

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

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April 3, 2023

Shimp Engineering, P.C.
Attn: Justin Shimp
912 E High Street
Charlottesville, VA 22902

RE: 0 E High Street Preliminary Site Plan 3rd Submittal Comments

Dear Applicant:

Thank you for presenting the site plan for the above referenced development initially on August 29, 2022 and resubmitted on December 7, 2022 and February 17, 2023. For the reasons set forth below, the plan is hereby denied. Please address these deficiencies and re-submit your plan within ninety (90) days per Section 34-820(a), or by June 30, 2023. If you are unable to re-submit by this date, you can request an extension per Section 34-823(e).

City Staff have made a good faith effort to identify all deficiencies within this submission; however, in the event that there remains any other deficiency which, if left uncorrected, would violate local, state or federal law, regulations, or mandatory engineering and safety requirements, such other deficiency shall not be considered, treated or deemed as having been approved. These comments are based on the current submission; future submissions may generate additional comments. Comments designated with a (P) must be completed prior to preliminary site plan approval. Comments designated with a (F) must be completed prior to final site plan approval.

Please revise the plan and resubmit sixteen (16) paper copies and one (1) electronic copy (PDF) for review. If you have questions, please feel free to contact me at 434-970-3453 or raineyc@charlottesville.gov and I will be happy to assist you.

Sincerely,

Carrie Rainey, RLA, AICP
City Planner

C: Seven Development, Attn: Edward Carrington
310 Old Ivy Way, Suite 204, Charlottesville, VA 22903

Planning – Carrie Rainey

General

1. (P) Please note: if revisions to the preliminary site plan result in disturbance to the on-site critical slopes, as defined by Section 34-1120(b)(2), a critical slope waiver must be approved by City Council per Section 34-827(d)(1) and the Planning Commission shall review the preliminary site plan for approval, per Section 34-820(d)(5).
 - a. The proposed public sidewalk installation at the Caroline Avenue and Fairway Avenue is exempt from the critical slope waiver requirement as a public facility necessary to allow use of the subject properties per Section 34-1120(b)(7)(c).
 - b. Please note any proposed modifications to critical slope area boundaries must be approved by Public Works Engineering. If the critical slope area boundaries modification is no longer requested, please remove the request from Sheet C16.
2. (F) Please note: per Section 34-828(d)(2), a floodplain permit per Section 34-256(a) is required prior to final site plan approval. **Acknowledged by applicant.**
3. (F) The City's Agent will not sign the final site plan until:
 - a. Bonds for public improvements, erosion & sediment control, and stormwater management facilities, as applicable, in the amounts approved by the Engineering Division must be submitted and accepted by the City Attorney's Office prior to final site plan approval. **Acknowledged by applicant.**
 - b. The subdivision plat must be submitted, approved, and recorded in the City's land records. Per Section 29-76(a), the Planning Commission must approve the preliminary plat for all major subdivisions.
4. Please note: pursuant to state law, whether or not specific improvements depicted on this site plan will satisfy requirements of the Americans With Disabilities Act, or other standards set forth within the Virginia Uniform Statewide Building Code (USBC), is subject to review and determination by the Building Code Official. The Site Plan Agent's approval of this site plan does not constitute any determination that off-street parking, improved surfaces, vertical or horizontal sidewalk clearances, parking space dimensions and slopes, or ingress/egress from parking to building entrances, or any other improvements, comply with ADA requirements or other requirements set forth within the USBC. Relative to requirements of the ADA/ USBC, any deficiencies—even if apparent on this site plan—shall not be considered, treated or deemed as having been approved by the Site Plan Agent. (See, e.g., Sections 34-980, 34-982, 34-896, 34-897, 34-977, et al.). **Acknowledged by applicant.**
5. Reminder: per Section 29-260(a), relevant to this development per Section 34-803(d), all site-related improvements shall be completed prior to the first certificate of occupancy for any building, unless a written agreement with the City is completed to lay out specific phasing of site-related improvements. Such agreement shall be signed by all relevant parties and recorded by the applicant. **Acknowledged by applicant.**
6. Reminder: per Section 10-56(a), the Stormwater Maintenance Agreement must be submitted, reviewed, signed, and recorded in the City's land records. Per Section 29-231(c) applicable per Sections 34-827(d)(9) and 34-914, a maintenance easement plat must be prepared to provide access for maintenance and inspection purposes. Per Section 10-56(a)(1), the agreement must be approved and signed prior to approval of

the final site plan. Proof of recordation must be submitted prior to the issuance of a land disturbance permit. **Acknowledged by applicant.**

