

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, October 8, 2019 at 5:30 P.M. CITY COUNCIL CHAMBERS

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

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

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

F. CONSENT AGENDA

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

1. Minutes – September 10, 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. CP19-00001: Comprehensive Plan Amendment – Future Land Use Map Amendment**- The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan's Future Land Use Map. The purpose of this request is to evaluate approximately 1.6 acres of land identified within City (2019) tax maps as Tax Map and Parcel ("TMP") 17-18, TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, "Subject Property"). The Subject Property is the subject of a rezoning application (ZM19-00002) seeking to increase the intensity of uses as well as allowable density of residential uses. The Subject Property has frontage on Maury Avenue and Stadium Road. The Comprehensive Plan Land Use Map for this area currently calls for Low Density Residential (15 Dwelling Units per Acres); the proposed ZM 19-00002 seeks to reclassify the Subject Properties to the R-3 zoning district classification, which would allow multifamily dwellings and a residential density of development of up to 21 DUA by right or 87 DUA by special use permit. The Comprehensive Plan Amendment is being evaluated by staff to see if it is appropriate to change the Future Land Use Map designation to High Density Residential (Over 15 Dwelling Units per Acres) based on existing patterns of development, probable patterns of development, and other factors. Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Comprehensive Plan Amendment request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.org) or by telephone (434-970-3636).
- 2. ZM19-00002 - 209 Maury Avenue** – Landowner Southern Property, LLC has submitted an application seeking a rezoning of six lots, collectively having an area of approximately 1.6 acres identified on the City Tax Map (2019) as individual parcels ("TMP") numbered TMP-17-18 (having an address of 209 Maury Avenue), TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, "Subject Property"). The Subject Property has frontage on Maury Avenue and Stadium Road. The application proposes to change the zoning district classification of the Subject Property from R-2U (Two-family University) to R-3 (Multifamily) subject to

certain proffered development conditions (“Proffers”). The Proffers include restrictions as to: (1) the number and locations of buildings and structures relative to Maury Avenue and Stadium Road, and the location of ingress and egress points, as depicted in a drawing titled “209 Maury Avenue Application Plan”; (2) the use of space between the façade of the existing Manor House and Maury Avenue, which will be maintained as open green space; (3) landscaping for the Subject Property, which shall be done in accordance with a landscape plan for the entire area within the Subject Property, and which will be prepared by a landscape architect; and (4) require the existing Manor House to be maintained in good repair. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 Dwelling Units per Acres). Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Rezoning may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.org) or by telephone (434-970-3636).

IV. COMMISSION’S ACTION ITEMS

Continuing: until all action items are concluded

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, October 15, 2019 – 5:00PM Water Street Center	Work Session	Form Based Code
Tuesday, November 12, 2019 – 4:30 PM	Pre-Meeting	
Tuesday, November 12, 2019 – 5:30 PM	Regular Meeting	Form Based Code <u>Minutes</u> – September 24, 2019 – Work Session

Anticipated Items on Future Agendas

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements,
SUP –MACAA (1021 Park Street), 218 West Market St.
SUP/EC - Seminole Square Shopping Center - Drive though, 167 Chancellor, Barracks Road – restaurant site
Site Plan – 1617 Emmet Street
 Emmet Streetscape - Jan/Feb 2020
 Fontaine Streetscape – Dec 2019

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

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

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

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
9/1/2019 TO 9/30/2019**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
 - a. Hillsdale Place (1801 Hydraulic Road) – September 4, 2019
 - b. Agnese Street TING Utility Work - September 16, 2019
- 3. Site Plan Amendments**
 - a. Dairy Central Phase I - September 9, 2019
- 4. Subdivision**
 - a. BLA – Zimmerman - 1400 Gentry Lane (TMP 38-4, 38-5) – September 10, 2019

Minutes

PLANNING COMMISSION REGULAR DOCKET
September 10, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

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

Beginning: 4:30 pm

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

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

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

Vice Chairman Mitchell called the meeting to order at 5:08pm. He asked if there were any questions concerning the 503 Rugby Ave application. Joey Winter outlined the lighting condition proposed by staff and noted that the applicant would be requesting a change per the design. There was a brief discussion on the lighting considerations and it was noted that additional information from the applicant would be helpful.

Vice Chairman Mitchell asked if there were questions concerning the 602 W. Main application. Lisa Robertson provided context on the discussions she held with the applicant's attorney and that she forwarded the information to the Church representatives. Brian Haluska noted that the applicant would be requesting changes to the conditions related to parking and building height.

Chairman Green arrived.

There was a brief discussion on the Hillsdale signage plan following a brief explanation of the materials by Staff.

Mr. Winter provided additional clarification on the lighting code noting what was currently in the code and that the condition proposed would be in addition to those basic regulations.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd 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 Lahendro: I attended the BAR meeting on August 20 where we approved nine COA applications, which includes the final design for Belmont Bridge and a mural on the wall of the Violet Crown theater that fronts 2nd Street. We had two COA applications deferred for more information. On September 3, the Tree Commission met, and a Charlottesville resident made a presentation on the compaction of tree roots at Meade Park due to the Farmer's Market foot traffic. After discussing possible options, staff is going to follow up with how to solve this. The 2020 Capital Improvement Project requests were also reviewed. Additional money is being requested by the Tree Commission for funds to partner with an initiative to offset the cost for emerald ash borer treatment.

Currently, the funding is only protecting about 38 of the 107 mature ash trees in the City's right of way. A list of recommended trees for planting in City's gateway corridors was also reviewed and approved. We also reviewed the numerous and significant comments to the Friendship Court final site plan and they will be submitted to NDS.

Commissioner Solla-Yates: The Allocations Subcommittee of the Housing Advisory Council met on September 10th to discuss how to spend the Charlottesville housing money. We selected The Crossings 2 project as the priority for funding. Most of my time has been spent on the RFP process and we're working through the procurement process.

Commissioner Dowell: No report.

Commissioner Heaton: No report.

Commissioner Stolzenberg: I attended the form-based code workshop and heard from the consultants and the community. There is still time to submit comments and they can be submitted to Brian Haluska.

Commissioner Mitchell: There is a Parks and Recreation meeting on Thursday at 5:30 pm in the Parks and Rec conference room and there is a Fontaine Steering Committee meeting at 5:45 pm on September 17th.

B. UNIVERSITY REPORT

Bill Palmer: The Board of Visitors is meeting this week and they are going to be reviewing the next phase of the Athletics complex. The next phase is to add some grass fields in U-Hall's place and to tie in pedestrian areas. There will also be a presentation from the UVA Sustainability office. Right now, we are on track to meet our greenhouse emissions goal, which was to reduce by 25% below the 2009 levels by 2025. We should reach that next year. We have a nitrogen reduction goal and we are using 17% less nitrogen over our 2010 levels. We are also using 11.7% less water over our 2010 levels. These are all good efforts, especially when taking into account that we've grown a lot since 2010. UVA is getting 20% of their electricity from solar and we've invested into two offsite solar farms.

C. CHAIR'S REPORT

Chairman Green: I attended the Thomas Jefferson Planning District Commission last Thursday. They have filled the vacancies and they now have a full Commission at this point. We had a full report on the GO Virginia Region 9 Regional update. GO Virginia is a grant funding program for things in the region and the more communities that get together, the more grant possibilities there are. I encourage everyone to take a look at those opportunities. In a moment we will hear a report from our nominating committee because tonight is our annual election of officers. I have been honored to be your chair for two years to serve the Commission and the public. There are many things that we've been trying to accomplish. In some cases, we didn't cross the finish line, but hopefully we can do that soon.

Nomination report, Commissioner Lahendro: We have such gratitude for our chair, Lisa Green, to have such strong and capable leadership. As the nominating committee, I am delighted to make the following nominations. For Chair, I nominate Hosea Mitchell and for Vice Chair, I nominate Lyle Solla-Yates.

Commissioner Lahendro moves to accept Hosea Mitchell as our Chairman and Lyle Solla-Yates as our Vice Chairman of the Planning Commission. Seconded by Commissioner Dowell. Motion is approved 7-0.

Chairman Mitchell: I would like to start by saying thank you to Ms. Green. The passion with which you led this organization with your desire to see us do smart planning and development that is socioeconomically, culturally

sensitive, diverse, and respectful has made you a force of nature. Your passion is an inspiration to us, and I am most grateful for the patience you use in guiding us in this Commission. You had four new Commissioners on the Board and you were very patient with us. We felt that way because you were very passionate about doing things the way you felt were the right way to do things and we thank you.

D. DEPARTMENT OF NDS

Missy Creasy: There is a work session on September 24th to have a preliminary discussion on 218 West Market Street. There will be more information and an opportunity for a discussion at that point in time. On September 30th there will be a workshop on the Standards and Designs Manual. We are hopeful to get good feedback and move forward through the approval process. In October, we will have our work session on the third Tuesday, which is October 15th to discuss the form-based code, as we are getting it ready for a hearing in November.

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

None.

F. CONSENT AGENDA

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

1. Minutes – August 13, 2019 – Pre- meeting and Regular meeting
2. Minutes – August 27, 2019 – Work Session

Commissioner Stolzenberg moves to approve consent agenda item #1. Seconded by Commissioner Green. 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. SP19-00004 – (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 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.

Staff Report, Joey Winter: Planning Commission held a preliminary discussion of this item at the August meeting. This is a Special Use Permit request for a sorority of up to 37 residents at 503 Rugby Road. The Kappa Kappa Gamma sorority is proposing to expand and renovate their existing chapter house at this property. The property is zoned R-3H and has a valid SUP for a sorority of up to 36 residents which was granted in 1978. The request is for 1 additional resident. In addition, modifications to front and side yard regulations are being requested. The

property lies in an Architectural Design Control District, so the BAR made a recommendation on this request. BAR recommends that granting this SUP will NOT have an adverse impact on the ADC District. Regarding public comment, there were two neighbors present at the applicant's Community Meeting on August 6th that were in favor of this request. Staff received one email from a nearby property owner in favor of this request. No public comment in opposition to this SUP request has been received. Some issues to consider with this request tonight include whether the proposed use is appropriate for the neighborhood. There are at least 15 fraternities or sororities within 1,000 feet of the Subject Property. It also directly abuts the UVA campus and has already been in use as a sorority house for 35+ years. Are there reasonable conditions that can be set forth to mitigate adverse impacts the proposed use will have on the neighborhood? Staff has several proposed conditions. Should front and side yard regulations be modified with this request? The applicant has stated reasons for requesting modified front and side yard regulations are to permit ornamental features, roof overhangs, and covered porches, and to permit the front and north side walls of the building to remain in their current locations. It is important to note that this request for modified yard regulations is NOT about increasing density. Staff has proposed six conditions for this SUP. At the August meeting, Planning Commission directed staff to use the SUP granted for the Alpha Kappa Service Fraternity at 1713 Jefferson Park Avenue as a guide for this SUP, which served as a basis for these conditions. Condition #1 would set the maximum number of sorority residents at 37. Conditions #2 and #3 would modify the front and side yard regulations as requested by the applicant and recommended by BAR. Condition #4 deals with parking. Due to limited physical space available for on-site parking, additional signing and pavement markings may be necessary in parking areas. This condition would allow Traffic Engineering staff to require these markings and make sure that on-site parking is utilized exclusively for the sorority. Condition #5 would add requirements for site lighting above what our ordinance typically requires. This condition is taken directly from the Alpha Kappa SUP. Condition #6 would require screening of trash receptacles. This condition is taken directly from the Alpha Kappa SUP. The General Standards for Issuance of a Special Use Permit are found in City Code Section 34-157 and are included in your packet. City Code Section 34-162 which allows the modification of yard regulations as a condition of a Special Use Permit is also included in your packet

COMMISSIONER QUESTIONS

Mr. Palmer: There is a lot of pedestrian access in that area. During construction, will pedestrian access be maintained throughout?

Mr. Winter: There is a site plan under review for this project that would include any proposed sidewalk or street closings of that nature.

Commissioner Dowell: During the last meeting we asked about the noise impacts and we received information that it was in their rules that they couldn't have parties. Is there any way to get that memorialized in this in case their rules changed? We are making an SUP for the land, not the occupant.

Commissioner Green: The noise ordinance would apply.

Commissioner Solla-Yates: Regarding the proposed condition #5, I am interested in making an edit to the last sentence to make it read, "Fixtures shall completely seal the light source" so we aren't specifying how the light source is concealed.

Mr. Winter: We took direction from what the previous SUP was. The applicant has had some concerns and would like clarification on this that can be discussed further with them.

Applicant – Ms. Erin Hannegan, Mitchell/Matthews Architects: There have been some very small plan changes since we last met and we have added some additional clarifications, but otherwise the proposal is as it was. We discussed the current conditions in the sorority house with very narrow bedrooms that are approximately 9' wide, which is one of the primary reasons the applicant would like to undergo a renovation. By increasing the width, we can get accessibility in all of the bedrooms. The current chapter room is separated by a massive fireplace, which restricts the mass of the room and the amount of people that can fit into the room. The chapter has grown significantly in size from the time of construction of this design and we're removing that fireplace from the basement to the roof. We are instead creating a large chapter room that expands out the back and utilizes operable doors that allow it to open up during chapter meetings and close differently during the rest of the week. There have been no significant changes to the site plan since you have seen it last. The calculation of the current setbacks was modified based on staff comments. The front yard setback had to take into account the existing building. The side yard setback utilized 10', which was the minimum, instead of 1' for every 2' in height. We recalculated it based on the proposed height, which pushed it in even further, however, we did not change the request for what the setback relief is. The first floor site plan modifications have to do with openings for construction detailing, but there were no modifications to the upper two residential floors. There were slight modifications for the elevations including removing light fixtures, but the general detailing and massing remain the same. There is a sunken terrace off Rugby Road that allows you to walk up a few steps to get to the porch. The porch is really important to us to create a character-defining feature on the front of the building that connects it to the street. It also provides an entry point. Staff's rounding rules changed our parking calculation and at this point we are required to have 11 spaces instead of 12. We have also calculated that we are required to have 5 spaces for bikes, and we are providing 5 locations for bike racks. With regards to light, in the previous packet, we had an issue of a fixture that was outside the house director's entry that was causing spillover across the property line. This would not meet the ordinance, so we have removed that to drop the lighting levels. Some of the fixtures we've selected are under the porch or other elements that restrict the light that is emitted from them. Even if light comes out the top, it's being cut off by things like the porch roof, so we hope that you will strike the last line from condition #5 completely, with the understanding that we are in a historic control district and we will appear in front of the BAR to approve all of the lighting fixtures. There will be additional scrutiny of what we're using and where we are putting it and we are hopeful that the Commission will leave it up to them to come up with the appropriate solution.

