

CITY OF CHARLOTTEVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

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

DATE OF HEARING: September 14, 2010
APPLICATION NUMBER: SP-10-03-06

Project Information

Project Planner: Brian Haluska, Neighborhood Planner

Applicant: Estes Street Partners

Applicants Representative: Steve Driver of Terra Engineering and Land Solutions

Applicable City Code Provisions: 34-156 through 34-164 (Special Use Permits), 34-800 through 34-827 (Site Plans), 34-867 (Landscape Plans), Section 34-420 Use Matrix

Application Information

Property Street Addresses: 218 9th Street SW and 848-854 Estes Street

Tax Map/Parcel #: Tax Map 30, Parcels 55, 59, 60, 61 and 62

Total Square Footage/Acreage Site: 31,320 square feet or .719 acres

Comprehensive Plan (Land Use Plan) Designation: Single-Family Residential

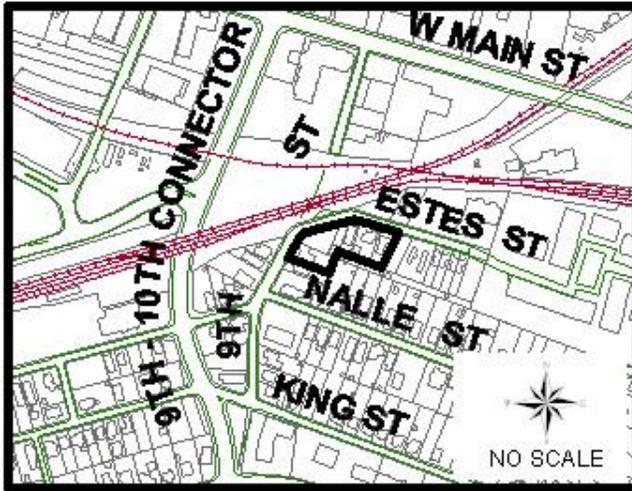
Current Zoning Classification: Cherry Avenue Corridor (CH)

Tax Status: Taxes are current

Applicant's Request:

The Estes Street Partners are seeking a special use permit for increased residential density of 24 dwelling units per acre in the Cherry Avenue Corridor. The by-right density would allow up to 15 units on this site. This application would allow the applicant to construct 17 townhouse units on an approximately 31,320 square foot parcel located on Estes Street. The current zoning for the site is CH, which allows 21 dwelling units per acre by right, and requires a special use permit for residential density between 22 and 43 dwelling units per acre.

Vicinity Map:



Standard of Review: The Planning Commission must make an advisory recommendation to the City Council concerning approval or disapproval of a special permit or special use permit for the proposed development based upon review of the site plan for the proposed development and upon the criteria set forth.

Section 34-157 of the City Code sets the general standards of issuance for a special use permit.

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a) Traffic or parking congestion;
 - b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c) Displacement of existing residents or businesses;
 - d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e) Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f) Reduction in the availability of affordable housing in the neighborhood;

- g) Impact on school population and facilities;
 - h) Destruction of or encroachment upon conservation or historic districts; and,
 - i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant
 - j) Massing and scale of project;
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed; and
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations.

City Council may grant an applicant a special permit or special use permit, provided that the applicant's request is in harmony with the purposes and standards stated in the zoning ordinance (Sec. 34-157(a)(1)). Council may attach such conditions to its approval, as it deems necessary to bring the plan of development into conformity with the purposes and standards of the comprehensive plan and zoning ordinance.

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

Staff Analysis:

1. Proposed Use of the Property

The proposed use is a development of 17 three story townhouse units with 35 parking spaces.

2. Impact on the Neighborhood

Below staff has identified the negative impacts of this application for increased density:

a. Traffic or parking congestion

- **Traffic congestion:** The current site plan shows a total of 149 vehicle trips per day as a result of this development. This is a considerable increase over the current conditions. However, the number of extra vehicles trips related to the density increase (2 additional units) is approximately 25 trips per day, which is not considered a significant increase.

- **Parking:** The development requires 17 spaces. The applicants' current site plan shows 35 parking spaces which includes 18 surface spaces and 17 spaces in the garage of each unit. This should be sufficient to accommodate residents, but there is the potential for visitors to put pressure on on-street parking in the adjacent neighborhood.

b. Noise, light, dust, odor fumes, vibrations, and other factors which adversely affect the natural environment, including quality of life of the surrounding community.

This use will generate more noise and light than the existing vacant land. Staff does not anticipate that will be excessive. The addition of 2 units will however, increase the impervious and stormwater run-off on the site.

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

This use does not discourage economic development activities, and may encourage economic development along Main Street and Cherry Avenue by increasing the residential density in the area.

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

This use will increase the density of population in the area and intensify the use of community facilities but not in a manner that which cause undue burden.

e. Reduction in the availability of affordable housing which will meet the current and future needs of the city.

This development will not be removing affordable housing, though as in any new development, it does have the potential to increase property values making the neighborhood less affordable.

f. Impact on school population and facilities.

