

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 501, 507 CHERRY AVENUE, 0 5<sup>TH</sup> STREET SOUTHWEST, AND 0 6<sup>TH</sup> STREET SOUTHWEST (TAX MAP PARCELS 290179000, 290178200, 290177000, 290178100, and 290178000)**

**WHEREAS** Woodard Properties is the owner of certain land identified within the City of Charlottesville real estate records as Parcels No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the “Subject Property”), which has frontage on Cherry Avenue, 5<sup>th</sup> ST SW, and 6<sup>th</sup> ST SW; and

**WHEREAS** the Subject Property is located within B-3 (Commercial) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-480, use of Residential Density up to 87 Dwelling Units per Acre (DUA) may be authorized by City Council by means of a Special Use Permit; and

**WHEREAS** the Project is described in more detail within the application materials submitted in connection with SP23-00001, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS** the City Council and the Planning Commission conducted a joint public hearing on August 8, 2023, following public notice given in accordance with applicable law; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their August 8, 2023 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow the Project as a permissible use of the Subject Property subject to the following conditions:

1. Per Section 34-480: Permitted Residential density up to 87 Dwellings Units per Acre (DUA) on the Subject Property.
2. Per Section 34-162: Alter the 5<sup>th</sup> ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
3. Per Section 34-162: Alter the 6<sup>th</sup> ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
4. Per Section 34-162: Alter the Cherry Avenue side yard setback requirements to zero (0) feet minimum and twenty-five (25) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
5. Per Section 34-162: Alter the yard setback abutting any Low Density Residential zoned district to ten (10) feet minimum.

6. Per Section 34-157(b): Any yard abutting a Low Density Residential zoned district shall provide S-3 Screening as defined in Section 34-871.
7. Per Section 34-162: Off-Street Parking shall be required at the following ratios:
  - a. Multifamily Dwelling Units:
    - i. For efficiencies, 1-bedroom units, and 2-bedroom units = one-half (1/2) parking space per unit.
    - ii. For 3-bedroom units and 4-bedroom units = one (1) parking space per unit.
  - b. General Retail and Sales:
    - i. Two point five (2.5) spaces per 1,000 square feet of gross floor area. Storage space may be deducted from the square footage requirement.
  - c. Grocery Stores and Pharmacies:
    - i. One (1) space per 500 square feet of gross floor area.

Any off-street parking not listed above may adhere to the parking requirements found in Section 34-984. Notwithstanding the off-street parking standards listed in conditions 7 and 8, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents and commercial tenants are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

8. Per Section 34-162: Up to forty (40) percent of the off-street parking spaces may be designated to the dimensions for compact cars as defined in Section 34-977.
9. Per Section 34-157(b): The exterior of any parking garage (structured parking, parking deck...) shall be screened such that automobiles and the interior of the garage are not visible from Cherry Avenue, 5<sup>th</sup> ST SW, 6<sup>th</sup> ST SW, or abutting Low Density Residential zoned districts.
10. Per Section 34-157(b): The applicant will provide a five (5) feet by fifteen (15) feet concrete pad that is ADA accessible behind the sidewalk near the intersection of Cherry Avenue and 6<sup>th</sup> ST SW for a future transit stop.