7. Reminder: proposed new public streets, if approved, must be accepted by City Council for maintenance, per Section 29-260(e). Please coordinate with Jack Dawson, City Engineer, on this process.
8. (P) Per Section 34-827(d)(3), please include project phasing information. **Applicant has confirmed phasing is not currently proposed.**
9. (P) Per Traffic Engineering Comment 31 below, the proposed public streets do not meet the requirements of the Standards and Design Manual (SADM). Consequently, prior to preliminary site plan approval, the Planning Commission must hold a public hearing and approve the proposed public streets as substantially in accord with the adopted comprehensive plan per City Code Sections 34-28, 34-910, 34-827(d)(8), 29-141, and 29-182, and Virginia Code Section 15.2-2232. Please confirm if you are ready for the next submission of the preliminary site plan to be brought to the Planning Commission for comprehensive plan compliance review. Alternatively, if a subsequent submission includes a proposed public local street meeting the requirements of the SADM, approval by the Planning Commission may not be required per 34-28(c).

Sheet C1

10. (P) It appears public sidewalk improvement work is proposed for TMP 50-143.1. Per Section 34-827(d)(1), please include relevant property owner and parcel information. Please clarify if this portion of public sidewalk is planned to be dedicated as public right-of-way or if an access easement will be proposed.
11. (P) Please update the *Existing Use* section per Section 34-827(d)(1) to a use category provided in the applicable use matrix in Section 34-480. City staff considers the existing Rivanna River Company use to be "other retail, not-specified."
12. (P) Per Section 34-827(d)(2), please update the *Parking Schedule* section to indicate the proposed number of compact parking spaces and overall percentage of compact parking spaces to demonstrate compliance with Section 34-977(b)(2). The proposed 16 compact spaces are approved per Section 34-977(b)(2). However, please update the *Parking Schedule* section to indicate up to 73 parking spaces may be compact. 74 parking spaces, as shown, is more than the permitted 30% maximum allowed by Section 34-977(b)(2).

Sheet C6

13. (P) The new proposed lot area for TMP 50-17 is shown as "0.0.96 acres." Per Section 34-827(d)(2), please update to "0.96 acres."

Sheet C12 (Formerly Sheet C11)

2. (F) Per Sections 34-828(d)(9) and 34-867(1), please include all road frontages for parcels included in the development in the streetscape tree calculation, such as TMP 50-143.1, per Section 34-870(a). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
3. (F) Per Sections 34-828(d)(9) and 34-867(1), please provide the square footage of each interior landscaped area. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**

4. (F) Per Sections 34-828(d)(9) and 34-867(1), please update the code reference for “interior parking area” in the *Landscape Schedule* to Section 34-873(d)(1). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
5. (F) Per Sections 34-828(d)(9) and 34-867(1), please include a reference to Section 34-873(d)(2) for “1 medium shade tree per 8 spaces” in the *Landscape Schedule* for consistency. Please remove the “medium” designation, as this only applies to interior landscaped areas less than 300 square feet. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
6. (F) Per Sections 34-828(d)(9) and 34-867(1), please include the calculation for shrub plantings for interior landscaped areas in the *Landscape Schedule* per Section 34-873(d)(2). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
7. (F) Per Sections 34-828(d)(9) and 34-867(1), please include the required S-2 screening calculations for the adjacent property parking lot screening in the *Landscape Schedule* per Section 34-873(c)(2). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
8. (F) The proposed plantings (*Viburnum awabuki* 'Chindo') adjacent to the parking spaces proposing a 2-ft overhang are dense and may reach 8-ft in width and 12-ft in height at maturity. This will block the proposed overhang area. Per Sections 34-828(d)(9) and 34-867(1), please update the proposed species if the overhang is to remain. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**

Sheet C13 (Formerly Sheet C12)

9. (F) Per Sections 34-828(d)(9) and 34-867(1), please provide the square footage of each interior landscaped area. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
10. (F) Per Sections 34-828(d)(9) and 34-867(1), please update the code reference for “interior parking area” in the *Landscape Schedule* to Section 34-873(d)(1). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
11. (F) Per Sections 34-828(d)(9) and 34-867(1), please include a reference to Section 34-873(d)(2) for “1 medium shade tree per 8 spaces” in the *Landscape Schedule* for consistency. Please remove the “medium” designation, as this only applies to interior landscaped areas less than 300 square feet. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
12. (F) Per Sections 34-828(d)(9) and 34-867(1), please include the calculation for shrub plantings for interior landscaped areas in the *Landscape Schedule* per Section 34-873(d)(2). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
13. (F) Per Sections 34-828(d)(9) and 34-867(1), please include the required S-2 screening calculations for the adjacent property parking lot screening in the *Landscape Schedule* per Section 34-873(c)(2). **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**
14. (F) The proposed plantings (*Viburnum awabuki* 'Chindo') adjacent to the parking spaces proposing a 2-ft overhang are dense and may reach 8-ft in width and 12-ft in height at maturity. This will block the proposed overhang area. Per Sections 34-828(d)(9) and 34-

867(1), please update the proposed species if the overhang is to remain. **Applicant has confirmed landscaping requirements will be addressed in the final site plan.**

Building Official – Chuck Miller

15. No comments received.

Engineering – Jack Dawson

16. (P) No additional comments on the preliminary site plan.