COMMISSIONER QUESTIONS:

Commissioner Solla-Yates: Regarding removing the section about recessing fixtures and just saying that the fixtures shall completely conceal the light source, would that work?

Ms. Hannegan: The reason we request that it not be a condition is because one of the fixtures that we're utilizing has the bulb visible. It is on the front porch on the pilasters that are back at the house. That statement would conflict with this and we would need to replace this fixture under this condition.

Commissioner Solla-Yates: Would that create an aesthetic issue?

Mr. Hannegan: Yes. The BAR would have purview over that, which is why we're asking you to strike that and allow the BAR to control it.

PUBLIC HEARING

Addie Croft: I am the chapter president and I lived in the house last year, so I can speak to why this is necessary. While living in the house, if you were to reach your arms across you could hold your roommate's hand. It is uncomfortable living in cramped conditions. Additionally, we hold chapter meetings every Sunday and we have to put everyone into our main chapter room where it is uncomfortable for everyone to sit in there. It would be great if we could expand that. We are also a chapter that is constantly growing. One of the main things you do as a sorority is recruitment and aesthetically our house just doesn't suit our needs. If you've seen the pictures, it's really hard to compete with some of the really beautiful sorority houses when we're inviting potential members into our house every January. This would be another great way to recruit awesome new members into our house.

Karen Dougald: I was here in 1978 when the house was being designed and interest rates were 17%. The architects designed a beautiful house, but when the prices came in it was absolutely unaffordable. They tried to minimize it and as a result, many did not feel that it fit this particular area. When the house was built there were 60 members. Currently it has almost tripled in membership, so everything is being very squashed in the interior. By accepting this new design, not only is Rugby Road being enhanced, but the entire sorority is being enhanced. I am a resident of University Circle and everyone is very happy about this change, as well as the Venable Neighborhood.

Woody Oakey: I was a member of this sorority in the mid-1990s and I am a local resident now. I am also a member of the House Board, so I am involved with the sorority very frequently. The rooms are very small and cramped. Everyone was squeezed in like sardines during our chapter meetings and I can't imagine how they do it now with being 30% bigger than it was when I was there. The revised design is beautiful and it is in keeping with the historical neighborhood. This design also significantly increases the amount of study spaces and lounge spaces available to the residents and the other members who can stop by and study there. There are lounges on the 2nd and 3rd residential floors. I would propose that you move this SUP forward.

COMMISSIONER DISCUSSION

Commissioner Green: I understand where Commission Solla-Yates is coming from with his potential condition with the need for concealment. That being said, I'm not sure these two porch lights are going to be any different from the porch lights all along the corridor. Based on what we heard in the pre-meeting, I am comfortable with the site lighting meeting the dark skies ordinance, which does not allow for any horizontal spillover. The bike parking is also important and I don't know why that wasn't part of our conditions to make sure that happens.

Mr. Winter: It's a requirement in 34-881 and they are meeting that. It would be 1 space per 500' of bedroom space. The site plan is not approved, but they will not get an approved site plan without proposing at least that much.

Commissioner Green: The improvement is a vast improvement over what is there now.

Commissioner Lahendro: When this design was done in 1979, this was a notable and interesting building. It was a transition between the traditional neo-revivals and modern architecture. It remains an interesting building despite what anyone thinks. I am resigned to the fact that it's going to be replaced with this.

Commissioner Stolzenberg: Personally, I don't feel that we need the lighting requirement. I think dark sky rules are important, but even if there is some spillover of light that is not upward, this is a pretty good place for it. I don't feel that restricting lighting in this area is necessarily the way to go.

Commissioner Solla-Yates: This is a huge improvement and I'm excited about it.

Commissioner Green moves to recommend approval of the SUP, allowing the specific development proposed within the application materials for SP19-0004 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:

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 follow the lighting ordinance as a guide, as well as the BAR.
 6. All trash receptacles must be hidden from view when not set out for curbside pickup.
- Seconded by Commissioner Solla-Yates. Motion is approved 7-0.

IV. COMMISSION'S ACTION ITEMS

1. SP19-00003 – 602-616 West Main Special Use Permit request for a mixed-use building

Chairman Mitchell recused himself from this application and left Chambers.

Staff Report, Brian Haluska: This is a continuation of an item that was on a previous agenda and it was tabled so that staff could work on revised conditions for the SUP located at 612 West Main Street. We've discussed the revised condition about monitoring the adjacent property at 620-624 West Main Street and have come up with

condition #4, which details all of the monitoring that should be undertaken for that building. The applicant drafted a letter regarding two conditions under condition #1.

COMMISSIONER QUESTIONS

Commissioner Dowell: Thank you for considering our concerns, especially regarding protecting the landmarks around it.

Commissioner Lahendro: I need to be clear that I do pro bono advising to First Baptist Church, but I receive no payment for that, and I do not believe my advising them affects my ability to be objective with this application. Where did you all find the protective plan recommendations?

Ms. Robertson: The broad general outline came from a publication of the Department of Interior.

Applicant – Jeff Levien: I respectfully request a modification to one of the conditions and some clarity on one of the other conditions. The parking spaces that were provided in the original plan was just a very general outline, no different than the building design. The 53 spaces were not created by any particular design and it did not take into account what the BAR and the Planning Commission has in the condition as far as setting back the garage opening from West Main Street. We looked at it again to see what the parking would yield and about 40 spaces would be much more appropriate for that. It complies with zoning and 40 spaces complies more than required from the zoning ordinance because you can have a large amount of the parking off-site in this zone. I would respectfully ask that you change the 53 spaces to a minimum for 40 spaces, which is looking for no relief for what the zoning ordinance may require. The second thing is just a small clarification. I was talking about possibly getting more stories in this envelope that is in the ordinance. I am willing to concede that, understanding that four stories are appropriate, but I would not like to decrease the height limit that is permitted under the ordinance. That ordinance was specifically revised in this corridor by the City to decrease height to 52'. I do not know why we would further decrease that by 2'.

COMMISSIONER QUESTIONS

Commissioner Stolzenberg: Does that mean you will do four stories no matter what, or you would prefer five?

Mr. Levien: I think that is the right design and I am willing to limit it to the four stories. I think it's appropriate.

Commissioner Dowell: What is the parking requirement through the zoning ordinance?

Mr. Levien: It depends on the unit mix and right now we don't have a definitive unit mix. Once we request density and determine how many units we can do, we can create the layouts. Based on a certain mix, we think we'd probably only have to do 20 spaces on-site because of the permission of off-site spaces.

Commissioner Dowell: Where would the off-site parking be located?

Mr. Levien: I haven't figured that out yet, but I don't know if I will need it yet. At 600 West Main, we provide them at Jefferson School and I would make similar provisions for that, but it's determined upon how many spaces we would need.

Commissioner Lahendro: I have some concerns with the protection plan. I don't know how you'd do visual documentation without color photographs and I would like to make that a requirement. The plan says it "may

include seismic monitoring or other monitoring measures.” I would like for it to say “shall include seismic monitoring or other specific monitoring measures, as recommended by the engineer, and will minimally include installation of at least five crack monitors that will be inspected weekly during ground disturbing activities during demolition and construction. The reports of the monitor reading shall be submitted to the City Building Official and adjacent landowner within two days of the inspection.” It doesn’t do any good to have seismic monitoring if no one is looking at it during the process of construction and demolition.

Commissioner Stolzenberg: What are the ceiling heights in the phase 1 of this project?

Mr. Levien: The finished floor to ceiling is around 8-9’.

COMMISSIONER DISCUSSION

Commissioner Lahendro: I want to thank the developer and his consultants for considering this and including something to help protect the historic building next door.

Commissioner Stolzenberg: Regarding the stories requirement, it seems like we are talking about 52’ either way, but we’re going to be imposing a limit of four stories within that. From my perspective, we shouldn’t be mandating that within the exact same building you have 12-13’ soaring ceiling heights. The extra feet of ceiling height is naturally going to make those apartments higher end. We want you to have more less expensive apartments and a fifth story within the same envelope would be good.

Commissioner Lahendro: I’m fine with leaving that up to the developer to decide how many floors he wants within that 52’ limit.

Commissioner Solla-Yates: How do we feel about parking? I don’t see much value in making a parking requirement at this time.

Commissioner Dowell: Parking is very important. We have a lot of new projects that have gone up on West Main Street and we’ve heard from the public that it is an issue. We don’t need to be over-parked, but we have to keep in mind that where there are people, there are cars and they have to go somewhere.

Commissioner Green: There is 53 spaces on this condition. Is that because of the commercial aspect on the lower floor?

Mr. Haluska: The 53 was part of the condition that was drafted based on the original submission, which showed a template of parking that the applicant provided and there were 53 spaces there. That’s where that number comes from. Regarding the parking requirement, any retail space of 5,000 sq. ft. or less is exempt from any parking calculations in West Main East. As long as they keep the retail space under 5,000 sq. ft., there is no parking required for that. It’s also in the Parking Modified Zone, so residential units require one space per unit, regardless of size. There are provisions for affordable units not counting towards the parking requirement as well.

Commissioner Stolzenberg: Is that 5,000 sq. ft. for a retail store or all of the retail in a building?

Mr. Haluska: I believe it’s for a retail store because it is an attempt to make small retail more attractive, as opposed to a large storefront that takes up everything.

Commissioner Heaton: How many of these parking spots are reserved for the residents? How many are for daily parking? There are often arrangements made ahead of time on Sundays when you're near a church. Is there anything in the application about that?

Mr. Haluska: There is nothing in the application about that. The code is silent on the management of parking. People are required to provide parking in accordance with the code, but how they manage that is up to them.

Commissioner Stolzenberg: In phase 1, we imposed a condition that they submit their parking plan to the City every year for how they are going to provide those shared parking spaces and off-site spaces, right?

Mr. Haluska: There is language regarding the off-site spaces. We have an agreement about the lease length and how that's managed, they aren't stuck in a long lease. The applicant would have to comment on how they are managing the spaces.

Commissioner Heaton: With residential reserved spots, what is the number of public spots that would be available?

Mr. Levien: It's likely that all of them would be for the residential units. As far as special Sunday provisions, that would just be private conversations with the adjacent landowners to figure out how to accommodate that.

Commissioner Heaton: So, all of the spots would be leased by residents?

Mr. Levien: I can't assure you of that because it depends on how many units we do. That's what we're doing at 600 West Main, but we only have 21 spaces onsite and the rest are off-site. Part of why we have it revisited in five years is because we tend to overpark and parking issues tend to come more from poor parking management plans within the City. I can't tell what it will be like three years down the road when I open this building, but we would want to make it as efficient as possible and not overpark.

Commissioner Green: What's your plan for the commercial aspect of this for parking?

Mr. Levien: The retail is probably going to be under the 5,000 sq. ft. based on the size of the building, so the retail would not be required to have parking. It would be similar as everything on West Main where you'd park on the street or find available parking along the corridor.

Commissioner Stolzenberg: Do you know the sort of retail it might be?

Mr. Levien: I have no idea.

Commissioner Lahendro moves 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:

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 shall include color photographs and/or 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, and minimally shall include installation of at least five crack monitors. Engineer shall inspect and take readings of crack monitors at least weekly during ground disturbance demolition and construction activities. Reports of monitor readings shall be submitted to the city building official and Adjacent Landowner within two days of inspection. 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.

Seconded by Commissioner Green.

COMMISSIONER DISCUSSION

Commissioner Stolzenberg: I lament that we changed our rules so that such a good site with no historic buildings on it that could have fit a lot of reasonably sized apartments now has to have this four or five story building with fewer apartments than the one next door. It's a shame.

Commissioner Lahendro: This is a historic district with a context that has certain height to it and building something much larger would destroy the historic character of this district.

Commissioner Stolzenberg moves to amend the motion and eliminate the parking requirement condition and let it be governed by the parking ordinance. No second; the amended motion dies.

Commissioner Stolzenberg: It's important to have a real plan in place to let that pressure off somewhere besides the residential streets. This could actually be a good source of revenue for both the Jefferson School and the church to rent out the spots they don't need, except on Sundays. We aren't going to get to a place where we have less parking by making sure it's never painful to have a car and that there is never any inconvenience.

Ms. Robertson: To be clear, if this is approved, the site plan has to conform with what is in the SUP. If the applicant submits something to you, you are entitled to rely on it. This applicant is now saying that they gave you something that cannot be developed as they represented it and it was intended to be more of a concept drawing rather than a site plan exhibit. No one expects them to have a site plan done as the time that they come for a SUP, but the ordinance requires that a certain amount of the development of the design concept be completed.

Commissioner Green: Within the zoning ordinance, has anyone had any calculation done so that we aren't going to have an impact on the neighborhoods? Does 40 work?

Mr. Haluska: In the planning world, the calculation for parking is that if you build it, they will come. If you provide parking, people will use it and if you don't, they will find other means. Our parking regulations are a minimum and if the applicant finds that those don't suite the project, they can provide more. Many Cities are reducing their minimums to allow the free market to decide how much parking is out there. Additionally, if they are mandating a large amount of parking, it typically drives up the cost of the units. The cost of the space gets put in the rent

whether the person renting the unit uses the space or not. No one can say what a development is going to need for parking until we know who is living there.

Commissioner Green: Why can't we get a calculation?

Ms. Robertson: Based on the units represented in the application, that is the minimum number of parking spaces required for those units. They submitted an application with an illustration saying they meet the minimum parking requirements and they are now asking you to reduce those. Commissioner Stolzenberg was suggesting that it still has to be one space per units, but the number of onsite spaces can be reduced if off-site is provided in accordance with the ordinance.

Commissioner Stolzenberg: In either case, they have to provide 53 spots under the ordinance. The condition says it needs to be an underground parking structure with all of those spots. Under the ordinance, they still have to provide that many spots, but they are allowed to rent spots offsite.

Commissioner Solla-Yates: Is there a public benefit for having onsite vs. off-site parking in this area?

Mr. Haluska: We've heard from the surrounding neighborhoods that there is a tremendous amount of pressure on the existing on-street spaces, particularly on West Main. It has been an ongoing issue for many years and any new space adds to the inventory on that corridor. If they use off-site spaces, those are existing, so you aren't increasing the inventory. It could be perceived as a public benefit. It's also a multi-modal corridor that has pedestrians and bikes, so the more we accommodate cars, the more cars you're going to get.

Commissioner Lahendro: We have a use next door that is a congregation with no lot for that church and the rent from surrounding lots that will now be competing against this development for the same parking spaces.

Commissioner Stolzenberg: What were the results of the West Main parking study that was done a few years ago?

Mr. Haluska: The big takeaway recommendation was for another structured parking facility on West Main Street that was public.

Commissioner Lahendro moves 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:

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.**
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 - 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 shall include color photographs and/or 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, and minimally shall include installation of at least five crack monitors. Engineer shall inspect and take readings of crack monitors at least weekly during ground disturbance demolition and construction activities. Reports of monitor readings shall be submitted to the city building official and Adjacent Landowner within two days of inspection. 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.**

Seconded by Commissioner Green. Motion is approved 4-2.

2. Entrance Corridor – Hillsdale Place Comprehensive sign package

Staff Report, Jeff Werner: This is within the Route 29 North and the 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 summer. The 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. When a development is subject to a site plan review and design review, the applicant may request approval of a CSP, which is 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 regarding 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 by-right. It's important to note that 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. The code identifies 9 signage types. They have awning or canopy that are consistent with the code, 3 monument signs that are consistent with the code, and projecting signs that are consistent with Code provisions, except the maximum sign area allowed within an EC is 15 sq. ft. Additionally, there are sandwich board signs that are allowed with the owner's approval and no sign permit is required. The 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. There are temporary signs that are allowed. There are several places within the elevations where they have indicated signage may go for wall signs and there are different sizes and heights that are discussed in the recommendations. None of the other types were proposed and therefore are not permitted. The code says the CSP will serve public purpose. The approval of a CSP 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 and should include the following information: A written narrative description of the overall plan, including, without limitation; color illustrations or photographs of each sign included within the plan; a written description of the type, size, materials, and proposed location of each sign; a map or other written identification and description of all existing signs on the property comprising the proposed development; color illustrations or photographs of signage existing on adjacent properties; and a written description of the proposed lighting for the signage. There are two provisions that were deviants from the code, one is in the signage area. Per the Code, the

maximum 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. Relative to the Entrance Corridor Design Guidelines for Signs, they must: place signs so that they do not obstruct architectural elements and details that define the design of the building; respect the design and visibility of signs for adjacent businesses; use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors (the tenant is limited to two colors and prior to submittal for a sign permit the applications must be reviewed and approved by the building owner); use a minimal number of colors per sign where possible; exterior illumination of signs shall comply with the City's outdoor lighting requirements and exterior neon is discouraged; illumination of any sign shall not be directed toward any residential area or adjacent street; consider using a comprehensive signage plan for larger developments; encourage the use of monument signs (rather than freestanding signs) with accent landscaping at the base along corridors; internally lit signs should use an opaque background so only letters are lit; and flashing lights are prohibited. Upon reviewing the proposed comprehensive plan, staff believes that the conditions of the proposed CSP are appropriate and supports a recommendation of approval with conditions.

COMMISSIONER QUESTIONS:

Commissioner Solla-Yates: How do dark skies best practices and lit signs mesh?

Mr. Werner: In conversation with the zoning administrator, we are comfortable with how it is met relative to the signage. Parking lot lighting is different, but it is all subject to the ordinance. We are confident with what they've stated and what we've added relative to these code references.

Commissioner Green: What is the enforcement of the signs?

Ms. Creasy: If someone were to go out there, the sign would be acquired and the applicant would be called and told that their sign is there if they want to pick it up and to not do it again. There can be fines as well.

Commissioner Green: Are these CSP requests based on the red lines around this building?

Mr. Werner: The key is that it's based off of the elevations.

Commissioner Green: What happens after they use all of the numbers here and then want to add one of these five future buildings? Does that mean those buildings get no signage?

Mr. Werner: There are a few ways to handle it. One is that any future buildings not covered in this would be subject to the standard signage regulations. One could be to amend the Comprehensive Signage Plan, which is how it is worded now. That was the applicant's decision. The key to this plan is that the chart applies to tenants that are identified in the plan and it says where the signs can be. The owner has to approve it and there would be a checklist for each one. These plans go through the process and become pretty rigid, but the applicants are willing to do it. In my review, this one is reasonable.

Commissioner Lahendro: Are they requesting twice as much as what the code allows?

Ms. Creasy: Each sign type has different allowances. They may equal up to more than the 75', but you can't have more than 75' per site. It's confusing because each type has a specific number and it may add up to something that is not 75', but you can't have more than that.

Commissioner Green: They want 1348' and the code says 750'. You think based off of what we have, they can do it in 907'?

Mr. Werner: Looking at it in total, by some adjustments in the tenants in between, it allowed the overall thing to work better. It is with the understanding that a lot of this is occurring on the two ends of the building.

Commissioner Stolzenberg: If they wanted to put up a sign that is circular, is that measured by height x width?

Ms. Creasy: It is the actual area.

Commissioner Mitchell: How comfortable with the difference between the number they are asking for and the number that you are comfortable with?

Mr. Werner: The three sides of the shopping center with the large block is very compelling. We're talking about using all of that to distribute the signage, which is where I felt okay. Reducing the projecting signs is where I felt most comfortable.

Ms. Creasy: This was done with extensive collaboration with the zoning staff, who review all of the sign permits for the entire City and they constantly reviewed different sign packages going through the City in several places. They had the overall perspective of the general feel for the City as a whole. In this case, we're able to provide insight on something that gives more of a balance to the request.

Mr. Werner: I think it is okay to be at 905' if there were some caps put on the wall canopy in projecting signs. That conversation took place after the information was provided.

Applicant, Ashley Davies: The intent of the Comprehensive Signage Package that we provided is to create a document and code that is specific to this shopping center. It creates a harmonious environment within the development. One of the main reasons to do that is because with a site of this size and nature, you may need some flexibility in the code to suite the specific needs of someone that isn't a standard Charlottesville store. The existing signage ordinance is geared towards smaller parcels with one tenant. The architecture has been carefully designed and we show very specifically where the tenants might choose to place their sign. We are trying to give them flexibility on locations, but in almost every case we've copied the standard by-right allowance for the sign types. We allow this for everyone except for the anchor tenants because the stores are so large. There's also one spot in the middle that gives the possibility for a shopping center sign on the middle architectural feature. Once we saw the chart, it had a lot of deviations from what we proposed to you in our CSP. When you look at it as a whole, we aren't going to allow tenants to do five different sign types. We are designing what we think is a nice commercial center, but we wanted to at least give the standard provisions from the code for each sign type to allow the flexibility of choice for which sign best suites each tenant. We took things right from the City Code, but I don't see anywhere on this site where we would need a 30' projecting sign. If we compromised by taking it down to a potential of 15 sq. ft. per tenant helps in the decision-making process, that is something we are amenable to. The reality of the center is that it's 15' below grade on the 29 side and it's hundreds of feet from most of the public right of ways. I don't agree with penalizing the middle tenants. We are really looking to give something unique to the anchor locations because those are what will drive the success of the entire shopping center. The smaller tenants are only 18-20' wide, so there isn't much space to provide signs there, which means the signs won't be very large. The main deal for the retail tenants are the wall signs and having some visibility of those. The rest of them are just copying the code and providing some flexibility as to what the tenants choose. We're fine having any of the tenants 2-9 having the maximum of 75 sq. ft. that the zoning ordinance gives to any other

standard tenant in the Entrance Corridor. It's more about the deviations to accommodate the larger anchors in the shopping center.

COMMISSIONER DISCUSSION

Commissioner Lahendro: It bothers me that you think it's appropriate for the smaller stores to be able to put the kind of large signage necessary to be seen from 29. That is out of scale with those stores and it's the shopping center that's drawing the customers based on the anchor stores and the monument signage. Once they are inside the shopping center, the smaller stores can attract them by creating a walkable experience and a sense of place.

Ms. Davies: I am not asking for larger signage for the regular tenants. I was trying to express that I don't think we should be reducing signage for those tenants more than we would for any other regular business in Charlottesville. The standard application is fine for the smaller tenants, but we didn't want a recommendation that shrinks their signage size to accommodate for the anchor tenants.

Commissioner Green: We scrutinize our Entrance Corridor a lot. I am not a fan of signs and I would vote for the recommendation of what our code allows. Unfortunately, I have to leave before the vote. People are going to be sitting at a red light and they will have ample time to see what is in the shopping center. Additionally, the small area plan we created for this shopping center is based off of a pedestrian model.

Commissioner Green left the meeting.

Commissioner Solla-Yates: Looking at the suggested conditions, would condition 4 be an unreasonable burden on the tenants?

Ms. Davies: I appreciate that staff is recognizing the importance of the anchor tenants to the success of the overall shopping center, but I don't think it should be at the expense of the smaller tenants.

Mr. Werner: The applicant is proposing for wall signs to say 50', canopy signs to say 20', projecting signs to say 30', under canopy to stay at 4', with the maximum allowable aggregate at 75'.

Chairman Mitchell: How many additional square feet above the 907 would Ms. Davies' proposal take us?

Ms. Creasy: It would be 1050'.

Having considered the standards set forth within the City Code and the Entrance Corridor Design Guidelines for Signs, Commissioner Solla-Yates moves 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: 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 in the staff 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. This includes the maximum aggregate area for tenant #1 to be 300 sq. ft, the maximum aggregate area for tenants #2-#9 to be 75 sq. ft. each, and the maximum aggregate area for tenant #10 to be 150 sq. ft. Seconded by Commissioner Lahendro. Motion is approved 6-0.

V. Adjournment

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

Planning Commission Work Session
August 27, 2019 5:00 - 7:00 p.m.
NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Taneaia Dowell, Rory Stolzenberg, Hosea Mitchell, Gary Heaton

Members Absent: Commissioners Jody Lahendro and Lyle Solla-Yates

Staff Present: Brian Haluska and Matt Alfele

Chairman Green called the meeting to order at 5:00 pm. A preliminary discussion for 240 Stribling Avenue was held. Applicants Charlie Armstrong and Keith Lancaster provided an overview of the project. Eight members of the public spoke prior to discussion of the project and then spoke throughout the meeting. Public speakers generally communicated traffic, lack of sidewalks on Stribling and protection environmental features as concerns.

Margo Smith: Traffic will be a problem as more people will use Stribling.

Martin Quarles: Area already has too many people and traffic will get worse.

Derek Stone: Traffic is a problem now and the development will make it worse.

Dawn Hunt: Traffic is and will be a problem.

Lawrence Walkin: Traffic is a problem and more people will make Stribling worse and make the intersection of JPA and Sunset worse.

Andrea Knox: Traffic is a problem and things like trash trucks and UPS trucks are a problem.

Travis Pietila: Likes that the development is outside critical slopes, but would like to see more protection of Moores Creek.

Brian Becker: President of FSNA. They are neutral but concerned with traffic.

The PC is concerned with traffic, but indicated they believe the site should be denser than R-2 if the developer could help with infrastructure on Stribling. Staff talked to Charlie Armstrong following the discussion and he is going to hold off going to a Public Hearing for now.

Adjournment: 6:45 pm.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT
SERVICES STAFF REPORT



**REQUEST FOR AMENDMENT OF
COMPREHENSIVE PLAN MAP**

PLANNING COMMISSION REGULAR MEETING DATE OF PLANNING

COMMISSION MEETING: October 8, 2019

RE: UPDATE GENERAL LAND USE PLAN

APPLICATION NUMBER: CP-19-00001

Project Planner: Matt Alfele, AICP

Date of Staff Report: September 26, 2019

Application Information:

Property Street Address: 209 Maury Avenue, two unaddressed lots with frontage on Maury Avenue, and three unaddressed lots with frontage on Stadium Road

Tax Map/Parcels #: Tax Map 17, Parcels 180, 180.1, 180.2, 184, 185, and 186

Total Square Footage/ Acreage Site: Approx. 1.6 acres (69,696 square feet)

Comprehensive Plan (General Land Use Plan): Low Density Residential Current Zoning Classification: R-2U (Residential Two-family University)

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

Background:

- On June 11, 2019 the Planning Commission provided a recommendation to City Council to rezone the Subject Property from R-2U (Residential two-family University) to R-3 (Multifamily)(Application ZM19-00002) with a vote of 4 - 2.
- On July 9, 2019 the Planning Commission provided a recommendation to City Council to amend the 2013 Comprehensive General Land Use Map for the Subject Property from Low Density Residential to High Density Residential with a vote of 5 - 2.
- At the August 5, 2019 City Council meeting, the applicant presented updated documentation (proffered conditions and a conceptual layout) altering the rezoning application. City Council moved to send the rezoning request and comprehensive plan amendment back to Planning Commission to review the updated materials.

Below is a summary of the updated materials submitted by the applicant after the Planning Commission made recommendations to City Council on June 11th and July 9th. This information is also available in the rezoning staff report (ZM19-00002).

June 11th and July 9th Submittal: The applicant proposed a rezoning with NO proffers or development plan. Planning Commission initiated a comprehensive plan amendment to insure the City's General Land Use Plan would correspond with R-3 zoning.

October 8th Submittal: The applicant updated the rezoning request to include proffered conditions and a conceptual drawing, referenced in the proffer statement. The proffer statement includes:

1. The number and location of buildings and structures relative to Maury Avenue and Stadium Road, and points of ingress and egress to the Subject Property, may not be varied from the general or approximate location(s) depicted within the attached 1-page drawing, titled "209 Maury Avenue Application Plan" by Mitchell Matthews Architects (the "Application Plan", attached and incorporated herein by reference).
2. The majority of the area between Maury Avenue and the façade of the historic Manor House located on the Subject Property, currently having an address of 209 Maury Avenue, shall be maintained as open green space (grass lawn), landscaping with plantings, or a combination thereof, as generally depicted within the Application Plan. Stormwater management practices or treatments may be located within this area only if the appearance of this area is that of a grass yard with trees and shrubbery, as generally depicted within the Application Plan.
3. Prior to seeking a building permit for construction of any new building, structure, or addition to the Manor House, the Landowner shall submit and obtain final approval of a site development plan covering the entire area of the Subject Property. The Landowner shall, as part of the final site development plan, include a landscape plan for the entire Subject Property which shall be prepared by a landscape architect. The landscape plan shall provide green space (grass lawn), trees and shrubbery in an amount, and in locations, generally consistent with the Application Plan.
4. The historic Manor House building located on the Subject Property, currently having an address of 209 Maury Avenue, shall, in perpetuity, (but excluding destruction by natural disasters, fires, or other unforeseen calamities) be maintained in good repair. Nothing herein shall restrict the owner of the Subject Property and/or its assigns from making reasonable and architecturally consistent additions or modification to the historic Manor House building located on the Subject Property.

Should City Council rezone the Subject Property, it will no longer conform to the City's 2013 General Land Use Plan. Under the current map, the Subject Property is Low Density Residential. This designation is not consistent with R-3 zoning. A High Density Residential designation on the Land Use Map is more consistent with R-3 zoning.

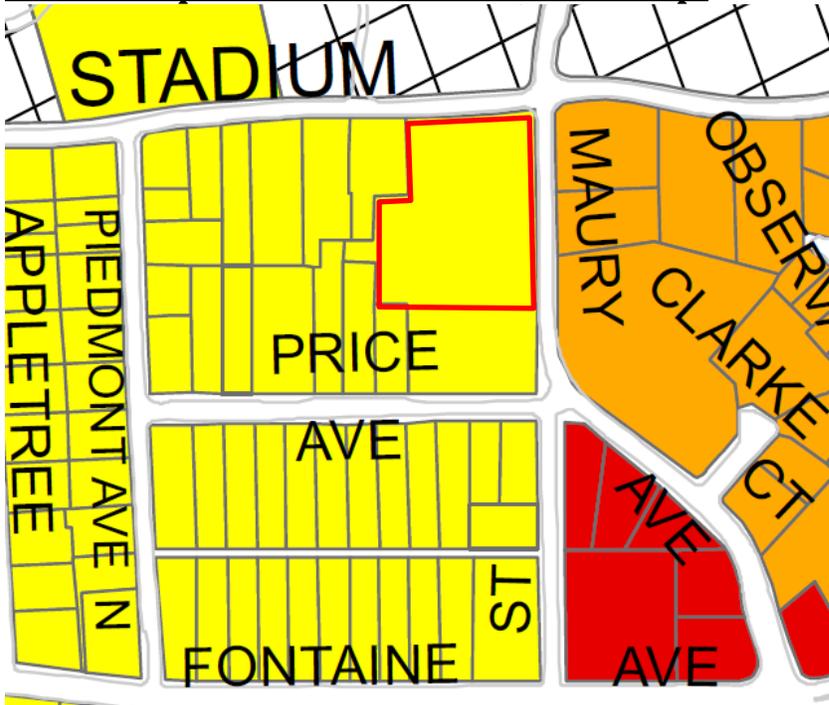
Standard of Review:

All amendments to the Comprehensive Plan shall be recommended, approved and adopted, respectively, in accordance with the requirements set forth within Title 15.2, Chapter 22, Article 3 of the Code of Virginia as amended. In considering any amendments to the plan, the City Council shall act within (90) days of the Planning Commission's recommendation resolution.

Vicinity Map:



2013 Comprehensive Plan Land Use Map:



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

Proposed Action:

To insure consistency between the City’s Zoning Map and the Comprehensive Land Use Map, staff recommends amending the Land Use Map for the Subject Property to “High Density Residential” should the zoning be changed.

<p align="center">Current Land Use Designation Low Density Residential Includes all land occupied by single or two-family types of housing. The density in these areas by right should be no greater than 15 units per acre.</p>	<p align="center">Proposed Land Use Designation High Density Residential Includes all land intended to be occupied by multi-family residential types of housing (townhouses, apartments, condominiums). The density in these areas should be greater than 15 units per acre.</p>
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Zoning History of the Subject Property:

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

The Subject Property is bordered by:

Direction	Zoning District	Current Use
East	R-3	Cavalier Court Apartments and the Jefferson Scholars Foundation building
South	R-2U	Duplexes

West	R-2U	Single family detached dwellings and duplexes
North	UVA Grounds	Gooch Dillard Student housing and Scott Stadium

Streets that Work Plan

The Streets that Work Plan labels Stadium Road and Maury Avenue as **Mixed Use B**. The full plan can be viewed at: <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>

Mixed Use B streets are characterized by one vehicular travel lane in each direction, intermittent center turn lanes, sidewalks and bicycle facilities. These streets also may have on-street parking. The adjacent land uses may be commercial, higher density residential or institutional. These streets should support high levels of walking, bicycling, and transit as they connect important destinations within the City and surrounding county. Future development that occurs along these streets will likely include a dense mix of uses.

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

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

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

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

Public Comments Received:

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

On June 11, 2019 the Planning Commission held a Public Hearing on the rezoning request. No members of the public spoke.

On July 1, 2019 City Council held a Public Hearing on the rezoning request and two

members of the public spoke against the rezoning.

On July 9, 2019 the Planning Commission held a Public Hearing on amending the comprehensive plan and six members of the community spoke and raised the following:

- Concern about the preservation of the existing Eugene Bradbury designed home.
- Rezoning the Subject Property to R-3 density could be increased providing more student housing closer to grounds. This could pull some students out of other areas of the City and open up more housing stock.
- Concern about rezoning the Subject Property without a development plan to review.
- The Planning Commission also initiated a Comprehensive plan land use map amendment to change the Subject Property to “High Density Residential”. This would insure the land use map designation would match the corresponding zoning.

On September 18, 2019 the applicant held a Community Engagement meeting at CitySpace to review the new materials connected to the rezoning request. About eight members of the community attended and offered feedback to the applicant. Conservation of the home was the biggest concern.

In addition to the required Community Engagement meeting, the applicant also presented the rezoning request to the Fry’s Spring Neighborhood Association meeting on August 14, 2019.

Suggested Motions:

1. I move to recommend approval to amend the 2013 Comprehensive General Land Use Map for the Subject Property from Low Density Residential to high Density Residential.

OR,

2. I move to recommend denial to amend the 2013 Comprehensive General Land Use Map for the Subject Property from Low Density Residential to high Density Residential.

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
RECOMMENDING AMENDMENT OF THE CITY’S COMPREHENSIVE
PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF
PROPERTY FRONTING ON MAURY AVENUE, AND STADIUM ROAD,
AS REQUESTED BY COMPREHENSIVE PLAN AMENDMENT
APPLICATION No. CP19-00001**

WHEREAS, the City of Charlottesville Planning Commission initiated an amendment to the City’s Comprehensive Plan, its Future Land Use Map, to evaluate approximately 1.6 acres of land identified on City Tax Map (2019) as Parcels 18, 18.1, 18.2, 184, 185, and TMP 186 (collectively, “Subject Property”), evaluating whether the Subject Property is suitable for a higher intensity of use and increased density for residential development referenced within the Comprehensive Plan (2013) as High Density Residential development (areas suitable for residential development at more than 15 dwelling units per acre) (“LUP Amendment”); and

WHEREAS, the LUP Amendment was advertised and publicly noticed as required by law; and

WHEREAS, following a public hearing conducted by the Planning Commission on October 8, 2019 the Planning Commission voted to recommend approval of the LUP Amendment within the area of the Subject Property and certified the amendment to the City Council for its consideration; and

NOW THEREFORE, BE IT RESOLVED that this Planning Commission hereby recommends to the City Council that it should adopt the LUP Amendment for the area within the Subject Property as an Amendment to the Comprehensive Plan for the City of Charlottesville (2013), and the Zoning Administrator is hereby directed to update the Comprehensive Plan Land Use Map to reflect this amendment.

Adopted by the Charlottesville Planning Commission, the 8th day of October 2019.

Attest: _____
Secretary, Charlottesville Planning Commission

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT
SERVICES STAFF REPORT



APPLICATION FOR A REZONING OF PROPERTY

JOINT CITY COUNCIL AND PLANNING
COMMISSION PUBLIC HEARING

DATE OF HEARING: October 8, 2019

APPLICATION NUMBER: ZM19-00002

Project Planner: Matt Alfele, AICP
Date of Staff Report: September 24, 2019
Applicant: Southern Development
Applicants Representative: Charlie Armstrong
Current Property Owner: Southern Property, LLC

Application Information

Property Street Address: 209 Maury Avenue, two unaddressed lots with frontage on Maury Avenue, and three unaddressed lots with frontage on Stadium Road
Tax Map/Parcels #: Tax Map 17, Parcels 180, 180.1, 180.2, 184, 185, and 186
Total Square Footage/ Acreage Site: Approx. 1.6 acres (69,696 square feet)
Comprehensive Plan (General Land Use Plan): Low Density Residential Current Zoning Classification: R-2U (Residential Two-family University)
Tax Status: Parcels are up to date on payment of taxes.
Completeness: The application generally contains all of the information required by Zoning Ordinance (Z.O.) Sec. 34-41.

Background and Summary:

Landowner Southern Property, LLC has submitted an application seeking a rezoning of approximately (1.6) acres of land identified within City tax records as Tax Map and Parcel (TMP) 17-18, TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, "Subject Property"). The Subject Property has frontage on Maury Avenue and Stadium Road. The application is proposing changing the current zoning of the Subject Property from R-2U (Two-family University) to R-3 (Multifamily) with Proffered Conditions (see below for proffered conditions). The Comprehensive Land Use Map for this area calls for Low Density Residential (15 Dwelling Units per Acres).

- On June 11, 2019 the Planning Commission provided a recommendation to City Council to rezone the Subject Property from R-2U (Residential two-family University) to R-3 (Multifamily) with a vote of 4 - 2.
- On July 9, 2019 the Planning Commission provided a recommendation to City Council to amend the 2013 Comprehensive General Land Use Map for the Subject Property from Low Density Residential to High Density Residential (application CP-19-00001) with a vote of 5 - 2.
- At the August 5, 2019 City Council meeting, the applicant presented new documentation (proffered conditions and a conceptual layout) effecting the rezoning application. City Council moved to send the rezoning request and comprehensive plan amendment back to Planning Commission to review the updated materials.

Below is a summary of the updated materials submitted by the applicant after the Planning Commission made recommendations to City Council on June 11th and July 9th. This information is also available in the comprehensive plan amendment staff report (CP-19-00001).

June 11th and July 9th Submittal: The applicant proposed a straight rezoning with no proffers or development plan. Planning Commission initiated a comprehensive plan amendment to insure the City's Land Use Map would correspond with R-3 zoning.

October 8th Submittal: The applicant updated the rezoning request to include proffered conditions and a conceptual drawing, referenced in the proffer statement. The proffer statement includes:

1. The number and location of buildings and structures relative to Maury Avenue and Stadium Road, and points of ingress and egress to the Subject Property, may not be varied from the general or approximate location(s) depicted within the attached 1-page drawing, titled "209 Maury Avenue Application Plan" by Mitchell Matthews Architects (the "Application Plan", attached and incorporated herein by reference).
2. The majority of the area between Maury Avenue and the façade of the historic Manor House located on the Subject Property, currently having an address of 209 Maury Avenue, shall be maintained as open green space (grass lawn), landscaping with plantings, or a combination thereof, as generally depicted within the Application Plan. Stormwater management practices or treatments may be located within this area only if the appearance of this area is that of a grass yard with trees and shrubbery, as generally depicted within the Application Plan.
3. Prior to seeking a building permit for construction of any new building, structure, or addition to the Manor House, the Landowner shall submit and obtain final approval of a site development plan covering the entire area of the Subject Property. The Landowner shall, as part of the final site development plan, include a landscape plan for the entire Subject Property which shall be prepared by a landscape architect. The landscape plan shall provide green space (grass lawn), trees and shrubbery in an

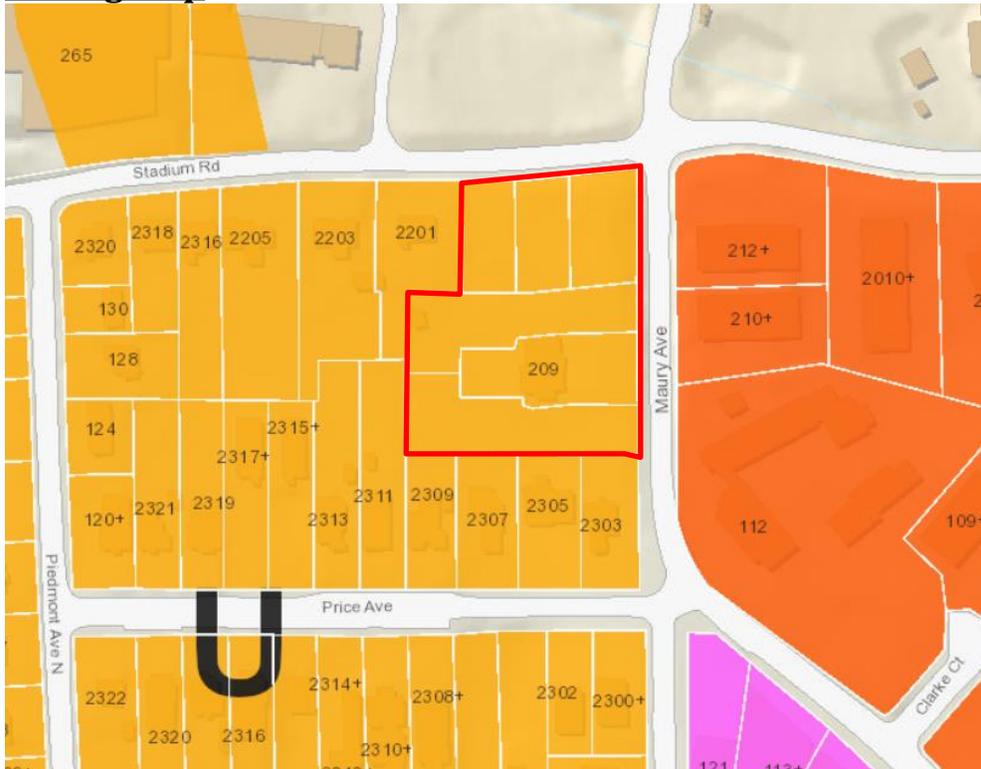
amount, and in locations, generally consistent with the Application Plan.

4. The historic Manor House building located on the Subject Property, currently having an address of 209 Maury Avenue, shall, in perpetuity, (but excluding destruction by natural disasters, fires, or other unforeseen calamities) be maintained in good repair. Nothing herein shall restrict the owner of the Subject Property and/or its assigns from making reasonable and architecturally consistent additions or modification to the historic Manor House building located on the Subject Property.

Vicinity Map

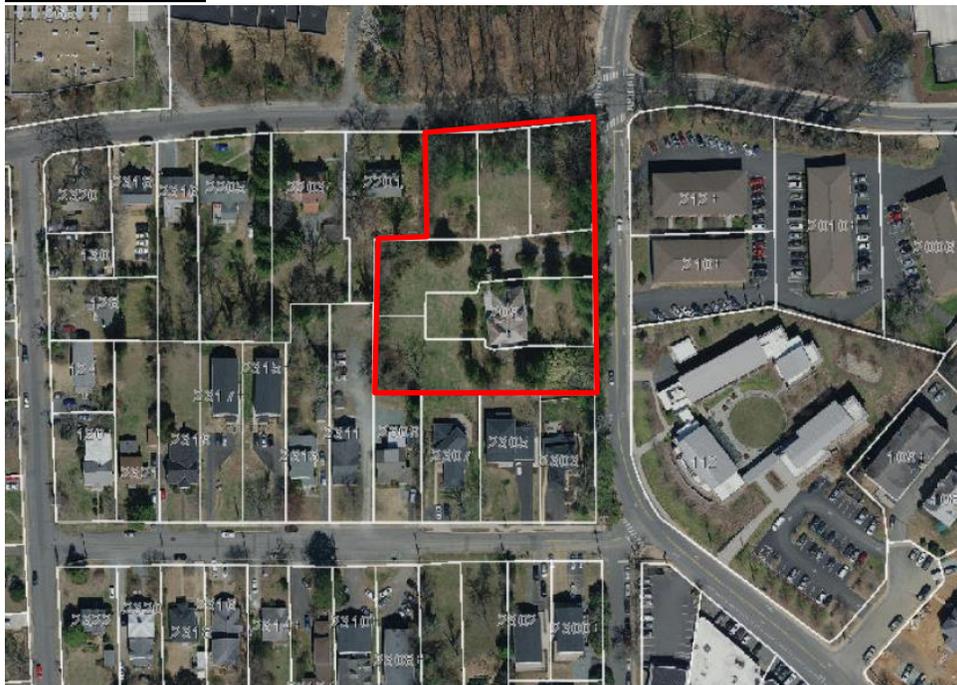


Zoning Map

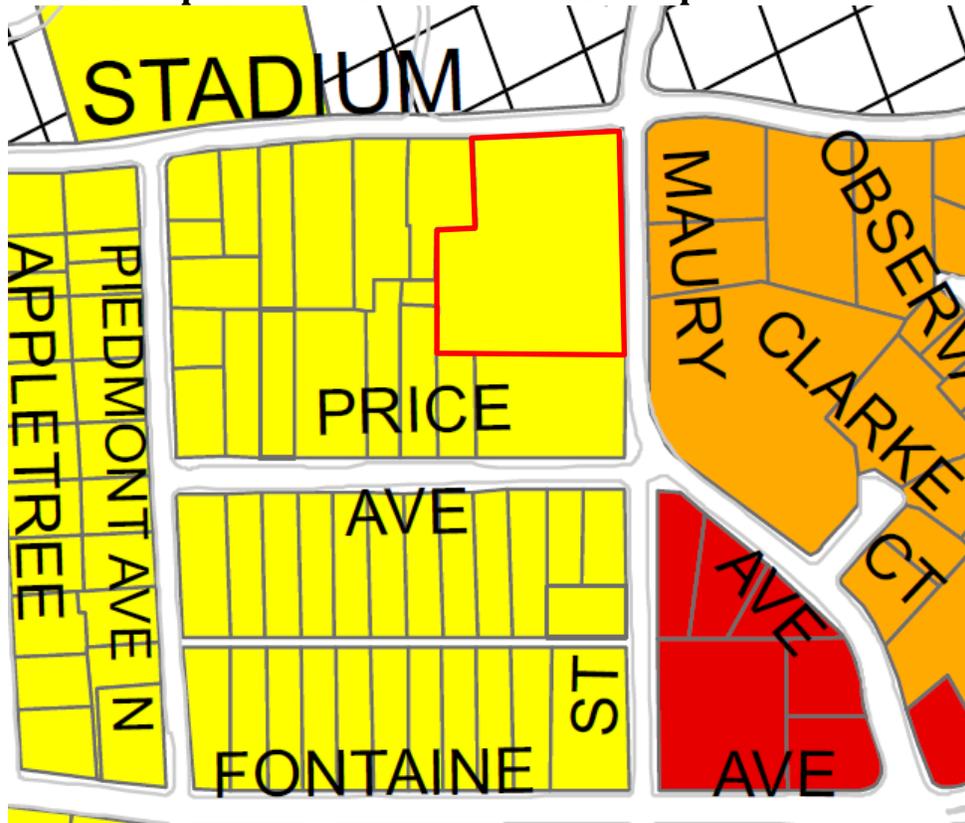


Light Orange: (R-2U) Residential Two-family University, **Dark Orange:** (R-3) Multifamily Residential, **Purple:** (NCC) Neighborhood Commercial Corridor, **No Color:** UVA

2018 Aerial



2013 Comprehensive Plan Land Use Map



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

Standard of Review

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

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

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

beginning of the proposed district classification.

Preliminary Analysis

The applicant is proposing to rezone the Subject Property from R-2U to R-3 with proffers but no development plan. Proffer 1 indicates the number and location of buildings and structures in relation to Maury Avenue and Stadium Road; and points of ingress and egress to the Subject Property may not be varied from the general or approximate location(s) depicted within the attached 1-page drawing, titled “209 Maury Avenue Application Plan. This proffer lays out the general form for development of the Subject Property, but is not a site plan or development plan. Staff’s analysis is based off the highest intensities and densities that would be permitted by-right in the R-3 zoning districts:

Current R-2U Zoning (“university”), consisting of quiet, low-density residential areas in the vicinity of the University of Virginia campus, in which single-family attached and two-family dwellings are encouraged.		Proposed R-3 Zoning consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.	
Physical Characteristics		Physical Characteristics	
Front Setback	25’ min	Front Setback	25’ min
Side Setback	5’ min (Single Family Detached) 10’ min (Single Family Attached) 10’ min (Two-family) 50’ min (Non-residential) 20’ min (Corner Street Side)	Side Setback	10’ min (Res 0 to 21 DUA, 1 foot for every 2 feet in height) 10’ min (Res 22 to 43 DUA, 1 foot for every 3 feet in height) 10’ min (Res 44 to 87 DUA, 1 foot for every 4 feet in height) 25’ min (Non-residential) 20’ min (Corner Street Side)
Rear Setback	25’ min (Residential) 50’ min (Non-residential)	Rear Setback	25’ min
Land Coverage	No limit outside setbacks	Land Coverage	75% max of the site (Res 0 to 21 DUA) 80% max of the site (Res 22 to 87)
Height	35’ max	Height	45’ max
Min Lot Size	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft)(Single Family	Min Lot Size	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft)(Single Family

	Attached) 7,200sqft (Two-family) No requirement (non-residential)		Attached) 7,200sqft (Two-family) 2,000sqft (Townhouses) No requirement multifamily No requirement (non-residential)
Road Frontage	50' (Single Family Detached and Two-family) 20' (Single Family Attached) No requirement (non-residential)	Road Frontage	50' (Single Family Detached and Two-family) 20' (Single Family Attached) 16' (Townhouses) No requirement multifamily No requirement (non-residential)
Additional Regulations		Additional Regulations	
		Buffering when Bordering Low-density districts	50' min (Res 22 to 43 DUA) 75' min (Res 44 to 87 DUA) No requirement (non-residential)

Residential Use (by-Right)	R-2U	R-3
Accessory apartment, internal		B
Accessory buildings, structures and uses	B	B
Adult assisted living	B	B
Amateur radio antennas, to a height of 75 ft.	B	B
Bed-and-breakfast Homestay		B
Bed-and-breakfast B&B		B
Dwellings Multifamily		B
Dwellings Single-family attached	B	B
Dwellings Single-family detached	B	B
Dwellings Townhouse		B
Dwellings Two-family	B	B
Family day home 1 – 5 Children	B	B
Family day home 6 – 12 Children		B
Residential Occupancy 3 unrelated persons	B	B
Residential Occupancy 4 unrelated persons	B	B
Residential Density 1 – 21 DUA		B
Residential Treatment Facility 1 – 8 residents	B	B

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

The Subject Property, in the current configuration, could accommodate the construction of up to (6) single family detached dwellings or up to (12) single family attached or two-family dwellings. If the parcels were rearranged, the Subject Property could accommodate (11) single family detached dwellings or up to 18 single family attached/two-family dwellings. This proposed maximum buildout does not take into account required road frontage or other limiting factors such as easements or critical slopes.

If the Subject Property is rezoned, the proffer statement indicates any development on site would be limited to two “new” buildings and use of the existing structure on site. Their general location and the location of access points to the site are also proffered. Due to the proffer language, the applicant’s narrative statement, the by-right uses permitted in R-3, and location, the most likely use of this site would be multifamily residential with a unit count of (33).

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

Zoning History of the Subject Property

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

Sec. 34-42

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

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

a. Land Use

Staff Analysis

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

The Subject Property is bordered by:

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

Staff finds a rezoning of the Subject Property would be consistent with the patterns of development to the north and east, but inconsistent with the patterns of development to the south and west. Apartment style housing (on grounds through dormitories, or off grounds at the intersection of Maury and Stadium) is prevalent in this portion of the City. Large apartment complexes such as Cavalier Court or UVA housing such as Gooch Dillard are directly across the street from the Subject Property. The Subject Property is also bordered by duplexes and single family homes. Although many of the single family homes have been converted to duplexes and rented out to UVA students, individual families still resided in close proximity to the Subject Property.

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

b. Community Facilities

Staff Analysis

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

c. Economic Sustainability

Staff Analysis

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

d. Environment

Staff Analysis

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

e. Housing

Staff Analysis

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

f. Transportation

Staff Analysis

Staff finds a rezoning of the Subject Property from R-2U to R-3 would not have an impact on transportation. Cut through traffic to avoid the intersection of Maury Ave and Fontaine Ave / JPA is a concern in the neighborhood. Any development on the Subject Property could add to this problem. At this location the most likely development would be student housing that produces more pedestrian and bicycle traffic than vehicular. Any by-right development on the site would need to meet current parking and traffic standards.

The Streets that Work Plan labels Stadium Road and Maury Avenue as Mixed Use B. Mixed Use B streets are characterized by one vehicular travel lane in each direction, intermittent center turn lanes, sidewalks and bicycle facilities. These streets also may have on-street parking. The adjacent land uses may be commercial, higher density residential or institutional. These streets should support high levels of walking, bicycling, and transit as they connect important destinations within the City and surrounding county. Future development that occurs along these streets will likely include a dense mix of uses.

g. Historic Preservation & Urban Design

Staff Analysis

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

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

The applicant's own analysis of can be found in the application materials **(Attachment B)**.

Staff Analysis

The by-right uses within the R-3 district are very similar to the by-right uses allowed in the R-2U. Residential density, dwelling type, health clinics, and education facilities are the (4) main by-right differences in the districts. Due to the size and location of the Subject Property, staff believes future development would most likely be residential in nature and serve the University. This location is appropriate for this type of use and would have minimal impact on the surrounding community.

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

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

Staff Analysis

According to the City's 2013 Comprehensive General Land Use Plan, this portion of the City should be Low Density Residential with a DUA under 15. The existing development patterns along Stadium Avenue and Maury Avenue are consistent with the current Land Use Map. A rezoning of the Subject Property would raise the DUA to 21 which would make the Subject Property High Density Residential. The Subject Property is currently in alignment to the City 2013 Comprehensive Land Use Map and a change is not justified.

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

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

Staff Analysis

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

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

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

those areas. There are two categories of R-2 zoning districts:

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

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

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

Public Comments Received

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

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

On June 11, 2019 the Planning Commission held a Public Hearing on the rezoning request. No members of the public spoke.

On July 1, 2019 City Council held a Public Hearing on the rezoning request and two members of the public spoke against the rezoning.

On July 9, 2019 the Planning Commission held a Public Hearing on amending the comprehensive plan and six members of the community spoke and raised the following:

- Concern about the preservation of the existing Eugene Bradbury designed home.
- Rezoning the subject properties to R-3 density could be increased providing more student housing closer to grounds. This could pull some students out of other areas of the City and open up more housing stock.
- Concern about rezoning the subject properties without a development plan to review.
- The Planning Commission also initiated a Comprehensive plan land use map amendment to change the subject properties to “High Density Residential”. This would insure the land use map designation would match the corresponding zoning.

On September 18, 2019 the applicant held a Community Engagement meeting at CitySpace to review the new materials connected to the rezoning request. About eight members of the community attended and offered feedback to the applicant. Conservation of the home was the biggest concern.

In addition to the required Community Engagement meeting, the applicant also presented

the rezoning request to the Fry's Spring Neighborhood Association meeting on August 14, 2019.

Staff Recommendation

Staff finds the proposed zoning change with proffers, will contribute to goals of the City's Comprehensive Plan such as increasing the City housing stock, good urban design, and preservation of historic structures. Staff finds that the by-right uses within the R-3 District are similar to the by-right uses in the R-2U District. The biggest differences are related to residential density, dwelling type, health clinics, and education facilities. Staff finds (33) dwelling units split between two buildings is appropriate for this location.

Summarizing the Standard of Review, staff finds:

1. **Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.** *Staff finds the proposed rezoning would not comply with the City's Comprehensive General Land Use Plan Map, but could contribute to other chapters of the City's 2013 Comprehensive Plan.*
2. **Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.** *Staff finds the proposed rezoning would most likely further the purposes of this chapter and the general welfare of the entire community.*
3. **Whether there is a need and justification for the change.** *Staff finds no justification for the proposed rezoning.*
4. **When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.** *Staff finds the proposed rezoning would have no impact on public services or facilities, and would most likely meet the intent of the Residential Zoning District as defined within the proposed district classification.*

Suggested Motions

1. I move to recommend approval of this application to rezone the Subject Property from R-2U, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

OR,

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

Attachments

- A. Rezoning Application
- B. Applicant's Narrative Statement and supporting documents undated
- C. Community Engagement Information



City of Charlottesville

Application for Rezoning

Project Name: 209 Maury (all 6 lots)

Address of Property: 209 Maury Ave

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

Current Zoning: R-2U

Proposed Zoning: R-3

Comprehensive Plan Land Use Designation: Low Density Residential

Applicant: SOUTHERN DEVELOPMENT

Address: 170 S PANTOPS LA, CHARLOTTESVILLE, VA 22911

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

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

Owner Owner's Agent Contract Purchaser

Owner of Record: SOUTHERN PROPERTY, LLC

Address: SAME AS APPLICANT

Phone: _____ Email: _____

RECEIVED

APR 29 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

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

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

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

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

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

ZM19-00002



City of Charlottesville

Pre-Application Meeting Verification

Project Name: 209 Maury

Pre-Application Meeting Date: 4/23/2019

Applicant's Representative: _____

Planner: Matt Alfele

Other City Officials in Attendance:

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

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

2. ~~Missing Plan~~

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

4. _____

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

Planner Signature: _____



City of Charlottesville

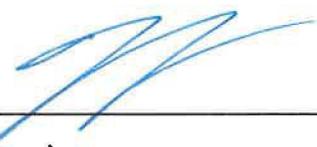
Application Checklist

Project Name: 1.6 acres surrounding 209 Marry Ave

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

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

Applicant

Signature 

Print Frank Bellif

Date 4/26/19

By Its: Manager

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



City of Charlottesville

Community Meeting

Project Name: 1.6 acres surrounding 209 Mauvy Ave

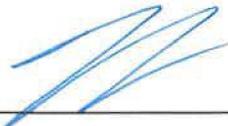
Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development,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

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

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

Applicant: Southern Development

By:



Signature _____ Print Frank Bellif Date 4/26/19

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



City of Charlottesville

Personal Interest Statement

Project Name: 1.6 acres surrounding 209 Mawry Ave

I swear under oath before a notary public that:

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

Planning Commissioner(s): _____

Or

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

And

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

City Councilor(s): _____

Or

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

Applicant: Southern Development

By:

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

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

Commonwealth of Virginia

City of Charlottesville

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

Notary Signature [Signature]

Registration #: 298946 Expires 7-31-2020

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



City of Charlottesville

Owner's Authorizations

(Not Required)

Project Name: 1.6 acres surrounding 209 Mawry Ave

Right of Entry- Property Owner Permission

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

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

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

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

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this rezoning, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Charlie Armstrong

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

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

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

Circle one:

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

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Project Name: 1.6 acres surrounding 209 Meury Ave

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

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

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

Name _____ Address _____

Name _____ Address _____

Attach additional sheets as needed.

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

Applicant: Southern Development

By:

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

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

Attachment A



City of Charlottesville

Fee Schedule

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

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____

Attachment B

BEFORE THE CITY COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-19-00002)
STATEMENT OF FINAL PROFFER CONDITIONS FOR
TAX MAP 17, PARCELS 180, 180.1, 180.2, 184, 185, & 186.
Dated as of _____, 2019

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

The undersigned limited liability company (“Landowner”) is the owner of land subject to the above-referenced rezoning petition (“Subject Property”). Through this rezoning request the Landowner seeks approval of a specific use described within an Application Plan accompanying the rezoning petition.

Pursuant to City Code §34-61 et seq., the Landowner seeks to amend the current zoning of the property subject to certain proffered development conditions set forth below. The Landowner proffers these conditions as part of the requested rezoning, and Landowner agrees that (i) the rezoning itself gives rise to the conditions, and (ii) the conditions have a reasonable relationship to the rezoning request. The Landowner agrees that if the Subject Property is rezoned as requested, the use and development of the Subject Property will be subject to the following voluntarily-proffered development conditions:

1. The number and location of buildings and structures relative to Maury Avenue and Stadium Road, and points of ingress and egress to the Subject Property, may not be varied from the general or approximate location(s) depicted within the attached 1-page drawing, titled “209 Maury Avenue Application Plan” by Mitchell Matthews Architects (the “Application Plan”, attached and incorporated herein by reference).
2. The majority of the area between Maury Avenue and the façade of the historic Manor House located on the Subject Property, currently having an address of 209 Maury Avenue, shall be maintained as open green space (grass lawn), landscaping with plantings, or a combination thereof, as generally depicted within the Application Plan. Stormwater management practices or treatments may be located within this area only if the appearance of this area is that of a grass yard with trees and shrubbery, as generally depicted within the Application Plan.

Attachment B

3. Prior to seeking a building permit for construction of any new building, structure, or addition to the Manor House, the Landowner shall submit and obtain final approval of a site development plan covering the entire area of the Subject Property. The Landowner shall, as part of the final site development plan, include a landscape plan for the entire Subject Property which shall be prepared by a landscape architect. The landscape plan shall provide green space (grass lawn), trees and shrubbery in an amount, and in locations, generally consistent with the Application Plan.

4. The historic Manor House building located on the Subject Property, currently having an address of 209 Maury Avenue, shall, in perpetuity, (but excluding destruction by natural disasters, fires, or other unforeseen calamities) be maintained in good repair. Nothing herein shall restrict the owner of the Subject Property and/or its assigns from making reasonable and architecturally consistent additions or modification to the historic Manor House building located on the Subject Property.

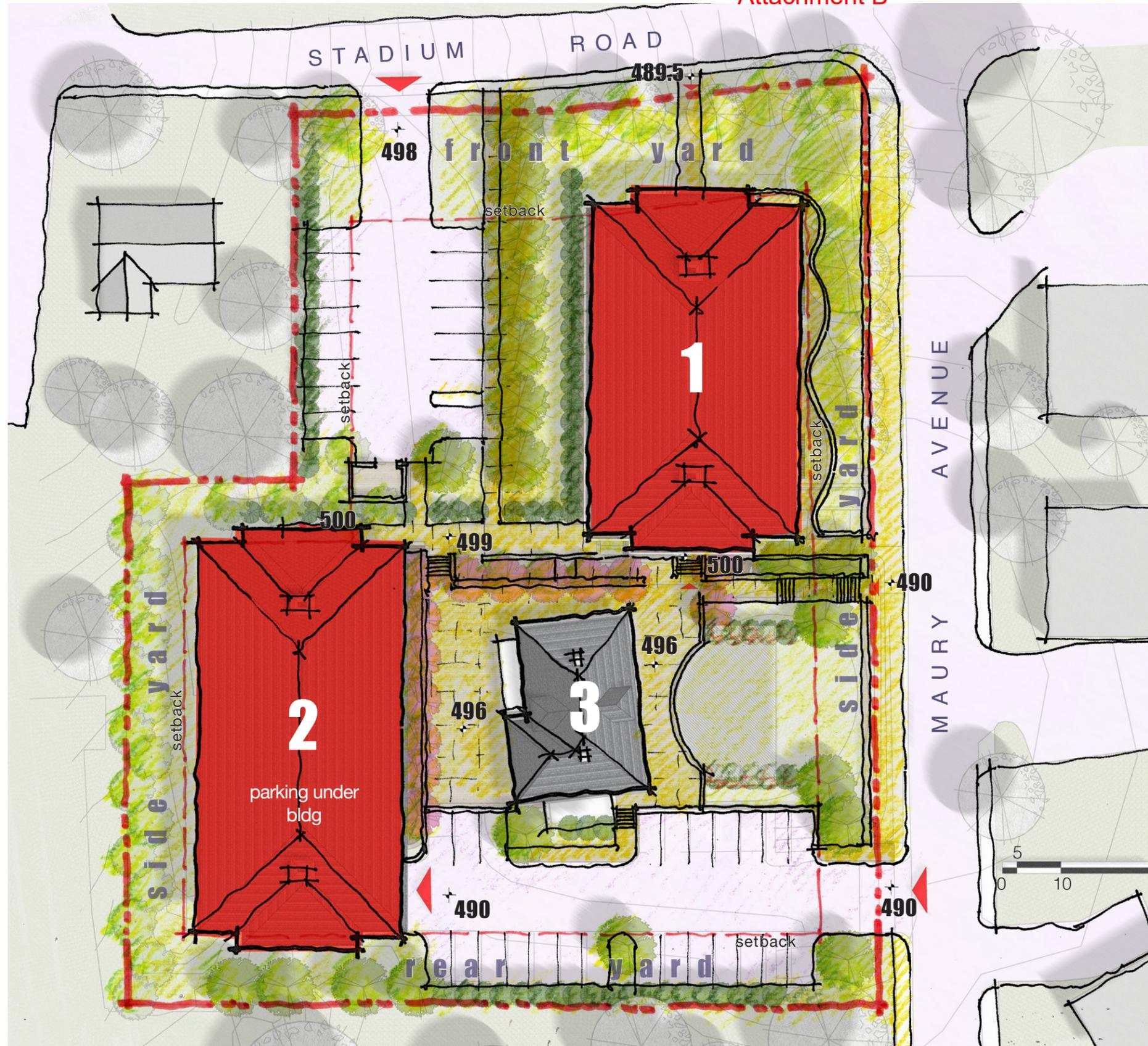
WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this ____ day of ____, 2019.

Owner:
FMC, INVESTMENTS LLC

Owner's Address:
170 S Pantops Dr
Charlottesville, VA 22911

By: _____
Charles Armstrong, Member



ZONING DATA		
Site	Site Area	1.611 Acres
	Current Zoning	R - 2U
	Prop. Zoning	R - 3

Document referenced in proffer 1
 “209 Maury Avenue Application
 Plan”

SK-115

209 MAURY AVENUE
APPLICATION PLAN

Attachment B

Narrative Project Description 1.6 Acres Surrounding 209 Maury Avenue

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

1. Project Proposal Narrative:

This proposal is to rezone the above-listed parcels from R-2U to R-3. R-2U allows duplex units, which in this case would allow a total of 12 units (6 duplexes) to be built on the existing land by-right. Those 12 units would be freestanding structures on 6 individual lots in a suburban style. R-3 zoning would allow multifamily housing up to 21 DUA, or 33 units on this property, an increase of 21 units of density on the parcels. There is a dire need for more density in locations close to where occupants will work, or in this case where they would go to school. Multi-family zoning at this location will enable denser student-oriented development across the street from the University. If we don't encourage denser student-oriented housing in locations like this where would we put it?

2. Comprehensive Plan Analysis:

The Planning Commission has voted to recommend an amendment to the Comprehensive Plan for this site.

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

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

Chapter 5, the Housing chapter, calls for the city to consider the effect of housing decisions on associated infrastructure and transit. These parcels already appear to be part of UVA and are walking distance to everything at the University. They are on the University Transit System route and on the CAT Trolley route. They are ideally suited for higher density. The chapter also calls for growth of the City's housing stock. Rezoning for housing stock growth at this location will enable other housing stock to be preserved, as highlighted above, and will also trigger the City's mandatory affordable

Attachment B

housing ordinance in Sec. 34-12, requiring provision of affordable housing as part of whatever is developed on the property when a site plan is submitted.

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

3. Impacts on Public Facilities and Infrastructure:

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

4. Impacts on Environmental Features:

There are no sensitive or protected environmental features on the site. It is an upland previously developed site. Several pine trees and understory trees will be removed for construction. Efforts will be made to preserve mature oak trees on the north side of the site, but City Code requires provision of a much-needed sidewalk where none currently exists on this portion of Stadium Road. Installation of that sidewalk would undermine many of the adjacent trees which sit above the road on a ~6’ high eroding embankment, and thus many of them likely cannot be preserved due to the need for the sidewalk. Extensive new landscaping, including canopy trees, will be planted with the new development.

Invasive bamboo has invaded and overrun the south side of the site. With this development this invasive species would be eradicated from the site. See attached photos.

Attachment B



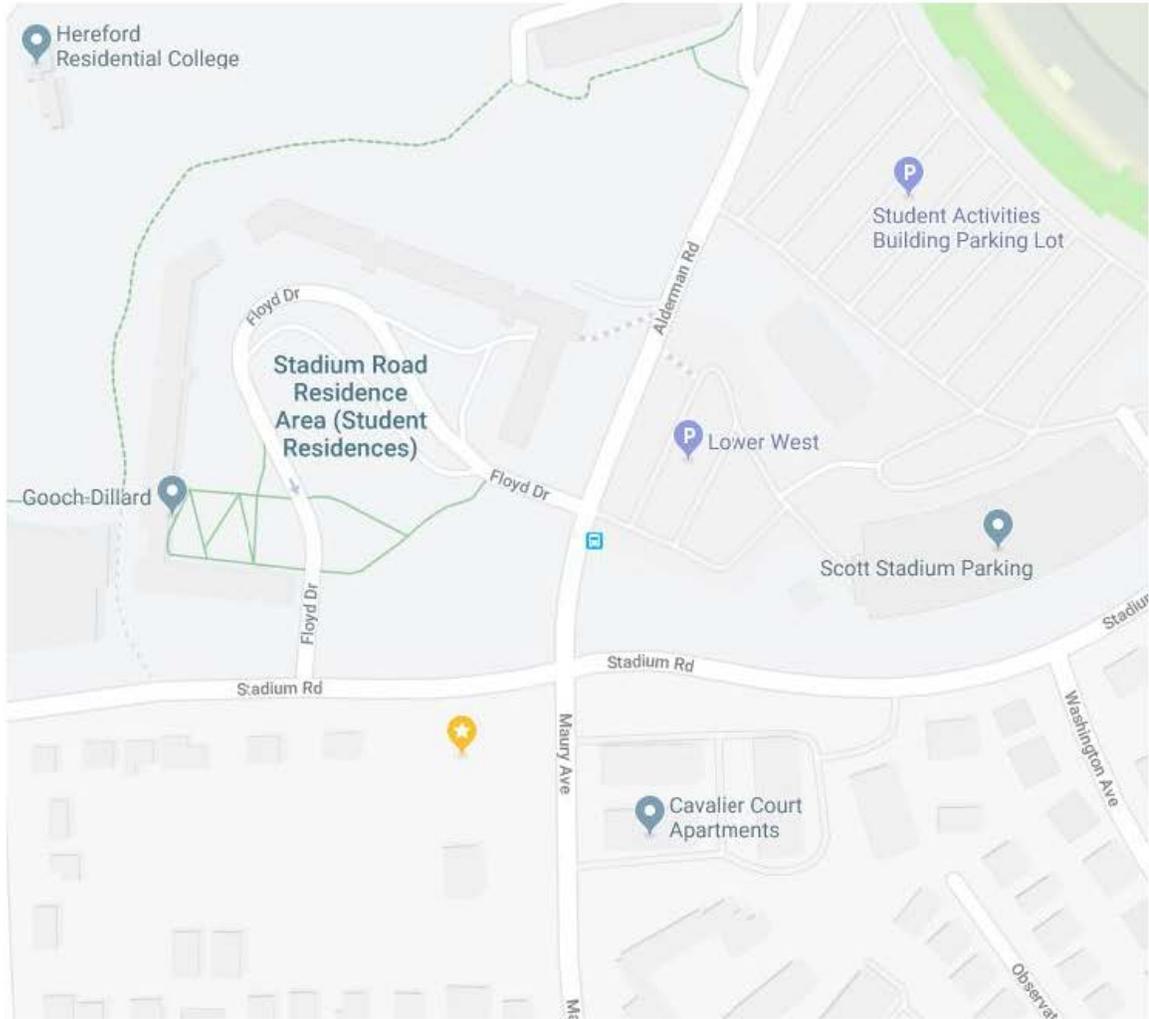
Bamboo occupying the portion of the site and road frontage to the south of the existing structure.

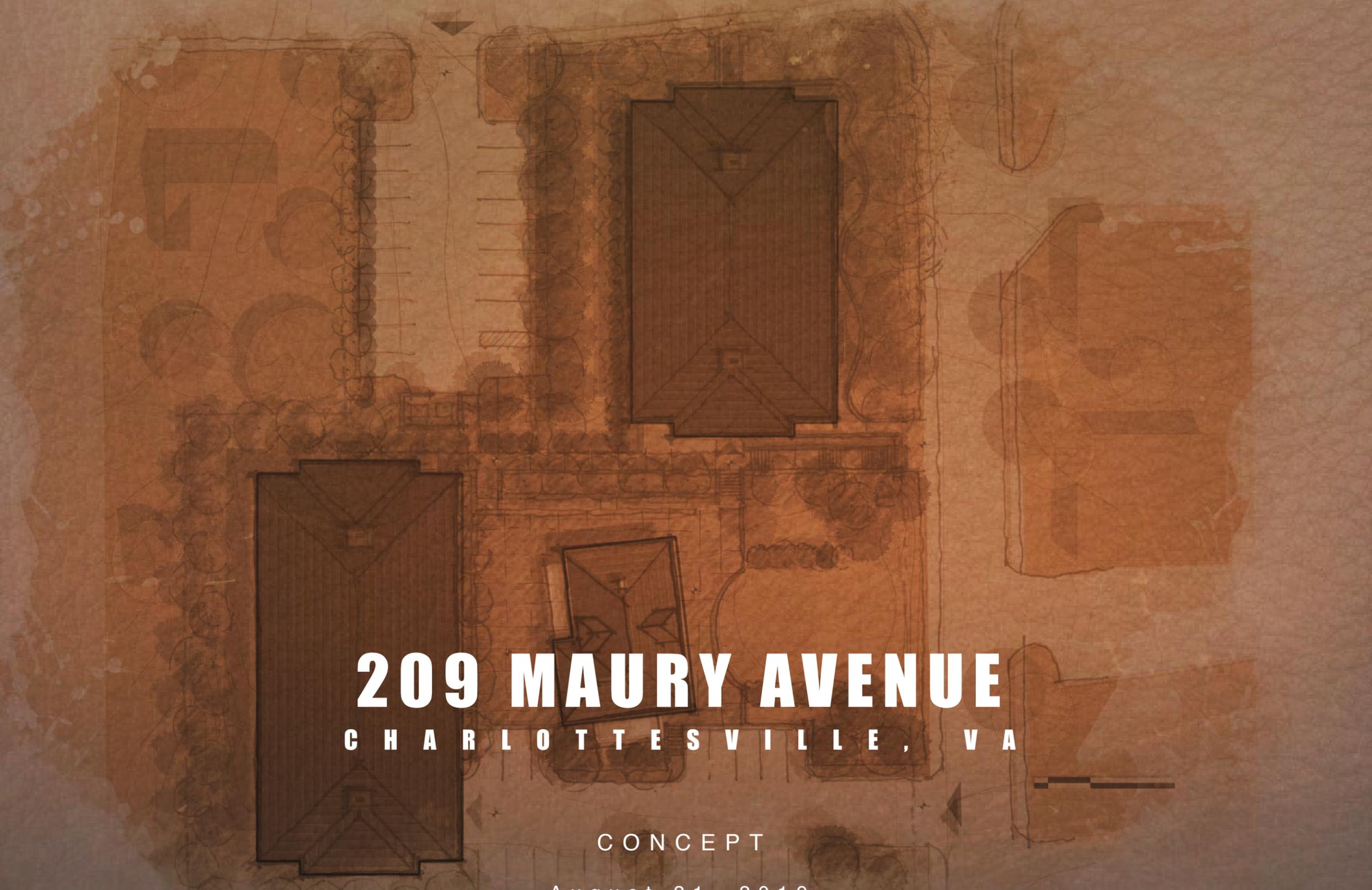


North end of site where a sidewalk is needed along Stadium Rd. Installation requires grading into the earthen bank.

