

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	August 3, 2020
<b>Action Required:</b>	Adoption of a Ordinance to Approve a Rezoning
<b>Presenter:</b>	Joey Winter, City Planner – NDS
<b>Staff Contacts:</b>	Joey Winter, City Planner – NDS
<b>Title:</b>	<b>ZM19-00004 – 909 Landonia Circle Rezoning</b>

**Background:**

Mr. Aaron Revere, on behalf of Long Street LLC, has submitted a Rezoning Petition for 909 Landonia Circle (the “Subject Property”). The petition proposes a change in zoning from B-1 Business to B-2 Business with a proffer. The proffer states the following shall not be permitted on the Subject Property: Amusement Center; Auditoriums, Theaters; Bowling Alleys; Clubs, Private; Dry Cleaning Establishments; Movie Theaters; Dance Hall / all night; Pharmacies >1,700 SF, GFA. The Comprehensive Land Use Map for this area calls for Low Density Residential Development.

The owner of the All-American Car Wash located at 1315 Long Street intends to modernize and expand their business which has operated at this location for over 25 years. The All-American Car Wash currently exists on two parcels fronting Long Street (Route 250 Bypass) and contains a self-serve car wash with vacuuming, an automated car wash, and a propane refilling kiosk. The owner purchased the Subject Property in 2019 and intends to expand the car wash use onto the parcel.

The expansion of the car wash onto the Subject Property requires a zoning map amendment since car wash is not a permitted use in the B-1 district. Car wash is a by-right use in the proposed new zoning district (B-2). The proposed use of the expanded All-American Car Wash will be identical to the use at the existing car wash. However, a site plan is not being proffered with this rezoning application so this owner (or any future owner) would theoretically be free to redevelop the Subject Property with a different use in the future. It is important to emphasize that the applicant has indicated that their sole intent is to develop the Subject Property as part of the expanded car wash and no other redevelopment is planned for the property.

**Discussion:**

The 2013 Comprehensive Plan’s Land Use Map indicates that the Subject Property should be the site of Low Density Residential Development which would not be consistent with this proposed rezoning. However, the 2013 Comprehensive Plan directly contradicts the stated intent of both the current zoning district (B-1) and the proposed new zoning district (B-2). Although the 2013 Comprehensive Plan’s Land Use Map calls for Low Density Residential Development in this area, the Subject Property has been zoned for business since 1991.

The change in topography between the Subject Property and the properties to the north and west creates a natural transition from commercial uses along the 250 Bypass and residential uses to the north. When the All-American Car Wash is expanded, the applicant will be required to provide sidewalk improvements along the entire frontage of the Subject Property on Landonia Circle. This will greatly increase pedestrian connectivity between residential areas to the north and west and commercial areas to the southeast. Additionally, a change in zoning from B-1 to B-2 to facilitate the expansion of a locally-owned business will align with the stated goals in Chapter 3 (Economic Sustainability) of the Comprehensive Plan.

**Alignment with City Council’s Vision and Strategic Plan:**

This project aligns with **CHARLOTTESVILLE CITY COUNCIL VISION – 2025** by contributing to *A Connected Community* (improved pedestrian connectivity on Landonia Circle). A change in zoning from B-1 to B-2 to facilitate the expansion of a locally-owned business will align with the stated goals in *Chapter 3 (Economic Sustainability)* of the **COMPREHENSIVE PLAN**.

**Community Engagement:**

The applicant held a community meeting as required by City Code Sec. 34-41(c)(2) on February 13, 2020 at Burnley-Moran Elementary School. Two members of the public attended the meeting and were generally supportive of the applicant’s plans for the property. On July 14, 2020, the Planning Commission held a joint Public Hearing with City Council. No members of the public spoke in favor of or against this application. Staff has received no written feedback in favor of or opposed to ZM19-00004.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendation:**

Staff recommends approval of ZM19-00004. The benefits to pedestrian connectivity, specifically the sidewalk improvements which will be required along Landonia Circle, will benefit nearby residential areas. The applicant has proffered out some of the more intense uses permitted in the proposed new zoning district (B-2). Neighbors have not raised any concerns about rezoning the Subject Property for the purpose of expanding the All-American Car Wash. The proposed zoning change would also contribute to goals of the City’s 2013 Comprehensive Plan related to Economic Sustainability.