Floodplain Manager – Tony Edwards

- 17. (F) Comment #67 – repeat previous comment from Submission #1.
- 18. (F) Comment #68 – submission addressed previous city comment.
- 19. (F) Comment #69 - repeat previous comment from Submission #1.
- 20. (F) Comment # 70 – repeat previous comment from Submission #1.
- 21. (F) Comment #71 - repeat previous comment from Submission #1.
- 22. (F) Comment #72 - repeat previous comment from Submission #1.
- 23. (F) Comment #73 – submission addressed previous city comment.
- 24. (F) Comment #74 - repeat previous comment from Submission #1.
- 25. (F) Comment #75 - repeat previous comment from Submission #1.
- 26. (F) Comment #76 – submission addressed previous city comment.
- 27. (F) Comment #77- repeat previous comment from Submission #1.
- 28. (F) Comment #78 – submission addressed previous city comment.
- 29. (F) Comment #79 - repeat previous comment from Submission #1.

Water Resources Protection Administrator – Andrea Henry

30. (F) Please note: the quantity and location of fill in the floodplain at 0 High Street suggests that the design engineer will not be able to demonstrate a no-rise condition in the floodplain in public right of way, even with the development of a hydraulic model that represents proposed conditions.

Traffic Engineering – Brennen Duncan

31. (P) The proposed public streets do not satisfy the SADM. PW Engineering cannot accept the proposed "stub roads" at either end of the proposed development as they are presented. The SADM 4.3.2.1.5 states that "Local streets shall be laid out to...increase connectivity..." The nature of both proposed streets is that they stop as soon as they cross the zoning district without any public connectivity or contemplated plans to extend to any future development needing access to a public right-of-way. The SADM 4.3.2.1.10 also identifies the end of a stub street at that point in which the pavement ends. In both cases the pavement does not end, but rather continues as the driveway for the development. As such, engineering sees both of the proposed streets shown on the site plan, by definition, as "Driveways".

- a. *Driveway - a form of private vehicular access from a street or alley to the interior of a lot. Driveway design requirements vary depending on the use and zoning requirements pursuant to City Code § 34-972.*
 - b. *Street, public - an area that is encompassed by a right-of-way dedicated to public use for vehicular travel and accepted for maintenance by the City as part of the City's public street system. Any requirement of this manual that refers to an existing public street shall mean a public street currently maintained by the City of Charlottesville.*
32. Because the “streets” as proposed are inconsistent with the SADM, functionally operate as driveways, and provide no benefit to the City’s street system or the public use, Public Works does not support their acceptance as public streets in the City’s street system or maintaining these entrances in perpetuity. If these are not accepted for maintenance, by definition, they would no longer qualify as a public street and would then either have to be a driveway or private street.

ADA Coordinator – Paul Rudacille

33. (P) The current plan states 10 accessible parking spots, there should be at least 13. The required ratio is 1 accessible space for every 25 parking spaces, or fraction thereof.

Utilities – Roy Nester

34. (P) No further comments on the preliminary site plan.

Gas Utilities – Phil Garber

35. (P) No comments on the preliminary site plan.

Fire Department – Stephen Walton

36. (F) Sheet C5 – Building A – The fire department connection is blocked by parking, Also, there is no fire hydrant within 100 of the fire department connection.
37. (F) Sheet C5 – Building B – The fire hydrant near the pool is not accessible for fire apparatus. The fire hydrant at the southwest end of the building near the sidewalk is also not accessible.
38. (F) Sheets C5 and C – Building C - The fire hydrant at the northern end of the building is blocked by parking. Also, the fire department connection at the south end needs to be on the front of the building (street side).
39. (F) The required fire flow for each building still needs to be determined. There are estimated Needed Fire Flow amounts shown on the plans.

Urban Forester – Steve Gaines

40. No comments received.

Parks Department – Chris Gensic

41. (P) No further comment at this time. We will work with them in the final site plan process.

CAT Assistant Director – Juwhan Lee

42. No comments received.

Office of Community Solutions- Brenda Kelley

43. (P) No further comments on the preliminary site plan.

Rivanna Sewer and Water Authority – Dyon Vega

General

44. (F) RWSA sewer may need to be relined in in this area and in the receiving manhole to receive more sewer flows.

Albemarle County Service Authority – Richard Nelson

45. (P) No objections to the preliminary site plan.