Attachment B

Attachment B





209 MAURY AVENUE

CHARLOTTESVILLE, VA

CONCEPT

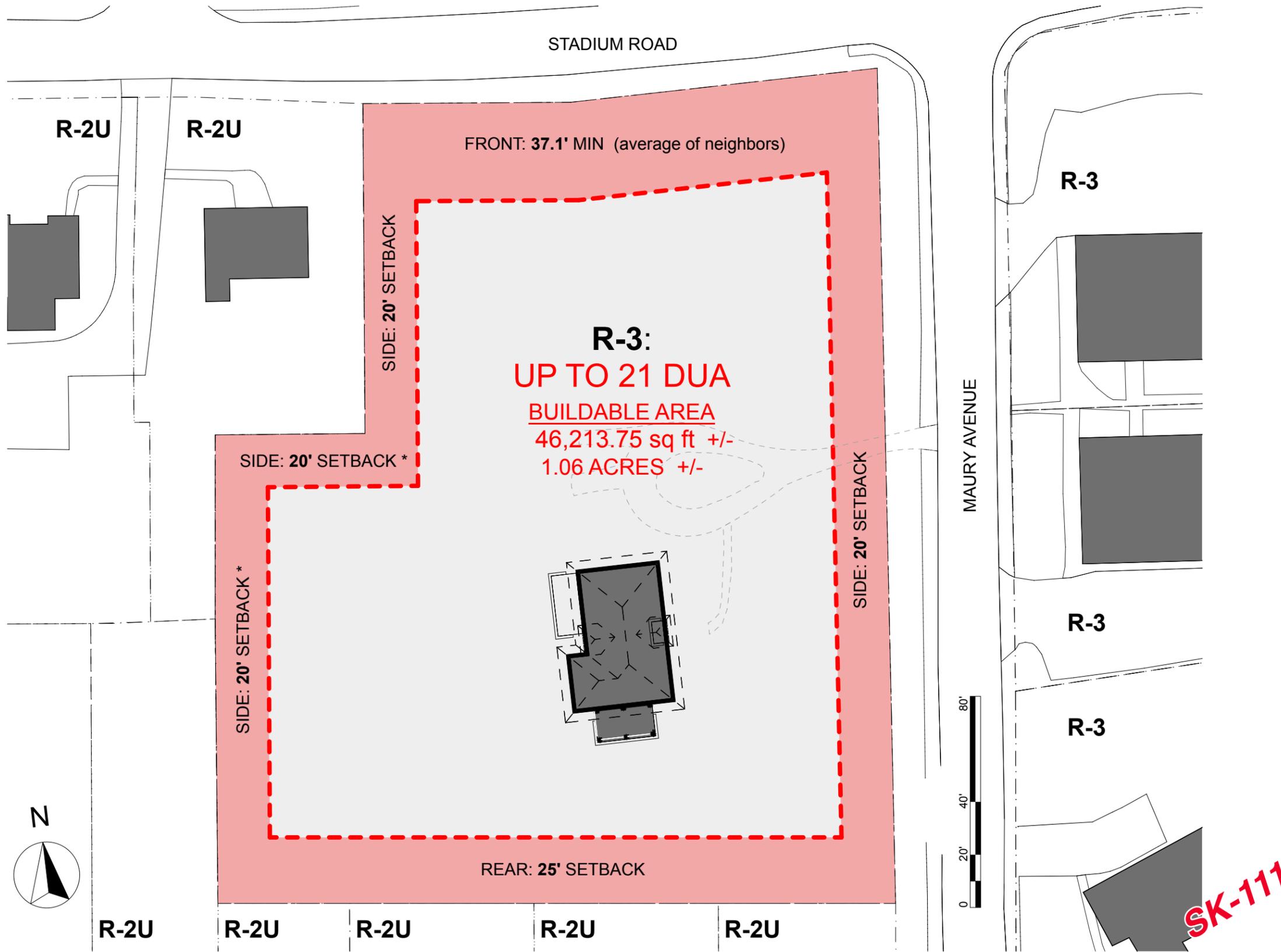
August 21, 2019

MITCHELL MATTHEWS ARCHITECTS ©2019



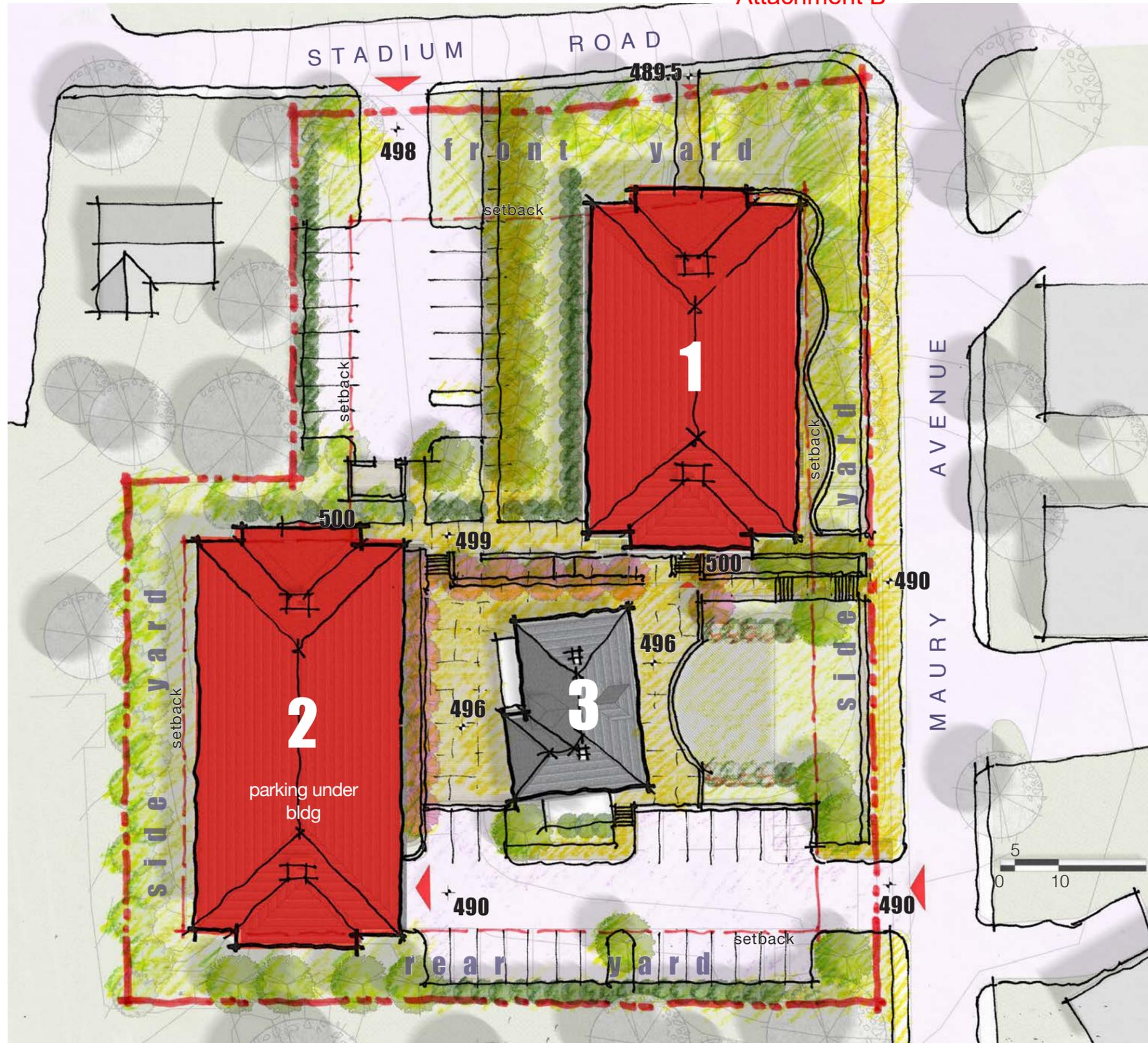
SK-22

209 MAURY AVENUE
ZONING BASE MAP



* SIDE SETBACK MODIFIED BASED ON BUILDING HEIGHT OF 40':
RESIDENTIAL : UP TO 21 DUA, 1 FOOT SETBACK PER 2 FEET OF HEIGHT

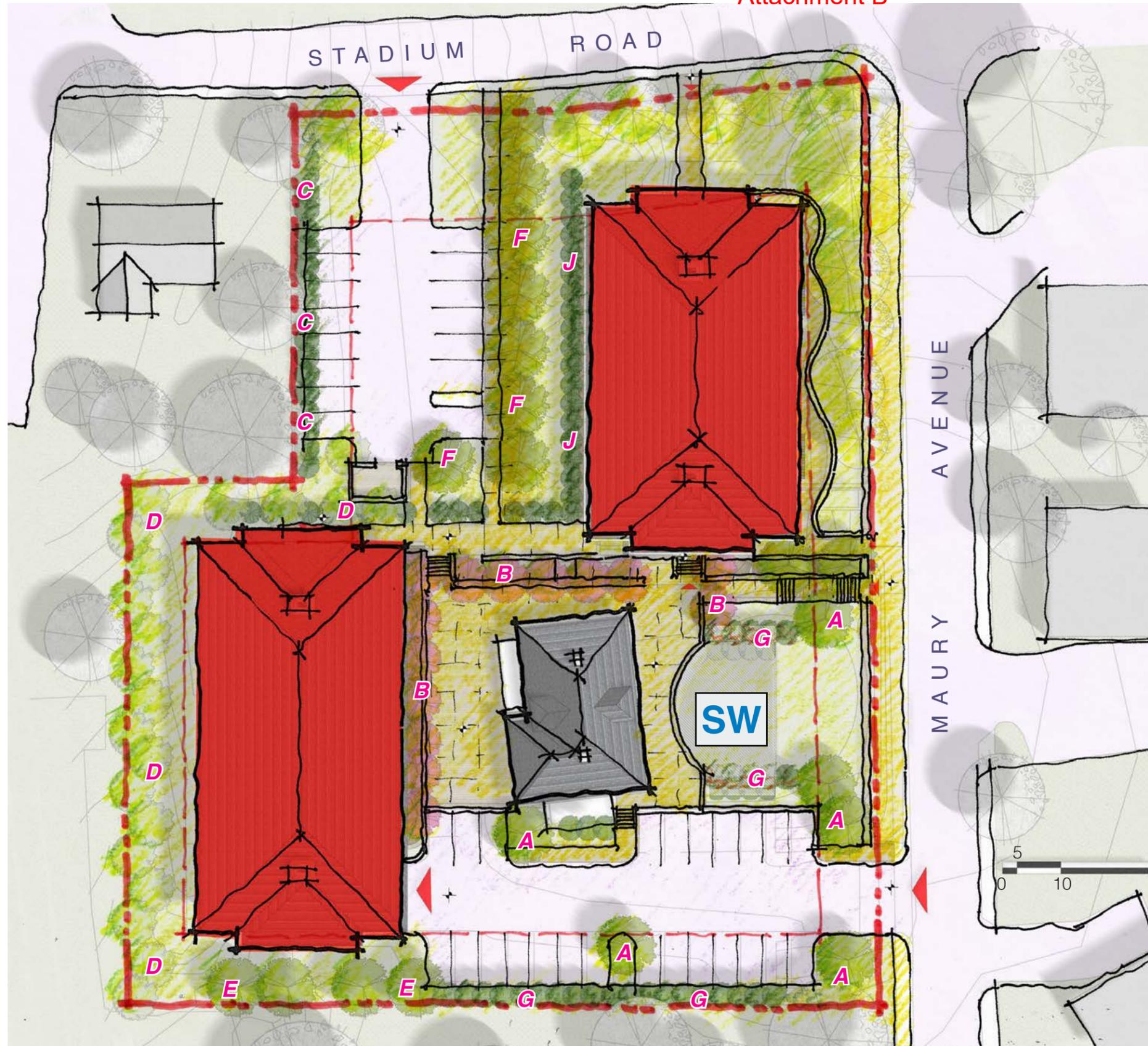
209 MAURY AVENUE
PROPOSED: R-3 (21 DUA MAX)



SK-115

ZONING DATA		
Site	Site Area	1.611 Acres
	Current Zoning	R - 2U
	Prop. Zoning	R - 3

209 MAURY AVENUE SITE PLAN CONCEPT



SK-110

SITE

CONCEPT STORMWATER PLAN

SW	Sub-surface Stormwater Detention System
----	--

CONCEPT PLANTING PLAN

TREES

A = LITTLE LEAF LINDEN

B = RED BUD

C = BAY LAUREL

D = EUROPEAN BEECH

E = RED SUNSET MAPLE

F = SWEET BAY MAGNOLIA

HEDGE

G = MOUNTAIN GREEN BOXWOOD

G = OPTION - DWARF HOLLY

J = SCHIP LAUREL

209 MAURY AVENUE
STORMWATER / LANDSCAPE



209 MAURY AVENUE
CONCEPT VIEW (from SE)

MITCHELL/MATTHEWS © 2019
ARCHITECTS AND URBAN PLANNERS
CHARLOTTESVILLE VA 434 979 7550



SK-114

209 MAURY AVENUE
CONCEPT VIEW (from East)

MITCHELL/MATTHEWS © 2019
ARCHITECTS AND URBAN PLANNERS
CHARLOTTESVILLE VA 434 979 7550

Attachment C

AFFIDAVIT OF MAILING NOTICE OF COMMUNITY MEETING

To: The City of Charlottesville, Virginia

I, Frank T. Ballif, as the Manager of FMC Investments, a Virginia limited liability company (the "Company"), do hereby state the following:

1. The Company acknowledges that on September 2, 2019 that it mailed a Notice of Community Meeting ("Notice"), via U.S. First Class mail postage pre-paid, to a list of addresses provided by the City of Charlottesville, and related to a copy of the Notice that is attached hereto and made a part hereof.
2. A true and correct copy of the Notice is attached hereto.
3. This affidavit is made pursuant to Section 34-41(c)(2) of the Code of the City of Charlottesville, requiring applicants seeking a rezoning and/or special use permit to hold a community meeting and to provide notice the same.

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

FMC Investments, LLC, a Virginia limited liability company

By: 
Frank T. Ballif, Manager

Commonwealth of Virginia,
County of Albemarle:

I, the undersigned, a notary public in and for the jurisdiction aforesaid, do hereby certify that Frank T. Ballif, Manager of FMC Investments, LLC, a Virginia limited liability company, who is known to me, appeared before me on the 5th day of September, 2019, and acknowledged the foregoing instrument under oath.

My commission expires: 7-31-2020


Notary Public/ID # 298946

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

Attachment C

September 2, 2019

NOTICE OF COMMUNITY MEETING

RE: Approximately 1.6 Acres Surrounding 209 Maury Ave
SUBJECT: Application for Rezoning from R-2U to R-3 with proffers
DATE: September 18th, 2019
TIME: 6:00pm
LOCATION: City Space, 100 5th St NE, Charlottesville, VA 22902

Dear Neighbor:

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

If you would like information about the proposal or have feedback or ideas about the proposal the applicant would welcome your participation in the meeting at 6:00pm on September 18th at City Space at the above referenced address. The applicant's goal is to modify the zoning of the parcels to better match existing uses on the opposite sides of Maury Avenue and Stadium Road.

Sincerely,



Charlie Armstrong
Owner/Applicant
FMC Investments, LLC

209 Maury Avenue ^{Attachment C} Community Meeting

Sign In

Contact Info

Adrienne Dent

KAYIN RIDDLE

JOHN MATTHEWS

Jean Hiatt

Jennifer Ward

HAROLD WARD

Dakota Durkee-Heim

KR@MITCHELLMATTHEWS.COM

JM " " "

jhiatt3@gmail.com

jmw8m@virginia.edu

dfd9s@virginia.edu

better:

durkeeheim@gmail.com

Attachment C

RECTOR & VISITORS OF THE U OF VA P O BOX 400726 CHARLOTTESVILLE VA 229044726	CHI ALPHA CHRISTIAN FELLOWSHIP AT THE UNIVERSITY OF VIRGINIA, INC 2002 STADIUM RD CHARLOTTESVILLE VA 22903	CMJ NORTH CAROLINA, LLC P O BOX 1745 ABINGDON VA 24212
UNIVERSITY OF VIRGINIA FOUNDATION P O BOX 400218 CHARLOTTESVILLE VA 22904	MITCHELL, KENT H, CHARLES B & HELEN 6200 PAGELAND LANE GAINESVILLE VA 20155	TERRY, HAROLD A, LIFE ESTATE 104 DUNOVA CT CHARLOTTESVILLE VA 22903
CMJ NORTH CAROLINA, LLC P O BOX 1745 ABINGDON VA 24212	SHAMROCK CORPORATION 102 VIEWMONT CT CHARLOTTESVILLE VA 22901	STULTZ LLC PO BOX 1414 CHARLOTTESVILLE VA 22902
MISCELLANEOUS PROPERTIES, LLC 3056 BERKMAR DRIVE CHARLOTTESVILLE VA 22901	IVEMB LLC 1106 SHERWOOD RD CHARLOTTESVILLE VA 22903	JEFFERSON SCHOLARS FOUNDATION P O BOX 400891 CHARLOTTESVILLE VA 229044891
MILLENNIUM TRUST CO, LLC CUST FBO BRIAN T O'REILLY IRA 6703 TENNYSON DR MCLEAN VA 22101	ANAS, CATHARINE S, TRUSTEE 127 PIEDMONT AVE N CHARLOTTESVILLE VA 22903	WORTHLEY, BONI D & DAVID F 1828 BUTTERMILK CT VIRGINIA BEACH VA 23456
FERNEYHOUGH, ALICE J 2319 PRICE AVENUE CHARLOTTESVILLE VA 22903	ANDREWS, ANGELA J 127 OBSERVATORY AVENUE CHARLOTTESVILLE VA 22903	CLARKE COURT APARTMENTS, LLC 112 CLARKE CT CHARLOTTESVILLE VA 22903
WORTHLEY, DAVID F & BONI D 1828 BUTTERMILK CT VIRGINIA BEACH VA 23456	PICKERING, CRAIG N & MARGUERITE L 2000 NORTH PANTOPS DRIVE CHARLOTTESVILLE VA 22911	GRAY, DONNA DOWNING 717 ANDERSON ST CHARLOTTESVILLE VA 22903
LEE, JAE 19225 AUTUMN WOODS AVE TAMPA FL 33647	BOGGS, EVERETT S & MARGARET J 117 PIEDMONT AVENUE NORTH CHARLOTTESVILLE VA 22903	PAN, DONGFENG 1007 MORNINGSIDE LN CHARLOTTESVILLE VA 22903
ZHOU, XIAOWANG 2921 RIVERS BEND CIR LIVERMORE CA 94550	DEANE, ILMA M, TRUSTEE 500 CRESTWOOD DR #2108 CHARLOTTESVILLE VA 22903	PICKERING, CRAIG N & MARGUERITE L 2000 NORTH PANTOPS DRIVE CHARLOTTESVILLE VA 22911
YU, SING KUNG & HE QING 3405 INDIAN SPRING ROAD CHARLOTTESVILLE VA 22901	ARMSTRONG, RICHARD 2821 NORTHFIELD ROAD CHARLOTTESVILLE VA 22901	PRICE AVENUE, LC 130 SOUTH CAMERON STREET WINCHESTER VA 22601

Attachment C

SCHUERMANN, SAVANNAH B &
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19 ORCHARD RD
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DAWSON, S STEPHENS & KATHY LOU
1606 DEL MAR ROAD
CHARLOTTESVILLE VA 22903

BRANNOCK, THOMAS S M, II
P O BOX 60
CHARLOTTESVILLE VA 22902

FMC INVESTMENTS, LLC
142 S PANTOPS DR
CHARLOTTESVILLE VA 22911

GREGG, ALLEN D & LESLIE C PURCELL
1357 RIDGEWAY FARM
CHARLOTTESVILLE VA 22911

IVY SQUARE, LLC
2125 IVY ROAD STE C
CHARLOTTESVILLE VA 22903

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NEHER, SARA E
2303 PRICE AVE
CHARLOTTESVILLE VA 22903

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34323 MULBERRY TER
FREEMONT CA 94555

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ASHBURN VA 20148

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7 ORCHARD RD
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