The Planning Commission made the following recommendation at their July 14, 2020 meeting: Mr. Solla-Yates moved to recommend approval of ZM19-00004. Mr. Stolzenberg seconded the motion. The motion passed 3 – 2 to recommend approval of ZM19-00004 to City Council, with the following votes recorded:

Mr. Stolzenberg: Yes  
Mr. Solla-Yates: Yes  
Mr. Mitchell: Yes

Mr. Lahendro: No  
Ms. Green: No

Ms. Dowell: Absent  
Mr. Heaton: Absent

During Planning Commission’s discussion of ZM19-00004, Mr. Lahendro and Ms. Green both stated that they liked the applicant’s proposal, but would be voting against a favorable recommendation due to concerns about potential redevelopment of the site as something other than a car wash in the future.

ZM19-00004

**Alternatives:**

City Council has several alternatives:

- (1) By motion(s): amend the attached Ordinance, then move to approve the Ordinance as amended; or
- (2) By motion: deny approval of the Ordinance; or
- (3) By motion: defer any action on the Ordinance.

**Attachment(s):**

A. Ordinance

B. Link to the Staff Report and background information from the July 14, 2020 Planning Commission meeting (Staff Report begins on page 64):

<https://charlottesvilleva.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=495>

**ORDINANCE**  
**REZONING PROPERTY AT 909 LANDONIA CIRCLE FROM B-1**  
**(BUSINESS/COMMERCIAL) TO B-2 (BUSINESS/COMMERCIAL)**  
**SUBJECT TO A PROFFERED DEVELOPMENT CONDITION**  
**PROHIBITING CERTAIN USES OF THE PROPERTY**

**WHEREAS**, in order to facilitate a specific development project, Long Street, LLC (“Landowner”) has submitted rezoning application ZM19-00004, proposing a change in the zoning classification (“Rezoning”) of approximately 0.6790 acre of land having approximately 378 feet of frontage on Landonia Circle, designated on 2020 City Tax Map 49 as Parcel 79 and referenced as City Real Estate Parcel Identification (“REID”) No. 490079000 (the “Subject Property”), from “B-1” to “B-2”, with said rezoning to be subject to a development condition proffered by Landowner; and

**WHEREAS**, the purpose of the Rezoning is to allow a specific development project (“Project”) as described within the application materials for ZM19-00004, more specifically: modernization and expansion of a car wash business currently located on adjacent property (1315 Long Street, REID No. 490094000 and REID No. 490094100); and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on July 14, 2020, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on July 14, 2020 to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for ZM19-00004; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning all of the land designated on 2020 City Tax Map 49 as Parcel 79 (“Subject Property”), containing, in the aggregate approximately 0.6790 acre, from B-1 (Business/Commercial) to R-2 (Business/Commercial), subject to the following proffered development condition

(“Proffer”), which was tendered by the Landowner in accordance with law and is hereby accepted by this City Council:

**Accepted Proffer:**

The use and development of the Subject Property shall be subject to the following development condition voluntarily proffered by the Landowner, which condition shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. Effective on the date of a rezoning of the Subject Property to the B-2 zoning district classification, all uses allowed in the B-2 zoning district shall be permitted, except for the following uses that will be restricted as shown in Table 1-1, below:

**Table 1-1:**

<b>Use Types:</b>	<b>Proffered to:</b>
Amusement Center	Not allowed
Auditoriums, Theaters	Not allowed
Bowling Alleys	Not allowed
Clubs, Private	Not allowed
Dry Cleaning Establishments	Not allowed
Movie Theaters	Not allowed
Dance Hall / all night	Not allowed
Pharmacies >1,700 SF, GFA	Not allowed

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect the foregoing rezoning of the Subject Property subject to the proffered development conditions.