

CHARLOTTESVILLE CITY COUNCIL MINUTES
Joint Public Hearing with Planning Commission
August 8, 2023 at 6:00 p.m.
CitySpace Main Conference Room (100 5th Street NE)

The Charlottesville City Council met at a joint public hearing with the Planning Commission. Mayor Lloyd Snook called City Council to order with all members present: Michael Payne, Brian Pinkston, Leah Puryear, Lloyd Snook and Juandiego Wade.

The public hearings were heard in the following order:

1. Draft FY2023 HOME-ARP Action Plan for the City of Charlottesville

The 15-day comment period was from Monday, July 24, 2023 to Monday, August 7, 2023. This item allows the Planning Commission and City Council to consider projects to be undertaken as part of the City's federal fiscal year 2023-2024 HOME American Rescue Plan Program ("HOME-ARP Program"). The Department of Housing and Urban Development ("HUD") has informed the City that funding for the HOME-ARP Program is currently estimated at approximately \$340,000, which the City plans to use to support the preservation and/or development of rental units affordable to households at 60% of the local Area Median Income ("AMI") (at or below \$55,500 for a household of four persons in 2023). Information regarding the City's HOME-ARP Program can be found online at <https://www.charlottesville.gov/1658/HOME-ARP> and persons interested in this program are invited to contact Anthony Warn, Grants Analyst, by e-mail at warna@charlottesville.gov.

Anthony Warn, Grants Analyst made the presentation.

Chair Lyle Solla-Yates opened the public hearing. With no speakers coming forward, the public hearing was closed, and the Planning Commission deliberated.

2. CP23 - 00001 – 0 E High St.

Pursuant to Virginia Code section 15.2-2232 and Charlottesville City Code Sec. 34-28, the Planning Commission and City Council will review the public roads, trails, and park facilities proposed within the 0 E High St. preliminary site plan to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City's currently adopted Comprehensive Plan or part thereof. The preliminary site plan may be examined at the Department of Neighborhood Development Services, 610 E Market Street, Charlottesville, Virginia, Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m.

James Freas, Director of Neighborhood Development Services, introduced the item and stated parameters for consideration at this meeting.

City Attorney Jacob Stroman requested that references in the staff report to the Standards and Design Manual (SADM) be disregarded, as they do not apply for the purposes of this public hearing.

Carrie Rainey, City Planner, explained the review process and criteria, as well as details of the proposed improvements.

Justin Shimp, Shimp Engineering, reviewed specific components of the proposal and decisions that led to the applicant's proposal. Valerie Long with Williams Mullen, representing the applicant, reviewed legal requirements related to the proposal and asked that various components of the Comprehensive Plan be waived for the project.

Councilors Payne, Puryear, Snook and Wade expressed concerns with the project, including concerns about environmental impact and access to the Rivanna River.

City Attorney Jacob Stroman clarified the reason this item come before the Planning Commission.

Chair Solla-Yates specified that speakers would be given two minutes each. The following individuals spoke on the public hearing:

- David Swanson, city resident, spoke in opposition to the proposal.
- Kirk Bowers, city resident, spoke in opposition to the proposal.
- John McDonald, city resident, spoke in opposition to the proposal.
- Rosemary Rogers, city resident, spoke in opposition to the proposal.
- The Green Grannies sang a song about the floodplain.
- Zoe Edgecomb, city resident, spoke in opposition to the proposal.
- Rebecca Reilley, city resident, spoke in opposition to the proposal.
- Bob Gibson, city resident, spoke in opposition to the proposal.
- Lily Afuken, residing north of Darden-Towe Park, spoke in opposition to the proposal.
- Bill Emory, city resident, spoke in opposition to the proposal.
- Michelle Bryant-Taylor, city resident, spoke in opposition to the proposal.
- Kimber Hawkey, city resident, spoke in opposition to the proposal.
- Jeremy (inaudible last name), city resident, spoke in opposition to the proposal.
- Peter Krebs, city resident, spoke in opposition to components of the proposal not in compliance with the Comprehensive Plan, and in support of trails and bridges by the river as stated in the Rivanna River Corridor Plan.
- Kay Slaughter, city resident, spoke in opposition to the proposal.
- Andrew Rogers, city resident, expressed concerns about the project, particularly widening of Caroline Avenue
- Bob Troy, Board Member of the Rivanna Conservation Alliance, spoke about the value of the Rivanna River Company, and in opposition to infrastructure components in the proposal.
- Chris Gordon, city resident, spoke in opposition to the proposal.