This use will presumably impact school population or facilities, although the impact would be minimal due to the small number of units..

3. Zoning History

In 1947 the property was zoned B Business, and B-2 business. In 1958, the property was zoned M-1 Restricted Industrial. In 2001, the property was zoned Transition Zone, which was re-named Cherry Avenue Corridor in 2003.

4. **Character and Use of Adjacent Properties**

Direction	Use	Zoning
North	Railroad tracks/Communications Facility	CH
South	Single-family dwellings	R-1S
East	Single & Multifamily dwellings, daycare center	CH
West	Single-family dwellings/railroad tracks	CH

5. **Reasonableness/Appropriateness of Current Zoning**

The reasonableness and appropriateness of having the Cherry Avenue Corridor zoning designation this far into a residential neighborhood is questionable. This issue has been identified in the past as an item to be addressed. By-right uses in CH Cherry Avenue Corridor include low and medium density residential uses as well as mixed use buildings.

6. **Consistency with Comprehensive Plan**

The Comprehensive Plan designation was not changed in 2001 to reflect the Transition Zone designation. Therefore the current zoning is not consistent with the Comprehensive Plan. Any use other than single family residential would be inconsistent with the current land use designation. The proposed use, however, is consistent with the intent of the transition zoning process that occurred in 1999-2000.

7. **Massing and scale of the project**

The renderings submitted by the applicant do not give a clear depiction of the scale and mass of this project. Three-story town homes are slightly inconsistent with the scale and character of the adjacent single family neighborhood. The adjacent neighborhood is primarily comprised of two story single family residential buildings. However, it is consistent with newer development, such as, Walker Square, which is a multi-family development. There is concern that the buildings facing Estes will not have a façade or entrance on Estes, which will have an impact on the street life on Estes.

8. **Reasonable conditions of approval that would satisfactorily mitigate impact on the surrounding neighborhood**

1. To help mitigate parking and traffic concerns, staff recommends the inclusion of bicycle storage facilities in the amount of one space per two dwelling units.
2. To ensure that the development is not significantly out of scale with the adjacent single family residential neighborhood, staff recommends limiting the height of the building in the development to 35 feet. 35' is the max height in a low density residential district.
3. To offset the increase in imperviousness area on the site, the applicant shall incorporate Low Impact Development strategies that equal to at least 13 points on the City's LID Worksheet. These points shall be approved by the City Engineer or his designee.
4. To ensure the development will be harmonious with existing patterns of development within the neighborhood, staff recommends the units facing Estes street have a façade and entrance on Estes.

Additionally, the applicant has requested an additional condition reducing the rear yard setback adjacent to a low density residential area from 20 feet to 15 feet.

Attachments: Site Plan, SUP Narrative, Building Elevations

Public Comments Received:

There have been public comments in the form of letters submitted in relation to this development, which express concerns about the impact on traffic and parking in the area. Four neighborhood residents attended the site plan conference and had questions and concerns about traffic, the facades on Estes street, lighting, landscaping, parking and circulation.

The Commission has also heard from several residents in the area that support the project as long as the townhouses are adjacent to the street, as opposed to around a central parking area. The applicant requested and was successful in obtaining a zoning amendment that permitted the density they are requesting on the site, making the configuration supported by the residents possible.

Staff Analysis/Recommendation

The addition of 2 units above the by-right density has a negligible impact on the neighborhood. Though this development is denser than the adjacent area to the south, town homes are more compatible than other uses currently allowed in this zone.

Regarding the condition requested by the applicant to decrease the rear setback for buildings 16 and 17 from 20 feet to 15 feet, staff notes that the required side yard setback adjacent to low density residential is 10 feet, and an S-2 buffer is required in these areas. Staff feels the site can accommodate a 5 foot reduction of the setback in this location.

Staff recommends approval with the conditions listed above.

Suggested Motions:

1. "I move to recommend the approval of this Special Use Permit application SP-10-03-06 to for increased density to 25 units per acre on the basis that the proposal would serve the interests of the general public welfare and good zoning practice."
2. "I move to recommend the approval of this Special Use Permit application SP-10-03-06 to for increased density to 25 units per acre with the following conditions, exceptions and/or modifications:
 1. The inclusion of bicycle storage facilities in the amount of one space per two dwelling units.
 2. The height of building in the development shall be limited to 35 feet.
 3. The applicant shall incorporate Low Impact Development strategies that equal to at least 13 points on the City's LID Worksheet. These points shall be approved by the City Engineer or his designee.

4. The 5 units fronting directly on Estes street shall have a façade and entrance on Estes.
5. A reduction of the rear yard setback adjacent to low density residential zoning from 20 feet to 15 feet.

On the basis that the proposal would serve the interests of the general public welfare and good zoning practice”

3. I move to recommend denial of this Special Use Permit application SP-10-03-06 to for increased density to 25 units per acre on the basis that the proposal would not serve the intent of the general public welfare due to the following:
 - a)
 - b)
 - c)