern style currently applied to the existing house on this property, which will help contribute to a more consistent character along Rugby Road and throughout the Venable and University Circle neighborhoods.

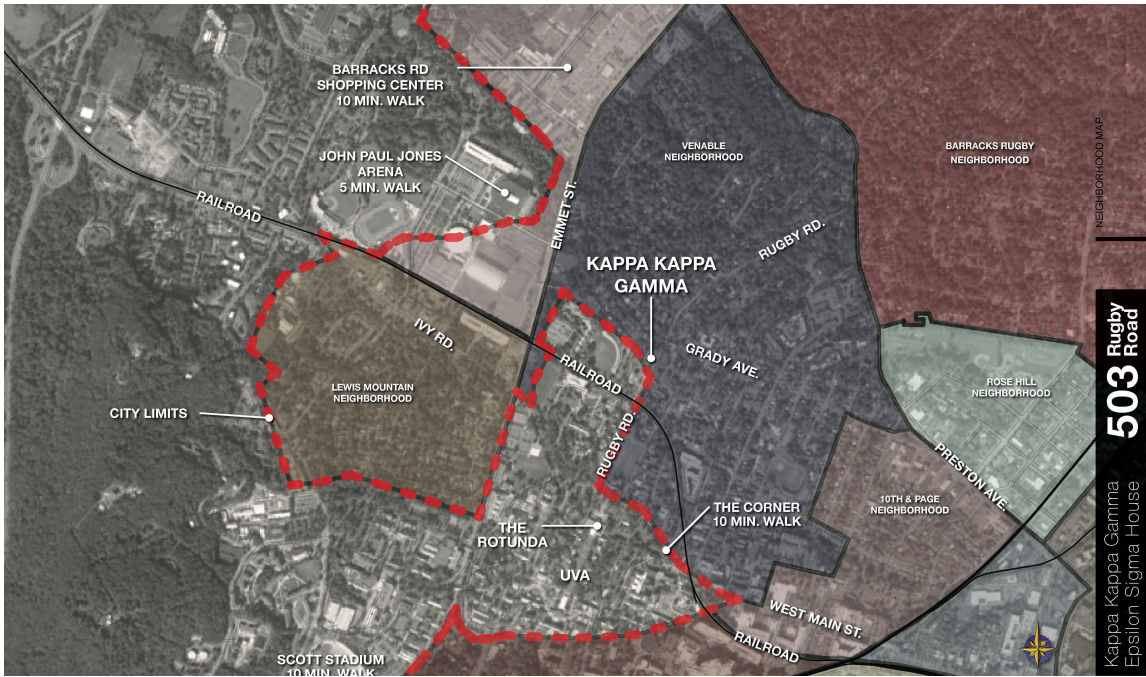
We look forward to explaining more about the project at the neighborhood meeting. The City Planner, Joseph Winter, has also been invited. We would like to ask for your support of this project, so that the process with the City can be expedited.

We hope you can join us on the 6th. In the meantime, feel free to contact me at 979-7550 or eh@mitchellmatthews.com or the City Planner, Joseph Winter, at 970-3991 or winterj@charlottesville.org if you have any questions about this project or the proposed special use permit requests.

Sincerely,

Erin Hannegan, Project Manager, Mitchell / Matthews Architects

Cc: Epsilon Sigma House Corporation of Kappa Kappa Gamma, Owner  
Mr. Joseph Winter, Planner for the City of Charlottesville



KAPPA KAPPA  
GAMMA  
SORORITY

COMMUNITY  
MEETING

TUESDAY,  
AUGUST 6<sup>TH</sup>, 2019

7PM

AT 503 RUGBY RD.



MITCHELL / MATTHEWS ARCHITECTS  
P. O. BOX 5603 ■ CHARLOTTESVILLE, VIRGINIA 22905 ■ (434) 979 7550 ■ FAX (434) 979 5220



# City of Charlottesville

## Disclosure of Equitable Ownership

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

**Name** Catherine McLamb Brown (president) **Address** 836 Broomley Road, Charlottesville VA 22901

**Name** Woody Oakey (treasurer) **Address** 1650 Browns Gap Turnpike, Charlottesville VA 22901

**Name** Molly Dunnington (director) **Address** 2010 Hessian Road, Charlottesville VA 22903

**Name** Nancy Inman (director) **Address** 1445 West Pines Drive, Charlottesville VA 22903

**Name** Holly Mason (director) **Address** 1910 Barracks Road, Charlottesville VA 22903

**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:** Mitchell Matthews Architects (c/o Erin Hannegan)

**By:**

**Signature** *Erin R. Hannegan* **Print** Erin Hannegan **Date** 7-13-19

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



# City of Charlottesville

## LID Checklist

Project Name: Kappa Kappa Gamma - 503 Rugby Rd

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
Shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	5
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .	8 points or 1 point for each 10% of lots treated.	
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	8
Green rooftop to treat ≥ 50% of roof area	8 points	
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	
<b>Total Points</b>		<b>13</b>

### Applicant's Signature

Signature Erin R. Hannegan Print Erin R. Hannegan Date 7-13-19  
for Mitchell Matthews



16 July 2019

Re: Kappa Kappa Gamma Sorority at 503 Rugby Rd – Affordable Housing Ordinance

Dear Mr. Winter,

This letter is a response to item 4 of the Application Checklist (page 3) of the Special Use Permit Application:

34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an “affordable dwelling unit” by the city’s definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?

- (i) There are currently no existing “affordable dwelling units” on the property.
- (ii) N/A
- (iii) The Gross Floor Area (GFA) of the project is 13,792 sf. The entire project is residential.

Please refer to the attached ADU Worksheet. No affordable dwelling units are required.

Feel free to contact me at 979-7550 if you have any questions about this calculation.

Sincerely,

A handwritten signature in black ink that reads 'Erin Hannegan'.

Erin Hannegan  
Project Manager, Mitchell / Matthews Architects

Cc: Epsilon Sigma House Corporation of Kappa Kappa Gamma, Owner

**Affordable Dwelling Unit Ordinance Worksheet**

**Step 1: Total Floor Area Ratio (FAR) of Site**

A. Total size of development site:	<u>0.32</u> acres			
B. Total square footage of site:	$\frac{0.32}{(\# \text{ of acres})}$	x	43,560.00	= <u>13,891.28</u> square feet (sf)
C. 1.0 Floor Area Ratio (FAR):	<u>13,891.28</u> (total sf of site)			
D. Gross Floor Area (GFA) of <b>ALL</b> buildings/uses:	<u>13,792.00</u> sf			
E. Total site FAR:	$\frac{13,792.00}{(\text{total GFA of site})}$	÷	$\frac{13,891.28}{(1.0 \text{ FAR})}$	= <u>0.99</u>
F. Is E greater than or equal to 1.0 FAR?				NO: Your proposed development does not trigger the ADU ordinance. YES: Proceed to Step 2 or Step 3.

**Step 2: Number of ADUs Required**

G. GFA in excess of 1.0 FAR:	$\frac{13,792.00}{(D: \text{ total site GFA})}$	-	$\frac{13,891.28}{(B: \text{ total SF of site})}$	= <u>-99.28</u>
H. Total GFA of ADUs required:	$\frac{-99.28}{(G: \text{ GFA in excess of 1.0 FAR})}$	x	<u>0.05</u>	= <u>-4.96</u>
I. Equivalent density based on Units Per Acre:				
i. Dwelling Units per Acre (DUA) approved by SUP:	<u>0.00</u>			
ii. SF needed for ADUs:	$\frac{-4.96}{(H: \text{ Total GFA of ADUs})}$	÷	<u>43,560.00</u>	= <u>-0.0001140</u> acres
iii. Total number of ADUs required:	$\frac{-0.0001140}{(ii: \text{ ADU acreage})}$	x	<u>0.00</u> (i: DUA approved)	= <u>0.00</u> round up to 7 units

**Step 3: Cash-in-Lieu Payment**

J. Cash-in-Lieu Amount Residential:	<u>13,792.00</u>	x	<u>\$2.261</u>	= <u>\$31,183.71</u>
K. Cash-in-Lieu Amount Mixed-Use:				
Total GFA of development site:	<u>0.00</u>			
GFA Occupied Commercial Space:	<u>0.00</u>			
GFA Occupied Residential Space:	<u>0.00</u>			
Total GFA Occupied Space:	<u>0.32</u>		% Residential: <u>0.00</u>	
GFA Non-Occupied Space*:	<u>-0.32</u>		Proportionate amount of non-occupied space GFA for residential use: <u>0.00</u>	
Amount of Payment:	<u>0.00</u>	x	<u>\$2.261</u>	= <u>\$0.00</u>

*\*GFA of non-occupied space shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures.*



**Step 4: Minimum Term of Affordability**

L. Residential Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD High HOME Rents	\$722.00	\$1,010.00	\$1,171.00	\$1,421.00	\$1,566.00	\$1,709.00	\$1,852.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

M. Mixed-Use Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD High HOME Rents	\$722.00	\$1,010.00	\$1,171.00	\$1,421.00	\$1,566.00	\$1,709.00	\$1,852.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

A RESOLUTION  
GRANTING A SPECIAL PERMIT FOR  
INCREASED DENSITY DEVELOPMENT OF  
PROPERTY LOCATED AT  
503 RUGBY ROAD

BE IT RESOLVED by the Council of the City of Charlottesville that there is hereby granted pursuant to §31-33 of the Code of the City of Charlottesville a special permit for the use of the property located at 503 Rugby Road for construction of a sorority house having sleeping and living accommodations for thirty-six residents on such property. Such permit shall be subject to the conditions and regulations set forth in the aforesaid §31-33 for such higher density development as well as to all general conditions and regulations imposed upon special permits by Chapter 31 of such City Code, including the obtaining by the developers of an approved site plan prior to initiating use of the property for such purposes.

Adopted by the Council  
February 21, 1978

Copy Teste:

  
Clerk

Sec. 34-157. - General standards for issuance.

- (a) In considering an application for a special use permit, the city council shall consider the following factors:
- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
  - (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
  - (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
  - (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
    - a. Traffic or parking congestion;
    - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
    - c. Displacement of existing residents or businesses;
    - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
    - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
    - f. Reduction in the availability of affordable housing in the neighborhood;
    - g. Impact on school population and facilities;
    - h. Destruction of or encroachment upon conservation or historic districts;
    - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
    - j. Massing and scale of project.
  - (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
  - (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
  - (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.
- (b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

Sec. 34-162. - Exceptions and modifications as conditions of permit.

- (a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:
  - (1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and
  - (2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and
  - (3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.
- (b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.
- (c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

(9-15-03(3))

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



**APPLICATION FOR A SPECIAL USE PERMIT**

**PLANNING COMMISSION REGULAR MEETING**

**DATE OF HEARING: September 10, 2019**

**APPLICATION NUMBER: SP19-00003**

**Project Planner:** Brian Haluska, AICP

**Date of Staff Report:** July 29, 2019, Revised August 30, 2019

**Applicant:** Heirloom West Main Street Second Phase, LLC

**Applicants Representative:** L.J. Lopez, Milestone Partners

**Current Property Owner:** Heirloom West Main Street Second Phase, LLC

**Application Information**

**Property Street Address:** 602-616 West Main Street ("Subject Property")

**Tax Map/Parcel #:** Tax Map 29, Parcel 3

**Total Square Footage/ Acreage Site:** 0.455 acres or 19,819 square feet

**Comprehensive Plan (Land Use Plan):** Mixed Use

**Current Zoning Classification:** West Main East Corridor with Architectural Design Control and Parking Modified Overlays

**Tax Status:** Parcel is up to date on taxes **paid**.

**Completeness:** The application contains all of the information required by Zoning Ordinance Secs. 34-41(d), and 34-158(a) and (b). There are no existing dwelling units on the site, and there are fifty-five (55) residential units in a mixed-use building proposed by this development. Graphic materials illustrating the context of the project are attached to this staff report (Attachment 1 and 4).

The pre-application meeting required by Sec. 34-41(b)(1) was held on April 9, 2019. The community meeting required by Sec. 34-41(c)(2) was conducted on June 20, 2019, at the following location: Carver Recreation Center.

## **Background**

The applicant previously put forward a special use permit request (SP16-00003) for the adjacent property (600 West Main Street), which City Council approved on June 16, 2016.

## **Applicant's Request**

L.J. Lopez of Milestone Partners, acting as agent for Heirloom West Main Street Second Phase, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 602-612 West Main Street with approximately 163 feet of road frontage on West Main Street. The proposal requests additional residential density up to 120 dwelling units per acre (DUA), pursuant to City Code Section 34-641.

The applicant's proposal shows a new mixed-use building on the entire development site (0.455 acres). The property is further identified on City Real Property Tax Map 29 Parcel 3 ("Subject Property"). The Subject Property is zoned West Main East Mixed-Use Corridor with West Main Street Architectural Design Control District Overlay and Parking Modified Zone Overlay. The site is approximately 0.455 acres or 19,819 square feet.

The proposed site plan, dated May 13, 2019 (Attachment 1) proposes the construction of a single 4-story mixed-use building with retail space on the ground floor facing West Main Street, and up to 55 residential units. The plan also shows underground parking beneath the building that would accommodate 53 parking spaces.

The Comprehensive Plan designates the land use of the Subject Property as Mixed Use.

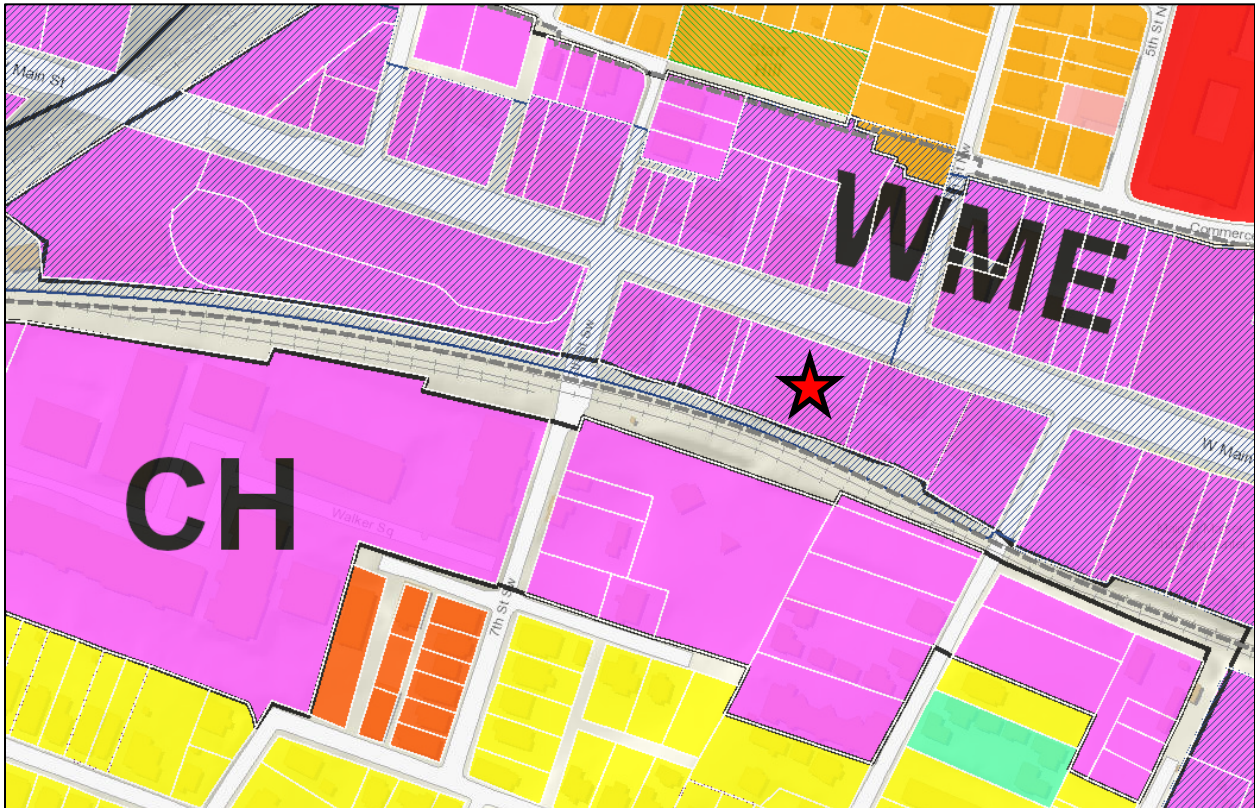
**Vicinity Map**



**Context Map 1**



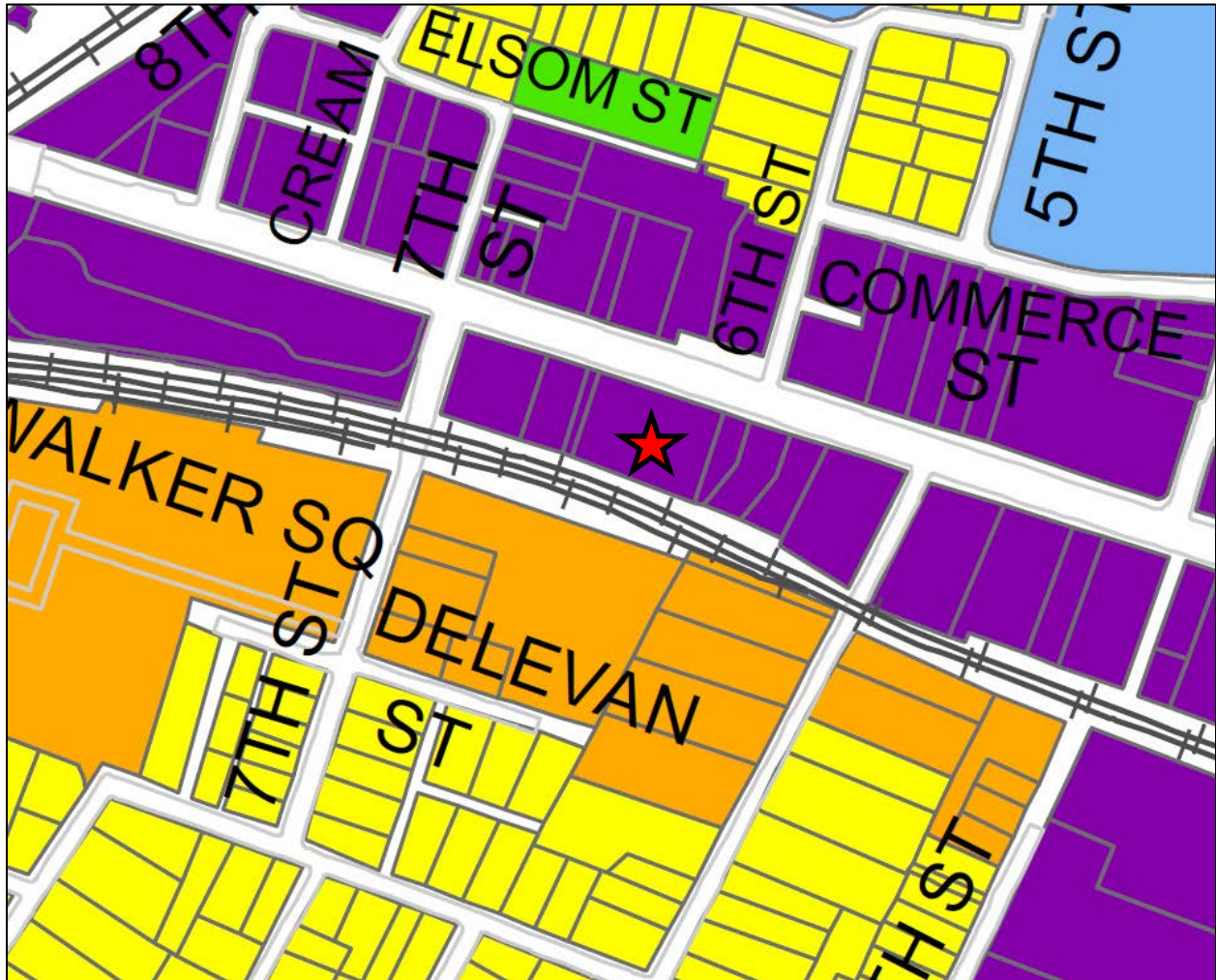
## Context Map 2 – Zoning Classifications



**KEY – Magenta (WME): West Main Street East; Magenta (CH): Cherry Avenue Corridor; Yellow: R-1S – Single-Family, Low-Density Residential; Light Orange: R-2 – Two-Family, Low-Density Residential; Deep Orange: R-3 – Multi-Family, High-Density Residential; Aqua Blue: Planned Unit Development; Pink: B-1 – Commercial; Red: B-3 - Commercial**



**Context Map 3 - General Land Use Plan, 2013 Comprehensive Plan**



KEY – Purple: Mixed Use; Yellow: Low Density Residential; Orange: High Density Residential; Green: Park or Preserved Open Space; Blue: Public or Semi-Public

**Application Components:**

Application and LID Checklist – Attachment 1

Applicant’s Narrative – Attachment 2

Additional Illustrative Materials – Attachment 3

Approved Special Use Permit for 600 West Main – Attachment 4

**Standard of Review**

City Council may grant an applicant a special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

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

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

The properties immediately surrounding the subject property are described as:

Direction	Use	Zoning
North	Retail/Office	WME
South	CSX Railroad	None
East	Mixed-Use	WME
West	Commercial	WME

The subject property is in use as a service repair garage. The building on the property was built in 1958. The proposed new mixed-use building would be taller and occupy more of the site.

**Staff Analysis:**

The West Main Corridor was historically the location of the City’s automotive oriented uses. A number of buildings on the corridor were previously used for automobile repair, and several of them have been renovated to accommodate new uses that are in keeping with the City’s vision for the West Main Corridor without demolishing the building.

The major concern with pursuing such a strategy with this property is its relationship to the street. The current building is set as far back as possible on the property, with the front and side yards used to park and maneuver vehicles.

The City's vision for the West Main Corridor is an activity center in addition to its traditional role as a transportation link between the University of Virginia and downtown Charlottesville. The proposed project would better contribute to the corridor by adding residents to the corridor, and better defining the street edge along this block of the street. The proposal is also in keeping with previous developments both constructed and underway on West Main Street.

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

The applicant includes within the project proposal narrative (Attachment 1) a section regarding its consistency with the Comprehensive Plan on Page 1 of the document.

**Staff Analysis:** The 2013 Comprehensive Plan's General Land Use Plan specifies the Subject Property and its surrounding properties as Mixed Use.

Mixed Use areas, according to the Comprehensive Plan, are "intended to be zones where the City encourages development of a moderate or high intensity, and where a large variety of uses will be permitted, including many commercial uses, residential uses, and some limited research and manufacturing where appropriate."

Staff believes the use conforms to the intent of the Mixed Use land use designation.

Staff also recognizes the overall product of the proposal conforms to other aspects of the Comprehensive Plan listed below.

*Below are specific areas of the Comprehensive Plan for which the development is in compliance:*

**a. Land Use**

***Goal 3.2 – Public Space, "When considering changes to land use regulations, respect nearby residential uses."***

**Staff Analysis:** The special use permit would increase the total number of allowable residential units within the by-right building volume permitted on the Subject Property. The proposal is in keeping with the vision of West Main as an active corridor, and the Subject Property is not adjacent to and low-density residential development.

**b. Housing**

***Goal 3.6 – Grow the City’s Housing Stock, “Promote housing options to accommodate both renters and owners at all price points, including workforce housing.”***

**Staff Analysis:** The proposed increase in the permitted maximum residential density on the Subject Property will give the applicant the option of providing a variety of unit types with the proposed building.

**c. Urban Design**

***Goal 1.3 – Urban Design, “Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City.”***

**Staff Analysis:** The West Main Street Corridor has had several large residential apartment complexes constructed in the past, as well as three hotel projects. The cumulative result of these projects is a larger population of residents – both permanent and temporary – on the West Main Street corridor. The proposed building would add to this population, which has resulted in an increase in activity along the corridor.

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

**a. Housing**

***Goal 3.2 Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.***

***Goal 3.3 Achieve a mixture of incomes and uses in as many areas of the City as possible.***

***Goal 3.4 Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications.***

***Goal 3.5 Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.***

**Staff Analysis:** The applicant has made no indication of how they intend to comply with the affordable housing zoning requirement in Section 34-12 of the City Code. This will be required prior to final site plan approval. The applicant previously committed to on-site affordable units in the adjacent building.

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

**Staff Analysis:** The proposed development will conform to all applicable building code regulations. Building plans are not yet available for review, but the construction of the proposed new structures cannot proceed without separate applications/review conducted by the City's Building Code Official.

**Sec. 34-157(a)(4)** **Potential adverse impacts, including, but not necessarily limited to:**

**a) Traffic or parking congestion**

*Parking:* The applicant shows off-street parking that complies with the minimum parking requirements for the proposed building.

**Staff Analysis:** Staff confirms that the applicant's concept plan shows the required off-street parking. The demolition of the existing building on the site will give the applicant the ability to provide all required parking on site.

*Traffic:* The applicant includes a "potential adverse traffic impacts" section within their project proposal narrative (Attachment 2) and notes that the development would generate approximately 29 vehicle trips in a day.

**Staff Analysis:** Staff has no concerns regarding the traffic impact of the proposed Special Use Permit. The automobile access to the building will be reviewed by the Traffic Engineer during the site plan review process.

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

**Staff Analysis:** Staff does not anticipate there will be significant noise generated from the proposed project beyond the level that can typically be anticipated in a mixed-use corridor such as West Main Street.

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

**Staff Analysis:** There are no existing residents or businesses on the Subject Property that would be displaced as a direct result of the Special Use Permit, as the redevelopment of the property is permitted as a matter of right.

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

**Staff Analysis:** The development would not discourage economic development activities.

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

**Staff Analysis:** The Subject Property is located in the vicinity of a number of community amenities that should serve the residents of the project. The West Main Corridor is a multi-modal corridor that supports several modes of transit. The Subject Property is within a short walking distance to the downtown business area. The Subject Property is also one block from Starr Hill Park, the Jefferson School African American Heritage Center and Carver Recreation Center.

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

**Staff Analysis:** The proposed development would not reduce the availability of affordable housing in the neighborhood.

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

**Staff Analysis:** Staff from Charlottesville Schools has noted that they have observed increases in school enrollment when previous large multi-family buildings on West Main Street have opened. Staff speculates that the apartments on West Main Street attracted students from the University of Virginia that were previously renting houses in the low-density neighborhoods near the University. When those students

opted for the newly constructed rental units on West Main Street, families with school age children moved in the houses that the students vacated.

The large scale apartment buildings that precipitated this increase in enrollment were all in the West Main West zoning district, and primarily feature unit configurations that are attractive to a student population.

The applicant's request would enable the applicant to construct more single and two-bedroom units within the building, units that tend to be less attractive to a student population.

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

**Staff Analysis:** The Subject Property is in the West Main Street Architectural Design Control District. The Board of Architectural Review will review the proposed building for compliance with the design guidelines for the district.

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

**Staff Analysis:** The proposed project will comply with federal, state and local laws. This is ensured through final site plan approval.

**j) Massing and scale of project**

The applicant's application materials shows the massing and scale of the proposed building.

**Staff Analysis:** The applicant is proposing to construct a building within the by-right dimensional limits. The Board of Architectural Review will review the proposed building for compliance with the West Main Street Architectural Design Control District guidelines.

**Sec. 34-157(a)(5)** Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

**Staff Analysis:** Staff believes that a mixed-use building is appropriate within the West Main East zoning district.

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

**Staff Analysis:** The proposed project must comply with standards set forth within the zoning ordinance, subdivision regulations and other applicable city ordinances/regulations prior to final site plan and building permit approvals.

**Sec. 34-157(a)(7)** When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

**Staff Analysis:** The Subject Property is located in a design control district. The Board of Architectural Review considered the Special Use Permit request at their June 18, 2019 meeting, and took the following action:

Motion: Schwarz moved that the proposed special use permit for additional residential density for the redevelopment at 612 West Main Street will not have an adverse impact on the West Main Street ADC District, with the understanding that the massing is not final, and must be further discussed, and [will require] a complete full design review at future BAR meeting(s) and propose the following conditions [for the SUP]:

- Garage entry shall not be accessed directly from the building's street wall along West Main Street;
- That the building's mass shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation;
- That the Holsinger Building be seismically monitored during construction;
- That there shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level;
- And that the building and massing refer to the historic buildings on either side.

Mohr seconded. Approved (7-0-2 with Earnst and Ball recused).



## **PUBLIC COMMENTS RECEIVED**

Per Sec. 34-41(c)(2), the applicant held a community meeting on June 20, 2019 (a City Planner attended as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Parking impact in the surrounding neighborhood. Several residents noted that when parking demand exceeds supply on West Main Street, the on-street parking spaces on residential streets around West Main are frequently filled to capacity, which can create difficulties navigating those streets.
- Residents asked about the rental rates of the proposed units.
- Several residents asked about the potential tenants in the commercial space.

The Planning Commission held a joint public hearing with City Council on this matter on August 13, 2019. Three members of the public spoke on the matter, and raised concerns regarding:

- The demand on on-street parking spaces within the surrounding neighborhood that has been increasing with increased activity along West Main Street, especially during construction projects.
- The safeguarding of the adjacent historic building at 620 West Main Street during construction.
- The maintenance of access to the alley between the Subject Property and 620 West Main Street.
- The impact of construction noise on the surrounding properties.

The Planning Commission's discussion of the application centered on the protection of the adjacent building at 620 West Main. The Commission voted to table the matter to give staff some additional time to draft a more extensive condition protecting the adjacent building. Staff's recommended condition is included in the recommendation below.

## **STAFF'S RECOMMENDATIONS**

Staff recommends the application be approved with the following conditions:

1. The specific development being approved by this special use permit ("Project"), as described within the site plan exhibit required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
  - a. Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a Mixed Use Building.

- b. The Building shall not exceed a height of four (4) stories.
  - c. The Building shall contain no more than 55 dwelling units.
  - d. The Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building facing West Main Street. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance.
  - e. Underground parking shall be provided within a parking garage structure constructed underneath the Building, which shall provide at least 53 parking spaces serving the use and occupancy of the Building. No direct access shall be provided into the underground parking from the Building's street wall along West Main Street.
2. The mass of the Building shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation. The Building and massing refer to the historic buildings on either side.
3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the Rufus Holsinger Building located on property adjacent to the Subject Property at 620-624 West Main Street ("Holsinger Building" or "Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the Holsinger Building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:
  - a. *Baseline Survey*—Landowner shall document the existing condition of the Holsinger Building ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Holsinger

Building, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Holsinger Building ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

- b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that may include seismic monitoring or other specific monitoring measures of the Adjacent Property if recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.
  
- c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction

activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

- d. *Permits*--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

### **POSSIBLE MOTION(S)**

1. I move to recommend approval of a special use permit allowing the specific development proposed within the application materials for **SP19-00003** subject to the following reasonable conditions and safeguards:
  - The conditions presented in the staff report
  - *[alternative conditions, or additional condition(s)...list here]*

**OR,**

2. I move to recommend denial of the special use permit requested by **SP19-00003**.

### **ATTACHMENTS**

- 1) Special Use Permit Application received May 14, 2019
- 2) Special Use Permit Project Proposal Narrative received May 14, 2019  
*Includes Project narrative, Conceptual Plan, Building Elevations, Landscape Plan*
- 3) Special Use Permit Resolution for 600 West Main Street, approved by City Council on June 20, 2016



# City of Charlottesville

## Application for Special Use Permit

Project Name: UTAC REDEVELOPMENT

Address of Property: 602 - 616 W MAIN

Tax Map and Parcel Number(s): 29-3

Current Zoning District Classification: WMEH

Comprehensive Plan Land Use Designation: MIXED USE

Is this an amendment to an existing SUP? No

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

Applicant: HEIRLOOM WEST MAIN STREET SECOND PHASE LLC (HWMS SECOND PHASE LLC)

Address: 9/6 MILESTONE PARTNERS 300 2ND ST. NE, CIVILLE, VA 22902

Phone: 434-245-5803 Email: JEFF@LEVIEN3.COM  
LLOPEZ @ MILESTONE PARTNERS. CO

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

Owner       Owner's Agent       Designer       Contract Purchaser

Owner of Record: HEIRLOOM WEST MAIN STREET SECOND PHASE LLC (HWMS SECOND PHASE LLC)

Address: 178 COLUMBUS AVE #231409, NEW YORK, NY 10023

Phone: 917-612-0630 Email: JEFF@LEVIEN3.COM

### Reason for Special Use Permit:

- Additional height: \_\_\_\_\_ feet
- Additional residential density: \_\_\_\_\_ units, or 120 units per acre
- Authorize specific land use (identify) \_\_\_\_\_
- Other purpose(s) (specify City Code section): \_\_\_\_\_

(1) Applicant's and (2) Owner's Signatures      By: HWMS SECOND PHASE GP LLC

(1) Signature [Signature] Print JEFFREY LEVIEN, PRESIDENT Date \_\_\_\_\_

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

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

(2) Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

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

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



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 612 West Main Street / UTAC REDEVELOPMENT

Pre-Application Meeting Date: 04/09/2019

Applicant's Representative: Craig Kotarski / Jeff Dreyfus

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. Preliminary Elevations  

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2. 

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4. 

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5. 

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Planner Signature: Brian J. Haluska




# City of Charlottesville

## Application Checklist

Project Name: UTAC REDEVELOPMENT

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

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant HWMS SECOND PHASE LLC  
by HWMS SECOND PHASE GP LLC  
Signature  Print JEFFREY LEVIEN Date \_\_\_\_\_

By Its: PRESIDENT

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



# City of Charlottesville

## Community Meeting

Project Name: UTAC REDEVELOPMENT

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: HWMS SECOND PHASE LLC

By: HWM SECOND PHASE GP LLC

Signature PRESIDENT Print JEFFREY LEVIEH Date \_\_\_\_\_

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





# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: HWMS SECOND PHASE LLC Date \_\_\_\_\_  
*by HWMS SECOND PHASE GP LLC*

By (sign name): \_\_\_\_\_ Print Name: JEFFREY LEVIEN

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 special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: LJ LOPEZ

Name of Corporate or other legal entity authorized to serve as agent: MILESTONE PARTNERS

Owner: HWMS SECOND PHASE LLC Date: \_\_\_\_\_  
*by HWMS SECOND PHASE GP LLC*

By (sign name): \_\_\_\_\_ Print Name: JEFFREY LEVIEN

Circle one:

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

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



# City of Charlottesville

## Disclosure of Equitable Ownership

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

Name JEFFREY LEVIEN Address 2093 GOODLING ROAD. NORTH GARDEN, VA  
22969

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

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

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

Attach additional sheets as needed.

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

Applicant: HWMS SECOND PHASE LLC

By: HWM SECOND PHASE GP LLC

Signature [Signature] Print JEFFREY LEVIEN Date \_\_\_\_\_

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



# City of Charlottesville

## Fee Schedule

Project Name: UTAC REDEVELOPMENT

Application Type	Quantity	Fee	Subtotal
Special Use Permit		\$1800	31800.00
Special Use Permit (Family Day Home for 6-12 Children)		\$500	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			

### Office Use Only

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

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

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

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



# City of Charlottesville

## LID Checklist

Project Name: UTAC REDEVELOPMENT

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

Applicant's Signature

HWS SECOND PHASE LLC  
 BY: HWM SECOND PHASE GP LLC

Signature

Print JEFFREY LEVEN, PRESIDENT Date \_\_\_\_\_

**UTAC Redevelopment**  
SUP Application I  
Request for Additional Density I  
Narrative Statement I  
May 14, 2019 I  
I

i

Heirloom West Main Street Second Phase LLC (the "Applicant"), owner of the property located at 612 West Main Street (and in City records as Tax Map 29 Parcel 3), requests approval of a special use permit ("SUP") to allow residential density on the properties up to 120 units per acre. This request is in accordance with Section 34-641 of the City's zoning ordinance. The proposal includes housing units with commercial space on the first floor.

The owners of the Applicant are the same owners of Heirloom West Main Development, LLC, Owner/Developer, of the adjacent property ("Adjacent Property"), located at 600 West Main Street (and in the City records as Tax Map 29 Parcel 7). On June 20, 2016, the Adjacent Property received a similar SUP approval sought by Applicant. Therefore, there is precedent for granting this SUP approval in this corridor of West Main Street. That Adjacent Property project is currently under construction and scheduled for completion later this year which will include the return of the beloved local food icon, Blue Moon Diner.

Applicant, as part of this SUP process, appeared before the Board of Architectural Review ("BAR") on April 16, 2019 at a public hearing to engage in a preliminary discussion on this application. The BAR indicated that it did not see any adverse impact to granting density. The BAR did make comment about massing and other design elements, which Applicant took note of and will surely address during the Certificate of Appropriateness approval process following this SUP application.

Request for Additional Density

The Applicant anticipates constructing a variety of housing units ranging from studio units, 1-bedroom, 2-bedroom (and potentially, 3-bedroom) units. Approval of additional density up to 120 units per acre will enable the Applicant to provide this broad range of unit types and offer them at a variety of price points to potential residents. Keeping with the current restrictions on density would result in large, expensive, units geared to one segment of the residential market, or worse, derail the redevelopment of the property and continue the property to be used for automotive repair. Approval of the additional density will enable the project to positively impact the housing stock and options available in the West Main Street and central city area and be consistent with the overall vision of the City for West Main Street.

Conformity with Comprehensive Plan

Additional density will be in keeping with the goal of the City as expressed in the Comprehensive Plan. The Comprehensive Plan's land use map designates the properties for mixed-use. This proposal includes both housing and a small amount of retail. The additional residential units will help to foster the creation of a vibrant mixed-use neighborhood along West Main Street. While there are a range of businesses along West Main Street, there are few housing opportunities along the eastern portion of West Main Street. This project will provide such housing.

i

This project will also serve towards meeting the City's Comprehensive Plan goals to "grow the housing stock" and "promote housing options." The Applicant expects to include in the project a number of market-rate (non-student) studio units which will provide a housing option not presently available in the West Main or Downtown areas (except as will be provided on a limited basis on the Adjacent Property). Furthermore, the project is directly in line with the goals of the West Main Street Streetscape initiative to provide "safe, active, pleasant and usable" places.

### Potential Impacts

Approval of additional density for the project will have minimal impact on the West Main Street area. The residential density requested is provided for in the zoning ordinance as a permitted use and thus the City has already decided the density is appropriate for the zoning district. Other projects along West Main Street have been approved for additional residential density beyond that permitted by right. The West Main Street corridor is anticipated to develop as an urban mixed-use environment, and the additional density will contribute to that desired environment. Any impacts associated with increased density are mitigated by the proximity of the project to employment and retail centers, mass transit and the provision of bicycle facilities.

It is anticipated that many residents will choose to live in the project precisely because they will be able to walk to work, shopping, and transit. Because West Main is well served by bus and train transit as well as cab service, residents will have transportation options. Bicycle facilities will be provided and much of the City is within "bike-able" distance from the project.

### Existing Affordable Housing

There are no existing "affordable dwelling units" on the property. There will thus be no loss of affordable housing. The project is planned to include a mix of units, including studio units, at a variety of price points. This is a better option than what would be built under the existing zoning density (19 large, expensive, units) or if the project was not undertaken at all and the property remained in its current use.

The GFA of the proposed project is 66,400sqft with 5,900sqft of ground floor commercial and 60,500sqft of residential. These numbers are not inclusive of the below grade parking, which has 53 parking spaces (16 compact, 2 HC, and 1 HC Van).

### Compliance with USBC Provisions

The project will be constructed in complete compliance with all building code requirements.

### Conclusion

The proposed redevelopment of the properties will be in keeping with the City's goals as expressed in the Comprehensive Plan for creating a mixed-use, urban neighborhood along West Main Street. The project will greatly enhance the vibrancy of the eastern portion of West Main Street by bringing an increase in the number of residents along the corridor. By offering a variety of housing types oriented to those who seek to live, work and shop within a walk-able setting, the project will be filling a niche for housing that is currently underserved. Approval of the special use permit allowing residential density up to 120 units per acre will enable all this to be achieved. i

**SITE DATA:**

TAX MAP PARCEL AND OWNER INFO: PARCEL 290003000  
 HEIRLOOM WEST MAIN STREET SECOND PHASE LLC  
 178 COLUMBUS AVE #231409  
 NEW YORK, NY 10023

TOTAL SITE AREA: 0.455 ACRES  
 IMPERVIOUS AREA: 0.455 ACRES  
 LIMITS OF DISTURBANCE: 0.455 ACRES

SOURCE OF SURVEY, BOUNDARY, AND TOPOGRAPHY: ROGER W. RAY & ASSOCIATES, INC.  
 663 BERKMAR COURT  
 CHARLOTTEVILLE, VA 22901  
 (434) 293-3195  
 DATED: JANUARY 24, 2019

VERTICAL DATUM REFERENCE: NAVD 88

CURRENT USE: SERVICE REPAIR GARAGE

PROPOSED USE: MIXED USE RESIDENTIAL AND COMMERCIAL

PAVED PARKING AND VEHICULAR CIRCULATION AREA IS LOCATED UNDER THE BUILDING AND ACCESSED ON THE NORTHWEST CORNER OF THE SITE OFF OF WEST MAIN STREET.

RECREATION AREA: NONE

OPEN SPACE: NONE

ZONED: WEST MAIN STREET EAST CORRIDOR (WMEH)  
 HISTORIC OVERLAY DISTRICT  
 PARKING MODIFIED AREA

SETBACKS: PRIMARY STREET FRONTAGE (WEST MAIN): 10' MINIMUM, 20' MAXIMUM  
 SIDE AND REAR (NOT ADJACENT TO LOW DENSITY RES.): NONE

STEPBACK: STREETWALL MAXIMUM 40'  
 STEPBACK AT HEIGHT OF STREET WALL 10'

ADJACENT AREAS: NORTH - COMMERCIAL/RETAIL  
 EAST - COMMERCIAL/RETAIL  
 SOUTH - RAILROAD  
 WEST - COMMERCIAL/RETAIL

MINIMUM HEIGHT: 35'

MAXIMUM HEIGHT: 52'

UTILITIES: CITY OF CHARLOTTEVILLE PUBLIC WATER, SEWER

**WATER QUALITY ANALYSIS (PRELIMINARY):**

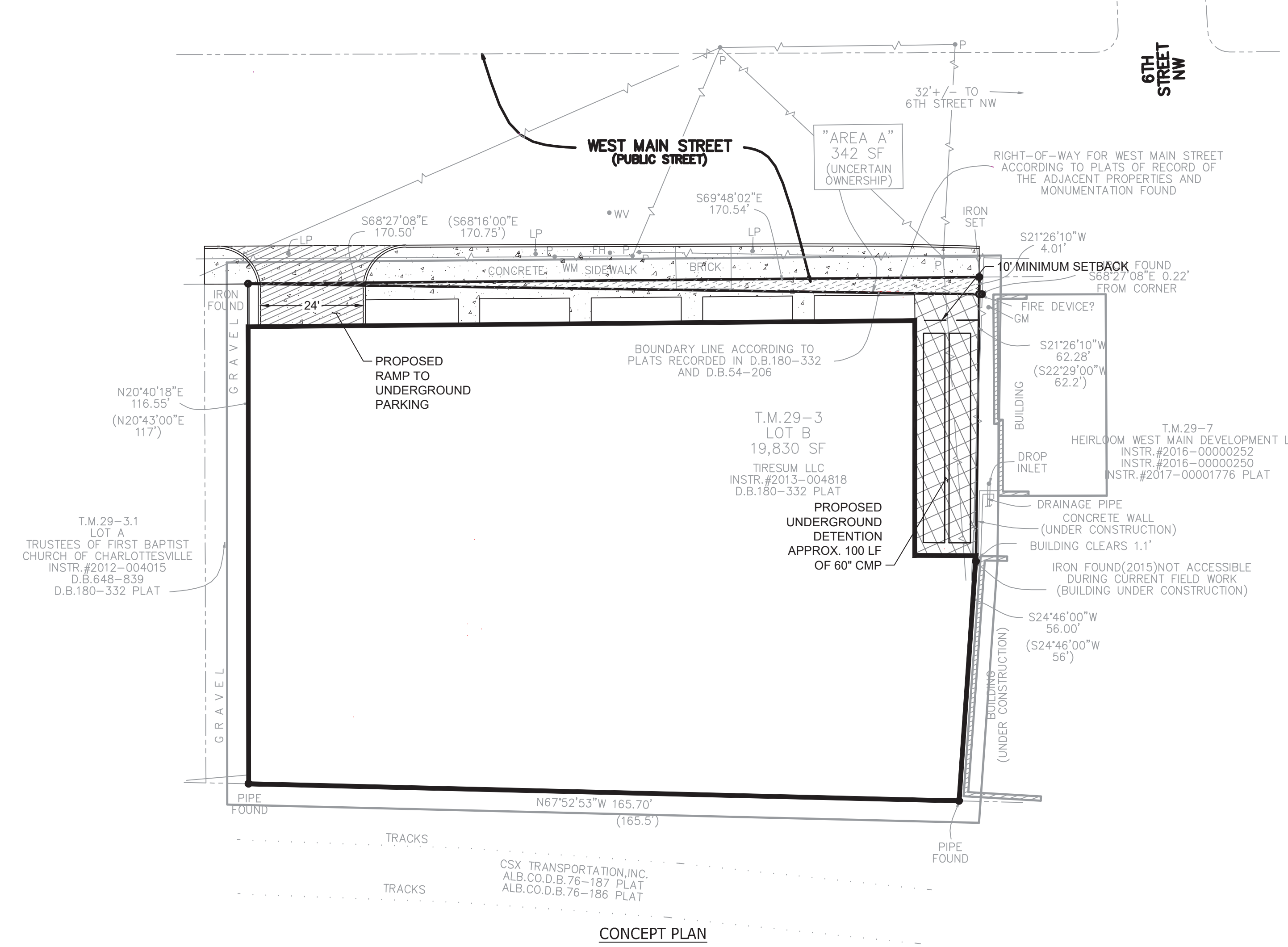
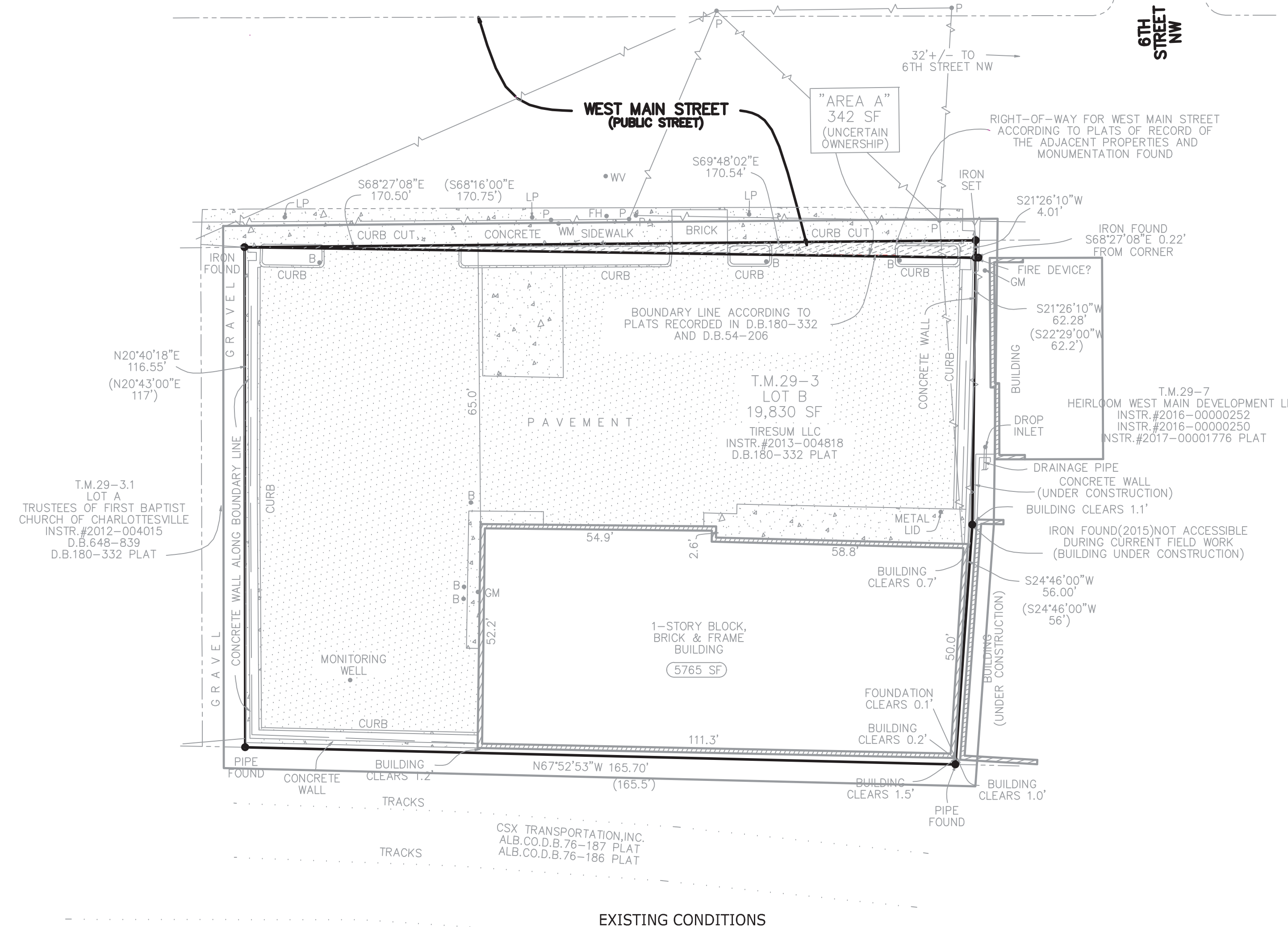
**SITE DATA**  
 PRE DEVELOPED AREA  
 IMPERVIOUS = 0.455 AC  
 PRE DEVELOPMENT LOAD (TP) (LB/YR) = 0.99 LB/YR  
 POST DEVELOPED AREA  
 IMPERVIOUS = 0.455 AC  
 POST DEVELOPMENT LOAD (TP) (LB/YR) = 0.99 LB/YR  
 MAXIMUM PERCENT REDUCTION REQUIRED FOR REDEVELOPMENT = 10%  
 TOTAL LOAD REDUCTION REQUIRED (LB/YR) = 0.10 LB/YR  
 ON-SITE TREATMENT PROPOSED  
 STORMWATER CARTRIDGE FILTERS

**WATER QUANTITY ANALYSIS (PRELIMINARY):**

**DRAINAGE AREA ANALYSIS**  
 PRE DEVELOPED AREA = 0.455 AC  
 POST DEVELOPED AREA = 0.455 AC  
 0.455 AC (IMPERVIOUS)  
 TC = 5 MIN  
 Q (CFS) V (AC-FT) Q (CFS) V (AC-FT)  
 1 YEAR 1.97 0.106 1 YEAR 1.17 0.106  
 10 YEAR 3.65 0.202 10 YEAR 3.38 0.202

**CHANNEL PROTECTION (ENERGY BALANCE):**  
 $Q_{DEVELOPED} \leq 0.90 * (Q_{RE-DEVELOPED} * R_{RE-DEVELOPED} / R_{V-DEVELOPED})$   
 OK 1.17 CFS  $\leq$  0.90 \* (1.97 CFS \* 4617 CF) / (4617 CF) CF = 1.78 CFS

**FLOOD PROTECTION:**  
 POST-DEVELOPED  $Q_{10} \leq$  PRE-DEVELOPED  $Q_{10}$   
 OK 3.38 CFS (POST-DEVELOPED  $Q_{10}$ )  $\leq$  3.65 CFS (PRE-DEVELOPED  $Q_{10}$ )



**LEGEND:**

- PROPOSED HARDSCAPE
- CONCRETE SIDEWALK
- HEAVY DUTY CONCRETE

SCALE 1"=20'

**TIMMONS GROUP**

612 WEST MAIN STREET - SPECIAL USE PLAN  
 CITY OF CHARLOTTEVILLE, VA  
 SUP CONCEPT PLAN

THIS DRAWING PREPARED AT THE  
**CHARLOTTEVILLE OFFICE**  
 608 Preston Avenue, Suite 200 | Charlottesville, VA 22903  
 TEL: 541.293.5624 FAX: 541.293.8317 www.timmons.com

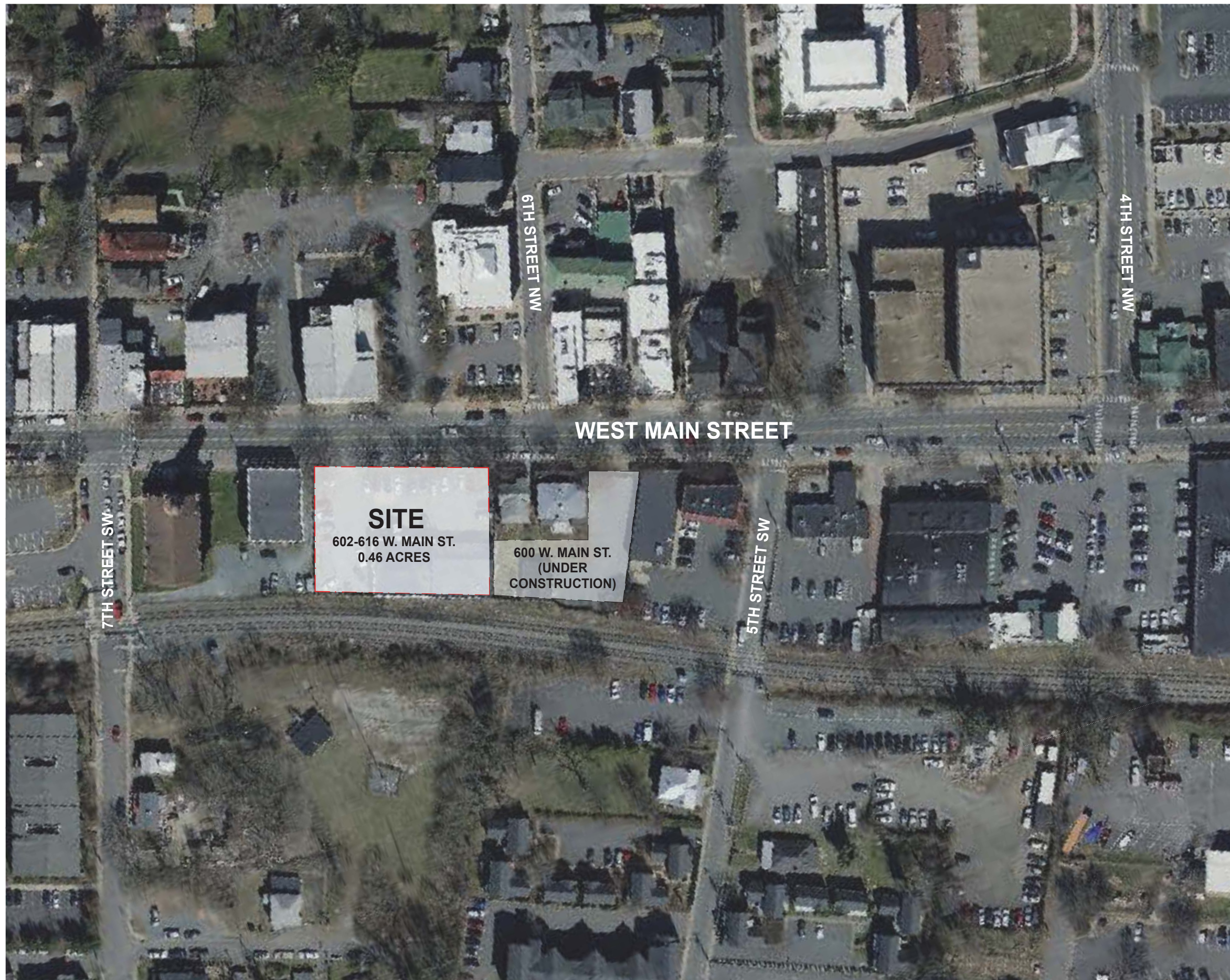
DATE	REVISION DESCRIPTION
05/13/2019	YOUR VISION ACHIEVED THROUGH OURS.

DRAWN BY: K. MELLON  
 DESIGNED BY: C. KOTARSKI  
 CHECKED BY: C. KOTARSKI  
 SCALE: 1" = 20'

JOB NO. 43751  
 SHEET NO. EX-1

S:\10343751-612\_VMSHOWS\Sheets\SUP Concept Plan.dwg | Plotted on 5/13/2019 4:19 PM | by Kim Mellon

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## 602-616 W. MAIN STREET

### ZONE:

- WEST MAIN STREET EAST CORRIDOR (MIXED-USE)
- ARCHITECTURAL DESIGN CONTROL DISTRICT
- PARKING MODIFIED ZONE

### PRIMARY STREETS:

- WEST MAIN STREET

### LAND AREA:

-0.46 ACRES/19,830 SF

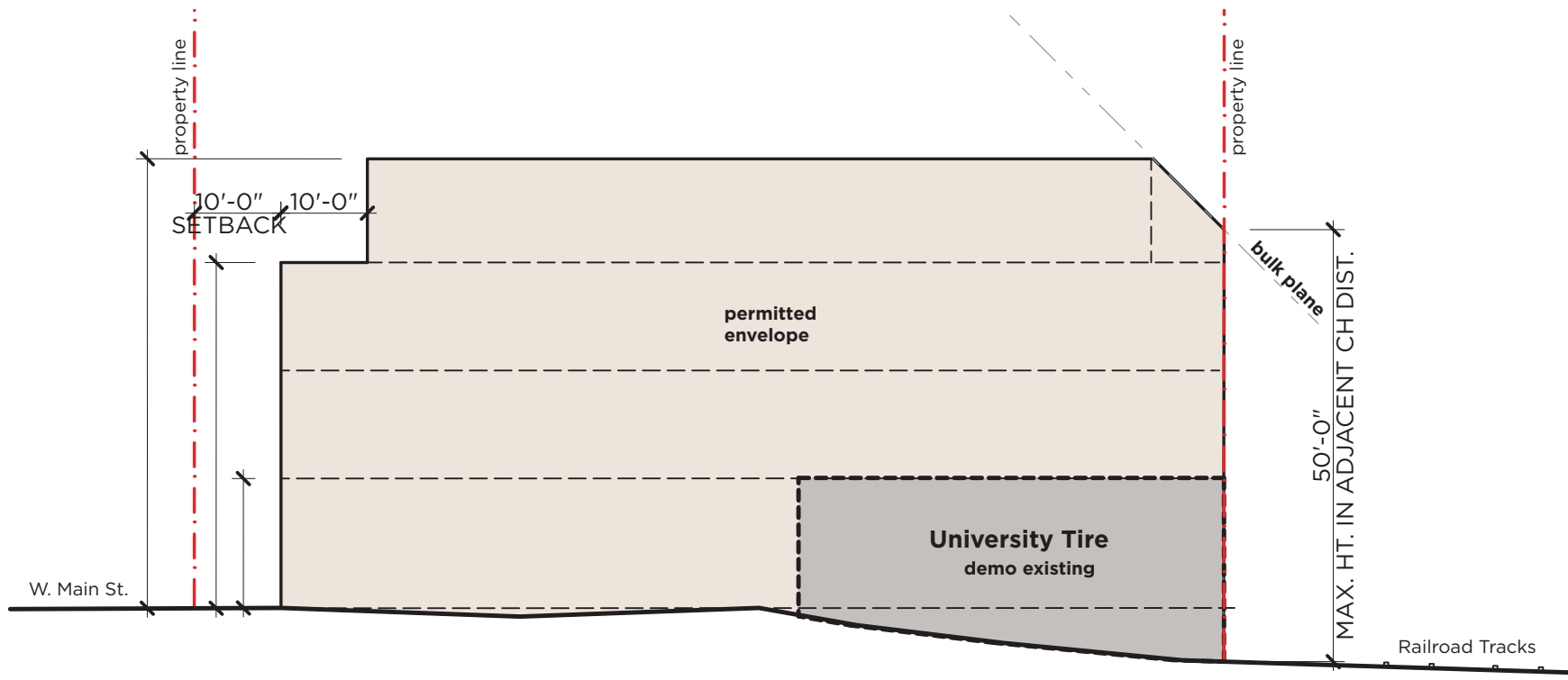
### DENSITY:

### PROPOSED MASSING GSF:

	PARKING	RESIDENTIAL	RETAIL
<b>PARKING LEVEL</b>	19,830		
<b>LEVEL 1</b>	1,413	10,377	5,871
<b>LEVEL 2</b>		17,677	
<b>LEVEL 3</b>		17,677	
<b>LEVEL 4</b>		14,801	
		<b>TOTAL:</b>	87,646







**ZONING HEIGHTS AND SETBACKS**

**ZONE:**

- WEST MAIN STREET EAST CORRIDOR (MIXED-USE)
- ARCHITECTURAL DESIGN CONTROL DISTRICT
- PARKING MODIFIED ZONE

**PRIMARY STREETS:**

- WEST MAIN STREET

**LAND AREA:**

-0.46 ACRES/19,830 SF

**DENSITY:**

**BY RIGHT**

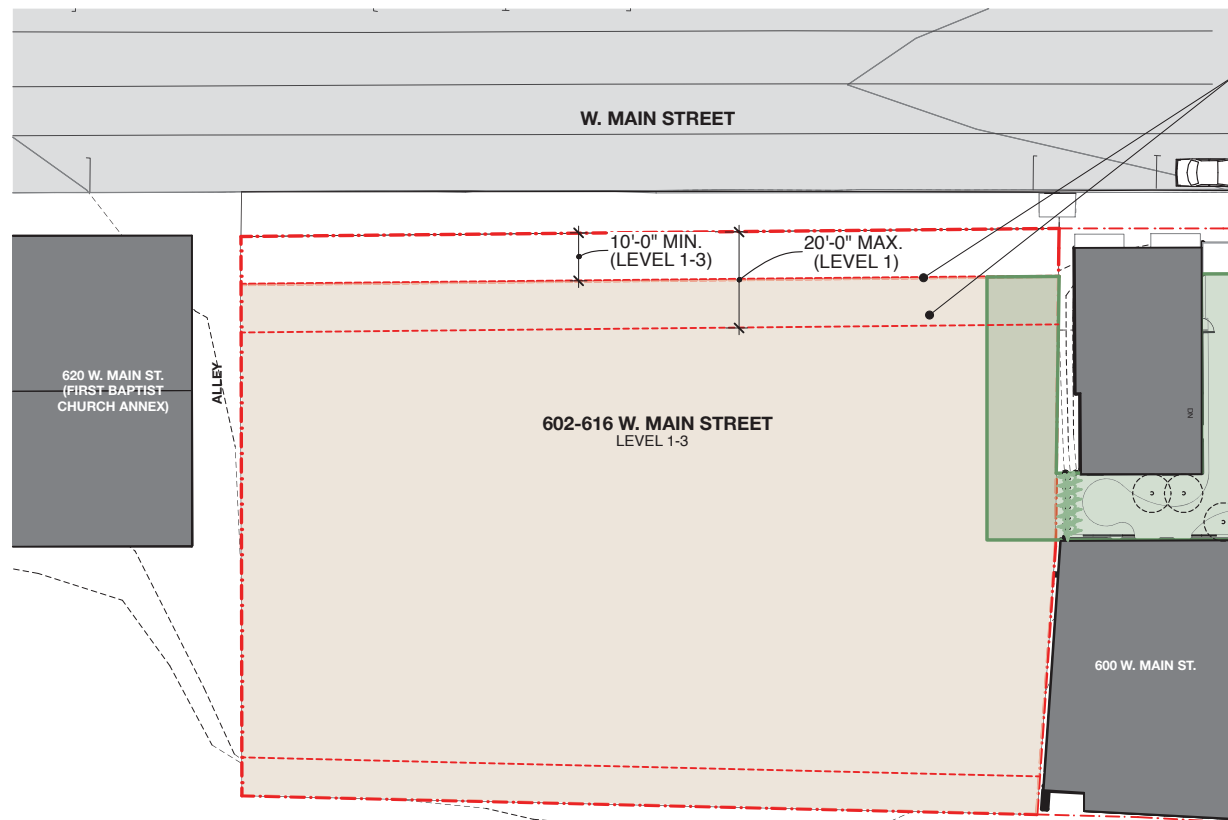
43 DUA

**WITH SUP**

120 DUA

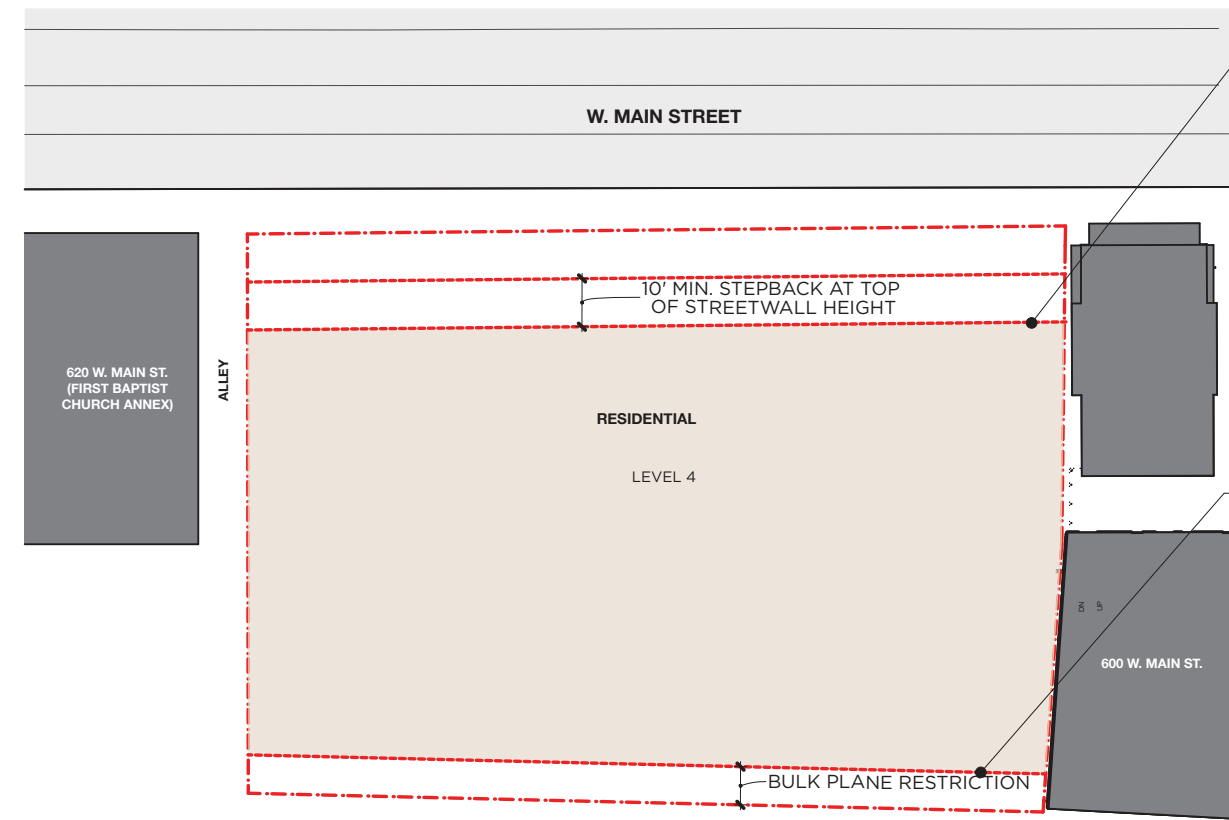
TOTAL: 20 DWELLING UNITS

55 DWELLING UNITS



**LEVELS 1-3**

**SEC. 34-638: STREETWALL REGULATIONS**  
SETBACKS AT 10' MIN., 20' MAX

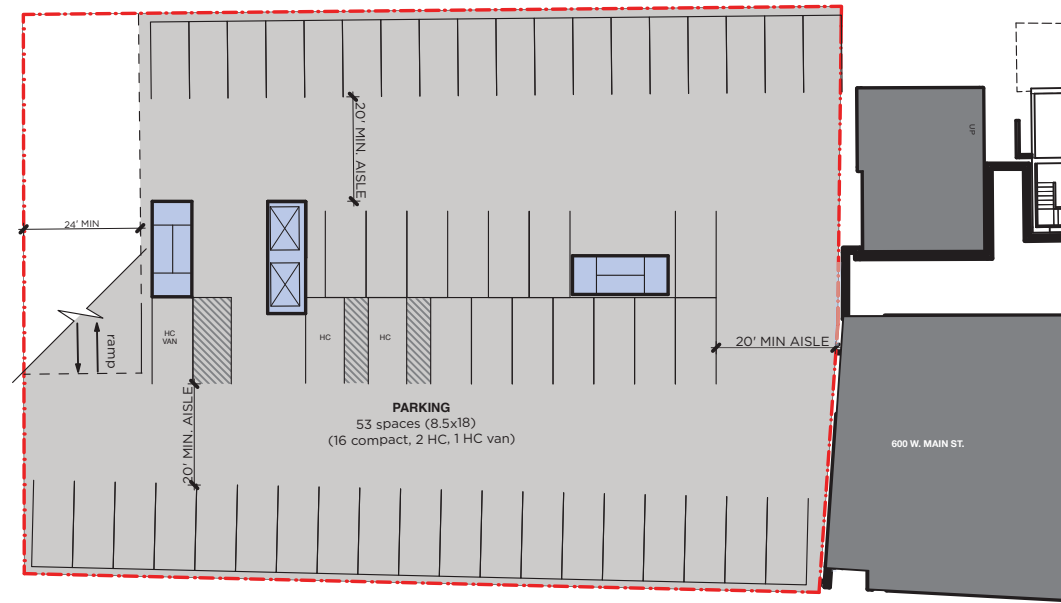


**LEVEL 4**

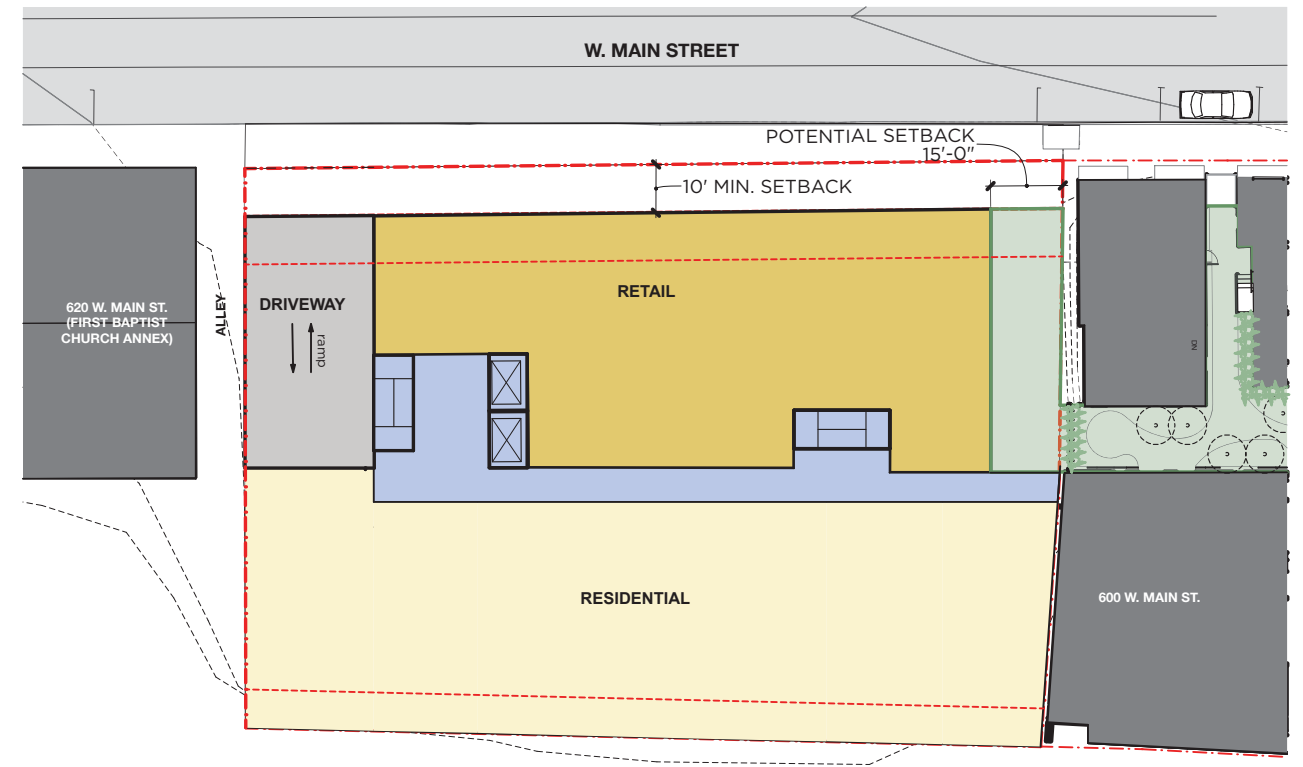
**SEC. 34-638: STREETWALL REGULATIONS**  
SETBACKS AT 10' MIN. AT TOP OF STREETWALL HEIGHT.

**SEC. 34-639: BULK PLANE**  
NO BUILDING MAY EXTEND INTO A 45-DEGREE ANGULAR PLANE PROJECTING ABOVE THE LOT, STARTING AT A HEIGHT EQUAL TO THE MAXIMUM ALLOWED HEIGHT IN THE ADJACENT ZONING DISTRICT.

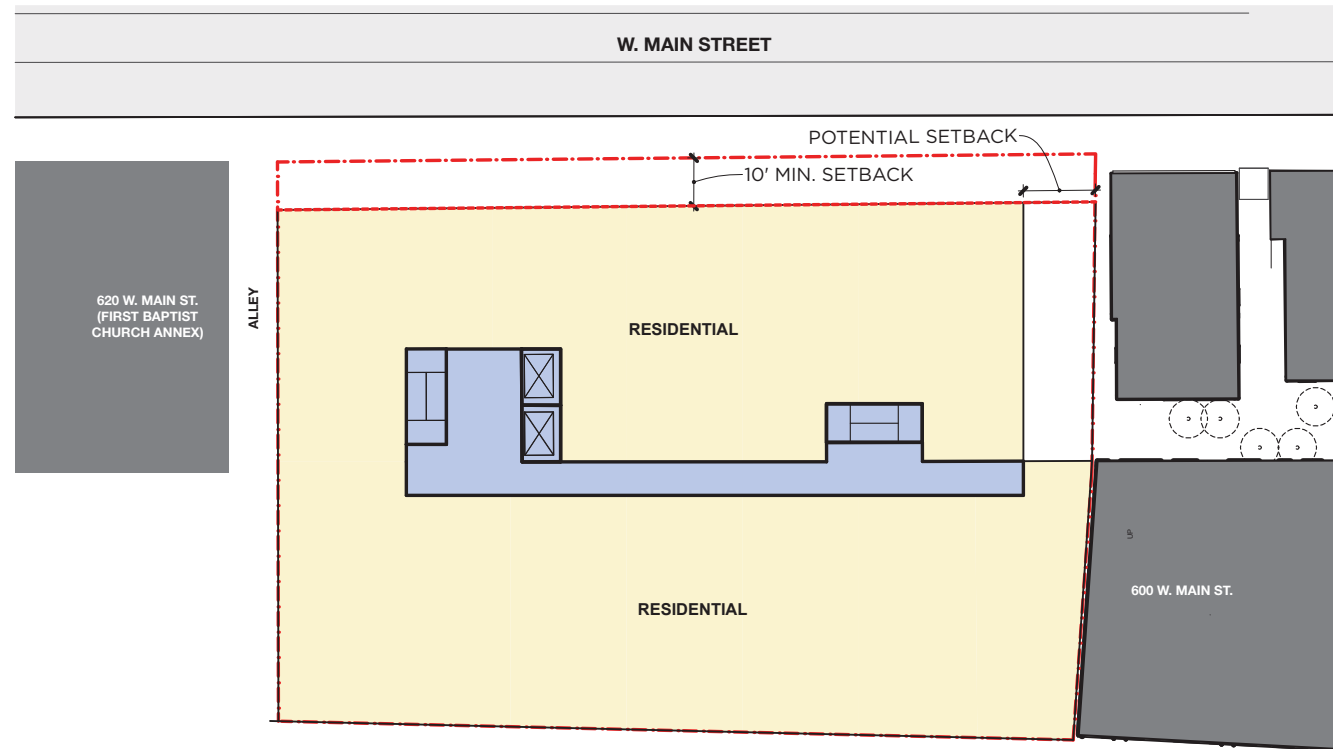




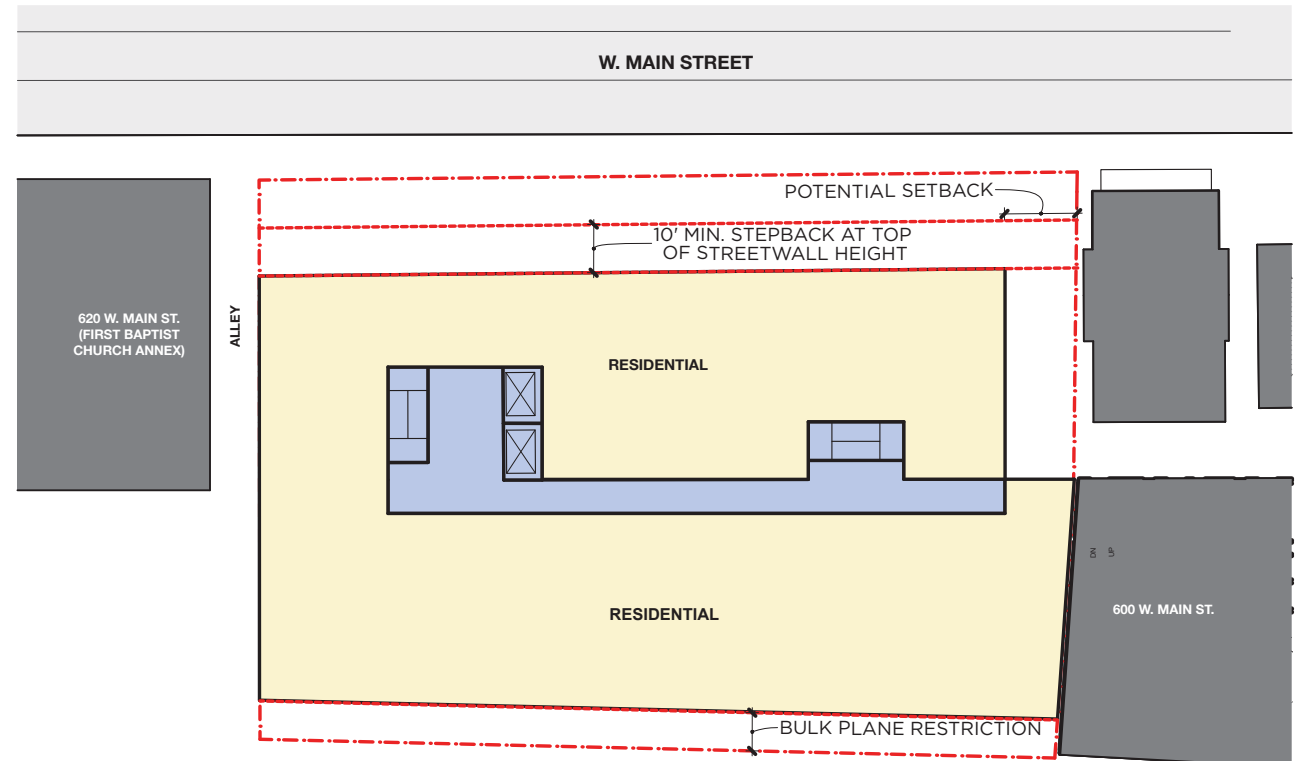
**PARKING LEVEL**



**LEVEL 1**



**LEVEL 2-3**



**LEVEL 4**





VIEW WEST



VIEW EAST



BAR - PRELIMINARY CONVERSATION	5/14/2019 - 11x17	MASSING - ALLOWABLE ENVELOPE	4
612 WEST MAIN STREET	Tuesday, May 14, 2019		



**VIEW EAST TOWARD MURAL**

**VIEW SOUTH**



BAR - PRELIMINARY CONVERSATION  
612 WEST MAIN STREET

5/14/2019 - 11x17  
Tuesday, May 14, 2019

MASSING - ALLOWABLE VS PROPOSED



VIEW FROM WEST ON RAILROAD TRACKS



VIEW WEST ON WEST MAIN STREET





49'-4" MAX BUILDING HEIGHT

40'-0" STEPBACK LINE



HEIRLOOM WEST MAIN DEVELOPMENT  
612 WEST MAIN

5/14/2019 - 11x17  
Tuesday, May 14, 2019

MASSING - ELEVATIONS  
1" = 20'

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO ALLOW HIGH DENSITY RESIDENTIAL DEVELOPMENT  
WITH MODIFIED RESIDENTIAL PARKING REQUIREMENTS  
FOR PROPERTY LOCATED AT  
510, 512-514 AND 600 WEST MAIN STREET**

**WHEREAS**, Heirloom West Main Development, LLC (“Applicant”) has represented that it is the current owner of three lots, identified on City Tax Map 29 as Parcels 6, 7 and 8 (City Tax Map Identification Nos. (290006000, 290007000 and 290008000) (collectively, the “Subject Property”), and the Applicant proposes to redevelop the Subject Property as and for a proposed mixed use development containing multifamily residential (at a density of more than 43 dwelling units per acre), containing studio, one-bedroom, and two-bedroom units, along with some commercial use(s), together with structured parking located underneath the building(s) (collectively, the “Proposed Development”); and

**WHEREAS**, the Proposed Development is described within the Applicant’s application materials dated March 21, 2016, submitted in connection with SP16-00003 (collectively, the “Application Materials”), in which the Applicant states that it expects to include within the Proposed Development, among other types of dwelling units, a number of market-rate (non-student) studio dwelling units, in order to provide a housing option not presently widely available within the Downtown or West Main Street areas; and

**WHEREAS**, the Applicant’s request for additional residential density, and for modification (reduction) of the parking standards applicable to the Proposed Development, require approval of a special use permit, pursuant to City Code §§ 34-641 and 34-162(a); and

**WHEREAS**, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 180 dwelling units per acre (DUA) with parking to be provided for the proposed residential dwelling units at a rate of 0.5 space per unit, all subject to certain suitable conditions and safeguards recommended by the Commission; and

**WHEREAS**, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to certain conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-641 and 34-162(a), a special use permit is hereby approved and granted to authorize the Proposed Development to be established on the Subject Property, with residential

density up to 180 DUA, subject to the following conditions:

1. There shall be a mixture of dwelling units permitted within the Proposed Development including without limitation one or more studio units. Any studio unit shall have a size of not less than 350 square feet. The studio units with a size from 350 square feet up to 550 square feet may comprise up to 40% of the total dwelling units within the Proposed Development;
2. The parking requirements for the residential component of the Proposed Development shall be as follows: (i) for each unit having an area of 550 square feet or less: 0.5 space per unit; and (ii) for each unit having an area of more than 550 square feet: 1.0 space per unit. Parking reductions allowed pursuant to the City's zoning ordinance may be applied to further reduce the total number of required parking spaces.
3. At least forty percent (40%) of the total number of required parking spaces for the Proposed Development shall be provided on-site. Any remaining required parking spaces, if any, may be provided at an off-site location ("Off-site Spaces"), in accordance with the requirements of City Code §34-971(e)(4)(b), provided that, any off-site parking lease for the Off-site Spaces may contain renewable terms if, collectively, the terms of the lease comply with the durational requirements of §34-971(e)(4)(b), and, by the terms of such lease, the Applicant has the right to renew the terms. The Applicant shall give the City's Zoning Administrator 90 days' advance written notice of any expiration or earlier termination of such lease.

On or before July 1 of each calendar year following issuance of any certificate of occupancy for the Proposed Development, the property owner shall submit to the City's Zoning Administrator a Parking Demand Management Plan ("Plan") designed by the Property Owner, reasonably documenting parking demand and the means by which the parking requirements of this Condition #3 will be satisfied during the upcoming year and describing any other means or measures that may be taken by the owner during the ensuing twelve (12) months to reduce or eliminate parking demand within or associated with the use and occupancy of the Proposed Development. After the initial Plan is submitted, the Owner may satisfy subsequent annual submission requirements by submitting modifications of the Plan to the City; if no modifications are received in a timely manner by the City, then the prior year's Plan (as in effect on June 30) shall remain in effect.

4. The new building proposed to be constructed within the Proposed Development shall contain an indoor lobby area, and an outdoor courtyard provided for the recreational use of the residents.



5. Prior to commencement of any land disturbing activity on the Property, the Owner shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any land disturbing permit for the Proposed Development.
6. The Owner, or its agent, shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site) during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application for a building or other development permit for construction of improvements that are the subject of the site plan.
7. The Owner, or its agent, shall provide the city's director of neighborhood development services and all adjoining property owners with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the Proposed Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
8. The Owner, or its agent, shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for any building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be submitted to the zoning administrator prior to the commencement of any construction of the first-floor above-grade framing.
9. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Owner, or its agent, shall be required to obtain approval of an encroachment agreement, in a form suitable for recording in the City's land records, and subject to such terms and conditions as may be approved by City Council and the City Attorney. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for any new building within the development.

Approved by Council  
June 20, 2016



Clerk of Council '



September 10, 2019

**Proposed Comprehensive Signage Plan for Hillsdale Place**

**Project Name:** 1801 Hydraulic Road, Hillsdale Place  
**Planner:** Jeff Werner, AICP  
**Applicant:** Peyton Associates Partnership  
**Applicant's Representative:** Ashley Davies (Riverbend Development)  
**Applicant's Relation to Owner:** Developer

**Application Information**

**Property Street Address:** 1801 Hydraulic Road  
**Property Owner:** Meadowbrook Creek LLC (leaseholder)  
**Tax Map/Parcel #:** Tax Map 41B, Parcel 2 (GIS: 41B002000)  
**Total Square Footage/Acreage Site:** 9.064 acres  
**Comprehensive Plan (Land Use Plan) Designation:** Mixed Use  
**Current Zoning Classification:** HW Highway Corridor with Entrance Corridor (EC) Overlay  
**Entrance Corridor Overlay Districts:** §34-307(a)(1) Route 29 North from corporate limits to Ivy Road, and §34-307(a)(2) Hydraulic Road from corporate limits to the 250 Bypass  
**Current Usage:** One-story vacant building, most recently occupied by K Mart and Gold's Gym (Existing building to be partially demolished and renovated.)

**Background**

Hillsdale Place is a retail development at the intersection of Route 29 and Hydraulic Road and within the Route 29 North and Hydraulic Road Entrance Corridors. The approximately 87,000 sq. ft. building will reuse space previously occupied by K-Mart and Gold's Gym and is planned to accommodate 10 tenants, anchored on the west by a 40,000 sq. ft. store and on the east by a 20,000 sq. ft. store. (For design review, the Entrance Corridor CoA was approved by the ERB earlier this year.)

Applicant is requesting approval of a Comprehensive Signage Plan (CSP), which will be applied to the building signage for the 10 anticipated tenants and includes three monument signs.

Applicants for a development that is subject to Site Plan review and design review may request approval of a CSP, defined as "a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics and/or locations of [the] signs referenced within the plan do not comply with the requirements of [the City Code re: signs]."

Per the City Code, Council may approve a comprehensive signage plan, upon a determination that: There is good cause for deviating from a strict application of the requirements of this division, and the comprehensive signage plan, as proposed, will serve the public purposes and objectives *at least as well, or better, than* the signage that would otherwise be permitted for the subject development.

Note: This CSP will not apply to building signage associated with the adjacent Whole Foods store, which is subject to a CSP approved in 2011. However, space on each of the three, new monument signs will be available to Whole Foods and therefore be subject to the provisions of this CSP.

### **Comprehensive Sign Plan Specifics**

Per applicant's submittal, *Hillsdale Place: Comprehensive Signage Plan*, drawings by Bignell Watkins Hasser Architects dated August 29, 2019; sheets 1 through 10.

Relevant signage types (as currently defined by Division 4, Section 34-1038 of the City Code):

a. Awning or canopy.

- See sheets 4 and 5 of the CSP; identified as *Canopy Mounted Tenant Signs* and *Under Canopy Signs*.
- Proposed conditions are consistent with Code provisions.

b. Freestanding signs.

- Not included in CSP; not permitted.

c. Marquee signs.

- Not included in CSP; not permitted.

d. Monument signs.

- Three (3) monument signs. See sheets 2 and 6 of CSP.
- Proposed conditions are consistent with Code provisions.

e. Pole mounted signs.

- Not included in CSP; not permitted.

f. Projecting signs.

- See sheet 5 of the CSP. See sheet 5.
- Proposed conditions are consistent with Code provisions, except the maximum sign area allowed within an EC is 15 sq. ft. [from 30 sq. ft.]. Per 34-1038(f) and 34-1044(a).

g. Sandwich board signs.

- See sheet 5 of the CSP.
- Allowed with owner's approval, no sign permit required. Such signage may be placed only on the concrete walk at the storefronts shown in elevation on sheet 7 and must be removed after hours. City will not regulate signs that comply, however those that do not will be treated as a violation.

h. Temporary signs.

- Included in CSP and permitted by reference as currently defined in Section 34-1038(h) of the City Code.

i. Wall signs.

- See sheets 4, 7, 8, and 9 of the CSP; identified as *Wall Mounted Tenant Signs*.
- Wall signage may be installed only in the areas noted on the building elevations.
- Proposed conditions vary from Code provisions as follows:

- Height: Code limits the height of wall signs to 20-feet above grade. CSP proposes three locations where signs may be allowed at a height not to exceed 28-feet. Note: The elevations indicate five locations where these higher signs may be installed, however staff understands this condition to mean that at no time will there be more than three signs located higher than 20-feet.
- Size: Per 34-2031 and 34-1038(i) and 34-1044(a), maximum sign area is 1 sq. ft per linear foot of frontage, not to exceed 50 sq. ft. per tenant and being within an EC reduces that number by one-half. For this CSP, Tenant #1 is allowed a maximum of 300 sq. ft. (versus 25 sq. ft.); Tenant #10 is allowed a maximum of 150 sq. ft. (versus 50 sq. ft.). All other tenants—2 through 9—are limited to a maximum of 50 sq. ft. (versus a range of 18 to 25 sq. ft.) The central tower shopping center sign is 128 sq. ft. (versus 25 sq. ft.)
- Number: For the entire building, tenants #1 through 10 and on the central tower collectively, the total number of all wall signs shall not exceed 18. This does not exceed that allowed by the Code.

### Maximum Aggregate Signage Area

Per 34-1032(a) the Maximum Aggregate Signage Area is 75 sq. ft. per parcel, which in a shopping center like this staff has applied as a per tenant maximum. Therefore, by code each tenant would be allowed a maximum aggregate signage area 75 sq. ft. for all signage above. (See recommendation in Staff Analysis.)

### Illumination

- General (sheet 3)
  - No flashing or other mechanical animation will be allowed on signs.
  - All illuminated signs shall be illuminated with LED lamping.
- Wall Mounted Tenant Signs (sheet 4)
  - Note: CSP provisions are consistent with current code requirements.
  - May be internally lit, halo lit, or externally lit with gooseneck or straight-arm sign lights.
  - Internally lit signs shall have an opaque background.
  - Gooseneck and straight-arm sign light fixtures shall have lamps that comply with the 'full cutoff' requirements of Div.4 Sec. 34-1034 and 34-1000.
  - All lit signage shall appear to be lit 'white' at night.
  - When exposed incandescent lamps are used to illuminate signs, they shall be equipped with gooseneck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and to prevent glare.
  - Special attention shall be given to illumination so as to avoid glare upon adjoining properties and/or streets
- Canopy Mounted Tenant Signs (sheet 4)
  - Internally lit or halo lit.
  - All lit signage shall appear to be lit “white” at night
- Projecting Signs (sheet 5)
  - Projecting signs may incorporate internal lighting or external lighting and illuminated letters.
  - All lit signage shall appear to be lit “white” at night.

- Under Canopy Signs (sheet 5)
  - Under canopy signs may incorporate internal lighting and illuminated letters.
  - All lit signage shall appear to be lit “white” at night.
- Monument Signs (sheet 6)
  - Internally lit. All lit signage shall appear to be lit “white” at night

**Discussion and Recommendation**

Analyses regarding code provisions of Sec. 34-1045. - Optional comprehensive signage plan.

- a) ...
- b) ...
- c) City council may approve a comprehensive signage plan, upon a determination that:
  - 1) There is good cause for deviating from a strict application of the requirements of this division, and
  - 2) The comprehensive signage plan, as proposed, will serve the public purposes and objectives set forth within section 34-1021 of this division at least as well, or better, than the signage that would otherwise be permitted for the subject development.

Staff Comment: (See Summary below)
- d) ...
- e) Each application for approval of a comprehensive signage plan shall include the following information:
  - (1) A written narrative description of the overall plan, including, without limitation: a tally of the total number of signs included within the coverage of the plan, and a summary of how the applicant believes the comprehensive signage plan will serve the objectives set forth within section 34-1021;
    - Staff Comment: Provided. See sheet 1 of the proposed CSP.
  - (2) A color illustration or photograph of each sign included within the plan. For signs with multiple faces, an illustration or photograph shall be provided for each face. For monument and pole signs, an illustration or photograph of proposed landscaping shall be provided;
    - Staff Comment: Provided. See sheets 4, 5, and 6 of the proposed CSP. However, color illustrations are not available until actual tenant signs are submitted for review. The CSP does limit each sign to no more than two colors.
  - (3) A written description of the type, size (dimensions), materials, and proposed location of each sign;
    - Staff Comment: Provided. See sheets 4, 5, and 6 of the proposed CSP.
  - (4) A map or other written identification and description of all existing signs on the property comprising the proposed development;
    - Staff Comment: Not applicable. No existing signs will be retained and/or used.
  - (5) Color illustrations or photographs of signage existing on adjacent properties;
    - Staff Comment: Provided. See sheet 10 of the proposed CSP.
  - (6) A written description (and illustration or photograph) of proposed lighting (for illuminated signs).
    - Staff Comment: Provided. See pages 3, 4, 5 and 6 of the proposed CSP.

**Staff Summary:**

The proposed CSP has two primary deviations from that allowed by Code:

- Aggregate signage area.
  - As proposed, the aggregate area of wall, canopy, and projecting signage allowed by the CSP exceeds the by-right maximum of 75 sq. ft. as follows (in sq. ft. and the excluding the central shopping center sign):
    - Tenant #1:
      - Wall: 300
      - Canopy: 0
      - Projecting: 30
      - Under canopy: 4
      - Total: 334
    - Tenants #2, 3, 4, 6, 7, and 9 (each).
      - Wall: 50
      - Canopy: 20
      - Projecting: 30
      - Under canopy: 4
      - Total: 104
    - Tenant #6
      - Wall: 50
      - Canopy:
      - Projecting: 30
      - Under canopy: 4
      - Total: 84
    - Tenant #8 (Note: On the drawings, Tenant #9 is 18-ft wide, not #8. This is corrected in staff's recommendations.)
      - Wall: 50
      - Canopy: 18
      - Projecting: 30
      - Under canopy: 4
      - Total: 102
    - Tenant #10
      - Wall: 150
      - Canopy: 20
      - Projecting: 30
      - Under canopy: 4
      - Total: 204
    - All Tenants:
      - Total: 1,348 sq. ft.
      - Maximum 750 sq. ft.

Note: (See recommendation in Staff Analysis.)

- Wall signage height.
  - Code limits the height of wall signs to 20-feet above grade. CSP proposes three locations where signs may be allowed at a height not to exceed 28-feet. Note: The elevations indicate five locations where these higher signs may be installed, however staff understands this condition to mean that at no time will there be more than three signs located higher than 20-feet, but no higher than 28-feet. Staff supports this as follows:
    - Shopping Center Sign on Central Tower: The tower provides an elevated, accent component within the relatively uniform height of the building parapet. While the tower is taller, the proposed signage at 28-feet is generally aligned with or is only slightly above the building's parapet.
    - Signage at West and Southwest Elevations: The site grade here is approximately 15 feet below that of Route 29, thus the higher sign locations will appear in line with and not elevated above the corridor. Additionally, these locations generally align with or are only slightly above the building's parapet.
    - Signage at East and Southeast Elevations: While the grade of the adjacent street here is not elevated, allowing the higher sign locations here allows continuity of the building's overall design and both locations noted generally align with or are only slightly above the building's parapet.

Review of the Entrance Corridor Design Guidelines for Signs

1. Place signs so that they do not obstruct architectural elements and details that define the design of the building.
  - Staff Comment: Proposed CSP complies.
2. Respect the design and visibility of signs for adjacent businesses.
  - Staff Comment: Proposed CSP complies.
3. Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.
  - Staff Comment: Per the CSP new signage, per tenant, is limited to two colors. Additionally, prior to submittal for a sign permit, applications must be reviewed and approved by the building owner.
4. Use a minimal number of colors per sign where possible.
  - Staff Comment: Per the CSP new signage, per tenant, is limited to two colors. Additionally, prior to submittal for a sign permit, applications must be reviewed and approved by the building owner.
5. Exterior illumination of signs shall comply with the City's outdoor lighting requirements. Exterior neon is discouraged.
  - Staff Comment: Proposed CSP complies.
6. Illumination of any sign shall not be directed toward any residential area or adjacent street.
  - Staff Comment: Proposed CSP complies.
7. Consider using a comprehensive signage plan for larger developments.
  - Staff Comment: Applicant has proposed a CSP.
8. Encourage the use of monument signs (rather than freestanding signs) with accent landscaping at the base along corridors.
  - Staff Comment: Proposed CSP complies.
9. Internally lit signs should use an opaque background so only letters are lit.
  - Staff Comment: Proposed CSP complies.
10. Flashing lights are prohibited.
  - Staff Comment: Proposed CSP complies.

## STAFF Recommendation

Upon reviewing the proposed comprehensive plan, staff believes that the conditions of the proposed CSP are appropriate and supports a recommendation of approval with the following conditions:

- Revise CSP to clarify condition that allows no more than three signs above 20-feet, but not higher than 28-feet, and that those three signs may be located in any of the five locations noted.
- Revise CSP conditions regarding sandwich [board] signs (on sheet 5) to indicate that, while such signs will not require permits, they must still comply with provisions of Section 34-1038(g) items 1 through 6.
- Revise CSP, sheet 3, under *General Tenant Sign Criteria*, to include by reference the following components of Division 4, Section 34 to be applied by reference, unless specifically stated otherwise:
  - 1024. Definitions
  - 1025. Permit requirements—generally
  - 1026. Public liability insurance
  - 1027. Signs permitted in all districts without permits
  - 1028. Signs placed by public authority
  - 1029. Prohibited signs
  - 1030. Noncommercial signs.
  - 1034. Illumination
- Revise CSP signage area allocations per table at end of this report, not including the monument signs and shopping center sign. These values, including the number of signs allowed, should be incorporated into the final CSP, replacing the summaries on sheets 4 and 5. (Note: Staff’s recommendations result in a combined maximum aggregate signage area of 907 sq. ft. for the 10 tenants. This exceeds the 750 sq. ft. maximum aggregate by 157 sq. ft., however with Hillsdale Place oriented towards three streets, the proposed signage will be on approximately 1,100 linear feet of building façade. The resulting ratio of total signage area per liner foot of frontage is 0.8, which staff finds acceptable in an aggregate view of this retail development.)

### Suggested motions:

#### Recommendation of Approval:

Having considered the standards set forth within the City Code and the Entrance Corridor Design Guidelines for Signs, I move to find that the proposed comprehensive signage plan satisfies the Design Guidelines, meets the requirements for consideration of such a plan, and is compatible with other properties within Route 29 North and Hydraulic Road Entrance Corridors, and that the ERB recommends to City Council that they should approve this application as submitted with the recommended conditions as follows:

#### Recommendation of Denial:

Having considered the standards set forth within the City Code and the Entrance Corridor Design Guidelines for Signs, I move to find that the proposed comprehensive signage plan does not satisfy the Design Guidelines, does not meet the requirements for consideration of such a plan, and is not compatible with other properties within Route 29 North and Hydraulic Road Entrance Corridors, and that for the following reasons the ERB recommends to City Council that they should deny this application as submitted.



## APPENDIX

### **Applicable Zoning Regulations**

(Note: If not relevant to this CSP request, some segments are omitted and noted as “n/a.”)

#### **Sec. 34-1031. - Maximum number of signs allowed.**

- a) A principal establishment may have no more than two (2) signs per primary street frontage, and one (1) additional sign for each linking street frontage, except where district regulations are more restrictive, or if these limits are varied by an approved comprehensive signage plan (section 34-1045). For purposes of calculation of the number of signs permitted per establishment, only one (1) street frontage shall be designated as primary street frontage. Signs for which a permit is not required shall not be counted in calculating the number of allowed signs.
- b) Shopping centers shall be permitted one (1) freestanding sign per street frontage. In addition, individual shops and businesses in shopping centers may have one (1) wall sign per establishment equal to one (1) square foot of signage per linear foot of establishment frontage, maximum fifty (50) square feet.

#### **Sec. 34-1032. - Maximum sign area.**

- a) Aggregate area limitations: The total area of all signs allowed on one (1) parcel shall not exceed the following, unless as otherwise approved within a comprehensive signage plan: [Entrance Corridor Zoning District: Aggregate Area Limitation is 75 square feet.]
- b) Any signs erected, installed or maintained in accordance with section 34-1027 and any temporary signs placed pursuant to section 34-1038(h) shall not be included in the calculation of the aggregate area limitation for each parcel.

#### **Sec. 34-1034. - Illumination.**

- a) When exposed incandescent lamps are used to illuminate signs, they shall be equipped with gooseneck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and to prevent glare. Special attention shall be given to illumination so as to avoid glare upon adjoining residential properties.
- b) Each outside lighting installation and each illuminated sign shall be controlled by a time switch or externally operable switch which will open all underground conductors and shall be suitable for conditions of installation, such as exposure to the weather. In no case shall the illumination for any sign be directed toward any residential district or toward any adjacent street.
- c) Exterior illumination of signs shall comply with applicable provisions of sections 34-1000, et seq. of this article (outdoor lighting).

#### **Sec. 34-1038. - General sign regulations.**

(Note: For wall and projecting signs, refer to adjustments per Sec. 34-1044. EC districts—Special regulations.)

##### **(a) Awning or canopy sign.**

- (1) All lettering and images comprising any portion of an awning or canopy sign shall be located on the face of the awning or canopy, parallel to the building, and may not project above or below the face.
- (2) No portion of an awning or canopy sign shall project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to section 34-1026, Public Liability Insurance.
- (3) Unless otherwise provided within this article:

- a. No part of any awning or canopy containing a sign shall extend above the height of the bottom sill of any second story window of the building facade to which it is attached. If such sill height is less than the height specified below, then the lesser of the two (2) heights shall govern.
  - b. No part of any awning or canopy shall be lower than eight (8) feet from grade, or as required by the most recently adopted building code.
  - c. No awning or canopy sign shall have an area greater than one (1) square foot per linear foot of awning/canopy, maximum twenty (20) square feet.
- (b) Freestanding signs.
- (1) n/a.
  - (2) n/a
  - (3) n/a.
- (c) Marquee signs.
- (1) n/a
  - (2) n/a
  - (3) n/a
  - (4) n/a
  - (5) n/a
- (d) Monument signs.
- (1) All monument signs shall be located in a landscaped bed.
  - (2) The sign area of a monument sign shall be measured as the entire surface area containing information, excluding the structure.
  - (3) The size of the structure shall be incidental to the size of the sign itself.
  - (4) Unless otherwise provided within this article:
    - a. No monument sign shall exceed a height of six (6) feet.
    - b. No monument sign shall exceed an area of twenty-four (24) square feet.
- (e) Pole mounted signs.
- (1) n/a
  - (2) n/a:
- (f) Projecting signs.
- (1) Projecting signs are allowed only on buildings having eighteen (18) feet or more of frontage along a public right-of-way.
  - (2) No projecting sign shall project more than three and one-half (3½) feet beyond the facade of the building to which it is attached. All such signs shall be mounted at a ninety-degree angle to the building facade. No such sign shall project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to section 34-1026 (Public liability insurance).
  - (3) No part of any projecting sign shall extend above the height of the bottom sill of any second story window of the building facade to which the sign is attached. If such sill height is less than the height specified below, then the lesser of the two (2) heights shall govern.
  - (4) In any case:
    - a. No projecting sign shall exceed a height of twenty-five (25) feet from grade.
    - b. No part of a projecting sign shall be lower than eight (8) feet from grade, or as required by the most recently adopted building code.

- c. No projecting sign shall exceed an area of thirty (30) square feet.
- (5) Only one (1) sign per parcel as designated in the city real property tax maps may be freestanding or projecting.
- (g) Sandwich board signs.
  - (1) Sandwich board signs are permitted subject to the conditions set out in this section.
  - (2) One (1) sandwich board sign, limited to two (2) faces, may be located on property occupied by a lawful use in any zoning districts allowing commercial uses. Only one (1) such sign shall be allowed per city tax map parcel.
  - (3) Such sign shall not exceed a height of four (4) feet, or an area of eight (8) square feet per sign face.
  - (4) Such sign shall allow for at least a thirty-six (36) inch wide clearance if placed within any public pedestrian Right-of-way.
  - (5) Such sign may not be illuminated.
  - (6) No sandwich board sign shall be located in any required off-street parking space, driveway, alley or fire lane.
  - (7) n/a
  - (8) No sandwich board sign may be placed in an architectural design control or entrance corridor district unless it is first approved by the board of architectural review or planning commission, respectively, in the case of new construction, or by the director, in all other cases.
- (h) Temporary signs. Temporary signs not over thirty-two (32) square feet (not over ten (10) square feet in an ADC District) are permitted. Signs for temporary events, sales or special promotions may not be erected more than one month before the event or activity and shall be removed within forty-eight (48) hours of its conclusion. In no case shall any establishment display temporary signs for a cumulative period of time longer than two (2) months in any calendar year. There shall be no more than one (1) temporary sign per establishment at any time.
- (i) Wall signs.
  - (1) No use or establishment, residential or non-residential, may have a wall sign unless that use or establishment has its own direct entrance from the outside of the building or is otherwise specifically provided for elsewhere within this chapter. All wall signs for a single building shall be coordinated as to color and lettering. No wall sign shall cover, cross or otherwise hide any column, belt course or other decorative architectural feature of a building, including any balcony.
  - (2) No part of any wall sign may project more than one (1) foot outward from the facade of the building to which it is attached.
  - (3) No part of any wall sign may project above the height of the bottom sill of any second story window of the building facade to which it is attached. If such sill height is less than the height specified below, then the lesser of the two (2) heights shall govern.
  - (4) In any case:
    - a. No wall sign shall exceed a height of twenty (20) feet.
    - b. No wall sign shall exceed an area of one hundred (100) square feet.

**Sec. 34-1044. - Entrance corridor districts—Special regulations.**

In addition to other applicable regulations set forth within this article, the following sign regulations shall apply within the city's entrance corridor districts (see section 34-307), except as approved within an optional comprehensive sign plan:

- a) The aggregate sign areas allowed for projecting and wall signs shall be reduced to one-half (½) of the allowances that would be applicable outside an entrance corridor district.
- b) Wall signs shall be limited to twenty (20) feet in height above grade.
- c) Monument signs not exceeding six (6) feet in height and twenty-four (24) square feet per face may be placed within one hundred (100) feet of the edge of the right-of-way of an entrance corridor street, provided that they do not obstruct visibility at any intersection or entrance. No other freestanding signs shall be permitted within one hundred (100) feet of the edge of the right-of-way of an entrance corridor street.
- d) No freestanding sign shall exceed a height of twenty-five (25) feet, or the height of the use or establishment it serves, whichever is less.
- e) The character of all signs shall be harmonious to the character of the uses, buildings and structures with which they are associated. Among other things, consideration shall be given to the location of signs on the structure in relation to the surrounding buildings; the use of compatible colors; the use of appropriate materials; the size and style of lettering and graphics; and the type of lighting.
- f) Internally signs, when permitted, shall have an opaque background.

**Sec. 34-1045. - Optional comprehensive signage plan.**

- a) For a proposed development subject to site plan review, and for any development that is subject to architectural review under Article II, Divisions 2, 3, or 5 of this chapter, city council may modify requirements of this division by approving a comprehensive signage plan for such development or project.
- b) For the purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics and/or locations of one (1) or more signs referenced within the plan do not comply with the requirements of this division.
- c) City council may approve a comprehensive signage plan, upon a determination that:
  - 1. There is good cause for deviating from a strict application of the requirements of this division, and
  - 2. The comprehensive signage plan, as proposed, will serve the public purposes and objectives set forth within section 34-1021 of this division at least as well, or better, than the signage that would otherwise be permitted for the subject development.
- d) Applications for approval of a comprehensive signage plan shall be submitted in writing to the director of neighborhood development services, and shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.
- e) Each application for approval of a comprehensive signage plan shall include the following information:
  - 1. A written narrative description of the overall plan, including, without limitation: a tally of the total number of signs included within the coverage of the plan, and a summary of how the applicant believes the comprehensive signage plan will serve the objectives set forth within section 34-1021;
  - 2. A color illustration or photograph of each sign included within the plan. For signs with multiple faces, an illustration or photograph shall be provided for each face. For monument and pole signs, an illustration or photograph of proposed landscaping shall be provided;
  - 3. A written description of the type, size (dimensions), materials, and proposed location of each sign;

4. A map or other written identification and description of all existing signs on the property comprising the proposed development;
5. Color illustrations or photographs of signage existing on adjacent properties;
6. A written description (and illustration or photograph) of proposed lighting (for illuminated signs).

### **Entrance Corridor Design Guidelines re: Signage**

#### Chapter 3: Site, I. Signs

See Article IX, Division 4 of the City of Charlottesville Zoning Ordinance for detailed sign regulation information.

1. Place signs so that they do not obstruct architectural elements and details that define the design of the building.
2. Respect the design and visibility of signs for adjacent businesses.
3. Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.
4. Use a minimal number of colors per sign where possible.
5. Exterior illumination of signs shall comply with the City's outdoor lighting requirements. Exterior neon is discouraged.
6. Illumination of any sign shall not be directed toward any residential area or adjacent street.
7. Consider using a comprehensive signage plan for larger developments.
8. Encourage the use of monument signs (rather than freestanding signs) with accent landscaping at the base along corridors.
9. Internally lit signs should use an opaque background so only letters are lit.
10. Flashing lights are prohibited.

Tenant	Maximum # of Signs (Wall, Canopy, Under Canopy, Projecting)	Maximum # of Projecting Signs	Signage Area										Maximum Aggregate Area	
			Wall Signs		Canopy Signs		Projecting Signs		Under Canopy Signs		Total Area		By Code	Staff
			CSP	Staff	CSP	Staff	CSP	Staff	CSP	Staff	CSP	Staff		
1	5	1	300	300	0	0	30	15	4	4	334	319	75	319
2	3	1	50	25	20	20	30	15	4	4	104	64	75	64
3	3	1	50	10	20	20	30	15	4	4	104	49	75	49
4	3	1	50	10	20	20	30	15	4	4	104	49	75	49
5	3	1	50	10	20	20	30	15	4	4	104	49	75	49
6	3	1	50	25	0	0	30	15	4	4	84	44	75	44
7	3	1	50	10	20	20	30	15	4	4	104	49	75	49
8	3	1	50	10	20	20	30	15	4	4	104	49	75	49
9	3	1	50	9	18	18	30	15	4	4	102	46	75	46
10	5	1	150	150	20	20	30	15	4	4	204	189	75	189
<b>All Tenants</b>		<b>10</b>	<b>850</b>	<b>559</b>	<b>158</b>	<b>158</b>	<b>300</b>	<b>150</b>	<b>40</b>	<b>40</b>	<b>1348</b>	<b>907</b>	<b>750</b>	<b>907</b>
<b>Central Tower (shopping center)</b>	<b>1</b>		<b>128</b>											
<b>Entire Building</b>	<b>18</b>	<b>10</b>												

Numbers under “CSP” are per the applicant’s submittal.  
Numbers under “Staff” indicate staff’s recommended revisions to the proposed CSP.

# Hillsdale Place : Comprehensive Sign Plan

## Introduction

Hillsdale Place is a retail development that includes an existing Whole Foods Market and a proposed retail center that will replace an existing vacant 'big box' retail store at the intersection of Route 29 and Hydraulic Road within the Entrance Corridor District. It is the intent of these guidelines to ensure that all of the signage within the Hillsdale Place retail center provides safe, harmonious and visually compelling context for visitors, shoppers, and the surrounding entrance corridor district. The guidelines propose appropriate limitations on signage areas and heights to be visually proportional to the size and orientation of the building and in accordance with the goals of Division 4 of the Charlottesville Zoning Ordinance. Any deviations from Division 4 included in these guidelines are specific to the project's unique conditions and are outlined below for clarity.

**Signage Height:** These guidelines include three specific areas where signage is allowed above twenty (20) feet above grade, but no more than twenty-eight (28) feet. Two of these areas are located at either end of the building where a single large tenant will be occupying the respective spaces and the height of the architecture lends itself aesthetically to higher signage. The third location is at the central architectural feature, where the center's branding location shall be placed (no individual tenant sign above twenty feet). The proportions of the architecture at these areas and the fact that the site is located as much as fifteen (15) feet below the elevation of adjacent Route 29 makes the site appropriate for a minimal amount of signage exceeding twenty (20) feet in height.

All other signage shall not exceed a height of twenty (20) feet per Div.4 Sec. 34-1038 (i)(4).

**Signage Area:** These guidelines include two specific locations where the aggregate wall signage area is allowed to exceed 50 SF per tenant and the area of a single wall sign shall be allowed to exceed one hundred (100) SF. These locations are at either end of the building where a single large tenant will be occupying the respective spaces and the proportions of the architecture and length of frontage lends itself aesthetically to larger signage. The total signage for these tenants shall not exceed 300 SF and 150 SF, respectively. Therefore, the total signage area for all tenants shall not exceed 850 SF which is equal to less than 0.65 SF of signage per linear foot of total frontage. This total of 850 SF exceeds the by-right allowance by only one hundred (100) SF (given that, by-right, 10 tenants are allowed a total of 750 SF, 75 SF per tenant). Given the 10.63 acre size of the site and the large amount of frontage, this should provide a total maximum signage area that is consistent with the intent of the ordinance and comparable to similar centers in the Entrance Corridor.

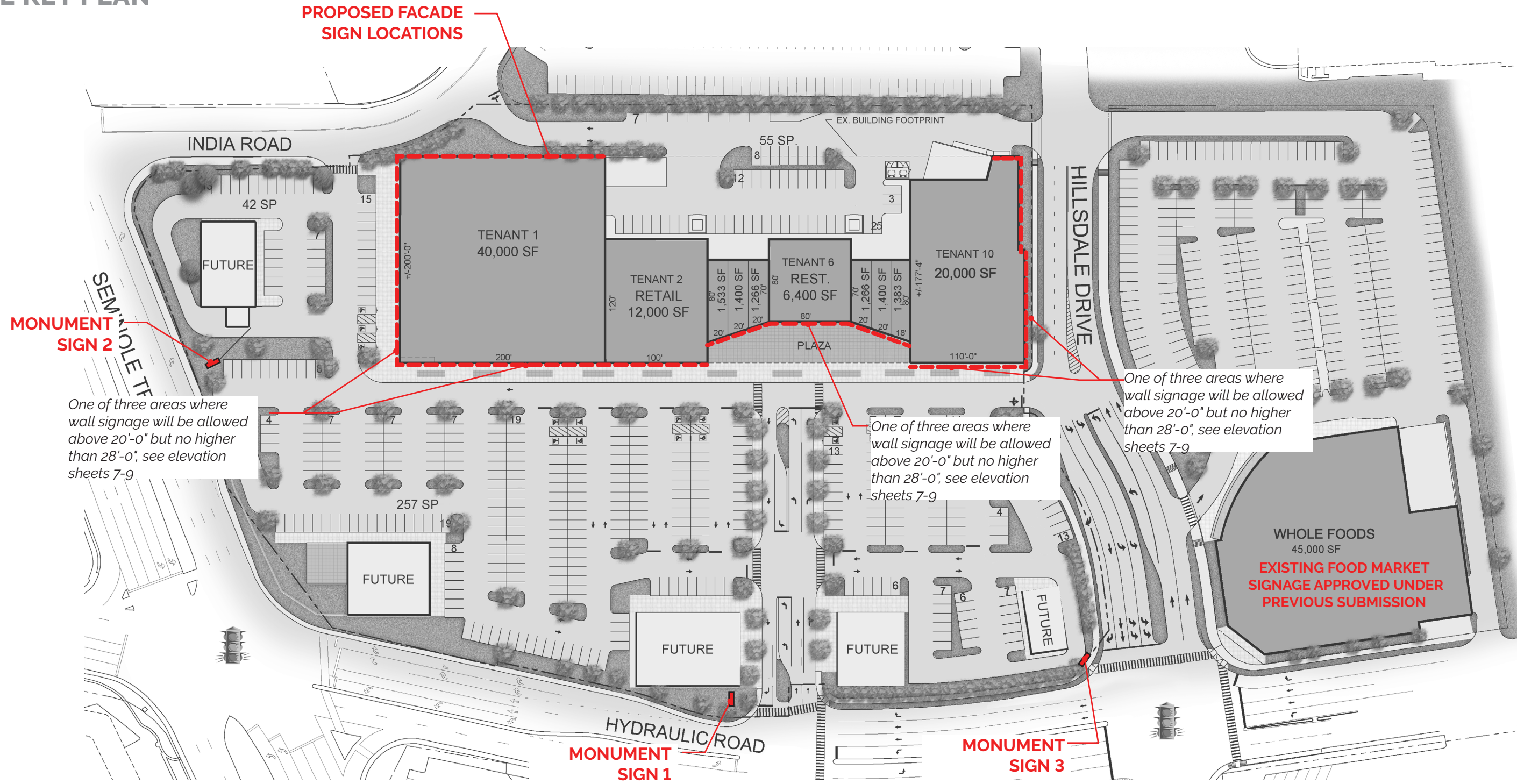
See sheet 4 for further information.

Note: The Whole Foods Market has existing signage based on criteria included in a previous Comprehensive Signage Plan (CSP) approved on 03/04/11 that will remain in place, attached for reference. Any future modifications to the Whole Foods Market building signage shall comply with that approved CSP. A Whole Foods signage shall be included in the proposed monument sign design per sheet 6.

Should there be any conflicting text or illustrations within this CSP, the most stringent of the conditions shall be applied.

*References to City Code shall be interpreted to be the code as of August 29, 2019.*

# SITE KEY PLAN



One of three areas where wall signage will be allowed above 20'-0" but no higher than 28'-0", see elevation sheets 7-9

One of three areas where wall signage will be allowed above 20'-0" but no higher than 28'-0", see elevation sheets 7-9

One of three areas where wall signage will be allowed above 20'-0" but no higher than 28'-0", see elevation sheets 7-9

**NOTE: ONE (1) MONUMENT SIGN PER ENTRANCE ALLOWED BY RIGHT.**

**NOTE: Signage requirements for future outparcel buildings must be established by amendments of the CSP.**

SITE PLAN SCALE: 1" = 100'



# GENERAL CRITERIA

The CSP must cover all intended signage. If it is not addressed in the CSP, it is not allowed. There is no default to the city code.

## General Notes

The Whole Foods Market signage has been approved under a previous submission. This CSP shall be understood to allow area for the Whole Foods Market on any monument signs within the Hillsdale Place development.

Alternative signage or signage not consistent with this CSP will require amendment of the CSP.

## General Tenant Sign Criteria

Permitted signage shall comply with the CSP.

All signs shall be related directly to the business, services, or products offered within the premises.

No flashing action or other mechanical animation will be allowed on signs.

All illuminated signs shall be illuminated with LED lighting, see page 4 for further information.

## List from Section 34-1038 General Sign Regulations:

- A. Awning or canopy. Note: Allowed per CSP. See sheets 4 and 5. (Canopy Mounted and Under Canopy)
- B. Freestanding signs. Note: As defined by 34-1038, not included in CSP; not permitted.
- C. Marquee signs. Note: As defined by 34-1038, not included in CSP; not permitted.
- D. Monument signs. Note: Three monument signs per CSP. See sheets 2 and 6.
- E. Pole mounted signs. Note: As defined by 34-1038, not included in CSP; not permitted.
- F. Projecting signs. Note: Allowed per CSP. See sheet 5.
- G. Sandwich board signs. Note: Allowed per CSP. See sheet 5.
- H. Temporary signs. Note: Not included in CSP. Allowed if they comply with Division 4 Section 34-1027, Section 34-1028, and section 34-1029.
- I. Wall signs. Note: Allowed per CSP. See sheets 4,7,8, and 9.



# TENANT SIGNS

## Wall Mounted Tenant Signs

Type and Mounting: Signs shall consist of individual channel letters or logo shapes mounted directly to the wall. Wall mounted primary tenant signs shall be mounted parallel to the wall on which they are mounted.

Wall Signage: Maximum Aggregate Area per Tenant (Square Feet = SF)			
Tenant #1:	300 sf	Tenant #2:	50 sf
Tenant #3:	50 sf	Tenant #4:	50 sf
Tenant #5:	50 sf	Tenant #6:	50 sf
Tenant #7:	50 sf	Tenant #8:	50 sf
Tenant #9:	50 sf	Tenant #10:	150 sf
Shopping Center Wall Sign			100 sf

Note: The Code allows by-right: 50 SF per tenant.

Quantity: The maximum quantity of individual wall mounted signs for the entire building shall not exceed 18.

Location: Signs shall be located within the areas designated on the building elevations within this plan. Alternative signage or signage not consistent with this CSP will require amendment of the CSP.

Lighting: Wall Mounted Signs may be internally lit, halo lit, or externally lit with gooseneck or straight-arm sign lights. Internally lit signs shall have an opaque background. Gooseneck and straight-arm sign light fixtures shall have lamps that comply with the 'full cutoff' requirements of Div.4 Sec. 34-1034 and 34-1000. All lit signage shall appear to be lit 'white' at night. When exposed incandescent lamps are used to illuminate signs, they shall be equipped with gooseneck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and to prevent glare. Special attention shall be given to illumination so as to avoid glare upon adjoining properties and/or streets.

Colors: Illuminated sign faces may consist of a maximum of 2 colors. Alternative signage or signage not consistent with this CSP will require amendment of the CSP. Sign returns shall be painted black, silver, or a color harmonious with the surface on which the sign is mounted. All lit signage shall appear to be lit 'white' at night.

## Canopy Mounted Tenant Signs

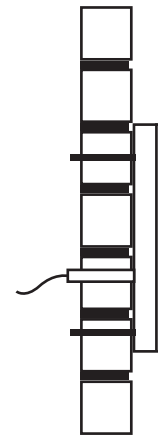
Type and Mounting: Signs shall consist of individual channel letters or logo shapes standing on or mounted to the fascia of a canopy. Canopy Mounted signs may incorporate a raceway provided that the raceway is painted to match the color of the canopy.

Size: Up to 1 square foot per linear foot of canopy per tenant.

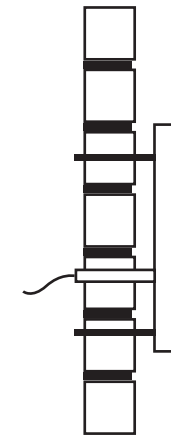
Location: Signs shall be located within the areas designated on the building elevations within this plan.

Lighting: Internally lit or halo lit. All lit signage shall appear to be lit 'white' at night.

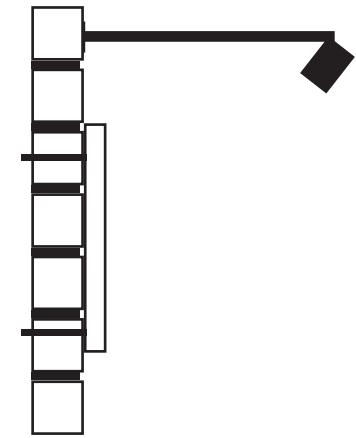
Colors: Sign faces may consist of a maximum of 2 colors. Alternative signage or signage not consistent with this CSP will require amendment of the CSP. Sign returns shall be painted a color harmonious with the surface on which the sign is mounted. All lit signage shall appear to be lit 'white' at night.



Individual Flush-Mount Channel Letter

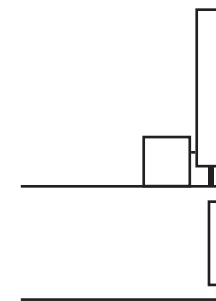


Individual Reverse/Halo Channel Letter

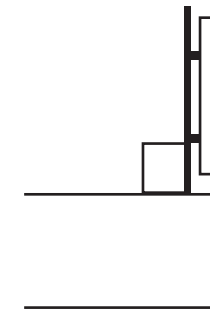


Externally Lit Channel Letter

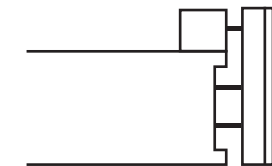
### Example Wall Mounted Sign Diagrams NTS



Individual Channel Letter Standing on Canopy Edge



Individual Halo Lit Channel Letter with Background Panel



Individual Channel Letter Mounted to Fascia

External Sign Light BK Denali Series Sign Star, Style L



### Example Canopy Mounted Sign Diagrams NTS

Canopy Signage: Maximum Aggregate Area per Tenant (Square Feet = SF)			
Tenant #1:	0 sf; No canopy noted	Tenant #2:	20 sf
Tenant #3:	20 sf	Tenant #4:	20 sf
Tenant #5:	20 sf	Tenant #6:	0 sf; No canopy noted
Tenant #7:	20 sf	Tenant #8:	18 sf
Tenant #9:	20 sf	Tenant #10:	20 sf

Note: The Code allows by-right: (1) square foot per linear foot of canopy, maximum of (20) square feet.

Note: Per Section 34-1034 - Illumination: Each outside lighting installation and each illuminated sign shall be controlled by a time switch.

# TENANT SIGNS

## Projecting Signs

Type and Mounting: Projecting Signs shall be mounted perpendicular to the building wall and shall be double sided. Signs shall be fabricated of metal and may incorporate dimensional plastic or metal graphics. Signage must be located on exterior wall space associated with that tenant.

Size: 30 SF Maximum, and projecting no more than 3'-6" beyond the facade of the building to which it is attached.

Location: No part of a projecting sign shall be lower than 8' above grade or higher than 20' above grade

Lighting: Projecting signs may incorporate internal lighting or external lighting and illuminated letters. All lit signage shall appear to be lit 'white' at night.

Colors: Signs may consist of a maximum of 2 colors. Additionally, corporate logos are allowed with a max of 4 colors. Alternative signage or signage not consistent with this CSP will require amendment of the CSP. Colors shall be harmonious with surface to which the sign is mounted.

## Under Canopy Signs

Type and Mounting: Under Canopy Signs shall be hung from the bottom of a projecting canopy. Signs shall be fabricated of metal and may incorporate dimensional plastic or metal graphics.

Size: 4 SF Maximum per tenant. Maximum of (1) sign per tenant. Under canopy signs shall be located only within areas indicated on the elevations for Canopy Signs.

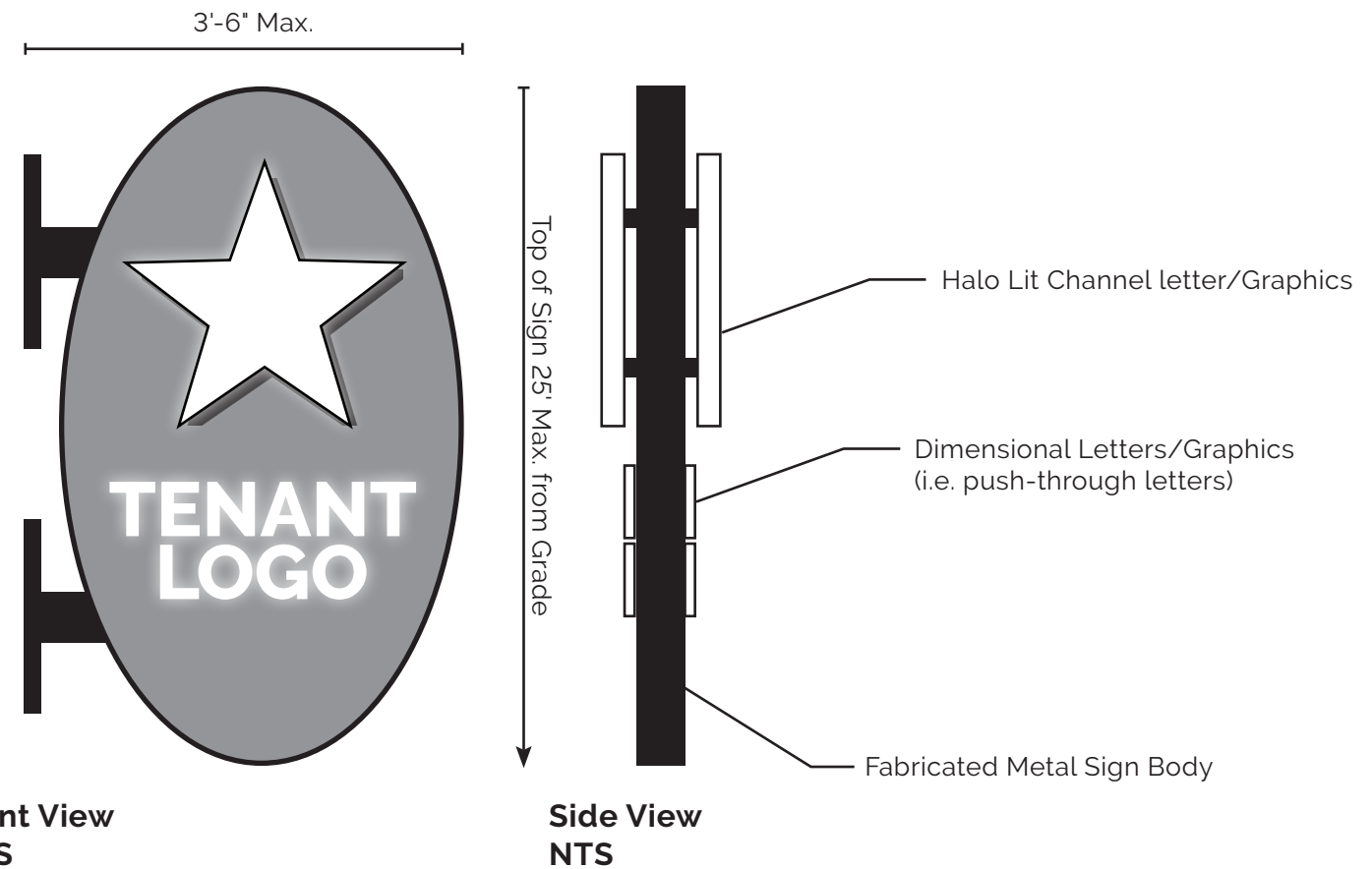
Location: No part of an Under Canopy Sign shall be lower than 8' above grade or higher than 20' above grade or higher than area indicated on elevations for Canopy Signs.

Lighting: Under Canopy Signs may incorporate internal lighting and illuminated letters. All lit signage shall appear to be lit 'white' at night.

Colors: Signs may consist of a maximum of 2 colors. Additionally, corporate logos are allowed with a max of 4 colors. Alternative signage or signage not consistent with this CSP will require amendment of the CSP. Colors shall be harmonious with surface to which the sign is mounted.

## Sandwich Signs

Allowed with owner's approval, but may be placed only on the concrete walk at the storefronts and must be removed after hours.

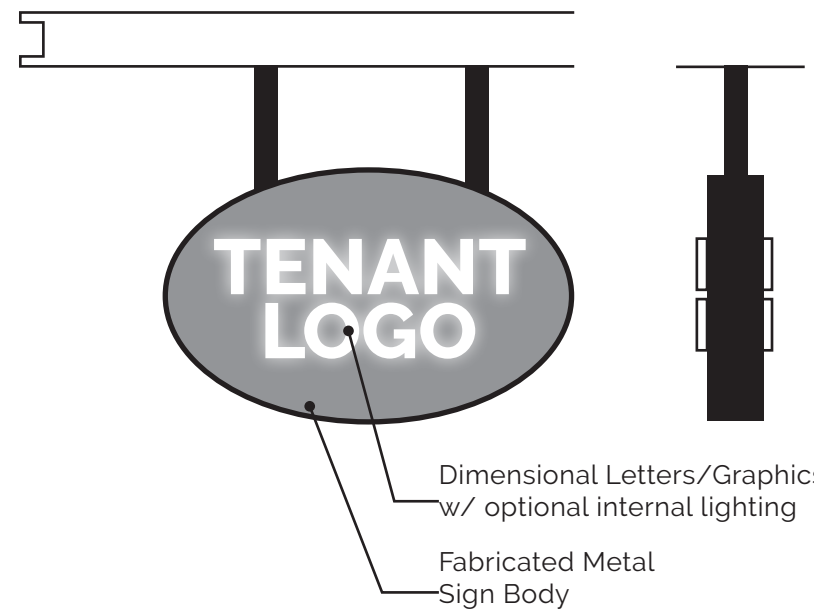


**Example Projecting Sign Diagrams**  
NTS

Projecting Signage: Maximum Aggregate Area per Tenant (Square Feet = SF)

Tenant #1:	30 sf	Tenant #2	30 sf
Tenant #3	30 sf	Tenant #4	30 sf
Tenant #5	30 sf	Tenant #6	30 sf
Tenant #7	30 sf	Tenant #8	30 sf
Tenant #9	30 sf	Tenant #10	30 sf

Note: The Code allows by-right: No projecting sign shall exceed an area of (30) square feet.



**Example Under Canopy Sign Diagrams**  
NTS

Under Canopy Signage: Maximum Aggregate Area per Tenant (Square Feet = SF)

Tenant #1:	4 sf	Tenant #2	4 sf
Tenant #3	4 sf	Tenant #4	4 sf
Tenant #5	4 sf	Tenant #6	4 sf
Tenant #7	4 sf	Tenant #8	4 sf
Tenant #9	4 sf	Tenant #10	4 sf

Note: The Code does not specifically limit "Under-Canopy" signage.

**Note:** For illustration only. Sign designs to be provided by tenants.

# MONUMENT SIGNS

Quantity: 3

Size: 24 SF maximum sign area. 6' tall maximum.

Location: See Site Key Plan

Lighting: Internally lit. All lit signage shall appear to be lit 'white' at night.

Materials: Aluminum sign cabinet with push-through style letters. Accent materials may include phenolic panel or materials to match the building facade.

Finishes: Building finishes per Sheet 19 of drawings approved for Entrance Corridor CoA, 5 August 2019.

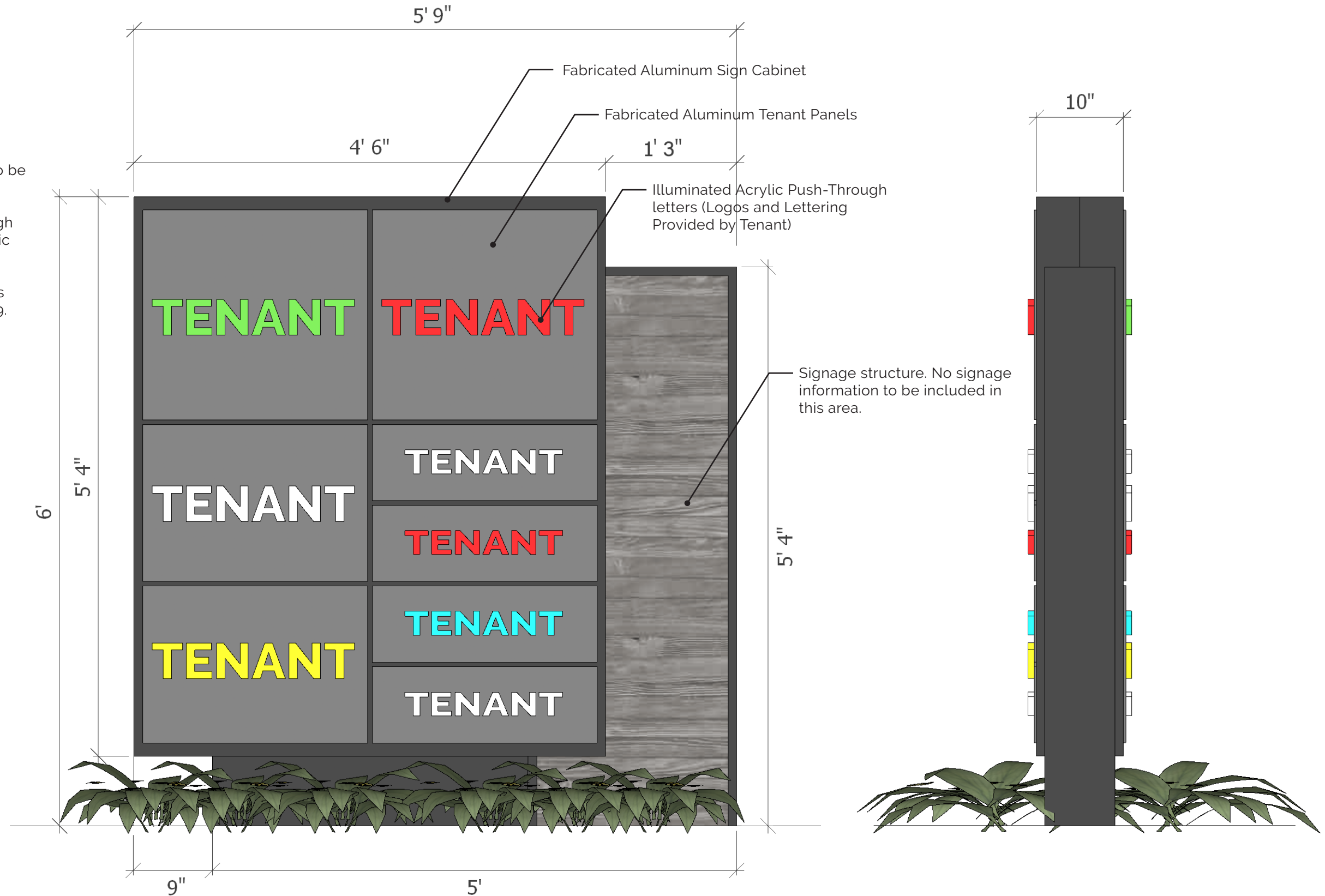
Landscaping:



Shrubs (+/- 5'-0" from typical monument sign)  
Dwarf Inkberry Holly, 24"-30" Height



Trees (+/- 15'-0" from typical monument sign)  
White Oak, 10'-12' Height



**Monument Sign** (For Illustration Only, Design Subject to Change)

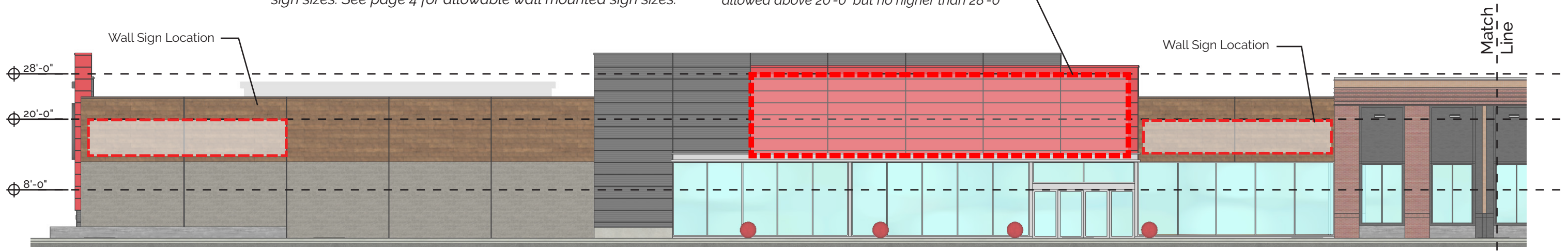
1"=1'

Note: Tenant panel layout is conceptual and may be altered as necessary within the maximum allowable signage area of 24 SF.

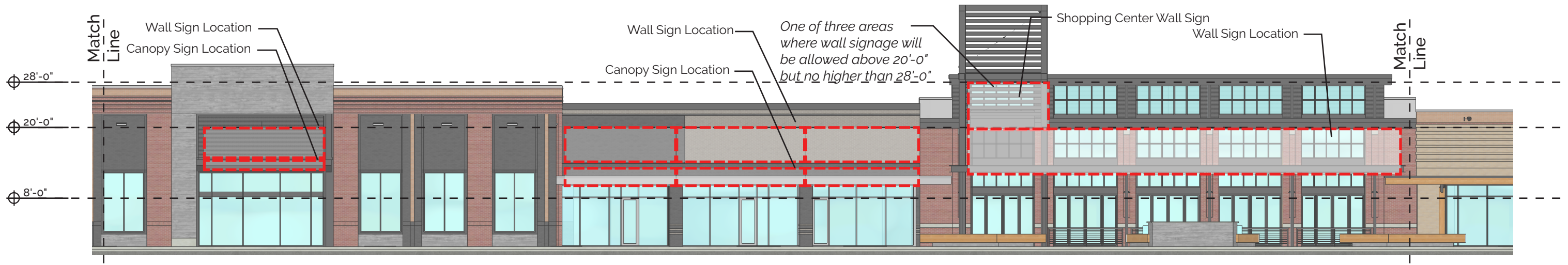
# SIGN LOCATIONS

Areas shown represent acceptable locations for signs, not actual sign sizes. See page 4 for allowable wall mounted sign sizes.

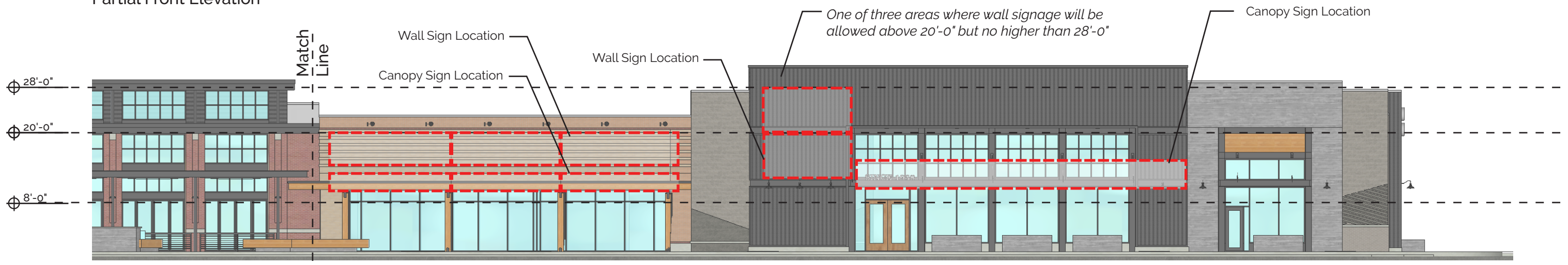
One of three areas where wall signage will be allowed above 20'-0" but no higher than 28'-0"



Partial Front Elevation



Partial Front Elevation

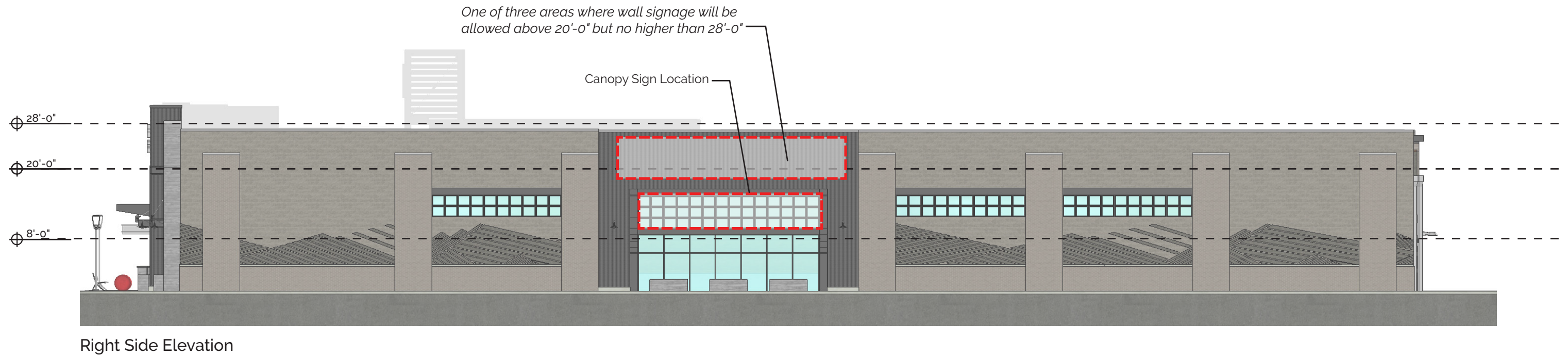
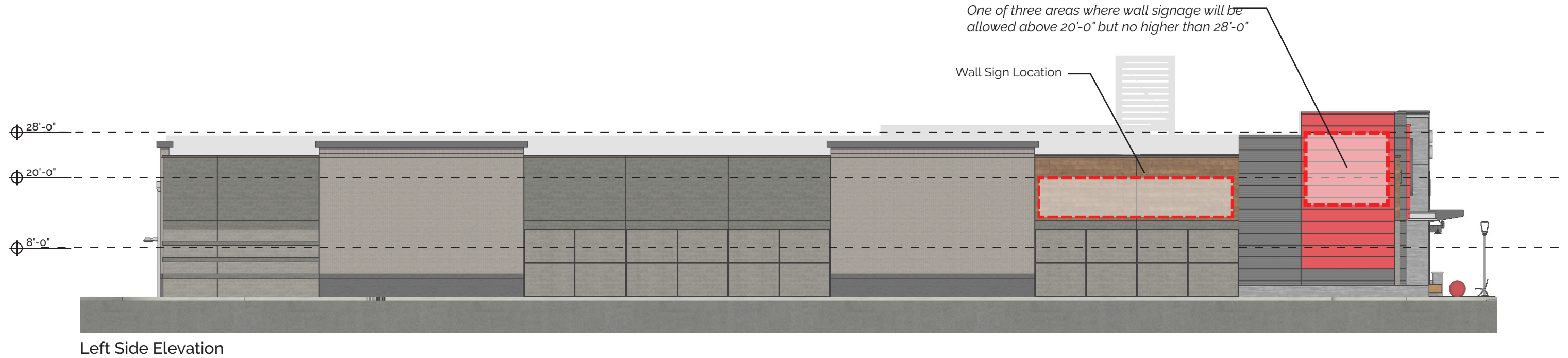


Partial Front Elevation

Note: Signs shall be located within the areas designated on the building elevations within this plan. Sign Locations shown do not represent the proposed or mandatory location for any sign. Elevations are for conceptual illustration only and are subject to change.

# SIGN LOCATIONS

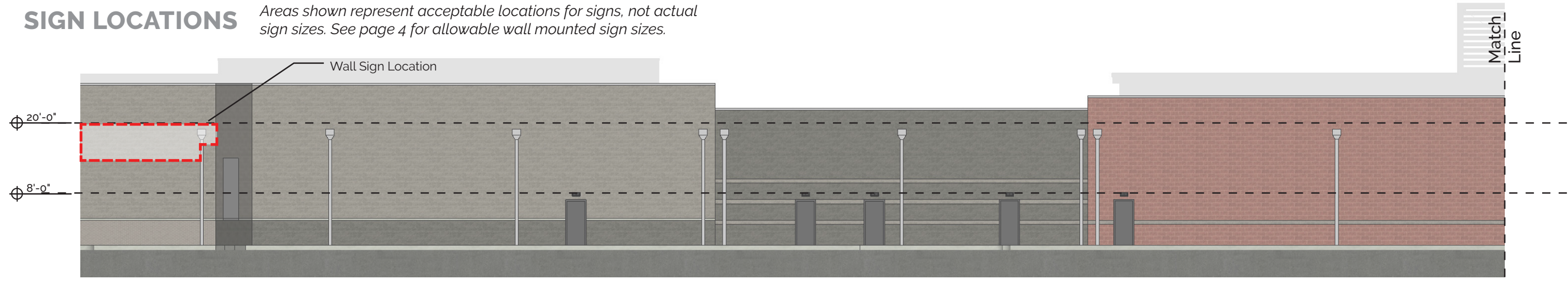
Areas shown represent acceptable locations for signs, not actual sign sizes. See page 4 for allowable wall mounted sign sizes.



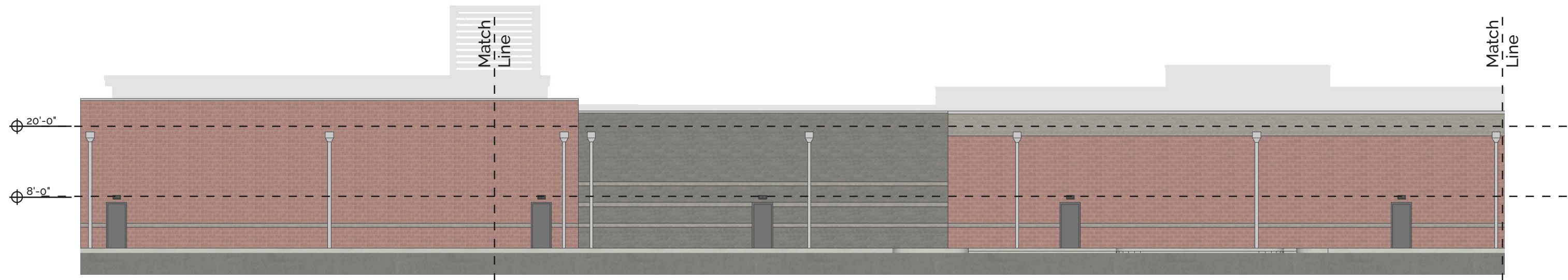
Note: Signs shall be located within the areas designated on the building elevations within this plan. Sign Locations shown do not represent the proposed or mandatory location for any sign. Elevations are for conceptual illustration only and are subject to change.

# SIGN LOCATIONS

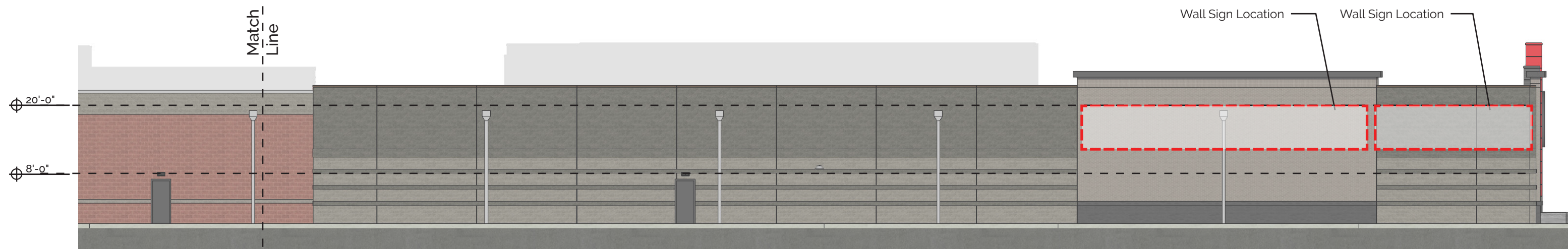
Areas shown represent acceptable locations for signs, not actual sign sizes. See page 4 for allowable wall mounted sign sizes.



Partial Rear Elevation



Partial Rear Elevation



Partial Rear Elevation

Note: Signs shall be located within the areas designated on the building elevations within this plan. Sign Locations shown do not represent the proposed or mandatory location for any sign. Elevations are for conceptual illustration only and are subject to change.

## ADJACENT PROPERTIES - EXISTING SIGNAGE



Whole Foods (East of Hillsdale Dr.)



Kroger (South of Hydraulic Rd.)



Seminole Square (East of Seminole Trail)



Shops at Stonefield (West of Seminole Trail)