- Sam Gallant, spoke about the public roadways proposed in the project and stated that they are not supported by the Comprehensive Plan.
- Kagel McDonald, city resident, spoke in opposition to the proposal.
- Morgan Butler, Senior Attorney with the Southern Environmental Law Center in Charlottesville, spoke in opposition to the proposal.
- Mark Kavita, city resident, spoke in opposition to the proposal.
- Maria Chaple, city resident, spoke in opposition to the proposal, referencing a sign on Caroline Avenue stationg, “Caution when driving on this road. It floods.”
- Megan Chandler Melton, city resident, spoke in opposition to the proposal.
- Kevin Cox, city resident, suggested a way that the developer could promote access to the river.
- Nathaniel Galley, city resident, spoke in opposition to the proposal, and in support of the river company and access to the river.
- Mary Gallant, city resident, spoke in opposition to the proposal.

Many of the comments expressed concern about the project being inconsistent with the city’s Comprehensive Plan.

With no further commenters, Mr. Solla-Yates closed the public hearing and the Planning Commission deliberated after receiving comments from City Council.

City Attorney Stroman recited a portion of Virginia Code Section 15.2-2232(B) stating that “The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor,” and he stated that staff would work with the Planning Commission to put the recommendation into a written statement that will be transmitted to the City Council.

The Planning Commission voted to approve only the general character, location, and extents of the following public facilities proposed as a part of the 0 E High preliminary site plan as substantially in accord with the adopted comprehensive plan: widening of Caroline Avenue and Fairway Avenue, the donation of public trailway on Lot A, and the donation of public trailway on Lot B.

The meeting recessed from 8:50 p.m. to 9:08 p.m.

3. ZM23-0001 and SP23-00001 501 Cherry Avenue –

On August 8, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application and a Special Use Permit Application (“SUP”) for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5th St. SW, and 0 6th St. SW and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the “Subject Property”). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning and SUP. The owner, WP 501 Cherry LLC, has submitted a Rezoning application pursuant to

Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Cherry Avenue Mixed Use Corridor (“CH”) and Single-Family Residential Small Lot (“R-1(S)”) to the B-3 Business District (“B-3”) with proffers. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The owner has also submitted a SUP application to increase the by-right density from 21 dwelling units per acre (“DUA”) to 87 DUA along with modifications to the setbacks and parking requirements pursuant to Charlottesville City Code Sections 34-480, 34-158, and 34-162. The setback modifications include the following: The Cherry Avenue side will have a minimum of 0’ and a maximum of 20’; the 5th St. SW side will have a minimum of 0’ and a maximum of 9’; the 6th St. SW side will have a minimum of 0’ and a maximum of 9’; and all sides adjacent to Low Density Residential will be a minimum of 10’ with S-3 screening. The parking modifications include the following: (1) Multifamily dwellings: 1/2 space for efficiency; 1-bedroom, and 2-bedroom units; 1 space per 3-bedroom and 4-bedroom units; (2) General retail and sales: 2.5 spaces per 1,000 square feet (“SF”) of gross floor area; (3) Grocery stores and pharmacies: 1 space per 500 SF of gross floor area; (4) No more than 40% of the total parking spaces shall be designated only for compact cars.

The applicant is proposing a mixed-use development with up to 118 units and approximately 26,400 SF of commercial space through new construction. The Subject Property is approximately 1.36 acres with road frontage on Cherry Avenue, 5th St. SW, and 6th St. SW. The Comprehensive Land Use Map designates the Subject Property area as a Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area). Additional information pertaining to these applications (ZM23-0001 and SP23-00001) may be viewed online at www.charlottesville.gov/agenda. Persons interested in these applications may also contact NDS Planner Matt Alfele by email at alfelem@charlottesville.gov or by telephone (434-970-3636).

Commissioner Karim Habbab read a disclosure statement and recused himself from participating in the public hearing and discussion of the item.

Matt Alfele, City Planner, introduced the item. Alex Ikefuna, Director of Community Solutions, answered questions about affordable housing. Commissioners and Councilors provided brief comments.

Chris Vrigilio, Woodard Properties, summarized the project and spoke about the benefits of partnerships that have been built.

Sunshine Mathon, Executive Director of the Piedmont Housing Alliance (PHA), spoke about the partnerships and the affordable housing component of the project.

Kelsey Schlein, Shimp Engineering, described site-focused details and design highlights.

Michael Eaton, PHA Director of Real Estate Development, in response to Councilor Payne spoke optimistically about good-faith negotiations with Woodard Properties.

After Council and Commission comments about affordable housing components, uses of the commercial space, the potential number of housing units, and project viability, Chair Solla-Yates opened the public hearing. The following individuals spoke:

- Carmelita Wood, Fifeville Neighborhood Association, spoke in favor of the project.
- Sakib Ahmed, city resident, spoke in support of the project.
- Robert Croner, city resident and board member of Twice as Nice Thrift Store, spoke in support of the project.
- Robin Goldstein, Director of Meals on Wheels Charlottesville-Albemarle, spoke in support of the project.
- Peter Krebs, Piedmont Environmental Council, spoke in support of the project.
- Norman Lewis, city resident and Twice as Nice volunteer, spoke in support of the project.
- Mustafa Mohammed Asif, city resident, spoke in support of the project.
- Triana Hughes, city resident, spoke about potential traffic in the area of the project, and the lack of community engagement. She ceded the remainder of her time to her sister Trinity Hughes who agreed that more community engagement is needed.
- Sarah Mathes, Vice President of the Fifeville Neighborhood Association, spoke in favor of the project and stated that the neighborhood association is attempting to reach all residents to inform them about the project.
- Paulina Mashenko, city resident, applauded Woodard Properties for a community-centered approach. She expressed concerns about traffic in the area of the proposed development and asked for consideration of planting trees on all sides of the property.
- Matthew Gillikin, city resident speaking on behalf of Livable Cville, supported the project and requested improvements to adjacent streets and sidewalks.
- Warrick Palmer, city resident, spoke in support of the project, and asked which properties on 5th and 6th Streets would be affected.

Mr. Wade exited the meeting at 10:50 p.m.

- Pat Lloyd, city resident, spoke about Twice as Nice as a community asset and in support of the project.
- Willow Gail, city resident, read a letter of support from Abundant Life Ministries.
- Frank Bector, city resident, spoke in support of the project.

Chair Solla-Yates closed the public hearing and the Planning Commission deliberated. Council members provided feedback. Mayor Snook stated the need to consider the uses of the property and cautioned against approving a project based on the proposed tenants.

The Commission moved the rezoning approval and special use permit approval, with conditions, forward to Council.

City Attorney Jacob Stroman advised City Council that they would be in order to consider, pursuant to the 2023 amendments to the Code of Virginia Section 15.2-2204, a motion to defer further consideration of Council's intention to adopt ZM23-0001 and SP23-00001 501 Cherry Avenue to Council's September 5 regular meeting or to another date certain.

On motion by Payne, seconded by Pinkston, City Council by unanimous vote 4-0 (Ayes: Payne, Pinkston, Puryear, Snook; Noes: none; Absent: Wade) to consider the special use permit request at the regular meeting of City Council on September 5, 2023.

Chair Solla-Yates opened the floor for comments from the public regarding items not on the agenda.

- Zyahna Bryant, city resident, spoke about meeting accessibility as related to the trouble during this meeting with hearing speakers because of technical difficulties, and she spoke in opposition to the Dairy Market expansion.
- Warrick Palmer followed up on his question from earlier in the meeting regarding which properties on 5th and 6th Streets would be affected. Mr. Solla-Yates stated that no homes will be affected.
- Abby Guskind, spoke in opposition to the Dairy Market expansion project, and about the sound issues during the meeting.
- Lisa Ryan, city resident, spoke in support of the Respect the Neighbors campaign and in opposition to the Dairy Market expansion project.
- Vizina Howard, member of 10th and Page Neighborhood Association, spoke in opposition to the Dairy Market expansion project.
- Victora Horack, Senior Attorney at the Legal Aid Justice Center, spoke in opposition to the Dairy Market expansion and in support of the Respect the Neighbors campaign.
- Carmelita Wood, city resident, spoke in opposition to the Dairy Market expansion project.
- Sarah Mathes, city resident, spoke in support of the Respect the Neighbors campaign.
- Liam Keogh, spoke in opposition to the Dairy Market expansion project.
- Caro Campos, Client Advocate with the Legal Aid Justice Center, spoke in opposition to the Dairy Market expansion project.
- Christine Gressner, county resident, spoke about the need to consider racial implications with the Dairy Market expansion and other potential projects.
- Jacqueline (inaudible last name), living in the area, spoke in support of other comments regarding the Dairy Market project.
- John Lee Oluca, city resident, expressed concerns about the Dairy Market expansion and in solidarity with the Respect the Neighbors campaign.

Mr. Solla-Yates closed public comment.

Commissioner Schwartz commented on procedures for required community meetings, suggesting that the Planning Commission consider guidelines for a Town Hall format versus an Open House format.

The meeting adjourned at 11:40 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT