

**Agenda**

**PLANNING COMMISSION REGULAR and JOINT HEARING WITH CITY COUNCIL DOCKET  
TUESDAY, February 13, 2024 at 5:30 P.M.  
Hybrid Meeting**

**I. Commission Pre-Meeting (Agenda discussion(s))**

*Beginning:* 5:00 p.m.

*Location:* (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

1. Closed Meeting

**II. Commission Regular Meeting**

*Beginning:* 5:30 p.m.

*Location:* (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

- A. COMMISSIONERS' REPORTS**
- B. UNIVERSITY REPORT**
- C. CHAIR'S REPORT**
- D. DEPARTMENT OF NDS**
- E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**
- F. CONSENT AGENDA**

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes – June 14, 2022 – Regular Meeting
2. Minutes – January 9, 2024 – Regular Meeting
3. Preliminary Site Plan – 501 Cherry Avenue

**III. JOINT MEETING OF COMMISSION/ COUNCIL**

*Beginning:* 6:00 p.m.

*Continuing:* until all public hearings are completed

*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing

No Scheduled Hearings

**IV. COMMISSION'S ACTION ITEMS**

*Beginning:* following Joint meeting

*Continuing:* until all public hearings and action items are completed

*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing (as applicable)

1. Entrance Corridor Review – 2117 Ivy Road
2. Preliminary Discussion - Entrance Corridor Review – VERVE Charlottesville

**V. FUTURE MEETING SCHEDULE/ADJOURN**

Tuesday February 27, 2024 – 5:00 PM	Work Session	TBD
Tuesday March 12, 2024 – 5:00 PM	Pre-Meeting	

Tuesday March 12, 2024 – 5:30 PM	Regular Meeting	<u>Minutes</u>
----------------------------------	-----------------	----------------

**Anticipated Items on Future Agendas**

Site Plan –Flint Hill PUD, 240 Stribling Ave, 1613 Grove Street Extended, MACAA – Park Street

**PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.**

**PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.**

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

Planning Commission premeeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and [www.charlottesville.gov/streaming](http://www.charlottesville.gov/streaming). Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom) . You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY  
1/1/2024 TO 1/31/2024**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
  - a. 250 Bypass Fire Station – January 11, 2024
  - b. 715 6<sup>th</sup> Street SE (CRHA 6<sup>th</sup> Street) – January 17, 2024
- 3. Site Plan Amendments**
  - a. 1607 6<sup>th</sup> Street SE (Jordan Park) – January 24, 2024
- 4. Subdivision**

June 14, 2022 and January 9, 2024 Planning Commission  
Minutes are included as the last documents in this packet.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**

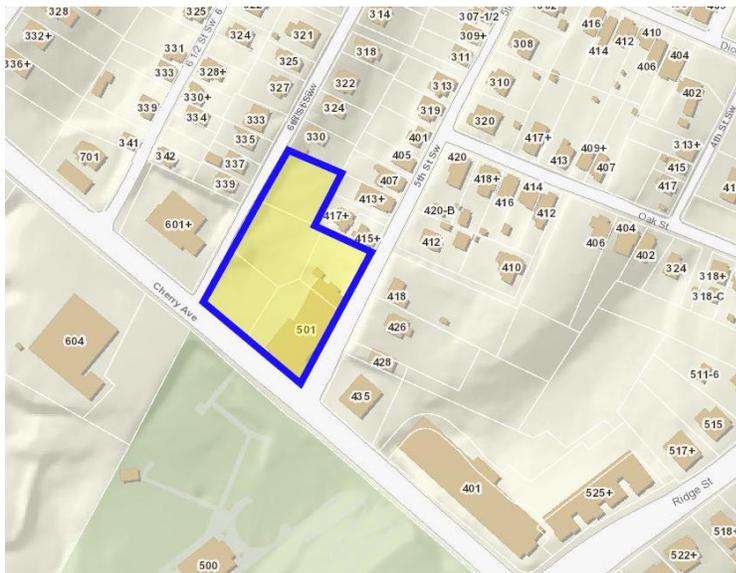


**PLANNING COMMISSION MEETING**  
**APPLICATION FOR APPROVAL OF A PRELIMINARY SITE PLAN**  
**APPLICATION NUMBER: P23-0068**  
**DATE OF MEETING: February 13, 2024**

**Project Planner:** Matt Alfele, AICP  
**Date of Staff Report:** January 25, 2024

**Applicant:** Woodard Properties  
**Applicant's Representative(s):** Shimp Engineering, P.C.  
**Current Property Owner:** WP 501 Cherry LLC  
**Property Street Address:** 501-507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW  
**Tax Map & Parcel:** 290178000, 290178100, 290177000, 290178200, and 290179000 (real estate taxes paid current - Sec. 34-10)  
**Current Zoning Classification:** B-3 Commercial with a Special Use Permit and Proffers  
**Overlay District:** None  
**Reason for Planning Commission Review:** Preliminary site plan reflects the proposed development of a property that is the subject of an approved special permit per Sections 34-820(d)

**Vicinity Map**



## **Standard of Review**

Site plan approval is a ministerial function of Planning Commission in which no discretion is involved. If this preliminary site plan contains all required information, then it must be granted approval. If Planning Commission disapproves this plan, it shall set forth in writing the specific reasons therefor. As per Section 34-823(c), the reasons for disapproval shall identify deficiencies in this plan which cause the disapproval, by reference to specific ordinances, laws, or regulations. If this plan is disapproved, Planning Commission must also generally identify modifications or corrections that will permit approval of this plan.

## **Applicant's Request (Summary)**

Mr. Justin Shimp, PE. of Shimp Engineering, on behalf of WP 501 Cherry LLC, is seeking Planning Commission approval of the Preliminary Site Plan for the mixed use development referred to as 501 Cherry Avenue. The Preliminary Site Plan proposes 69 residential units, 7,290 square feet of grocery store space, 15,745 square feet of other retail stores (non-specified), and 5,026 square feet of education facility/artistic. On September 18, 2023, City Council approved a rezoning with proffers (Permit ZM23-0001) and a Special Use Permit (SP23-00001) authorizing a mixed use development at this location. As per the City's Zoning Ordinance, Planning Commission shall review this preliminary site plan because it reflects the proposed development of property that is subject to a Special Use Permit.

## **Site Plan Requirements**

### **A. Compliance with the City's Erosion and Sediment Control ordinance (Chapter 10)**

Staff has determined that this preliminary site plan complies with the City's Erosion and Sediment Control ordinance. Erosion and Sediment Control plans are included as site plan Sheets C10. A full Erosion and Sediment Control plan and Stormwater Management Plan is not required until Final Site Plan submission.

### **B. Compliance with applicable B-3 Commercial District zoning regulations (Sections 34-440 - 34-480)**

The property is zoned B-3 Commercial District. The project complies with all requirements of the B-3 Commercial District.

### **C. Compliance with general standards for site plans (Section 34-827)**

Staff has determined that this site plan contains the following information as required:

1. General site plan information, including but not limited to project, property, zoning, site, and traffic information: **Found on Sheet C1.**
2. Existing condition and adjacent property information: **Found on Sheet C3.**
3. Phasing plan: **The project will be constructed in one phase per Sheet C1.**

4. Topography and grading: **Found on Sheet C7 and C8.**
5. Existing landscape and trees: **Found on Sheet C3.**
6. The name and location of all water features: **N/A.**
7. One hundred-year flood plain limits: **N/A.**
8. Existing and proposed streets and associated traffic information: **No new roads are proposed.**
9. Location and size of existing water and sewer infrastructure: **Found on Sheet C9.**
10. Proposed layout for water and sanitary sewer facilities and storm drain facilities: **Found of Sheets C9, C10, and C12.**
11. Location of other existing and proposed utilities and utility easements: **Found on Sheet C4 and C9.**
12. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection: **Found on Sheet C4.**
13. Location and dimensions of all existing and proposed improvements: **Found on Sheets C4.**
14. All areas intended to be dedicated or reserved for public use: **Found on Sheet C4.**
15. Landscape plan: **Found on Sheet C11.**
16. Where deemed appropriate by the director due to intensity of development:
  - a. Estimated traffic generation figures for the site based upon current ITE rates: **This information was provided during the Rezoning and SUP process.**
  - b. Estimated vehicles per day: **Found in the Traffic Impact Analysis.**

**D. Additional information to be shown on the site plan as deemed necessary by the director or Commission in order to provide sufficient information for the director or Commission to adequately review the site plan.**

The Special Use Permit granted by City Council on September 5, 2023 includes the following conditions, which are provided on **Sheets C1,C2, C4, and C11** of the preliminary site plan. Note that some of the SUP conditions will not be addressed until Final Site Plan.

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 5th 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 6th 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, 5th ST SW, 6th 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 6th ST SW for a future transit stop.

The applicant also included a proffer statement as part of the rezoning process. These proffers include the following. Note most proffers will not be addressed until Final Site Plan and the CO process.

**1. AFFORDABLE HOUSING:**

City of Charlottesville Zoning Ordinance Section 34 -12 governs the requirement for affordable dwelling units in the event that a rezoning such as ZMA 23-0001 is approved. Ordinance Section 34-12 would require the Owner to provide five (5) affordable dwelling units to households with an income less than 80% of the area median income.

**a.** Owner will engage in good faith negotiations with Piedmont Housing Alliance (PHA) to co-develop a minimum of 60 residential units within the Project with a goal to sell all such units to PHA under terms mutually agreed upon between Owner and PHA. Under such a sale, the unit mix and affordability rates will be solely determined by PHA. It is expected that PHA will finance its portion of the Project through Low-Income Housing Tax Credits and an investment from the City of Charlottesville, or a combination thereof.

**b.** If a binding sales agreement between Owner and PHA is not executed by December 31, 2023, or if an agreement is entered into but PHA defaults thereunder, then Owner shall, in lieu of the proffer contained in section 1.a. above, cause five (5) dwelling units constructed within the Project to be For Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The five (5) affordable dwelling units shall remain affordable for a term of six (6) years from the date that a certificate of occupancy is issued for such unit ("Affordable Period"). For the purposes of this Proffer, the term "For Rent Affordable Dwelling Unit" means a dwelling unit that is i) affordable to households with income at not more than 60% of the area median income, or ii) leased to an individual or household that employs a Section 8 Housing Choice Voucher.

**c.** The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change these unit(s), and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number, size, or make-up of the affordable dwelling units, does not result in an Affordability Period shorter than required by these proffers with respect to any of the affordable dwelling units, and should avoid segregation of the affordable dwelling units.

**d.** Owner or PHA shall submit to the City's Office of Community Solutions prior to the certificate of occupancy a marketing plan on how it will market the Required

Affordable Dwelling Units. The marketing plan shall provide detailed information on how the Owner will target lower-income residents.

e. On or before February 1st of each calendar year, or an alternate date mutually agreed upon by the Owner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.

f. The obligations regarding Required Affordable Dwelling Units referenced above shall be set forth within one or more written declaration of covenants recorded in the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

## **2. NON-PROFIT USES:**

Owner agrees to offer to sell commercial condominium space at the Property to two local non-profit organizations, namely Twice Is Nice and the Music Resource Center prior to offering for sale the space to any third parties. If Twice Is Nice does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer section 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units referenced in proffer section 1.b. by two (2) units. Similarly, if the Music Resource Center does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units by two (2) units. If, however, Owner is able to sell commercial condominium space to any non-profit organization that is qualified as tax-exempt under the applicable regulations of the Internal Revenue Code, other than Twice Is Nice or the Music Resource Center, within one hundred twenty (120) days of the issuance of certificate of occupancy, then Owner shall be relieved of the obligation to provide two (2) additional Required Affordable Dwelling Units for each qualified non-profit that purchases condominium space in the Property, as outlined in this paragraph. If proffer section 1.a. is in effect, and Owner is unable to sell the commercial space to non-profit organizations, then Owner will be released of the requirement for the additional affordable dwelling units referenced in this Section 2 above.

## **3. GROCERY USE:**

Owner agrees to reserve a minimum of 5,000 square feet of commercial space at the Property for lease to a small grocery store or neighborhood grocery store that sells fresh produce. The space will be reserved exclusively for a grocery store use until the issuance of any certificate of occupancy for the Project.

**4. PROHIBITED USES:**

The following permitted by right land uses shall be excluded from the Property under B-3 Zoning Section 34-480: Non-Residential: General and Misc. Commercial Uses: Gas station; Repair/servicing business (automobile); Car wash; Crematorium (independent of funeral home); Dry cleaning establishments; Drive-through windows; Taxi stand; Towing service, automobile. Non-Residential: Industrial: Industrial equipment: service and repair; Wholesale establishments.

**5. MAXIMUM BUILDING HEIGHT:**

Notwithstanding the by-right seventy-foot (70') building height allowance in the B-3 District, the maximum building height permitted on the Property shall be sixty-five feet (65') or five stories. A five-foot step back shall apply to any story above the 4th story for the Cherry Avenue building frontage. The maximum building height permitted within 40' of the Property's northern boundary, or rear property line, is further restricted to forty-five (45') feet or three (3) stories and is referred to herein as the "residential height zone." The building height permitted in the residential height zone shall be a maximum of forty-five (45') feet and no more than three (3) stories measured from 457 feet above sea level for structures adjacent to 6th Street SW and from 454 feet above sea level for structures adjacent to 5th Street SW.

**6. MIXTURE OF USES:**

Development on the Property shall be mixed use. For the purposes of this proffer, "mixed use" means that no one type of use, such as residential, commercial, or institutional, may exceed 80% of the gross square footage on the Property.

**E. Compliance with Additional Standards for Specific Uses (Sections 34-930 - 34-938)**

No improvements regulated by these sections are proposed.

**Public Comments Received**

*Site Plan Conference Required by Z.O. Sec. 34-821*

A public Site Plan Conference was held in the NDS Conference room on December 6, 2023.

**Recommendation**

Staff recommends approval of the preliminary site plan.

**Attachments**

1. Preliminary Site Plan dated October 19, 2023, with a final revision date of January 4, 2024.
2. Special Use Permit Resolution dated September 18, 2023.
3. Rezoning Ordinance with Proffers dated September 18, 2023.

# PRELIMINARY SITE PLAN

# 501 CHERRY AVENUE

TAX MAP 29 PARCEL 177, 178, 178.1, 178.2, 179  
CITY OF CHARLOTTESVILLE, VIRGINIA

## LEGEND

EXISTING	NEW	DESCRIPTION
		BENCHMARK
		SITE PROPERTY LINE
		ADJACENT PROPERTY LINE
		LOT PROPERTY LINE
		BUILDING SETBACK LINE (BSL)
		ACCESS EASEMENT
		DEMOLITION
		DEMOLITION HATCH
		PARKING COUNT
		DIMENSIONS
		GRADING EASEMENT
		INDEX CONTOUR
		INTERVAL CONTOUR
		SPOT ELEVATION
		EDGE OF PAVEMENT ELEVATION
		TOP OF CURB ELEVATION
		TOP OF WALL ELEVATION
		BOTTOM OF WALL ELEVATION
		RETAINING WALL
		RETAINING WALL HATCH
		STAIRS
		RAILING
		BUILDING
		ROAD-EDGE OF PAVEMENT
		ROAD- CENTERLINE
		ROAD-FRONT OF CURB
		ROAD BACK OF CURB
		CG-2 STANDARD 6" CURB
		CG-6 STANDARD 6" CURB AND GUTTER
		CG-12 STANDARD ACCESS RAMP
		SIDEWALK
		BIKE PARKING
		HANDICAP ACCESSIBLE AISLE
		HANDICAP PARKING
		CONCRETE/PAVEMENT-SIDEWALK
		RIPRAP
		ASPHALT
		GRASS
		TREELINE
		FENCE
		UTILITY EASEMENT
		UTILITY POLE
		LIGHT POLE
		OVERHEAD UTILITY
		UNDERGROUND UTILITY
		OVERHEAD UTILITY GUY
		MANHOLE
		STORM LINE
		ROOF DRAIN
		DRAIN INLET
		DRAINAGE EASEMENT
		STORM DRAINAGE EASEMENT
		SANITARY SEWER PIPE
		SANITARY SEWER LATERAL
		WATER LINE
		WATER SERVICE LINE
		5/8, 1" WATER METER
		WATER VALVE AND BOX
		FIRE DEPARTMENT CONNECTION
		FIRE HYDRANT
		WATER EASEMENT
		GAS LINE
		LIMITS OF DISTURBANCE

## OWNER/DEVELOPER

WP 501 Cherry LLC  
224 14th Street NW  
Charlottesville, VA 22903

## ZONING

B-3 Commercial with Proffers (rezoning and special use permit approved by City Council on September 5, 2023)

## SETBACKS

From Minimum: None  
Side (5th St. SW): 0' min - 9' max  
Side (6th St. SW): 0' min - 9' max  
Side (adj. to low-density residential): 10'  
Rear (adj. to low density residential): 10'

## SOURCE OF TITLE

DB 2022 PG 3077  
DB 206 PG 229 [PLAT]  
DB 206 PG 303 [PLAT]

## SOURCE OF BOUNDARY AND TOPOGRAPHY

Boundary & topographic survey provided by Foresight Survey, P.C., 06/22/2022, revised 08/02/2022  
Offsite information displayed are from the City of Charlottesville GIS  
Additional elevation data provided by LIDAR, Virginia Geographic Information Network, 2016

## BENCHMARK

Datum: NAVD88

## FLOODZONE

FEMA flood insurance rate map (community panel 51003C0288D), effective date February 4, 2005 shows this property is not located within the regulatory floodway.

## WATER & SANITARY SERVICES

Site is served by City of Charlottesville public water and sewer.

- All materials used for water and sanitary sewer service lines are to comply with requirements as outlined in both the BOCA Code and the regulations used by the Department of Public Works for the City of Charlottesville.
- All waterline shut downs must be coordinated with and performed by the City. Developer must hand out notices to affected customers at least 48 hours in advance.
- Per the Virginia Department of Health Waterworks Regulations (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc.) shall have a backflow prevention device installed within the facility. This device shall meet specifications of the Virginia Uniform Statewide Building Code, shall be tested in regular intervals as required, and test results shall be submitted to the Regulatory Compliance Administrator in the Department of Utilities.
- All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, oil, or grease shall install a grease trap. The grease trap shall meet specifications of the Virginia Uniform Statewide Building Code, maintain records of cleaning and maintenance, and be inspected on regular intervals by the Regulatory Compliance Administrator in the Department of Utilities.
- Please contact the Regulatory Compliance Administrator at 970-3032 with any questions regarding the grease trap or backflow prevention devices.

## Preliminary water demand calculation:

DEMAND: Water = 8,795 gph max hour, 13,192 gph peak hour. Sewer = 13,088 gpd

## FIRE MARSHAL'S NOTES

### Site Plan:

- IFC 505-The building street number to be plainly visible from the street for emergency responders.
- VSPFC 506.1 - An approved key box shall be mounted to the side of the front or main entrance. The Charlottesville Fire Department carries the Knox Box master key.
- VSPFC 507.5.4 and 912.3 - Fire hydrants, fire pump test header, fire department connections or fire suppression system control valves shall remain clear and unobstructed by landscaping, parking, or other objects or barriers.
- Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
- An approved water supply for fire protection shall be made available as soon as combustible material arrives on the site. Fire hydrants shall be installed and useable prior to the start of any building construction.
- All pavement shall be capable of supporting fire apparatus weighing 75,000 lbs.
- Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
- All pavement shall be capable of supporting fire apparatus weighing 85,000 lbs.
- VSPFC 3312.1 - An approved water supply for fire protection shall be made as soon as combustible material arrives on the site.
- No vehicles/machinery of any type, construction materials or construction debris are to be parked, placed, or stored either in front of or within 15 feet of a fire hydrant.
- Dumpsters, building materials, and construction debris shall be kept at least 30 feet from buildings under construction.
- Fire Lines - A permit is required for Fire Line installation. A detailed drawing (2 sets) showing fittings and thrust blocks must be submitted with the permit application. Once installed, the Fire Line requires a visual inspection and a pressure test inspection by the Fire Marshal's office.

### Construction & Demolition:

- IFC 1404.1 - Smoking to be allowed in only designated spaces with proper receptacles.
- IFC 1404.2 - Waste disposal of combustible debris shall be removed from the building at the end of each workday.
- IFC 1410.1-Access to the building during demolition and construction shall be maintained.
- IFC 1404.6 - Operations involving the use of cutting and welding shall be done in accordance with Chapter 26, of the International Fire Code, addressing welding and hotwork operations.
- IFC 1414.1-Fire extinguishers shall be provided with not less than one approved portable fire extinguisher at each stairway on all floor levels where combustible materials have accumulated.
- Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections, if any.
- VSPFC 310.3, 310.5 - Smoking or vaping is not permitted within the construction safety fence. No smoking signs shall be posted throughout east building under construction as well as outside the building. Should anyone from the Fire Marshal's office witness smoking/vaping within the construction site, he or she may request a 24-hr Stop Work Order from the City Building Official.

## FIRE FLOW DATA

Required Fire Flow: 1,500 gpm  
AWWA Q20: 4,373.6 gpm

## CITY PERMITS

- The contractor shall be responsible for obtaining a street cut permit from the City.
- A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces, and roadways; and is subject to approval by the City Traffic Engineer. The contractor contact information will be provided with the final plans.
- The contractor shall provide adequate pedestrian barriers and circulation during construction.

## CRITICAL SLOPES

There are no critical slopes within the project area.

## ELECTRIC/TELEPHONE/CABLE TV

If feasible, all new service lines for electricity, telephone and cable TV are to be installed underground. Care is to be taken to assure their location does not conflict with any other aspects of the proposed site plan.

## UTILITY MARKINGS

Miss Utility Ticket #A213001450-00A Dated 05/10/2022

## ITE TRIP GENERATION

Use	ITE Code	IV	AM			PM			Daily Total
			In	Out	Total	In	Out	Total	
Multifamily Housing (Mid-Rise)	221	69 Dwelling Units	4	13	17	16	10	26	283
Single Tenant Office Building	715	5,000 SF	2	0	2	2	14	16	65
Free-Standing Discount Store	815	7,300 SF	6	3	9	18	17	35	721
Department Store	875	15,800 SF	6	3	9	15	16	31	362

ITE Trip Generation, 11th Generation Edition reflects AM and PM peak hour traffic.

## BUILDING HEIGHTS

Per the approved ZM23-01 & SP 23-01, building heights on the property are as follows:  
Maximum building height shall not exceed 65' or five stories on the property.  
A 5' step-back shall apply to any story above the fourth story for the Cherry Avenue frontage.  
Building height within 40' of the rear (northern boundary) will be restricted to 45' or three stories

## EXISTING USE

Vacant, former grocery store. Existing 10,065 SF building to be removed.

## PROPOSED USE

69 residential units, 7,290 sf of grocery store, general, 15,745 sf of other retail stores (non-specified), and 5,026 sf of education facility, artistic

## LAND USE SCHEDULE

EXISTING	SF	AC	%
Impervious	61,846	1.42	87.5
Turf	9,495	0.22	12.5
Total=	71,342	1.64	100.0
Proposed	SF	AC	%
Impervious	64,184	1.47	89.6
Turf	7,158	0.17	10.4
Total=	71,342	1.64	100.0

Limits of disturbance = 1.6 acres

## MOTOR VEHICLE PARKING SCHEDULE

Required Per Approved ZM2023-01 & SP2023-01:

69 Multifamily Units:

(69) efficiency, 1-bedroom, or 2-bedroom units =  $\frac{0.5 \text{ Space}}{\text{Unit}} = 69 \text{ Units} \times \frac{0.5 \text{ Space}}{\text{Unit}} = 35 \text{ spaces}$

Grocery store:

1 space per 500 SF of gross floor area =  $7,290 \text{ SF} \cdot .8 = \frac{5,832 \text{ SF}}{500 \text{ SF}} = 12 \text{ spaces}$

General, retail sales:

2.5 spaces per 1,000 SF of gross floor area =  $15,745 \text{ SF} \cdot .8 = \frac{12,596 \text{ SF}}{1,000 \text{ SF}} = 12.6 \cdot 2.5 = 32 \text{ spaces}$

Required Per Sec. 34-984:

Arts (Education Facilities):

1 space per 2 students = 12 spaces

Total Required Parking Spaces = 35 + 12 + 32 + 12 = 91 spaces

Provided:

33 surface parking + 72 garage spaces = 105\* spaces

\*Includes 5 ADA spaces

11 on-street parallel spaces

## BICYCLE PARKING SCHEDULE

Required per Sec.34-981:

Multifamily Dwelling: one (1) bicycle space for every two (2) dwelling units

$\frac{69 \text{ Units}}{2 \text{ Spaces}} = 35 \text{ bicycle spaces required}$

Nonresidential uses: One (1) bicycle space for every one thousand (1,000) square feet of public space.

$\frac{28,061 \text{ SF}}{1,000 \text{ SF}} = 28 \text{ bicycle spaces required}$

Provided:

63 long-term bicycle spaces provided within building interior

## GENERAL NOTES

- All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
- The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct. The contractor shall locate all underground lines and structures as necessary.
- The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements. Contractor shall immediately report any discrepancies to the engineer of record.
- The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
- Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility to repair. This expense is the contractor's responsibility.
- All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
- An erosion and sediment control plan is NOT required with this site plan per Sec.10.22-a-1.
- All slopes and disturbed areas are to be fertilized, seeded and mulched. The maximum allowable slope is 2:1. Where it is reasonably obtainable, lesser slopes of 3:1 or better are to be achieved.
- Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
- All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
- Unless otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
- All material inside concrete forms shall be clean and free of all rocks and other loose debris. Sub-base material shall be compacted by mechanical means. Remove all standing water from area inside forms.
- Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising. Material shall not be placed on frozen subgrade.
- All existing curbs, curb and gutters and sidewalks to be removed shall be taken out to the nearest joint.
- Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2016. Removal shall be done in such a manner as to not tear, bulge or displace adjacent pavement. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
- The contractor shall exercise care to provide positive drainage to the storm inlets or other acceptable drainage paths in all locations.
- Contact information for any necessary inspections with City: E&S inspector, NDS- 970-3182 (for the E&S inspections)  
Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc)  
Water and Sanitary Sewer-Utilities 970-3800  
Street cut, Public Works 970-3800  
Other public ROW issues-City Engineer 970-3182.
- Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City inspector shall be repaired at the contractor's expense.
- A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.
- Per the Virginia Department of Health Waterworks Regulation (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc) shall have a backflow prevention device installed within the facility. This device shall meet specifications of the Virginia uniform Statewide Building Code, shall be tested in regular intervals as required, and test results shall be submitted to the Regulatory Compliance Administrator in the Department of Utilities.
- All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, or grease shall install a grease trap. The grease trap shall meet specifications of the Virginia Uniform Statewide Building Code, maintain records of cleaning and maintenance, and be inspected on regular intervals by the Regulatory Compliance Administrator in the Department of Utilities.
- Please contact the Regulatory Compliance Administrator at 970-3032 with any questions regarding the grease trap or backflow prevention devices.

## SIGNS

All signs and pavement shall conform with the latest edition of the MUTCD Guidelines.  
A sign permit must be issued in accordance with the City of Charlottesville Sign Regulations prior to placement of any signs on-site.

## PRELIMINARY STORMWATER MANAGEMENT NARRATIVE

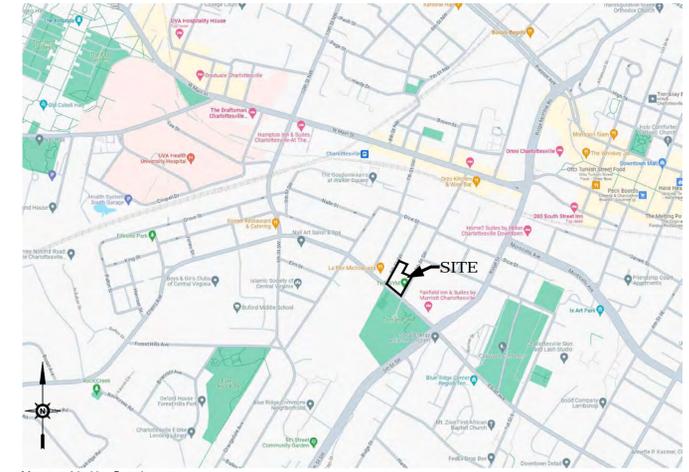
Post development runoff shall be evaluated in conformance with VSPM regulations. Notes have been provided on sheet C9 outlining the likely strategy for satisfying these requirements at each outfall. Overall water quality for the project will likely be satisfied using the purchase of 0.70 lbs of nutrient credits. There is an existing BMP located on the property at the corner of 5th Street SW and Cherry Avenue. The existing treatment provided will be included in the stormwater analysis for this site to ensure that any changes to existing nutrient treatment is offset.

## AFFORDABLE HOUSING

Piedmont Housing Alliance has a purchase option agreement, dated 10/6/2023, with WP 501 Cherry LLC, for the affordable housing on the project in which all housing will be 100% affordable.

The affordability term and affordable limits are expected to be similar to other LIHTC projects and final affordability term and limits will be determined upon securing final project financing.

## VICINITY MAP SCALE : 1"=1000'



Map provided by Google.com



912 E. HIGH ST. CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM 434.227.5140



## SHEET INDEX

Total No. of Sheets is 12

- C1 COVER SHEET
- C2 APPROVED SPECIAL USE PERMIT PROFFERS
- C3 EXISTING CONDITIONS & DEMOLITION
- C4 SITE PLAN: OVERVIEW
- C5 SITE PLAN: GROUND FLOOR
- C6 SITE PLAN: FIRST FLOOR
- C7 GRADING PLAN: GROUND FLOOR
- C8 GRADING PLAN: FIRST FLOOR
- C9 UTILITY PLAN & STORMWATER CONCEPT
- C10 VRRM MAPS & CALCULATIONS
- C11 LANDSCAPE PLAN
- C12 SITE DETAILS

SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

CITY OF CHARLOTTESVILLE, VIRGINIA

SUBMISSION:

2023.10.19

REVISION:

2023.12.05

2024.01.04

## APPROVALS

Director of Neighborhood Development Services

Date

FILE NO.

22.045

COVER SHEET

C1

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZMA23-0001)  
STATEMENT OF PROFFER CONDITIONS  
For 501 CHERRY AVENUE

City of Charlottesville Tax Map 29 Parcels 177, 178, 178.1, 178.2, 179

WP 501 Cherry LLC ("Owner") is the owner of Tax Parcels 290177000, 290178000, 290178100, 290178200, and 290179000 (collectively, the "Property") which are the subject parcels of the rezoning application ZM23-00001, for a project known as "501 Cherry Avenue" (the "Project"). Owner seeks to amend the current zoning of the Property, subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

In accordance with the City of Charlottesville Zoning Ordinance Section 34-41, Owner hereby proffers for City Council's consideration voluntary development conditions, which Owner agrees are reasonable. Owner agrees that, if the Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

**1. AFFORDABLE HOUSING:**

City of Charlottesville Zoning Ordinance Section 34-12 governs the requirement for affordable dwelling units in the event that a rezoning such as ZMA 23-00001 is approved. Ordinance Section 34-12 would require the Owner to provide five (5) affordable dwelling units to households with an income less than 80% of the area median income.

a. Owner will engage in good faith negotiations with Piedmont Housing Alliance (PHA) to co-develop a minimum of 60 residential units within the Project with a goal to sell all such units to PHA under terms mutually agreed upon between Owner and PHA. Under such a sale, the unit mix and affordability rates will be solely determined by PHA. It is expected that PHA will finance its portion of the Project through Low-Income Housing Tax Credits and an investment from the City of Charlottesville, or a combination thereof.

b. If a binding sales agreement between Owner and PHA is not executed by December 31, 2023, or if an agreement is entered into but PHA defaults thereunder, then Owner shall, in lieu of the proffer contained in section 1.a. above, cause five (5) dwelling units constructed within the Project to be For Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The five (5) affordable dwelling units shall remain affordable for a term of six (6) years from the date that a certificate of occupancy is issued for such unit ("Affordable Period"). For the purposes of this Proffer, the term "For Rent Affordable Dwelling Unit" means a dwelling unit that is i) affordable to households with income at not more than 60% of the area median income, or ii) leased to an individual or household that employs a Section 8 Housing Choice Voucher.

c. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation").

{3071275-1, 125209-00001-03}

The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change these unit(s), and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number, size, or make-up of the affordable dwelling units, does not result in an Affordability Period shorter than required by these proffers with respect to any of the affordable dwelling units, and should avoid segregation of the affordable dwelling units.

d. Owner or PHA shall submit to the City's Office of Community Solutions prior to the certificate of occupancy a marketing plan on how it will market the Required Affordable Dwelling Units. The marketing plan shall provide detailed information on how the Owner will target lower-income residents.

e. On or before February 1st of each calendar year, or an alternate date mutually agreed upon by the Owner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.

f. The obligations regarding Required Affordable Dwelling Units referenced above shall be set forth within one or more written declaration of covenants recorded in the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

**2. NON-PROFIT USES:**

Owner agrees to offer to sell commercial condominium space at the Property to two local non-profit organizations, namely Twice Is Nice and the Music Resource Center prior to offering for sale the space to any third parties. If Twice Is Nice does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer section 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units referenced in proffer section 1.b. by two (2) units. Similarly, if the Music Resource Center does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units by two (2) units. If, however, Owner is able to sell commercial condominium space to any non-profit organization that is qualified as tax-exempt under the applicable regulations of the Internal Revenue Code, other than Twice Is Nice or the Music Resource Center, within one-hundred twenty (120) days of the issuance of certificate of occupancy, then Owner shall be relieved of the obligation to provide two (2) additional Required Affordable Dwelling Units for each qualified non-profit that purchases condominium space in the Property, as outlined in this paragraph.

If proffer section 1.a. is in effect, and Owner is unable to sell the commercial space to non-profit organizations, then Owner will be released of the requirement for the additional affordable dwelling units referenced in this Section 2 above.

{3071275-1, 125209-00001-03}

**3. GROCERY USE:**

Owner agrees to reserve a minimum of 5,000 square feet of commercial space at the Property for lease to a small grocery store or neighborhood grocery store that sells fresh produce. The space will be reserved exclusively for a grocery store use until the issuance of any certificate of occupancy for the Project.

**4. PROHIBITED USES:**

The following permitted by right land uses shall be excluded from the Property under B-3 Zoning Section 34-480:

Non-Residential: General and Misc. Commercial Uses: Gas station; Repair/servicing business (automobile); Car wash; Crematorium (independent of funeral home); Dry cleaning establishments; Drive-through windows; Taxi stand; Towing service, automobile.

Non-Residential: Industrial: Industrial equipment: service and repair; Wholesale establishments.

**5. MAXIMUM BUILDING HEIGHT:**

Notwithstanding the by-right seventy-foot (70') building height allowance in the B-3 District, the maximum building height permitted on the Property shall be sixty-five feet (65') or five stories. A five-foot step back shall apply to any story above the 4th story for the Cherry Avenue building frontage.

The maximum building height permitted within 40' of the Property's northern boundary, or rear property line, is further restricted to forty-five (45') feet or three (3) stories and is referred to herein as the "residential height zone." The building height permitted in the residential height zone shall be a maximum of forty-five (45') feet and no more than three (3) stories measured from 457 feet above sea level for structures adjacent to 6th Street SW and from 454 feet above sea level for structures adjacent to 5th Street SW.

**6. MIXTURE OF USES:**

Development on the Property shall be mixed use. For the purposes of this proffer, "mixed use" means that no one type of use, such as residential, commercial, or institutional, may exceed 80% of the gross square footage on the Property.

WHEREFORE, the undersigned Owner stipulates and agrees that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and requests that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

WP 501 Cherry LLC

By: AWL  
History recorded on July 16, 2023 10:45 PM ET  
Manager

Print Name: Anthony K. Woodard

Owner's Address: 224 14<sup>th</sup> Street NW, Charlottesville, VA 22903

{3071275-1, 125209-00001-03}



912 E. HIGH ST. CHARLOTTESVILLE VA, 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM



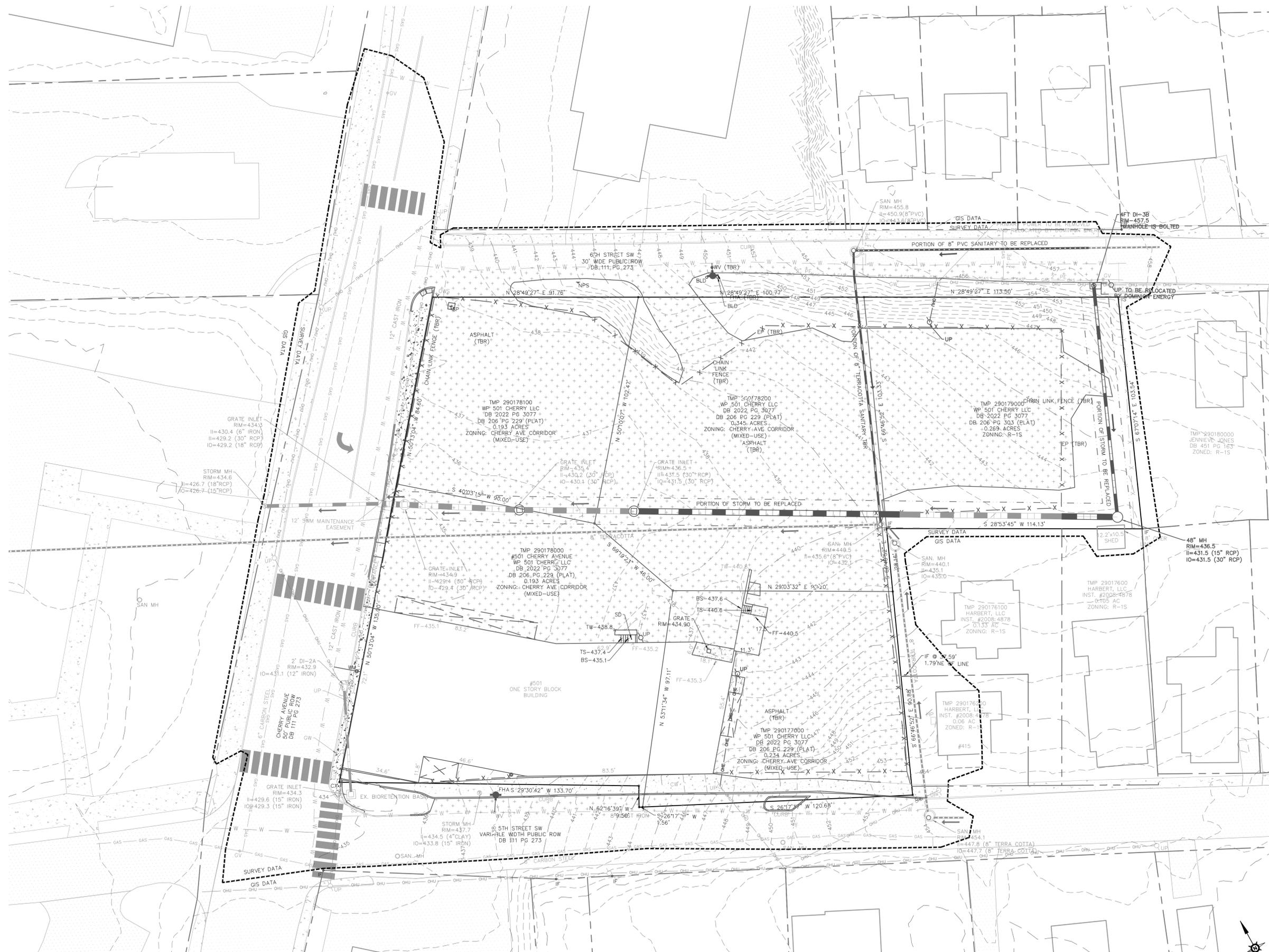
SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
**2023.10.19**  
REVISION:  
2023.12.05  
2024.01.04

FILE NO. **22.045**

APPROVED SPECIAL USE  
PERMIT PROFFERS

**C2**



ASPHALT TBR

NOTE: SANITARY MANHOLES ARE SHOWN AS 48" INSIDE DIAMETER STRUCTURES AND ARE ORIENTATED BASED ON THE SURVEYED DIRECTION OF SANITARY PIPES. FINAL SIZE, LOCATION, AND MANHOLE BASE ORIENTATION TO BE CONFIRMED IN THE FINAL SITE PLAN.



912 E. HIGH ST. CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM 434.227.5140



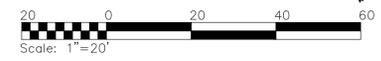
SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

CITY OF CHARLOTTESVILLE, VIRGINIA  
 SUBMISSION:  
**2023.10.19**  
 REVISION:  
 2023.12.05  
 2024.01.04

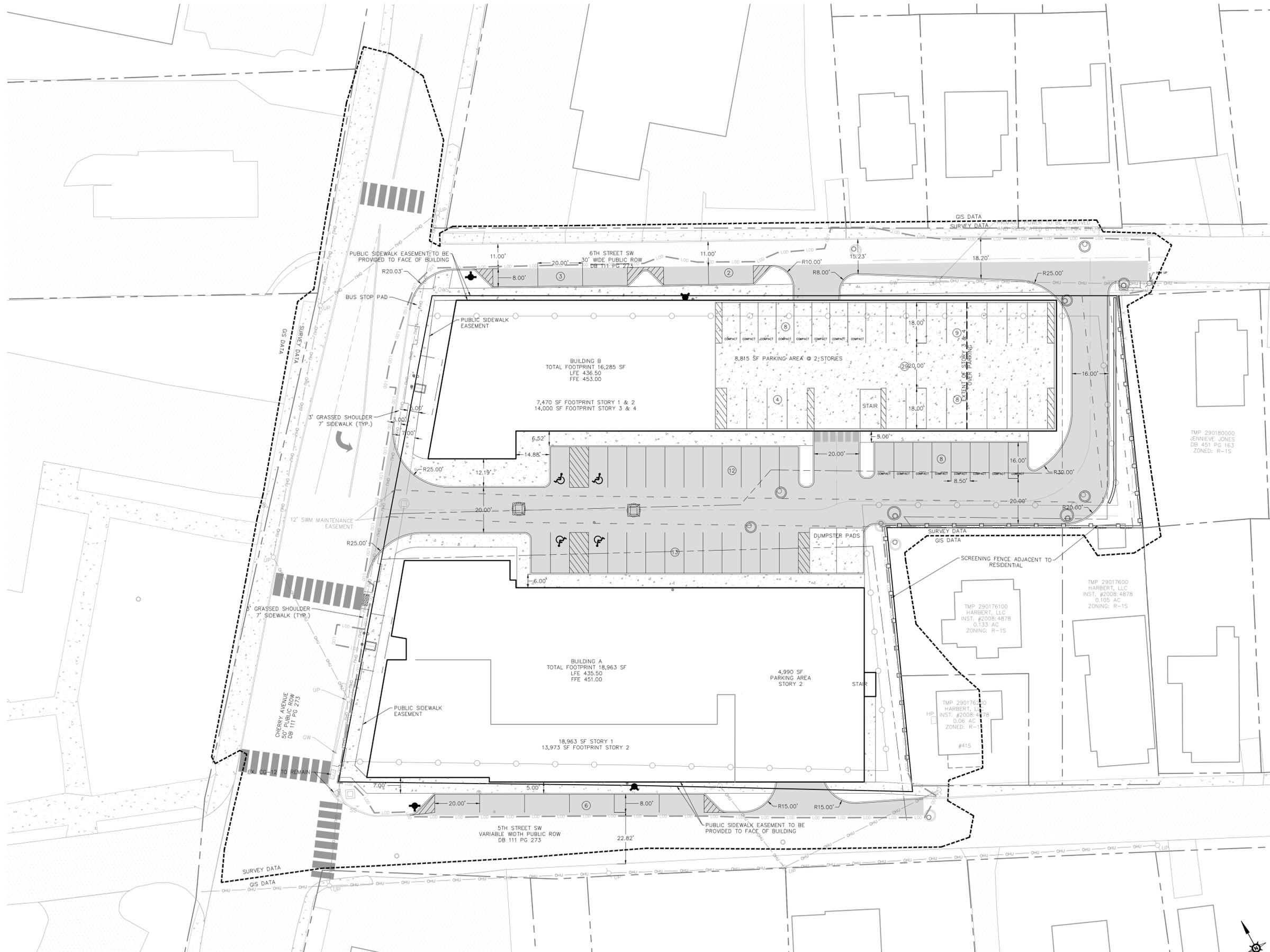
FILE NO. **22.045**

EXISTING CONDITIONS & DEMOLITION

**C3**







**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA. 22902      434.227.5140      JUSTIN@SHIMP-ENGINEERING.COM



SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

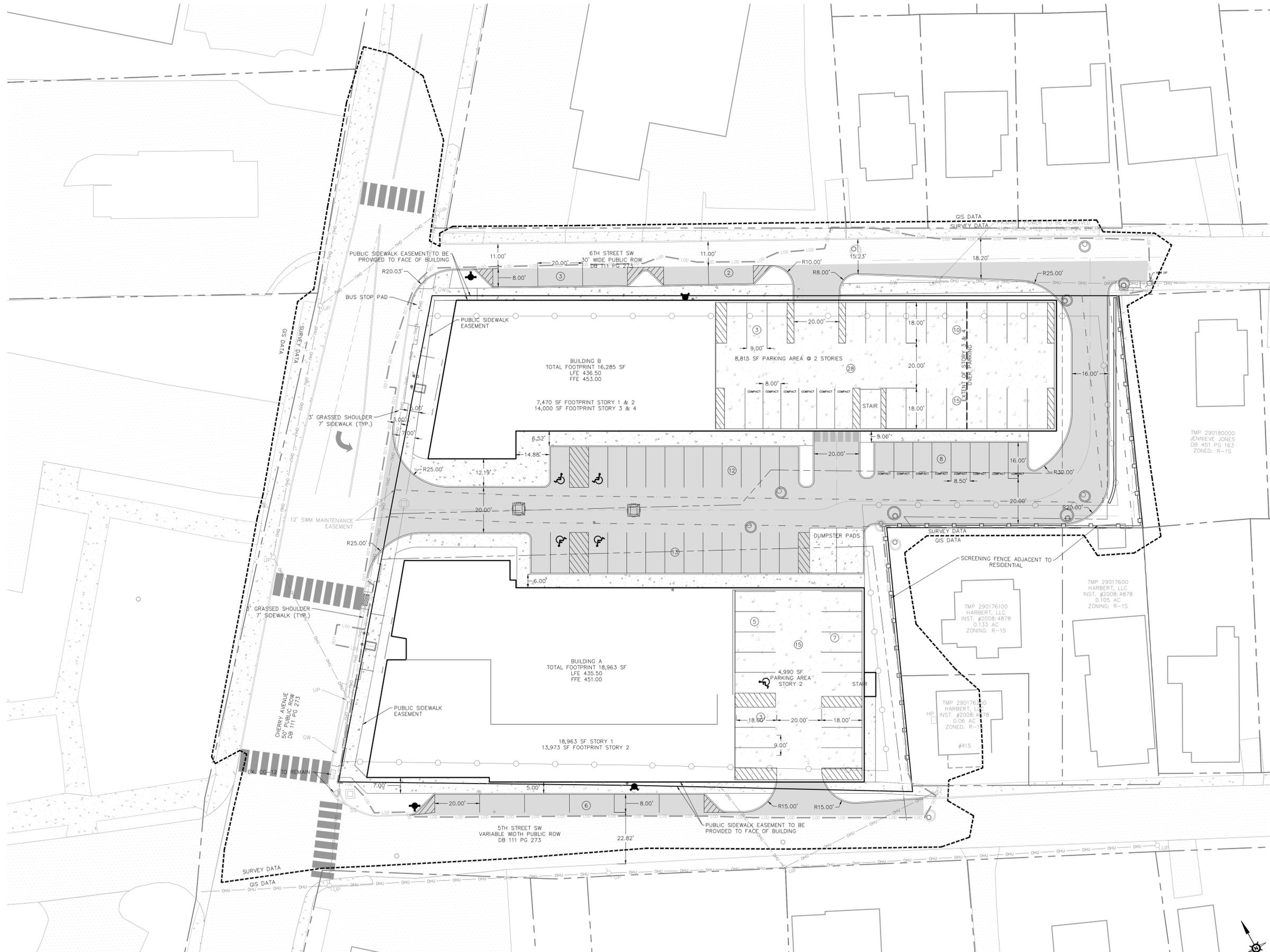
CITY OF CHARLOTTEVILLE, VIRGINIA  
 SUBMISSION:  
**2023.10.19**  
 REVISION:  
 2023.12.05  
 2024.01.04

FILE NO. **22.045**

SITE PLAN:  
**GROUND FLOOR**



**C5**



**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA, 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

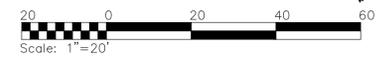


SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

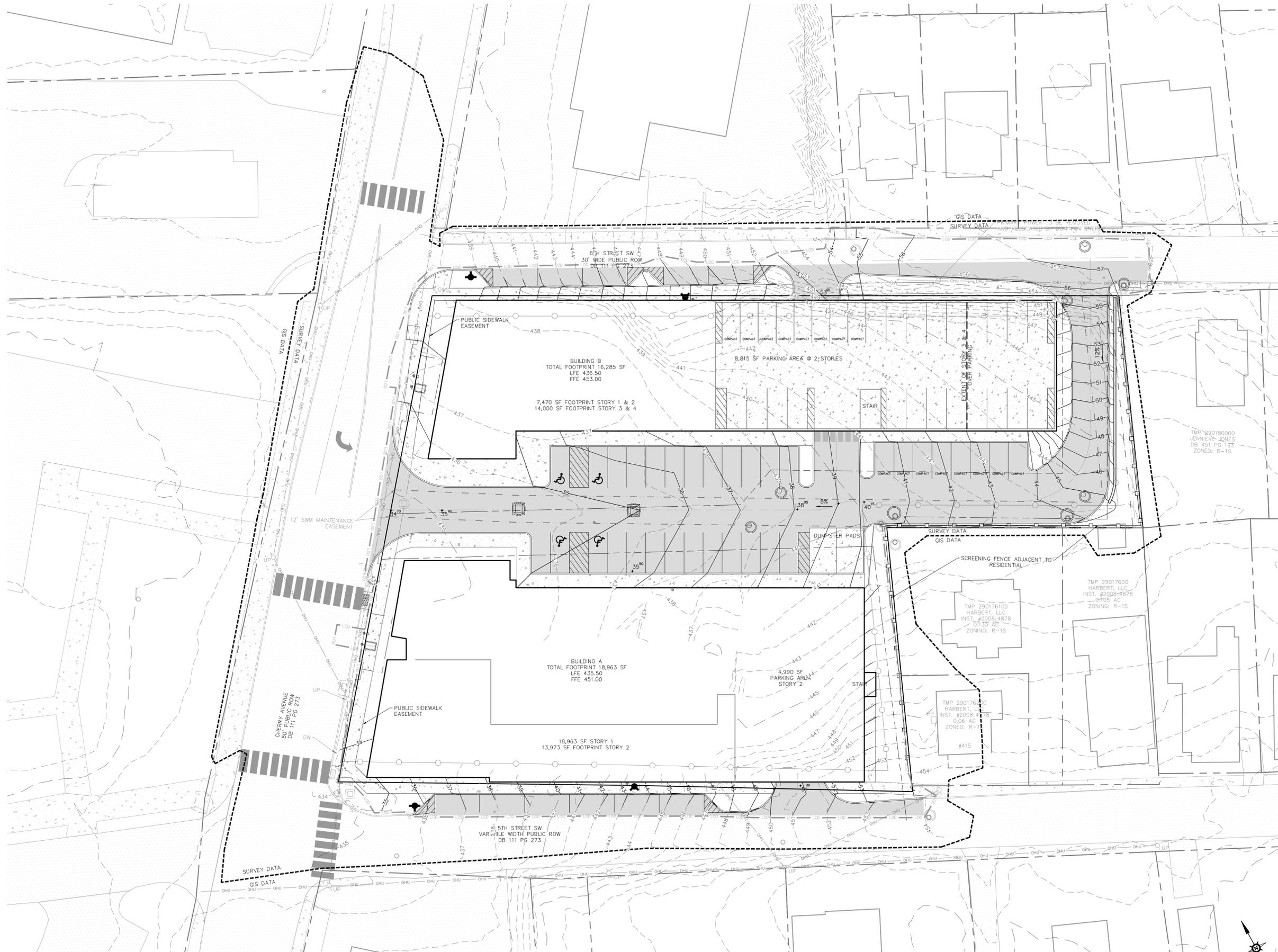
CITY OF CHARLOTTEVILLE, VIRGINIA  
 SUBMISSION:  
 2023.10.19  
 REVISION:  
 2023.12.05  
 2024.01.04

FILE NO. 22.045

SITE PLAN:  
 1ST FLOOR



**C6**



**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA. 22902      434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

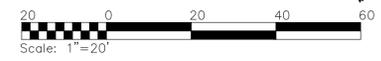


SITE DEVELOPMENT PLAN  
**501 CHERRY AVENUE**

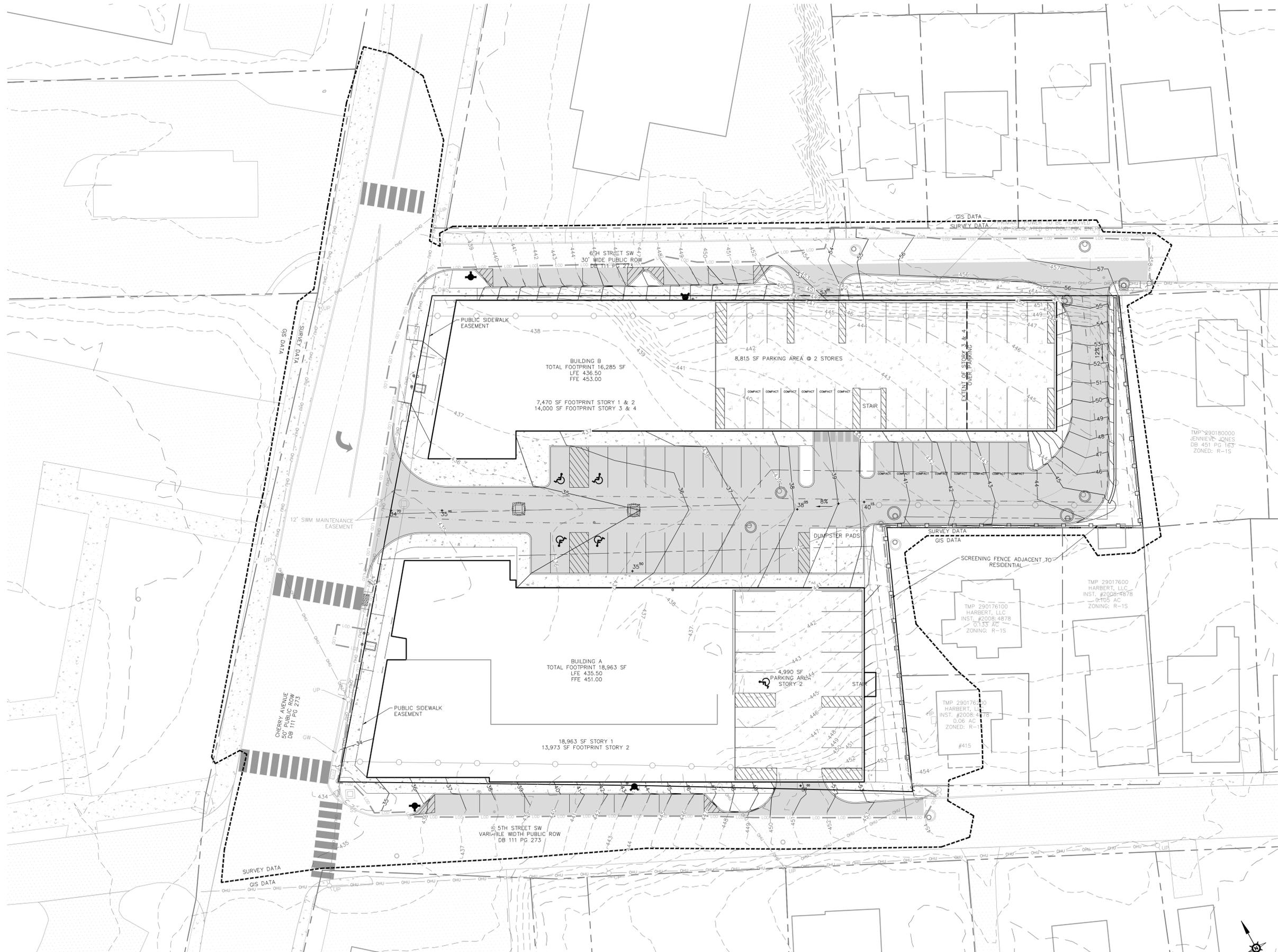
CITY OF CHARLOTTEVILLE, VIRGINIA  
 SUBMISSION:  
 2023.10.19  
 REVISION:  
 2023.12.05  
 2024.01.04

FILE NO. 22.045

GRADING PLAN:  
 GROUND FLOOR



**C7**



912 E. HIGH ST. CHARLOTTESVILLE VA, 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

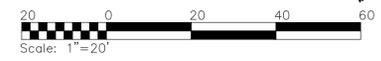


**SITE DEVELOPMENT PLAN  
501 CHERRY AVENUE**

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2023.10.19  
REVISION:  
2023.12.05  
2024.01.04

FILE NO. 22.045

GRADING PLAN:  
1ST FLOOR



**C8**

**OUTFALL #2**

Site grading and drainage post development will be evaluated against pre-development runoff to site outfall #2 in accordance with the energy balance equation. Additional runoff discharging to outfall #1 in pre-development conditions may be re-directed to site outfall #2 as required to reduce runoff to outfall #1 as required. Outfall #2 will provide detention, or the use of pervious pavers or similar measures to reduce post development runoff rates to outfall #2 to satisfy site SWM requirements, particularly the energy balance equation, and reduction of 10yr flows to not increase over pre-development levels to outfall locations currently prone to flooding see 9VAC25-870-66.

**OUTFALL #1**

Re-work of street infrastructure on 5th street shall be evaluated using the energy balance equation to determine final drainage patterns. As-built surveys of the existing roof shall be performed prior to final siteplan submittal to determine the extent of pre-development runoff to site outfall #1. Final building designs for the new building will reduce runoff to outfall #1 as required to satisfy site SWM requirements, particularly the energy balance equation, and reduction of 10yr flows to not increase over pre-development levels to outfall locations currently prone to flooding, see 9VAC25-870-66. Any reduction in treatment area of existing BMP will be offset in the final stormwater management design. Please reference the drainage area map and nutrient treatment calculations for the existing bioretention basin on sheet C10.



912 E. HIGH ST. CHARLOTTEVILLE VA. 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM



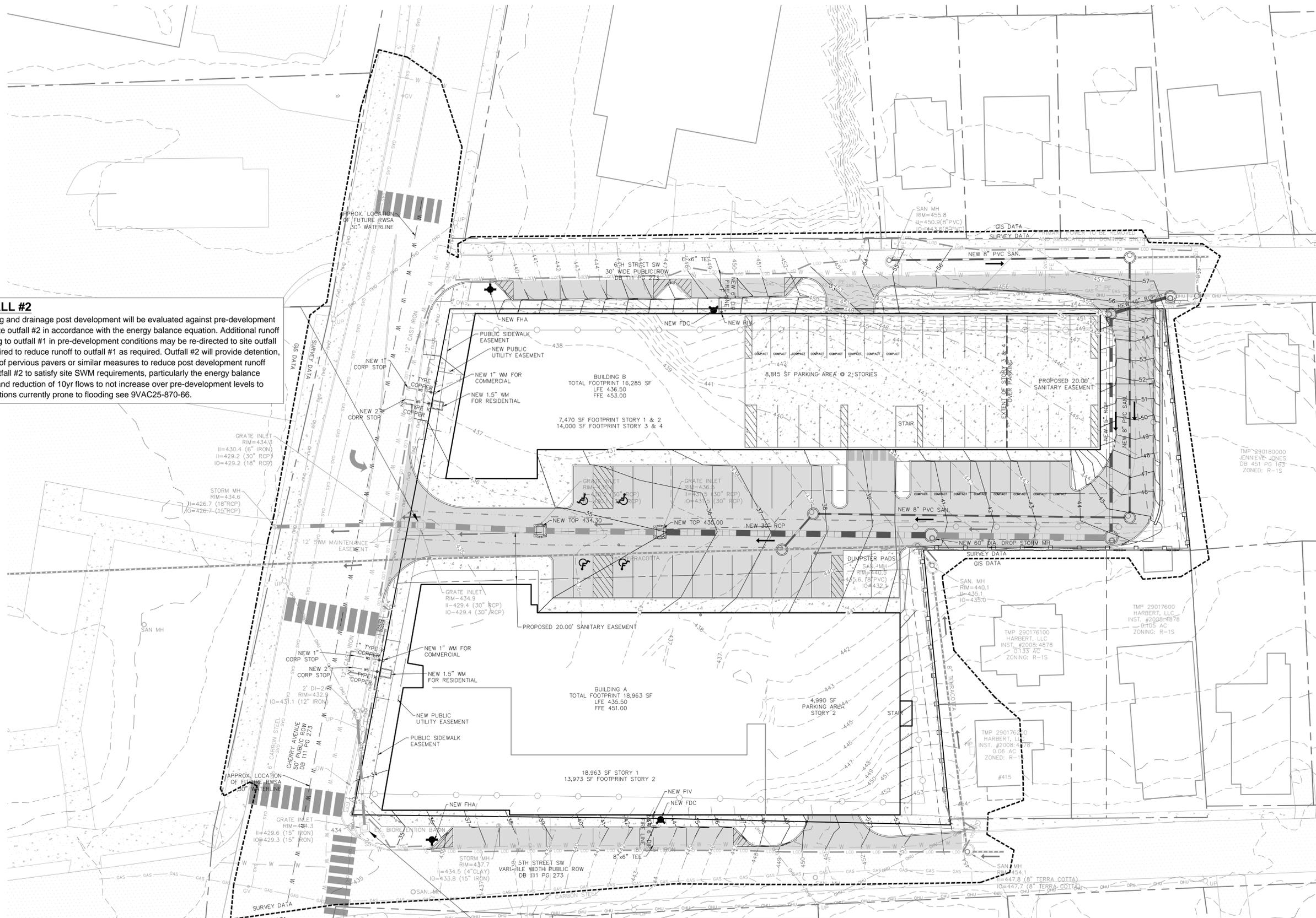
**SITE DEVELOPMENT PLAN  
501 CHERRY AVENUE**

CITY OF CHARLOTTEVILLE, VIRGINIA  
SUBMISSION:  
**2023.10.19**  
REVISION:  
2023.12.05  
2024.01.04

FILE NO. 22.045

UTILITY PLAN &  
STORMWATER CONCEPT

**C9**





LANDSCAPE SCHEDULE							
Plant Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./HT.	Quantity	Canopy SF	Total Canopy SF
	Large Deciduous Tree	Quercus bicolor	Swamp White Oak	2" Cal.	3	79	237
	Ornamental Tree	Prunus x incamp	Okame Cherry	6-8' HT.	9	78	702
	Deciduous Shrub	Cephaenanthus occidentalis	Buttonbush	18" HT.	3	-	-
	Deciduous Shrub	Hydrangea arborescens	Wild Hydrangea	18" HT.	7	-	-

LANDSCAPING REQUIRED:  
 SITE REQUIREMENT (SEC. 34-869(a)(3)): The requirements of this section may be waived, in whole or in part, by the director of neighborhood development services or the planning commission in the following circumstances: to allow for the reasonable development of areas devoid of woody materials, dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature; to allow for the preservation of wetlands; or when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

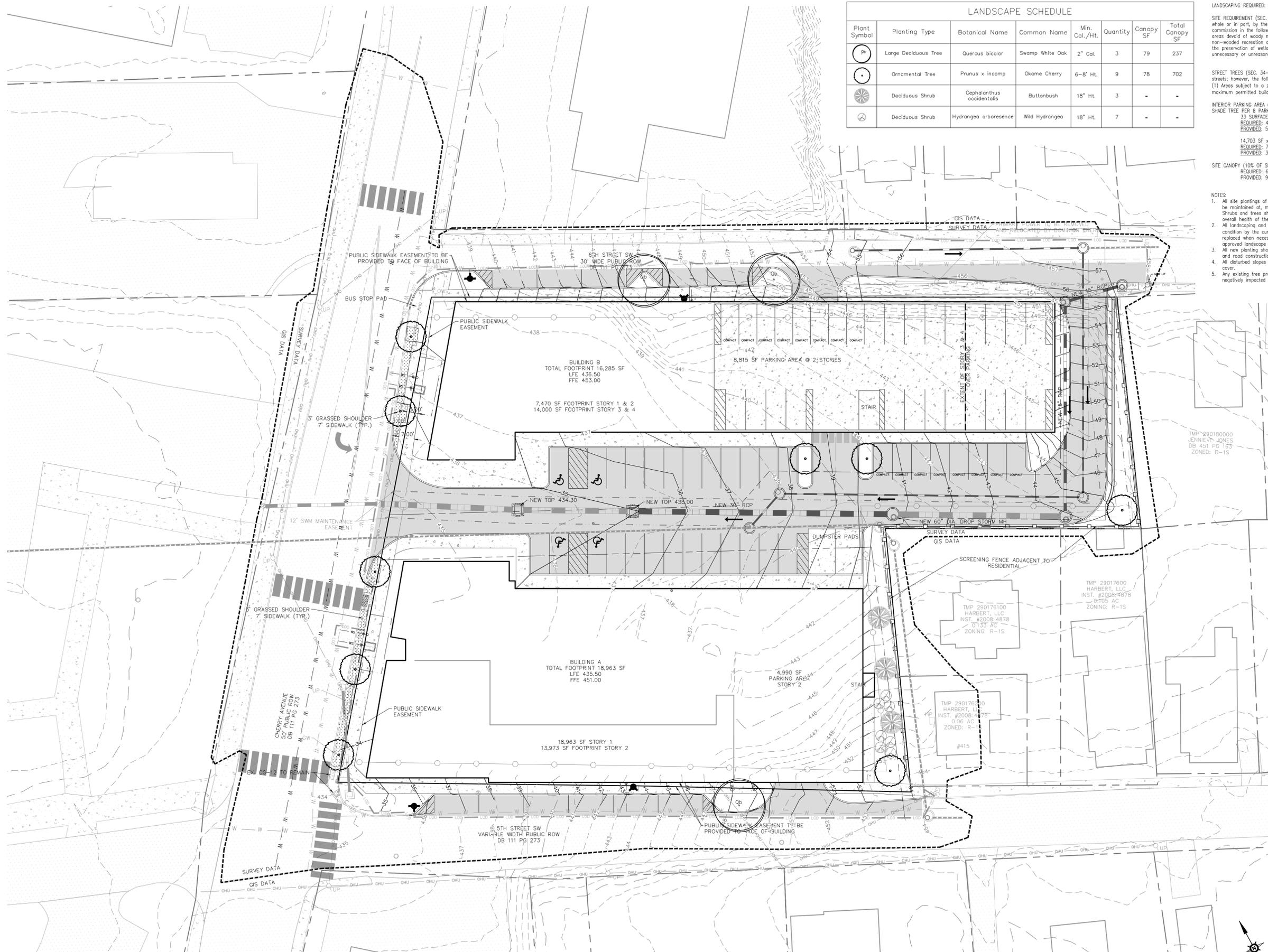
STREET TREES (SEC. 34-870(a)): Streetscape trees shall be planted along all existing streets; however, the following areas are exempt from the requirement of streetscape trees: (1) Areas subject to a zero (0) building setback requirement, or (2) Areas where the maximum permitted building setback is fewer than ten (10) feet.

INTERIOR PARKING AREA (SEC. 24.11.9.7): 5% OF THE PAVED PARKING AREA & 1 MEDIUM SHADE TREE PER 8 PARKING SPACES  
 13 SURFACE PARKING SPACES PROVIDED  
 REQUIRED: 4 MEDIUM SHADE TREES  
 PROVIDED: 5 MEDIUM SHADE TREES

14,703 SF x 5% = 735 SF  
 REQUIRED: 735 SF  
 PROVIDED: 312 SF

SITE CANOPY (10% OF SITE AREA)  
 REQUIRED: 6,047 SF  
 PROVIDED: 939 SF

- NOTES:
- All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
  - All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.
  - All new planting shown on the plan will be completed after building and road construction to avoid tree planting damage.
  - All disturbed slopes 3:1 or steeper to have low maintenance ground cover.
  - Any existing tree proposed to remain shall be replaced in kind if negatively impacted by improvements associated with this project.



912 E. HIGH ST. CHARLOTTESVILLE VA, 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

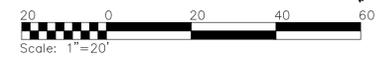


**SITE DEVELOPMENT PLAN**  
**501 CHERRY AVENUE**

CITY OF CHARLOTTESVILLE, VIRGINIA  
 SUBMISSION:  
 2023.10.19  
 REVISION:  
 2023.12.05  
 2024.01.04

FILE NO. 22.045

**LANDSCAPE PLAN**



**C11**



**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** WP-501 Cherry LLC 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.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA REGARDING THE APPROVAL OF ISSUANCE OF BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR THE BENEFIT OF ST. ANNE'S-BELFIELD, INC.**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority") is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") to issue its revenue bonds for the purposes of, among other things, financing or refinancing the construction and equipping of facilities for private, accredited and nonprofit institutions of elementary, or secondary education that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), thereby promoting the safety, health, welfare, convenience, and prosperity of the residents of the Commonwealth of Virginia (the "Commonwealth"); and

WHEREAS, the Authority has approved the application of St. Anne's-Belfield, Inc., a Virginia nonstock corporation (the "Organization"), whose primary business address is 2132 Ivy Road, Charlottesville, Virginia 22903, requesting that the Authority issue up to \$3,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds"); and

WHEREAS, the Organization owns and operates St. Anne's-Belfield School, which consists of, among other things, a lower school and an upper school. The upper school is located on a campus (the "Campus") in and around 2132 Ivy Road, Charlottesville, Virginia 22903; and

WHEREAS, the Authority will loan the proceeds of the Bonds to the Organization to finance and refinance all or a portion of the costs associated with the projects described below:

- (1) The acquisition, construction, developing and equipping of a portion of the renovation and expansion of Randolph Hall, which is located on the Campus; and
- (2) The financing, if and as needed, of capitalized interest on the Bonds, costs of issuance related to the issuance of the Bonds, working capital, other capital expenditures at the Campus and other related costs (collectively (1) and (2), the Plan of Finance"); and

WHEREAS, following notice given as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing on August 17, 2023, regarding the Plan of Finance and issuance of the Bonds as required by Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Act sets forth the procedure for such approval; and

WHEREAS the Authority issues its bonds on behalf of the City of Charlottesville, Virginia (the "City"), and the facilities to be financed and refinanced with the proceeds of the

Bonds are located in the City and the City Council of the City (the "City Council"), constitutes the highest elected governmental unit of the City; and

WHEREAS, in accordance with Section 15.2-4906 of the Act, the Authority has recommended that the City Council approve the Plan of Finance and the issuance of the Bonds, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act; and WHEREAS, a copy of the Authority s inducement resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, and a certificate of the public hearing have been filed with the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA AS FOLLOWS:**

1. Subject to paragraph (2) below, the City Council hereby approves the issuance of the Bonds, in an aggregate principal amount up to \$3,000,000, by the Authority for the benefit of the Organization, solely to the extent required by Section 147(f) of the Code and Section 15.2- 4906 of the Act, to permit the Authority to assist in accomplishing the Plan of Finance.

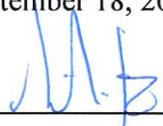
2. The approval of the issuance of the Bonds by the City Council does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Organization, the economic viability of the facilities to be financed as part of the Plan of Finance, or any other matters relating to the Bonds, the facilities to be financed or refinanced with the proceeds of the Bonds, or the Plan of Finance. The Bonds shall not constitute a debt, liability or obligation of the City. In accordance with the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the City. The Bonds shall provide that neither the Commonwealth, nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and moneys pledged therefor by the Organization.

3. This resolution shall take effect immediately upon its adoption.

	<u>Aye</u>	<u>No</u>
Payne	<u>  x  </u>	<u>    </u>
Pinkston	<u>  x  </u>	<u>    </u>
Puryear	<u>  x  </u>	<u>    </u>
Snook	<u>  x  </u>	<u>    </u>
Wade	<u>  x  </u>	<u>    </u>



Approved by Council  
September 18, 2023

  
\_\_\_\_\_  
Maxicelia Robinson  
Deputy Clerk of Council

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE LAND FRONTING ON CHERRY AVENUE, 5<sup>TH</sup> STREET SOUTHWEST,  
AND 6<sup>TH</sup> STREET SOUTHWEST  
FROM CHERRY AVENUE MIXED USE CORRIDOR (CH) AND RESIDENTIAL SMALL LOT (R-1S) TO B-3  
(COMMERCIAL) WITH PROFFERS**

**WHEREAS**, WP-501 Cherry LLC is the owner (“Landowner”) of certain land fronting on Cherry Avenue, 5<sup>th</sup> ST SW, and 6<sup>th</sup> ST SW, designated on the City Tax Map and Parcel (TMP) as 290179000, 290178200, 290177000, 290178100, and 290178000 (collectively, hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from CH and R-1S to B-3 with proffers hereinafter referred to as the “Proposed Rezoning”; and

**WHEREAS**, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on August 8, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, this City Council has considered the matters addressed within the Landowner’s application (ZM23-0001), 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 the property designated on City Tax Map and Parcel (TMP) 290179000, 290178200, 290177000, 290178100, and 290178000 (“Subject Property”), containing, in the aggregate approximately 1.36 acres (approximately 59,241 square feet), from CH (Cherry Avenue Mixed Use Corridor) and R-1S (Residential Small Lot) to B-3 (Commercial) with the following Proffers:

**1. AFFORDABLE HOUSING:**

City of Charlottesville Zoning Ordinance Section 34 -12 governs the requirement for affordable dwelling units in the event that a rezoning such as ZMA 23-0001 is approved. Ordinance Section 34-12 would require the Owner to provide five (5) affordable dwelling units to households with an income less than 80% of the area median income.

**a.** Owner will engage in good faith negotiations with Piedmont Housing Alliance (PHA) to co-develop a minimum of 60 residential units within the Project with a goal to sell all such units to PHA under terms mutually agreed upon between Owner and PHA. Under such a sale, the unit mix and affordability rates will be solely determined by PHA. It is expected that PHA will finance its portion of the Project through Low-Income Housing Tax Credits and an investment from the City of Charlottesville, or a combination thereof.

**b.** If a binding sales agreement between Owner and PHA is not executed by December 31, 2023, or if an agreement is entered into but PHA defaults thereunder, then Owner shall, in lieu of the proffer contained in section 1.a. above, cause five (5) dwelling units constructed within the Project to be For Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The five (5) affordable dwelling units shall remain affordable for a term of six (6) years from the date that a certificate of occupancy is issued for such unit ("Affordable Period"). For the purposes of this Proffer, the term "For Rent Affordable Dwelling Unit" means a dwelling unit that is i) affordable to households with income at not more than 60% of the area median income, or ii) leased to an individual or household that employs a Section 8 Housing Choice Voucher.

**c.** The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change these unit(s), and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number, size, or make-up of the affordable dwelling units, does not result in an Affordability Period shorter than required by these proffers with respect to any of the affordable dwelling units, and should avoid segregation of the affordable dwelling units.

**d.** Owner or PHA shall submit to the City's Office of Community Solutions prior to the certificate of occupancy a marketing plan on how it will market the Required Affordable Dwelling Units. The marketing plan shall provide detailed information on how the Owner will target lower-income residents.

**e.** On or before February 1st of each calendar year, or an alternate date mutually agreed upon by the Owner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.

**f.** The obligations regarding Required Affordable Dwelling Units referenced above shall be set forth within one or more written declaration of covenants recorded in the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that Owner's successors in right, title and interest to the

Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

**2. NON-PROFIT USES:**

Owner agrees to offer to sell commercial condominium space at the Property to two local non-profit organizations, namely Twice Is Nice and the Music Resource Center prior to offering for sale the space to any third parties. If Twice Is Nice does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer section 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units referenced in proffer section 1.b. by two (2) units. Similarly, if the Music Resource Center does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units by two (2) units. If, however, Owner is able to sell commercial condominium space to any non-profit organization that is qualified as tax-exempt under the applicable regulations of the Internal Revenue Code, other than Twice Is Nice or the Music Resource Center, within one-hundred twenty (120) days of the issuance of certificate of occupancy, then Owner shall be relieved of the obligation to provide two (2) additional Required Affordable Dwelling Units for each qualified non-profit that purchases condominium space in the Property, as outlined in this paragraph. If proffer section 1.a. is in effect, and Owner is unable to sell the commercial space to non-profit organizations, then Owner will be released of the requirement for the additional affordable dwelling units referenced in this Section 2 above.

**3. GROCERY USE:**

Owner agrees to reserve a minimum of 5,000 square feet of commercial space at the Property for lease to a small grocery store or neighborhood grocery store that sells fresh produce. The space will be reserved exclusively for a grocery store use until the issuance of any certificate of occupancy for the Project.

**4. PROHIBITED USES:**

The following permitted by right land uses shall be excluded from the Property under B-3 Zoning Section 34-480:

Non-Residential: General and Misc. Commercial Uses: Gas station; Repair/servicing business (automobile); Car wash; Crematorium (independent of funeral home); Dry cleaning establishments; Drive-through windows; Taxi stand; Towing service, automobile.

Non-Residential: Industrial: Industrial equipment: service and repair; Wholesale establishments.

**5. MAXIMUM BUILDING HEIGHT:**

Notwithstanding the by-right seventy-foot (70') building height allowance in the B-3 District, the maximum building height permitted on the Property shall be sixty-five feet (65') or five stories. A five-foot step back shall apply to any story above the 4th story for the Cherry Avenue building frontage.

The maximum building height permitted within 40' of the Property's northern boundary, or rear property line, is further restricted to forty-five (45') feet or three (3) stories and is referred to herein as the "residential height zone." The

building height permitted in the residential height zone shall be a maximum of forty-five (45') feet and no more than three (3) stories measured from 457 feet above sea level for structures adjacent to 6th Street SW and from 454 feet above sea level for structures adjacent to 5th Street SW.

**6. MIXTURE OF USES:**

Development on the Property shall be mixed use. For the purposes of this proffer, "mixed use" means that no one type of use, such as residential, commercial, or institutional, may exceed 80% of the gross square footage on the Property.

and the City's Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.



**Entrance Corridor Review Board  
Review of Certificate of Appropriateness for 2117 Ivy Road**

**Planning Commission Regular Meeting  
Date Of Planning Commission Meeting: February 13, 2024**

Project Planner: Dannan O'Connell  
Date of Hearing: February 13, 2024  
Application Number: HST24-0006  
Zoning: URB within the Ivy Road Entrance Corridor Overlay  
FLUM designation: Urban Mixed-Use Corridor  
Tax Map Parcel: 070001200.  
Site Acreage: 1.027 acres  
ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner  
Submittal: Dwell Design Studio drawings *2117 Ivy Road Entrance Corridor Review Submittal*, dated 1/23/2024, sheets A-1 through A-10, and L-1.

---

**Relevant Code Section**

This project is being reviewed per a PUD, approved January 22, 2024, under the current zoning ordinance (pre-February 19, 2024), therefore the code sections referenced are from that ordinance. However, relative to the ERB's purview and the standards for review, the updated code is essentially unchanged from the prior.

The Planning Commission serves as the Entrance Corridor Review Board (*ERB*), responsible for administering the design review process in entrance corridor overlay districts (*EC*). This development project requires a site plan, and therefore also requires a Certificate of Appropriateness (*CoA*), pursuant to the provisions of Section 34-309(a)(3) of the City's Zoning Ordinance. ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application.

**Background**

CoA request for development of a 1.027-acre parcel [the existing 1974 bank will be razed] to construct a ten-story (125'-6") apartment building oriented to Ivy Road with a footprint of approximately 140-ft (wide) and approximately 310-ft (deep). [Ten stories are the maximum allowed per the approved PUD.] The brick, metal, and composite panel building features an eight-story tower atop a two-story podium. A segment of the east (side) façade is setback, above the podium, creating an elevated inner courtyard of approximately 80-ft square. The primary face along Ivy Road allows for a minimum 8'-0" wide green zone and minimum 10'-0"

wide clear walk zone. Above the podium, floors three through eight are cantilevered out slightly, with a step back at the ninth and tenth floors. The interior, enclosed garage is accessed from Copeley Road. On Ivy Road, there is a secondary entrance, not connected to the internal garage, for use by service vehicles and trash/recycling storage.

There are no known historical structures or resources associated with this site. The c1960s Sanborn maps indicate a gas/service station operated here. The 1959 City Directory lists the *Colonial Amoco Service Station*, but nothing prior to that.

#### Development of the approved PUD

- May 18, 2023: Applicant held a meeting with the community.
- November 14, 2023: PC and City Council joint public hearing.
- December 18, 2023: City Council public hearing.
- January 22, 2024 (postponed from January 6): City Council held additional hearing and approved PUD.

Link to meeting material: [City Council January 22 2024](#)

Germane to the design review, from the PUD Application Plan, Exhibit A

- 1) The green zone shall be a minimum of 8 feet in width.
- 2) The sidewalk shall be a minimum of 10 feet in width.
- 3) Floors 1-2 shall be recessed at least 2 feet from Ivy Road beyond that shown on the Application Plan.
- 4) Floors 3-8 shall be recessed 4 feet from Ivy Road beyond that shown on the Application Plan.
- 5) Floors 9-10 shall be recessed 2 feet beyond floors 3-8.
- 6) The rooftop architectural trellis shall be recessed 10 feet from the top edge of floor 10.
- 7) Street tree species will be coordinated with City staff, the Entrance Corridor Review Board, and the University.

#### Proposed new building

Building materials:

- Foundation/Podium: Dark brick with matched mortar. Commercial, metal-framed storefront (dark grey) with clear glass. Specified 70% VLT. Metal canopy painted to match storefront.
- Podium at west elevation: Lower story faced with dark, split faced CMU. Second story matches upper story elevations.
- Upper floor walls: Composite material panels. Red and gray color palette. Clear glass windows in painted frames.
- Roof: Flat roof behind parapet. Screened mechanical equipment.
- Roof deck: Accessible space with glass railing and architectural trellis.
- Garage doors: Sectional overhead doors with translucent glass panels.
- Railing (terrace and balconies): Clear glass panels in painted frames.

Landscaping:

- Plantings: (on City tree list)
  - Willow Oak (Ivy Road) – See note in staff recommendations.
  - Red Oak (Copeley Road)
- Landscape/terrace walls: Board-formed concrete. Not visible from the EC.
- Sidewalk: Broom-finished concrete.
- Transformers (Copeley Road): Decorative, bicycle-themed, applied graphic.

#### Site Lighting:

- Exterior lighting is not indicated. Staff recommends a condition that the lamping for exterior lighting be dimmable, have a Color Temperature not exceeding 3,000K, and have a Color Rendering Index not less than 80, preferably not less than 90. Also, to prevent bright light and glare emanating from the garage entrance, lamping for the garage lighting [immediately inside the entrances] will comply with the above. Additionally, should there be concerns expressed later related to glare from exterior or garage lighting, the owner will work with NDS to find a reasonable solution. (Note: Compliance with the lamping requirements will be determined during review of the site plan and review of the building permit application.)

#### **Standards for considering certificates of appropriateness.**

In conducting review of an application, the ERB must apply the standards set forth within §34-310 of the City Code, which require consideration of certain features and factors in determining the appropriateness of the proposed construction. (Note: Signage shown is conceptual only. Signage must comply with City Code Div. 4 – Signs and require a separate sign permit.)

- *§34-310(1): Overall architectural design, form, and style of the subject building or structure, including, but not limited to the height, mass and scale;*
- *§34-310(2): Exterior architectural details and features of the subject building or structure;*
- *§34-310(3): Texture, materials and color of materials proposed for use on the subject building or structure;*
- *§34-310(4): Design and arrangement of buildings and structures on the subject site;*
- *§34-310(5): The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.*
- *§34-310(6): Provisions of the Entrance Corridor Design Guidelines.*

#### **Links to EC Design Guidelines**

[EC Design Guidelines Chapter I - Introduction](#)

[EC Design Guidelines Chapter II - Streetscape](#)

[EC Design Guidelines Chapter III - Site](#)

[EC Design Guidelines Chapter IV - Buildings](#)

[EC Design Guidelines Chapter V - Corridors](#)

## **Staff Recommendation**

Other than the comments below regarding the proposed street trees and the recommended conditions, staff finds the proposed design is appropriate and recommends approval of the CoA.

The design is generally consistent with the guidelines relative to architectural design, form, and style, relative to building placement, materiality, and color palette. The design features variation in materiality and color palette (brick, masonry, metal, masonry and ceramic panels, full-lite doors and windows, a blended palette of grays and earth tones) and an articulated façade will mitigate the perception and visual impact of the building’s height, mass, and scale. The podium’s two-story glazing, landscaping, and hardscaping create a streetscape and entry that is human-scale and inviting. The on-site parking will be concealed within the building, a solution consistent with the design guidelines. The entrance is on Copely Road, not on the EC.

Future evolution of this EC per UVA planning and City Comp Plan: The maximum height (ten stories) was established by the approved PUD. The height reflects the revised Comprehensive Plan adopted in 2022 and is consistent with the anticipated trend of buildings that will be taller, larger, and with smaller setbacks than what is existing and what was envisioned under the prior Comprehensive Plan. Additionally, the CX-8 zoning designation of this property, under the revised ordinance, would allow by-right an eight-story building (max height 114-ft) and with bonus criteria an eleven-story, building (max height 156-ft).

The vision for this EC [see Appendix] notes there are “opportunities for unified landscaping along the corridor that would help enhance the pedestrian connection and define this entrance to the City. University development on this corridor should maximize mixed use, pedestrian friendly development at the street level.”

Ivy Road Street Trees: With the limited spacing from the road and the undergrounding of utilities—and any unknown conditions—it is possible the proposed Willow Oak will not be viable here. Staff recommends a condition that allows flexibility: The street tree species, when selected, will be coordinated with UVA’s streetscape plan (UVA.), will meet City site plan requirements, and, most importantly, will be from the City’s Tree List and appropriate for the conditions/space above and below grade.

Staff concurs with the applicant’s comments:

- *The design of this building is contemporary; however, its proportions are rooted in classicism.*
- *The modern palette of materials such as fiber cement panels, storefront, and glass railings present textures and colors which are woven together in a composition that creates a relatable scale and defines a building base, body, and cap.*
- *The body of the building is framed with one material for definition and accentuated with a different color and texture which defines proportions and creates a rhythm. The cap is set*

*further back from the plane of the building body for additional building articulation and crowned with the glass railing element which acts as a modern cornice.*

Attached is a comprehensive review of the design guidelines, reflecting both the applicant's and staff's comments. Those comments address issues related to height, massing, and scale.

Additionally, *for reference*:

- If there are questions regarding the definition of *clear glass*, see the attached August 2018 BAR memo re: recommendations related to the design review of glass elements.
- Staff has attached a series of images that offer a general summary of the heights, architectural styles, materiality, and color palettes primarily of planned and constructed, contemporary buildings within the City and on-Grounds and several examples of older buildings in the City.

### **Public Comments Received**

No public comments have been received relative to the requested CoA.

### **Suggested Motion**

*Approval:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2117 Ivy Road is consistent with the Guidelines and compatible with this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- All exterior lighting and all interior garage lighting visible at the garage entrance will have lampping that is dimmable, have a Color Temperature not exceeding 3,000K, and have a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- The street tree species, when selected, will be coordinated with UVA's streetscape plan (UVa.), will meet City site plan requirements, and, most importantly, will be from the City's Tree List and appropriate for the conditions/space above and below grade.

### **Alternate Motions**

*Deferral:* I move to defer [or, *to accept the applicant's request to defer*] the Entrance Corridor Certificate of Appropriateness application for 2117 Ivy Road.

*Denial:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2117 Ivy Road is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted: [...]

**Attachments**

- A. Applicant's submittal.
- B. EC design guidelines re: 2117 Ivy Road. Applicant and staff comments.
- C. August 2018 memo re: clear glass.
- D. Examples of contemporary and other buildings in Charlottesville.

## Appendix

### **From the EC Design Guidelines, Chapter 5**

Corridor 4: Ivy Road from the corporate limits to Emmet Street

Overall Description: Ivy Road is the principal entrance corridor to the city from the west and is the link between the University's facilities near Birdwood, the Kluge Children's Center, and the community of Crozet in Albemarle County. Within the City, Ivy Road is mainly occupied by small retail businesses with parking lots disconnected from one another.

This lack of connectivity results in a large number of curb cuts, which frustrates traffic flow in this area. Ivy Road is an important shopping area for the Lewis Mountain neighborhood as well as adjacent communities in the county.

- Streetscape: Numerous curb cuts, varying street width, overhead utilities, cobra-head
- lights, underground utilities in front of parking garage.
- Site: Landscaped hillside, minimal plantings. Large, mature trees, pole mounted signs, backlit signs.
- Buildings: Aging retail buildings, some franchise designs, mixed-scale, residential
- with wooded edges, 1-3 stories, large parking garage.
- Recent Past: Foods of All Nations as cultural landmark, historic significance of its sign.
- Positive Aspects:
  - Opportunity for streetscape elements to unify corridor
  - Strongly defined neighborhood to south of corridor
  - Opportunity to create lower scale infill in front of UVA garage

Vision: This corridor is shared by pedestrians, bicyclists, runners, and autos. Safe crosswalks and other pedestrian amenities should be a primary objective. As commercial parcels redevelop, auto and pedestrian connections should be increased within and between developments. There is opportunity for new, denser mixed-use development to complement neighborhood fixtures like the international grocery. The integrity of the Lewis Mountain neighborhood to the south should be protected. There are opportunities for unified landscaping along the corridor that would help enhance the pedestrian connection and define this entrance to the City. University development on this corridor should maximize mixed use, pedestrian friendly development at the street level. This corridor is a potential location for public way-finding signage.

#### Recommended General Guidelines

- Residential scale and design along corridor to complement neighborhood
- Consolidated and connected parcels for new mixed-use development
- Upgraded franchise designs
- Stronger edge to better define corridor
- Improved pedestrian connections.

## **From the Comprehensive Plan**

Urban Mixed-Use Corridor: Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city.

### **Goal 7. ENTRANCE CORRIDORS**

Ensure that the quality of development in Charlottesville's designated Entrance Corridor Overlay Districts is compatible with the City's requirements and standards, and with the adjacent neighborhood's historic, architectural, and cultural resources, while allowing for reuse of structures and evolution of uses in these areas.

Strategy 7.1 Within Entrance Corridors, encourage placemaking elements and look for opportunities to support community-centered destinations.

#### **Sub-strategies:**

- Encourage site designs incorporating building arrangements, uses, natural features, and landscaping that contribute to Charlottesville's unique sense of place and character.
- Ensure that new development complements the city's character and respects those qualities that distinguish the city's built environment.
- Incorporate street trees and landscaping along streetscapes to provide shade, buffer pedestrians from traffic, and create a sense of enclosure.

# 2117 IVY ROAD

CHARLOTTESVILLE, VA 22903

ENTRANCE CORRIDOR REVIEW SUBMITTAL: JANUARY 23, 2024

SHEET INDEX	
SHEET NUMBER	SHEET NAME
ARCHITECTURAL	
A-1	COVER
A-2	ARCHITECTURAL SITE PLAN
A-3	NEIGHBORHOOD CONTEXT
A-4	NEIGHBORHOOD CONTEXT
A-5	LEVEL 1 CONCEPTUAL FLOOR PLAN
A-6	BUILDING ELEVATIONS
A-7	BUILDING ELEVATIONS
A-8	PERPECTIVE IMAGE
A-9	PERPECTIVE IMAGE
A-10	MATERIAL BOARD
LANDSCAPE	
L-1	STREETSCAPE PLAN

**NOT FOR CONSTRUCTION**

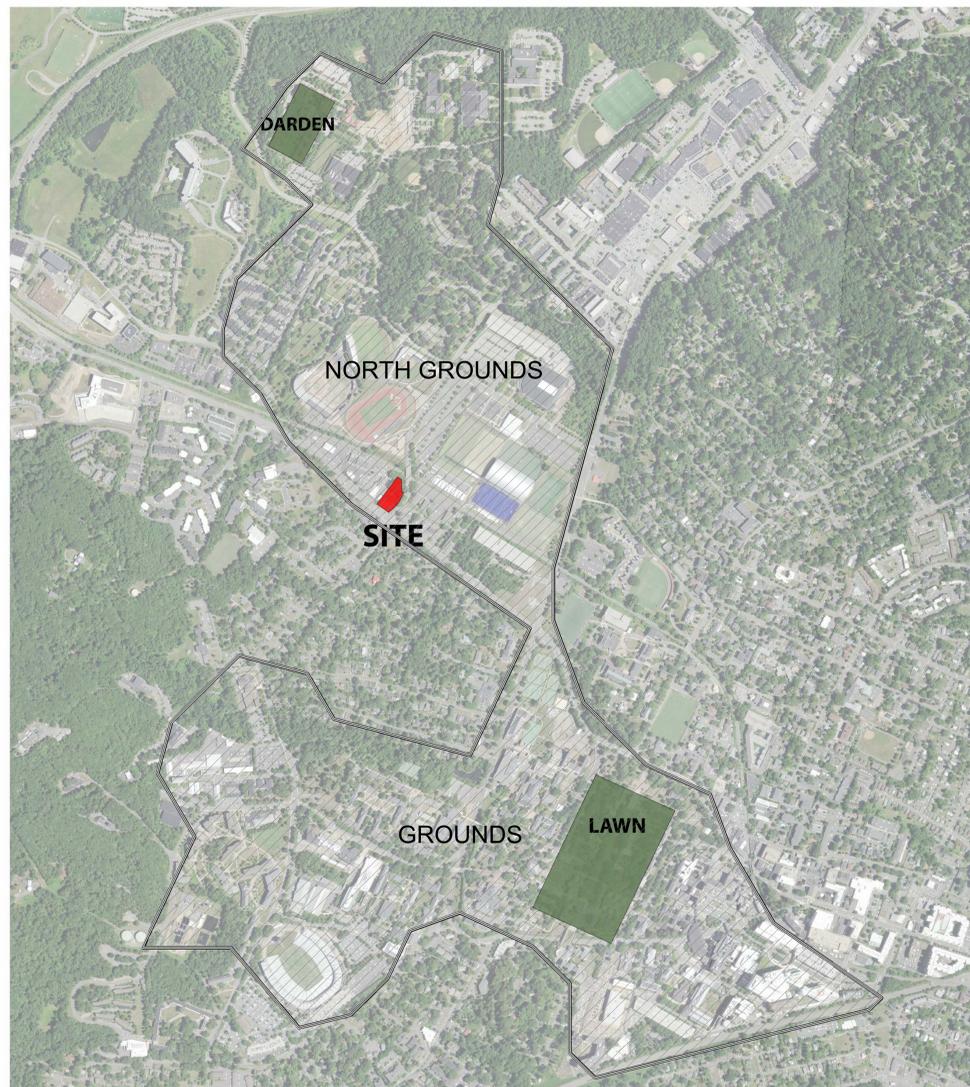
DISCLAIMER  
 THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, INC. AND ARE NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR OTHERWISE TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO, INC. THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO, INC.

TITLE: COVER

JOB NUMBER: 2347106

**A-1**

## VICINITY MAP



## PROJECT RENDERING



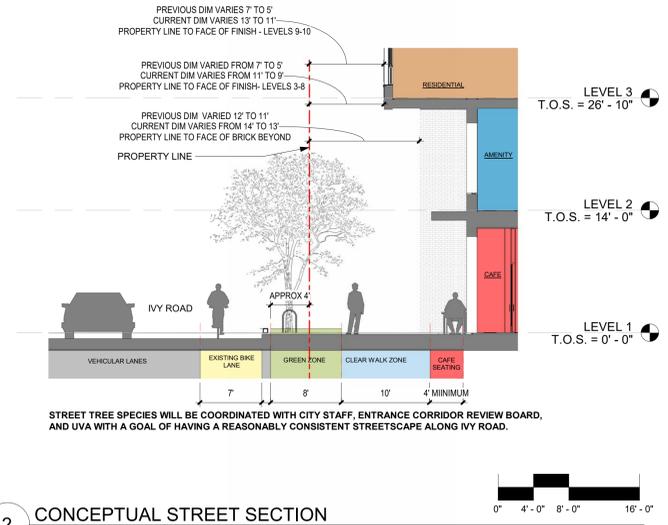
NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

**LEGEND - SITE PLAN**

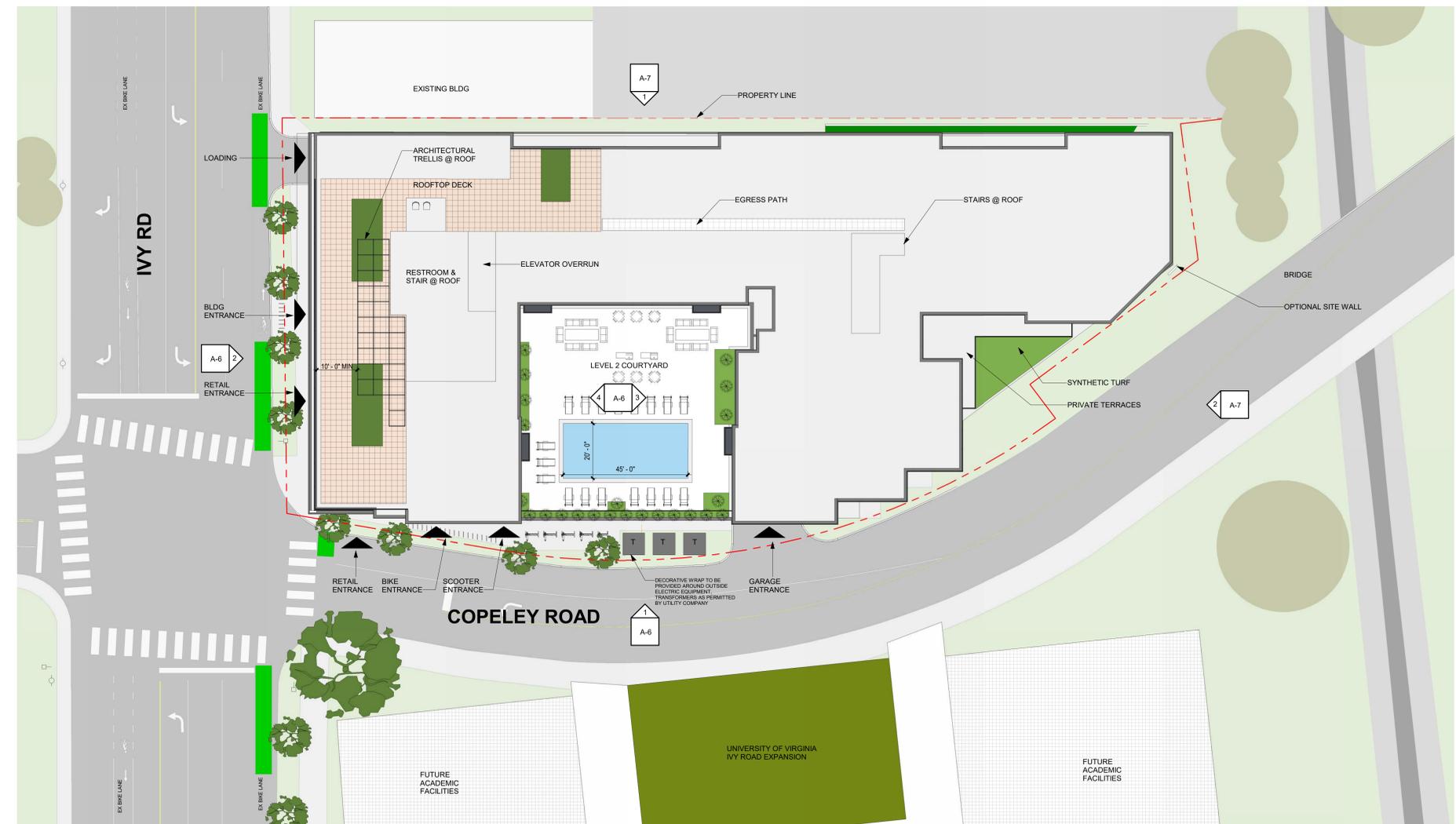
- GRASS @ LEVEL 1
- SYNTHETIC TURF/VEGETATION (@ LEVEL 2)
- (@ ROOF LEVEL)
- BOXWOOD @ ROOF
- ROOFTOP DECK
- EGRESS PATH
- LEVEL 2 PAVING @ PRIVATE TERRACES @ COURTYARD
- SIDEWALK
- POOL
- PROPOSED TRANSFORMER LOCATION
- TREES @ STREET LEVEL
- EXISTING TRAFFIC LIGHT
- EXISTING POLES

**CONCEPTUAL SITE PLAN NOTES**

- ALL SITE LIGHTING WILL BE FULL CUTOFF TYPE.
- PARKING IS INTERNAL. IT IS SHIELDED FROM VIEW BY RETAIL AND AMENITY SPACES ON THE GROUND FLOOR.

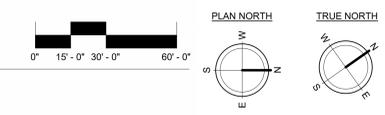


**2 CONCEPTUAL STREET SECTION**  
1/8" = 1'-0"

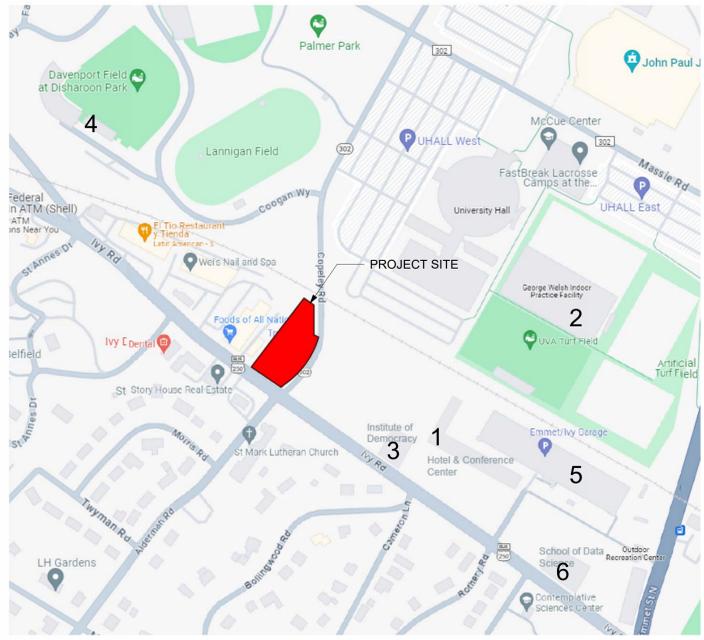


NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

**1 CONCEPTUAL ARCHITECTURAL SITE PLAN**  
1" = 20'-0"



# NEWER BUILDINGS NEAR IVY CORRIDOR



KEY MAP



1. PROSPECTIVE UVA HOTEL & CONFERENCE CENTER RENDERING



2. GEORGE WELSH INDOOR PRACTICE FACILITY



3. FUTURE KARSH INSTITUTE OF DEMOCRACY RENDERING



4. DAVENPORT FIELD



5. EMMETT IVY PARKING GARAGE



6. SCHOOL OF DATA SCIENCE

ISSUE	DATE
ECRB SUBMISSION	01/23/2024

REVISION	DESCRIPTION	REV

NOT FOR  
CONSTRUCTION

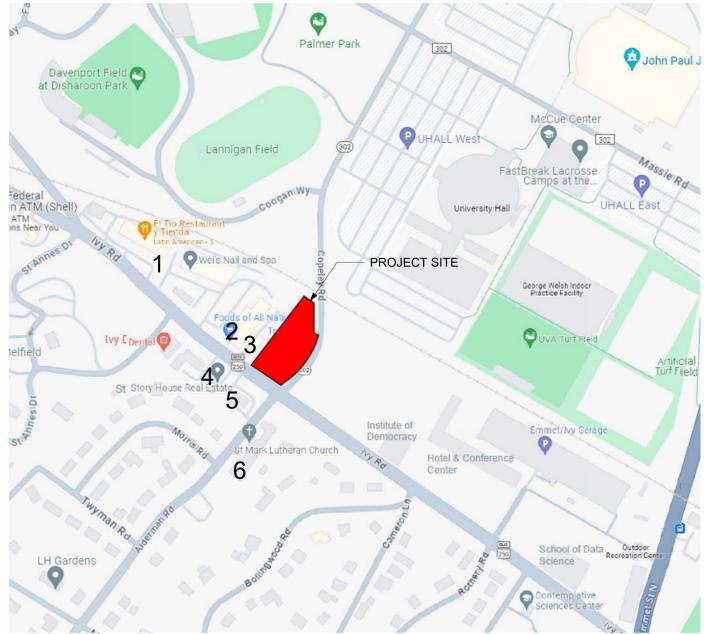
DISCLAIMER:  
THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE  
PROPERTY OF DWELL DESIGN STUDIO, ARCHITECTS, PLLC. ANY  
REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS OR  
DOCUMENTS WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO, ARCHITECTS, PLLC IS  
STRICTLY PROHIBITED. THE DRAWINGS ARE NOT TO BE USED FOR  
CONSTRUCTION OF ANY BUILDING OR STRUCTURE WITHOUT THE  
WRITTEN PERMISSION OF DWELL DESIGN STUDIO, ARCHITECTS, PLLC.

PROJECT NAME:  
NEIGHBORHOOD  
CONTEXT

JOB NUMBER: 2347106

A-3

# NEARBY OLDER BUILDINGS ALONG IVY CORRIDOR



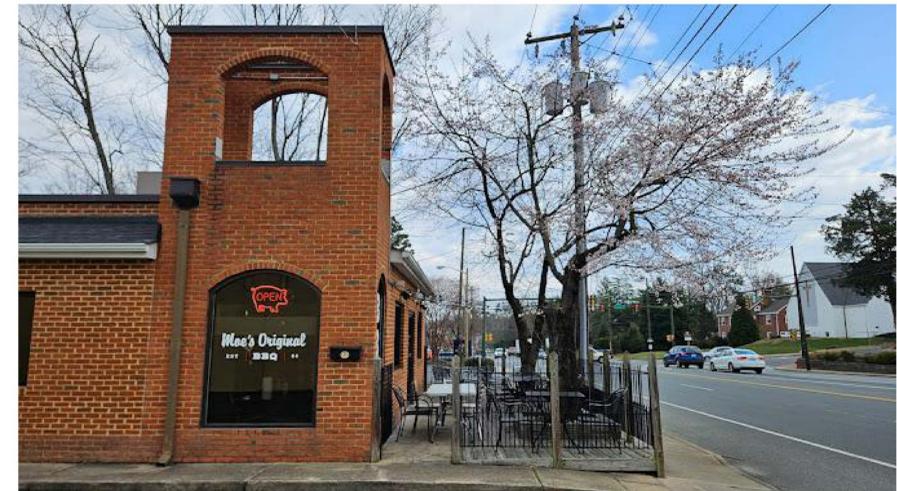
KEY MAP



1. IVY SQUARE



2. FOODS OF ALL NATIONS



3. MOE'S BBQ



4. STORY HOUSE REAL ESTATE



5. WELLS FARGO BANK



6. ST. MARK LUTHERAN CHURCH

ISSUE	DATE
ECRB SUBMISSION	01/23/2024

REVISION	DESCRIPTION	REV

NOT FOR CONSTRUCTION

DISCLAIMER: THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO, INC. THE DIMENSIONS OF WHICH ARE 3/16 INCHES.

PROJECT NAME: NEIGHBORHOOD CONTEXT

JOB NUMBER: 2347106

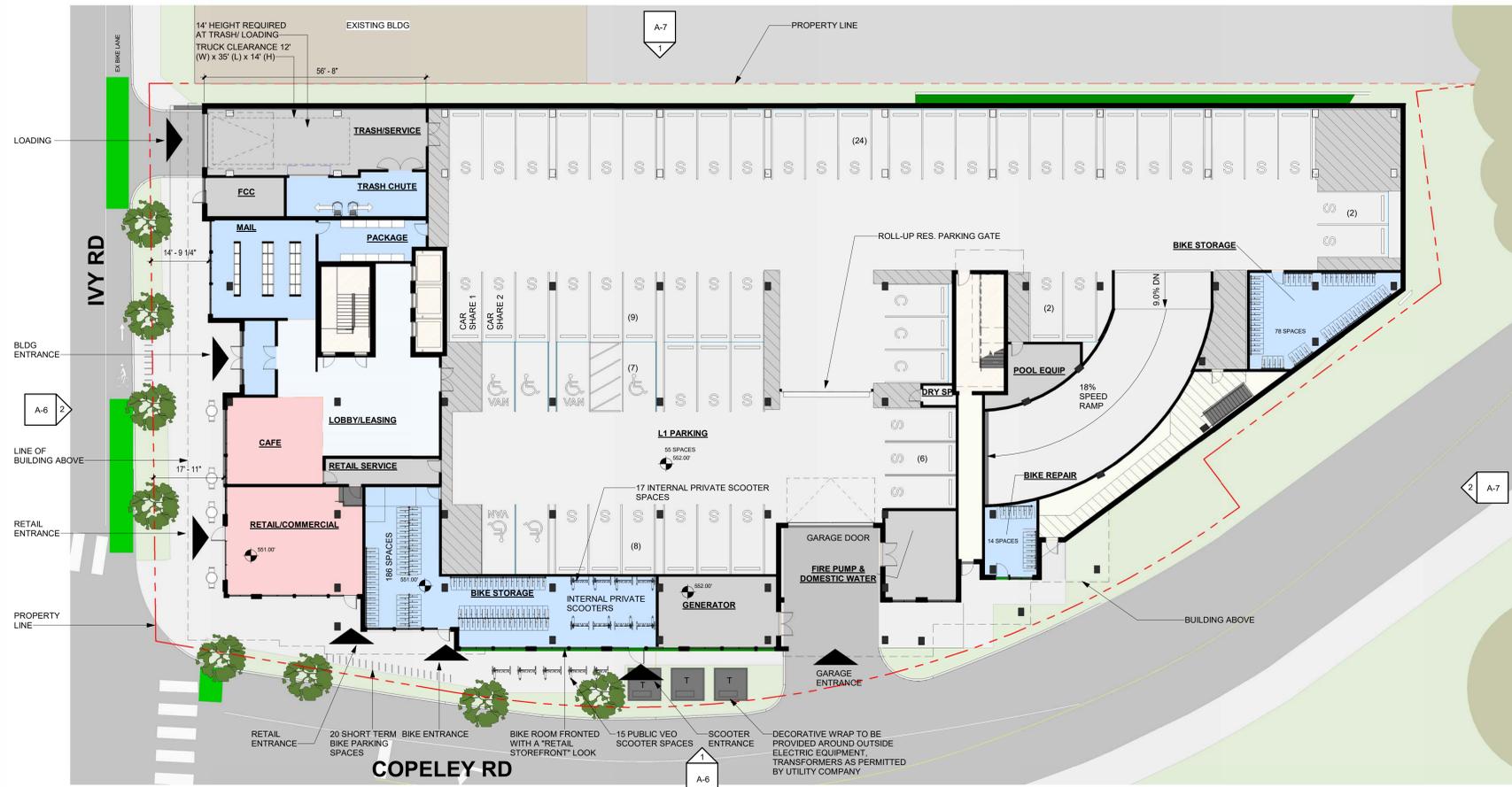
**NOT FOR CONSTRUCTION**

DISCLAIMER: THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, INC. AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO, INC. THE DRAWINGS ARE PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT. THE DIMENSIONS OF WHICH ARE 3/16" INCHES.

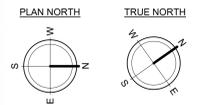
**LEVEL 1 CONCEPTUAL FLOOR PLAN**

JOB NUMBER: 2347106

**A-5**



**1 CONCEPTUAL FLOOR PLAN - LEVEL 1**  
 1/16" = 1'-0"





**3 POOL COURTYARD ELEVATION LOOKING NORTH**  
 1/16" = 1'-0"



**2 SOUTH ELEVATION AT IVY ROAD**  
 1/16" = 1'-0"

**LEGEND - EXTERIOR MATERIALS**

	<b>BRK-01</b> STD SIZE DARK BRICK WITH COLOR MATCHED MORTAR
	<b>CPL-01</b> COMPOSITE PANEL A FAUX STACKED BOND RED
	<b>CPL-02</b> COMPOSITE PANEL B SMOOTH DARK GRAY
	<b>CPL-03</b> COMPOSITE PANEL C SMOOTH LIGHT GRAY
	<b>ASF-02</b> ALUMINUM STOREFRONT SYSTEM - FRAME COLOR TO MATCH CPL-02 - CLEAR GLASS PER ECRB GUIDELINES
	<b>WIN-01</b> PREFABRICATED WINDOWS - FRAME COLOR TO MATCH CPL-02 - UNTINTED CLEAR GLAZING
	<b>CMU-01</b> DARK GRAY SPLIT FACE CMU WITH COLOR MATCHED MORTAR
	<b>DOR-01</b> SECTIONAL OVERHEAD DOOR WITH TRANSLUCENT GLASS PANELS - FRAME COLOR TO MATCH CPL-02
	<b>RAL-01</b> 5'-0" H UNTINTED CLEAR GLASS WINDSCREEN - FRAME COLOR TO MATCH CPL-02
	<b>CIP-01</b> UNTINTED BOARD FORMED CAST IN PLACE CONCRETE

**KEYNOTE LEGEND**

Key Value	Keynote Text
ASF-02	ALUMINUM STOREFRONT SYSTEM - FRAME COLOR TO MATCH CPL-02 - CLEAR GLASS PER ECRB GUIDELINES
BRK-01	STD SIZE DARK BRICK WITH COLOR MATCHED MORTAR
CIP-01	UNTINTED BOARD FORMED CAST IN PLACE CONCRETE
CMU-01	DARK GRAY SPLIT FACE CMU WITH COLOR MATCHED MORTAR
CPL-01	COMPOSITE PANEL A FAUX STACKED BOND RED
CPL-02	COMPOSITE PANEL B SMOOTH DARK GRAY
CPL-03	COMPOSITE PANEL C SMOOTH LIGHT GRAY
DOR-01	SECTIONAL OVERHEAD DOOR WITH TRANSLUCENT GLASS PANELS - FRAME COLOR TO MATCH CPL-02
DWP-01	DECORATIVE BICYCLE THEMED WRAP GRAPHIC ON UTILITY TRANSFORMERS
DWP-02	DECORATIVE BICYCLE THEMED WRAP GRAPHIC ON WINDOWS THIS SECTION
MTL-02	METAL - COLOR TO MATCH CPL-02
MTL-03	METAL - COLOR TO MATCH CPL-03
RAL-01	5'-0" H UNTINTED CLEAR GLASS WINDSCREEN - FRAME COLOR TO MATCH CPL-02
RVL-01	11" x 11" PANEL REVEAL
WIN-01	PREFABRICATED WINDOWS - FRAME COLOR TO MATCH CPL-02 - UNTINTED CLEAR GLAZING

- GENERAL ELEVATION NOTES**
- ALL TRASH IS CONTAINED WITHIN THE BUILDING ENVELOPE AND FULLY SCREENED FROM VIEW.
  - ALL MECHANICAL UNITS WILL BE ROOF MOUNTED AND SCREENED FROM VIEW.
  - ALL VENTS, LOUVERS, AND OTHER BUILDING MOUNTED APPURTENANCES WILL BE FINISHED TO MATCH ADJACENT MATERIALS.
  - ALL STOREFRONT GLAZING AT THE FIRST AND SECOND LEVELS FACING IVY ROAD WILL HAVE A MINIMUM VISIBLE LIGHT TRANSMITTANCE (VLT) OF 70.
  - GROUND FLOOR TRANSPARENCY ALONG IVY ROAD IS MINIMUM 50%.
  - GROUND FLOOR TRANSPARENCY ALONG COPELEY ROAD IS 30% MINIMUM.
  - TRANSPARENCY AT RESIDENTIAL FLOORS ALONG IVY ROAD IS 20% MINIMUM (ALL RESIDENTIAL UNITS ARE ON THE SECOND FLOOR OR ABOVE).
  - TRANSPARENCY AT RESIDENTIAL FLOORS ALONG COPELEY ROAD IS 20% MINIMUM (ALL RESIDENTIAL UNITS ARE ON THE SECOND FLOOR OR ABOVE).
  - MAXIMUM BLANK WALL WIDTH ALONG IVY ROAD AND COPELEY ROAD IS 25'-0".

**ISSUE**

NO.	DESCRIPTION	DATE
1	ECRB SUBMISSION	01/23/2024

**REVISION**

NO.	DESCRIPTION	REV
-----	-------------	-----

**NOT FOR CONSTRUCTION**

**BUILDING ELEVATIONS**

JOB NUMBER: 2347106

**1 EAST ELEVATION AT COPELEY ROAD**  
 1/16" = 1'-0"

**LEGEND - EXTERIOR MATERIALS**

	<b>BRK-01</b> STD SIZE DARK BRICK WITH COLOR MATCHED MORTAR
	<b>CPL-01</b> COMPOSITE PANEL A FAUX STACKED BOND RED
	<b>CPL-02</b> COMPOSITE PANEL B SMOOTH DARK GRAY
	<b>CPL-03</b> COMPOSITE PANEL C SMOOTH LIGHT GRAY
	<b>ASF-02</b> ALUMINUM STOREFRONT SYSTEM - FRAME COLOR TO MATCH CPL-02 - CLEAR GLASS PER ECRB GUIDELINES
	<b>WIN-01</b> PREFABRICATED WINDOWS - FRAME COLOR TO MATCH CPL-02 - UNTINTED CLEAR GLAZING
	<b>CMU-01</b> DARK GRAY SPLIT FACE CMU WITH COLOR MATCHED MORTAR
	<b>DOR-01</b> SECTIONAL OVERHEAD DOOR WITH TRANSLUCENT GLASS PANELS - FRAME COLOR TO MATCH CPL-02
	<b>RAL-01</b> 5'-0" H UNTINTED CLEAR GLASS WINDSCREEN - FRAME COLOR TO MATCH CPL-02
	<b>CIP-01</b> UNTINTED BOARD FORMED CAST IN PLACE CONCRETE

**KEYNOTE LEGEND**

Key Value	Keynote Text
ASF-02	ALUMINUM STOREFRONT SYSTEM - FRAME COLOR TO MATCH CPL-02 - CLEAR GLASS PER ECRB GUIDELINES
BRK-01	STD SIZE DARK BRICK WITH COLOR MATCHED MORTAR
CIP-01	UNTINTED BOARD FORMED CAST IN PLACE CONCRETE
CMU-01	DARK GRAY SPLIT FACE CMU WITH COLOR MATCHED MORTAR
CPL-01	COMPOSITE PANEL A FAUX STACKED BOND RED
CPL-02	COMPOSITE PANEL B SMOOTH DARK GRAY
CPL-03	COMPOSITE PANEL C SMOOTH LIGHT GRAY
DOR-01	SECTIONAL OVERHEAD DOOR WITH TRANSLUCENT GLASS PANELS - FRAME COLOR TO MATCH CPL-02
MTL-02	METAL - COLOR TO MATCH CPL-02
RAL-01	5'-0" H UNTINTED CLEAR GLASS WINDSCREEN - FRAME COLOR TO MATCH CPL-02
WIN-01	PREFABRICATED WINDOWS - FRAME COLOR TO MATCH CPL-02 - UNTINTED CLEAR GLAZING

- GENERAL ELEVATION NOTES**
- ALL TRASH IS CONTAINED WITHIN THE BUILDING ENVELOPE AND FULLY SCREENED FROM VIEW.
  - ALL MECHANICAL UNITS WILL BE ROOF MOUNTED AND SCREENED FROM VIEW.
  - ALL VENTS, LOUVERS, AND OTHER BUILDING MOUNTED APPURTENANCES WILL BE FINISHED TO MATCH ADJACENT MATERIALS.
  - ALL STOREFRONT GLAZING AT THE FIRST AND SECOND LEVELS FACING IVY ROAD WILL HAVE A MINIMUM VISIBLE LIGHT TRANSMITTANCE (VLT) OF 70.
  - GROUND FLOOR TRANSPARENCY ALONG IVY ROAD IS MINIMUM 50%.
  - GROUND FLOOR TRANSPARENCY ALONG COPELEY ROAD IS 30% MINIMUM.
  - TRANSPARENCY AT RESIDENTIAL FLOORS ALONG IVY ROAD IS 20% MINIMUM (ALL RESIDENTIAL UNITS ARE ON THE SECOND FLOOR OR ABOVE).
  - TRANSPARENCY AT RESIDENTIAL FLOORS ALONG COPELEY ROAD IS 20% MINIMUM (ALL RESIDENTIAL UNITS ARE ON THE SECOND FLOOR OR ABOVE).
  - MAXIMUM BLANK WALL WIDTH ALONG IVY ROAD AND COPELEY ROAD IS 25'-0"



**2117 IVY ROAD**  
CHARLOTTESVILLE, VA 22903

OWNER, APPLICANT  
RMD PROPERTIES  
211 E HIGH ST.  
CHARLOTTESVILLE, VA 22902  
TEL: 217.476.8864

ISSUE	DATE
ECRB SUBMISSION	01/23/2024

REVISION	DESCRIPTION	REV

**NOT FOR  
CONSTRUCTION**

DISCLAIMER: THIS DRAWING AND ANY ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, ARCHITECTS, AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO. THE INFORMATION ON THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY. THE DIMENSIONS OF WHICH ARE 3/16"=1'-0".

**PERSEPECTIVE  
IMAGE**

JOB NUMBER: 2347106

**A-8**



PERSPECTIVE - CORNER OF IVY ROAD AND COPELEY ROAD

NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

**2117 IVY ROAD**  
CHARLOTTESVILLE, VA 22903

OWNER, APPLICANT  
RMD PROPERTIES  
211 E HIGH ST.  
CHARLOTTESVILLE, VA 22902  
TEL: 217.474.8864

ISSUE	DATE
ECRB SUBMISSION	01/23/2024

REVISION	DESCRIPTION	REV

**NOT FOR  
CONSTRUCTION**

DISCLAIMER: THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO. ANY USE OF THESE DRAWINGS FOR ANY OTHER PROJECT OR PURPOSE IS STRICTLY PROHIBITED. ONLY THE INFORMATION OF WHICH ARE TO BE USED.

PROJECT NAME:  
**PERSEPECTIVE  
IMAGE**

JOB NUMBER: 2347106

**A-9**



PERSPECTIVE - IVY RD LOOKING EAST TOWARDS COPELEY

ISSUE	DATE
DESCRIPTION ECRB SUBMISSION	01/23/2024

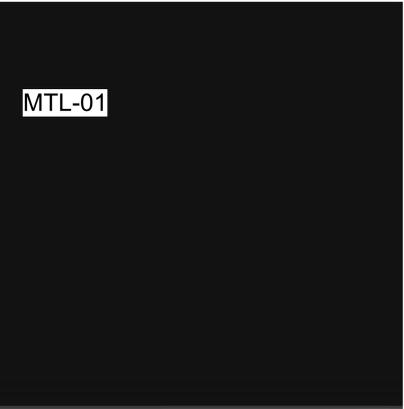
REVISION	DESCRIPTION	REV

**NOT FOR  
CONSTRUCTION**

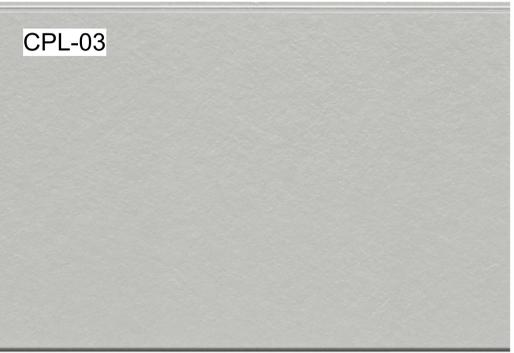
DISCLAIMER:  
THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO. ANY USE OF THE DRAWINGS OR ASSOCIATED DOCUMENTS FOR ANY OTHER PROJECT OR PURPOSE IS STRICTLY PROHIBITED. THE DIMENSIONS OF WHICH ARE 3/16 INCHES.

**MATERIAL  
BOARD**

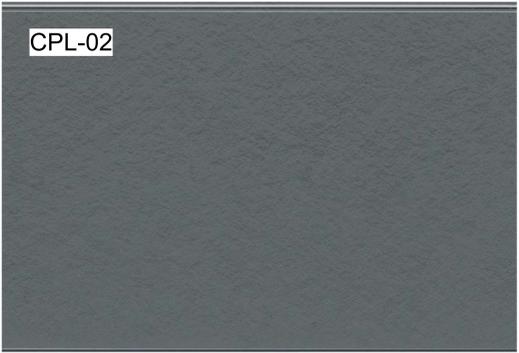
JOB NUMBER: 2347106



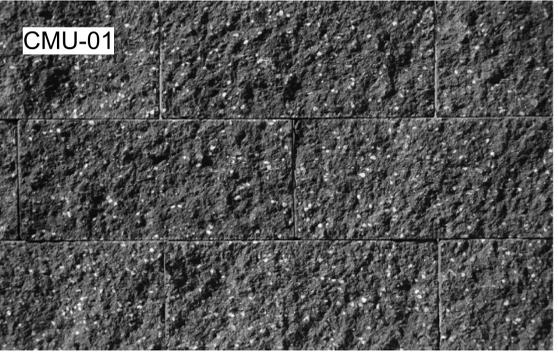
**MTL-01**  
METAL FRAMING, DARK COLOR  
STOREFRONT FRAMING AND UTILITY DOOR COLOR



**CPL-03**  
COMPOSITE PANEL, LIGHT GRAY  
LEVEL 9-10 ALONG IVY, RECESSED AREAS ALONG OTHER  
ELEVATIONS (CERACLAD OR EQUAL)



**CPL-02**  
COMPOSITE PANEL, DARK GRAY  
LARGE AREA ALONG IVY & ACCENT COLOR AT  
OTHER ELEVATIONS (CERACLAD OR EQUAL)



**CMU-01**  
CMU, BLACK/ DARK GRAY W/ COLOR MATCHED MORTAR -  
LEVEL 1 AND BELOW - WEST AND NORTH ELEVATIONS-  
DESIGNERS SERIES SPLITFACE BY AMCON OR EQUAL



**BRK-01**  
BRICK, RUNNING BOND, MANGANESE IRONSPOT  
LEVEL 1/LEVEL 2 ALONG IVY/COPELEY- COLOR  
MATCHED MORTAR (NOT SHOWN)



**CPL-01**  
COMPOSITE PANEL, STACKED BOND PATTERN, RED  
LEVELS 3-10, FIELD COLOR (CERACLAD OR EQUAL)



**CIP-01**  
CONCRETE, 8" BOARD FORM COURSING, NON-  
TINTED - LEVEL B1 & BELOW WEST AND NORTH  
ELEVATIONS

**STREETSCAPE TREE PLANTING SCHEDULE**

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE / ROOT BALL / CONTAINER	CALIPER	COMMENTS
CANOPY TREES						
QUPH	4	QUERCUS PHELLOS	WILLOW OAK	B&B	2" CAL. MIN.	FULL PLANT / STRONG CENTRAL LEADER / MATCHING
QURU	4	QUERCUS RUBRA	RED OAK	B&B	2" CAL. MIN.	FULL PLANT / STRONG CENTRAL LEADER / MATCHING

**SITE SPECIFICATIONS:**

**BIKE RACK:**

INVERTED U BICYCLE RACK,  
POWDER COATED



**PLANTING LEGEND**



**NOTES:**

- Proposed plantings will be selected from native species, varieties, and cultivars as much as possible to strengthen sense of place, encourage biodiversity, and limit maintenance needs.
- Proposed planting schemes will provide textural and colorful interest across the seasons.
- Plant species will be selected based on their suitability for site conditions, including available sunlight, water, root and canopy space.
- All proposed site lighting to have full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare. Lighting to be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.
- All lighting to have a color rendering index not exceeding 3,000K and a color rendering index not less than 90.
- Lighting plan will be coordinated with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.
- Site lighting will provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.

**dwell design studio**  
 3122 W MARSHALL STREET  
 RICHMOND, VA 23230  
 PHONE: 804.608.2471  
 dwelldesignstudio.com

**2117 IVY ROAD**  
 2117 IVY ROAD  
 CHARLOTTESVILLE, VA 22903

OWNER, APPLICANT  
 RMD PROPERTIES  
 211 E HIGH ST.  
 CHARLOTTESVILLE, VA 22902  
 TEL: 217.474.8864

ISSUE	DATE
ECRB SUBMISSION	01/23/2024

REVISION	DESCRIPTION	BY

**NOT FOR CONSTRUCTION**

DISCLAIMER: THIS DRAWING AND ANY ASSOCIATED INSTRUMENTS ARE THE SOLE PROPERTY OF DWELL DESIGN STUDIO, AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF DWELL DESIGN STUDIO. THIS DRAWING IS PROVIDED AS A SERVICE TO THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF DWELL DESIGN STUDIO. THE INFORMATION ON THIS DRAWING IS FOR INFORMATION ONLY. THE INFORMATION ON THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF DWELL DESIGN STUDIO.

**STREETSCAPE PLAN**

Project Status

JOB NUMBER: 3523018

**L-1**



**1** STREETSCAPE PLAN  
 1" = 20'-0"

ERB Review of 2117 Ivy Road - February 13, 2024

ERB Review - Entrance Corridor Design Guidelines		
Chapter I: Design Principles	Applicant's Comment	Staff Comment
<b>Design for a Corridor Vision:</b> New building design should be compatible (in massing, scale, materials, colors) with other neighboring structures that contribute to the overall quality of the corridor. Existing developments should be encouraged to make upgrades consistent with the corridor vision. Site designs should contain some common elements to provide continuity along the corridor. New development, including franchise development, should complement the City's character and respect those qualities that distinguish the City's built environment.	The design of this building is contemporary; however, its proportions are rooted in classicism. The modern palette of materials such as fiber cement panels, storefront, and glass railings presents textures and colors which are woven together in a composition that creates a relatable scale and defines a building base, body, and cap. The base consists of two stories of storefront defined by brick pilasters, mullions, and a canopy beneath an overhang that relates to human scale. These forms combined with the uses of the interior spaces as well as the transparency (both in percentage of openings and visible light transmittance) will enhance and activate the corridor. The body of the building is framed with one material for definition and accentuated with a different color and texture which defines proportions and creates a rhythm. The cap is set further back from the plane of the building body for additional building articulation and crowned with the glass railing element which acts as a modern cornice. The design intent for the streetscape along Ivy Road is to match the Green Zone and Clear walk zone widths as well as the spacing and species of tree at the Emmett/Ivy Corridor provided it meets with the approval of this design review board.	Concur
<b>Preserve History:</b> Preserve historic buildings and distinctive architecture from earlier periods. Encourage new contemporary design that is respectful of historic building design.	N/A	n/a
<b>Facilitate Pedestrian Access:</b> Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings, and between corridor properties and adjacent residential areas.	Continuous sidewalk along Ivy Road interrupted only with one flush curb drive entry facilitates ease of pedestrian access. Please also see Item #1.	Concur
<b>Maintain Human Scale in Buildings and Spaces:</b> Consider the impact of building design, especially height, mass, complexity of form, and architectural details, and the impact of spaces created, on the people who will pass by, live, work, or shop there. The size, placement and number of doors, windows, portals and openings define human scale.	Street facing entries will be maximum 40'-0" feet apart along Ivy Road and maximum 75'-0" feet apart along Copeley Road. Please also see Item #1.	Concur
<b>Preserve and Enhance Natural Character:</b> Daylight streams, and retain mature trees and natural buffers. Work with topography to minimize grading and limit the introduction of impervious surfaces. Encourage plantings of diverse native species.	Proposed plantings will be selected from native species, varieties, and cultivars as much as possible to strengthen sense of place, encourage biodiversity, and limit maintenance needs.	See staff report re: street trees recommendation.
<b>Create a Sense of Place:</b> In corridors where substantial pedestrian activity occurs or is encouraged, or where mixed use and multi-building projects are proposed, one goal will be creating a sense of place. Building arrangements, uses, natural features, and landscaping should contribute, where feasible, to create exterior space where people can interact.	Expansion of green bicycle boxes, use of street trees and planting areas, and placement of site elements such as seating opportunities for pedestrians to both linger and travel through easily, all contribute to creating an active and safe site and sense of place. Please also reference the Street Section, renderings, and landscape plan.	Concur
<b>Create an Inviting Public Realm:</b> Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.	Design of streetscape to encourage foot traffic to stop and shop or sit down and rest contribute to creating an inviting public realm for all users. The existing streetscape will be enhanced by adding opportunities for seating, shade from street trees, and accessible walking paths.	Concur
<b>Create Restrained Communications:</b> Private signage and advertising should be harmonious and in scale with building elements and landscaping features.	Signage will be incorporated into the Architecture.	Concur
<b>Mask the Utilitarian:</b> Provide screening from adjacent properties and public view of: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment, and other uses that have adverse impacts. Where feasible, relegate parking behind buildings.	Parking is fully screened by the building uses on the ground floor. All trash is fully contained within the building and therefore screened. The loading space is contained within the building and therefore screened. All mechanical equipment will be placed on the roof and screened from view.	Concur
<b>Respect and Enhance Charlottesville's Character:</b> Architectural transplants from other locales, and shallow or artificial imitations of the Jeffersonian architectural style are examples of building designs that are neither appropriate nor desirable. Objectionable or incompatible aspects of franchise design or corporate signature buildings must be modified or customized to fit the character of this community.	Please see Item #1.	Concur

Chapter II: Guidelines for Streetscapes, B. Plantings & Open Space	Applicant's Comment	Staff Comment
1. Use street trees to provide shade, a sense of enclosure and to define edges.	Street trees along Ivy Road are proposed as the Willow Oak. These large canopy trees provide a wide canopy of shade, providing respite and comfort for pedestrians, and will help to define the built edge along Ivy Road.	See staff report re: street trees recommendation. Staff will review Landscaping Plan as component of Site Plan
2. Include appropriately scaled trees, shrubs and other plantings to provide beauty as well as shade, within a pedestrian gathering place, and as screening for parking, utilities, and service areas.	Planting areas along Ivy Road will provide understory plantings for the Willow Oaks, and will provide textural and colorful interest across the seasons.	
3. Maintain existing plantings in all public areas.		
4. Use hardy native species that require minimal maintenance.	Proposed plantings will be selected from native species, varieties, and cultivars as much as possible to strengthen sense of place, encourage biodiversity, and limit maintenance needs.	
5. Replace damaged or missing street trees with appropriate species.		
6. Avoid over-used species such as Bradford pear.		
7. Use larger tree species where appropriate to space and function.	The Willow Oak is categorized as a Large Canopy Tree in the City of Charlottesville's Master Tree List.	
8. Expand use of seasonal color in plantings.	Proposed plantings will provide colorful interest across the seasons.	

9. Use landscaping to create an identity within a particular corridor or sub-area by selecting specific species, sizes, colors or shape of plants and trees.	Street trees along Ivy Road are proposed as the Willow Oak, which will create a strong sense of place along the Ivy Road corridor as a continuation of the Willow Oak along the UVA Emmett / Ivy Road corridor.
10. Use plantings to promote visual order and help integrate buildings into the corridor.	The use of trees and plantings areas along the streetscape will help to soften the built edge and provide transition between the street corridor and the site.
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual.	The Tree Planting and Preservation BMP Manual has been used to inform the design of this site.
12. Encourage day lighting of streams where appropriate.	N/A

Chapter II: Guidelines for Streetscapes, C. Pedestrian Routes	Applicant's Comment	Staff Comment
1. Provide, where feasible, unbroken pedestrian routes between developments. Place paths in a logical pattern where people will want to walk. Place sidewalks on both sides of streets where feasible and separate them from the curb by a minimum five (5) feet wide landscape zone if possible.	The Green Zone provided is minimum 8'-0" wide along Ivy Road, and the clear walk zone is minimum 10'-0" (please also reference the Street Section). These dimensions match the streetscape along the UVA Emmett/Ivy Corridor development and will allow for an unbroken pedestrian route along Ivy Road as well as visual continuity. Sidewalks are continuous on Ivy Road outside of one necessary, curbless drive entry, and are a continuation of sidewalks through the corridor. Enhanced pedestrian crosswalks across Copeley Rd have been proposed as part of this design.	Concur. (See also Exhibit A of PUD application and conditions of Council approval.)
2. Within developments, identify a complete internal pedestrian pathway system linking all buildings, parking and green spaces. Ensure that this network connects to public pedestrian pathways that link schools, recreation areas, and other major destinations.	N/A	
3. Add designated pedestrian pathways through larger parking lots.	N/A	
4. Provide crosswalks at intersections, between major pedestrian destinations and in front of building entrances that link to parking.	Enhanced pedestrian crosswalks across Copeley Rd have been proposed as part of this design. Please reference the Conceptual Site Plan.	
5. Design crosswalks to highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.	Will comply.	Concur.
6. Provide breaks in large building masses to allow pedestrians to pass through, particularly through shopping centers.	N/A - this is a mixed-use residential building.	n/a
7. Place sidewalks throughout residential areas.	N/A	n/a
8. Avoid excessive curb cuts for vehicular access across pedestrian ways. Where curb cuts are necessary, mark them with a change in materials, color, texture or grade.	Flush curbs have been provided at pedestrian crossing for vehicular access into trash service along Ivy Road.	Concur,
9. Design sidewalks appropriately for the site and the expected amount of foot traffic. In commercial areas where foot traffic is expected, sidewalks should be a minimum of (10) ten feet. Sidewalks in residential areas can be five (5) feet, depending on the type of street and size of road.	See Item #1/Chapter II, C.	Concur. (See also Exhibit A of PUD application and conditions of Council approval.)
10. Use brick or patterned concrete, or a combination of these materials, that relates to the existing architectural vocabulary of the corridor or sub-area.	Materials will be consistent with the UVA Emmett/Ivy Corridor streetscape.	Concur.
11. Avoid concrete curbing poured in continuous strips.	Will comply.	No comment
12. Avoid excessive variation in sidewalk and curb materials.	Will comply.	No comment

Chapter II: Guidelines for Streetscapes, D. Bicycle Routes	Applicant's Comment	Staff Comment
1. Provide for bicycle traffic along major corridors and between major destinations, with particular emphasis on connecting residential areas to schools, recreation areas, and commercial centers.	Green Bicycle boxes have been added. See also bicycle and scooter parking noted on conceptual site plan.	
2. Provide new bike paths to connect to planned or existing municipal paths or paths of adjoining developments.	Existing bike path will be maintained.	Concur. Note: Bike lane is in Ivy Rd to be maintained; no bike path on the property.
3. Provide facilities to store or lock bicycles at appropriate sites, including schools, major recreation areas, office parks, public institutions, and large commercial centers.	28 short-term bicycle parking spots will be provided on site for public use. Additional long-term bicycle parking is provided inside the building for residents.	Concur.
4. Develop an easily identifiable graphic system of signs and road markings to designate bicycle routes and crossings.		

Chapter II: Guidelines for Streetscapes, E. Lighting	Applicant's Comment	Staff Comment
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare.	All proposed site lighting will have full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare.	See staff report re: lighting/lamping recommendation.
2. Where appropriate, replace modern cobra-head type lamps and poles with painted metal, traditionally designed fixtures that have a base, shaft and luminaire.	Will comply.	No comment
3. Consider using a different but compatible style of fixture for each of the corridors.	N/A	n/a
4. Light pedestrian areas with appropriately scaled poles.	Will comply.	No comment
5. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.	N/A	n/a
6. Provide lighting of intersections in high traffic areas.	N/A	n/a
7. Include any lighting upgrades as a part of an overall streetscape plan for each corridor.	N/A	n/a

Chapter II: Guidelines for Streetscapes, F. Street Furniture	Applicant's Comment	Staff Comment
--	---------------------	---------------

1. Develop and use a common palette of colors, materials and design.	A common palette of color, materials, and design will be used to assess all FF&E proposed along the corridor.	Concur.
2. Coordinate furniture along corridors. While they need not match, they should be compatible and not clash.	Furniture will be assessed with the common palette of color, materials, and design to ensure compatibility and create a strong sense of place.	Concur.
3. Place benches at key locations such as transit stops. Use traditional designs constructed of wood and/or painted metal.	N/A	n/a
4. Avoid placing too many elements on narrow sidewalks.	A 10'-0" Clear Walk Zone will be maintained for pedestrian access on Ivy Road.	Concur. (See also Exhibit A of PUD application and conditions of Council approval.)

<b>Chapter II: Guidelines for Streetscapes, G. Public Signs</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Develop a system of public wayfinding and informational signs to reflect the character of Charlottesville to be used on all corridors.	N/A	n/a
2. Coordinate the colors and design of signs within a corridor.		
3. Keep signs to the minimum number and size necessary for the use.		
4. Scale and place signs for both automobile traffic and pedestrians.		
5. Avoid placing signposts in locations where they can interfere with the opening of vehicle doors.	N/A	n/a
6. Consider using decorative color banners within a specific corridor	N/A	n/a

<b>Chapter II: Guidelines for Streetscapes, H. Public Art &amp; Monuments</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
		n/a

<b>Chapter II: Guidelines for Streetscapes, I. Utilities &amp; Communication Equipment</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Locate and screen utilities to limit their visibility from the street and from nearby development.		
2. Place existing and proposed utilities underground.	Existing above-ground power lines along Ivy Road will be buried.	No comment
3. Consider integrating cellular communication towers into building design so as to appear visually unobtrusive	N/A	n/a

<b>Chapter III: Guidelines for Sites, B. Connectivity Between Entrance Corridor Areas &amp; Neighborhoods</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Maintain or provide a strong sense of community, by providing pedestrian and vehicular links from a corridor site to nearby neighborhoods, parks, schools and other public destinations.		
2. Use common streetscape elements, materials and designs to visually link the corridor areas and neighborhoods.	Willow Oaks to be used to provide strong visual connection through the Ivy Road corridor. See Item #1, Chapter I.	See staff report.
3. Provide continuous pedestrian routes along corridors where feasible.	See Item #1, Chapter I.	No comment
4. Site grading should promote connectivity with adjacent sites.	See Item #1, Chapter I.	No comment

<b>Chapter III: Guidelines for Sites, C. Connectivity Between &amp; Within Sites</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Create a complete pedestrian pathway system within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.		
2. Design pedestrian and vehicular circulation to maximize the quality and safety of pedestrian experience through:	The location of the curb cut along Ivy Road for purpose of trash collection and the curb cut along Copeley Road for the garage entrance was reviewed with the Traffic Engineer for the City of Charlottesville.	Concur
a. Design approaches such as "shared space" that slow vehicle speeds and enhance pedestrian experience.		
b. Designated, separate sidewalks with planted areas through large parking lots.		
c. Crosswalks at points of vehicular access routes and in front of building entrances.		
d. Crosswalks designs that highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.		
3. Ensure that new paving materials are compatible with the character of the area. Scored concrete with broom finishes, colored, exposed aggregate concrete, and brick or unit pavers are examples of appropriate applications. Avoid large expanses of bright white or gray concrete surfaces.	Will comply.	Concur
4. Provide passageways within large building masses to allow pedestrians to pass through, particularly through shopping centers	N/A	n/a

<b>Chapter III: Guidelines for Sites, D. Building Placement</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Orient the facade of new buildings to front on the corridor.	The main entry for the building fronts Ivy Road; the Amenity spaces also front Ivy Road so as to activate and address the street.	Concur.
2. Limit setback of new buildings according to the zoning of the particular corridor.	Setbacks comply with the PUD.	No comment
3. Limit setbacks at major intersections so that the architecture can help define the area.	Maximum Building setback as defined by the PUD is 20'-0" both at Ivy Road and Copeley Road.	No comment
4. Use compact building arrangements to reduce the feeling of seas of parking, encourage pedestrian activity and define space.	N/A	n/a

5. Strive for contiguous building arrangement along the street face, and avoid large breaks between buildings in identified development sites.	N/A	n/a
6. Ensure that larger developments orient their design to any adjoining neighborhoods and to side streets.	N/A	n/a
7. Provide breaks in large developments and building masses to allow pedestrian connections between developments.	N/A	n/a
8. Orient service areas to limit their impact on the development and any neighboring areas.	See item #2/Chapter III, C. The loading area for the trash is two stories in height for the full square footage of the loading space, which is contained within the building envelope.	Concur.
9. Each side of a corner building that faces a street should be considered a facade of the building for design purposes.		

Chapter III: Guidelines for Sites, E. Parking	Applicant's Comment	Staff Comment
1. Reduce the scale of parking lots by:	N/A	On-site parking concealed within building.
2. Where existing parking lots are located on the street, screen such lots from the street and from adjoining development, using low fences or walls, or year-round plantings.		
3. Reduce the visibility of residential garages by:		
a. Not allowing a garage to become the primary architectural feature when a development is viewed from the street, especially for attached housing.		
b. Placing garages behind the building setback, preferably facing to the side or rear of attached housing.		n/a
c. Placing garages and parking in the rear with alley access		
4. Accommodate pedestrian needs within parking areas by:		
a. Providing clear pedestrian paths and crossings from parking spaces to main entrances and to the street.		n/a
b. Planning parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments.		
5. Construct parking lots that reinforce the existing street wall of buildings and the grid system of rectangular blocks.		n/a
6. The number and width of curb cuts should be the minimum necessary for effective on- and off-site traffic circulation. Whenever possible, curb cuts shall be combined with adjacent entrances.		Design complies.
7. Design any detached parking structures to be architecturally compatible with its setting or to be screened by other buildings or by landscaping. If it fronts on a street or pedestrian path, design the street level facade with storefronts, display windows, bay divisions, and other pedestrian oriented features.		n/a
8. Bicycle parking facilities should be provided within areas where significant bicycle traffic is anticipated. They should be located in designated areas close to buildings and pedestrian paths. The design, materials, and color of the bicycle racks should coordinate with other site elements and should be well-lit for night time uses.		Design complies.

Chapter III: Guidelines for Sites, F. Plantings & Open Spaces	Applicant's Comment	Staff Comment
1. Provide landscaping within parking areas by:	N/A	n/a
a. Separating parking aisles with medians planted with shade trees along the length of the islands.		
b. Including pedestrian walkways with planted medians to reinforce connectivity and separate pedestrians from vehicular traffic.		
c. Avoiding isolated islands of single trees and instead providing landscaped tree aisles between every other row of cars.		
d. Using shade trees of sufficient number and size at maturity to shade a substantial portion of the lot. Consider orientations that would provide the greatest shade during summer months. Smaller, more decorative trees can be used closest to buildings.		
2. The majority of the open space should be located at the perimeter of the site where it is visible and it should be of sufficient width and depth to provide adequate contrast to any adjoining site parking. Planting zones should be consolidated into areas large enough to give a natural character to a site rather than randomly distributed in small and narrow open spaces that do not match the context and scale of the project.	The perimeter of the project will be planted in between building façade and property line to soften building edge and provide a transition to adjacent sites.	Concur
3. Planted areas should also be located along the public boundaries of the site, within parking areas, along drainage or stormwater management areas, around buildings, and at building entries.		
4. The existing topography should be preserved intact as much as possible to minimize disruptions in drainage.		
5. Different scales of plantings (trees, shrubs, flowers) should be incorporated into site design to the extent possible and such features as mature woods and riparian areas should be retained.		
6. Use species appropriate for site conditions including available sunlight, water and root and canopy space.	Plant species will be selected based on their suitability for site conditions, including available sunlight, water, root and canopy space.	
7. Use trees, shrubs and other landscaping features to provide screens for service areas, parking and utilities.	N/A	n/a
8. Use large specimen street trees along pedestrian routes to provide shade and to define edges.	Street trees along Ivy Road streetscape are proposed as the Willow Oak. These large canopy trees provide a wide canopy of shade, providing respite and comfort for pedestrians.	See staff report.
9. In the core of larger commercial and office centers, street trees and more formal urban plantings organized around public open spaces are recommended.		

10. Consider using landscaping areas that also provide storm water treatment, such as rain gardens.	N/A	n/a
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual	The Tree Planting and Preservation BMP Manual has been used to inform the design of this site.	No comment
12. Encourage day lighting of streams where appropriate.	N/A	n/a

Chapter III: Guidelines for Sites, G. Lighting	Applicant's Comment	Staff Comment
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare. Lighting should at all times be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.	All lighting fixtures shall be full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare. Lighting will be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.	See staff report re: lighting/lamping recommendation.
2. Coordinate the lighting plan with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.	The lighting plan will be coordinated with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.	
3. Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.	Lighting will provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.	
4. Light pedestrian areas with appropriately scaled poles and luminaires. Their heights are typically ten to fourteen feet.		n/a
5. Avoid using building accent lighting that is too bright and draws too much attention to the building. Reasonable levels of accent lighting to accentuate architectural character may be appropriate in individual instances when it is shielded and is not aimed towards neighboring properties, sidewalks, pathways, driveways, or public right-of-ways in such a manner as to distract travel.		n/a
6. Gasoline station/convenience store aprons and canopies should utilize fully shielded lighting fixtures. 7. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.	N/A	n/a

Chapter III: Guidelines for Sites, H. Walls & Fences	Applicant's Comment	Staff Comment
1. Choose high-quality materials and designs using materials such as brick, stone, metal, and wood. Avoid untreated wood, vinyl, chain-link, or wire fences or concrete block walls. Consider selecting materials used elsewhere on the property or the structures within the site.	Barrier at rooftop courtyard to be high-quality material and design. Untreated wood, vinyl, chain-link, wire fences or concrete block walls will not be used.	Board-formed concrete walls at west side yard are acceptable.
2. Use a scale and level of ornateness of the design of any new walls and fences that relate to the scale and ornateness of the building within the site. Use simpler designs on small lots.		
3. Avoid exceeding the average height of other fences and walls of surrounding properties.		
4. Fences should be set back from the street right-of-way to allow a clear area for utilities and landscaping.		
5. When walls or fences stretch longer than 50 feet, use designs with texture and modulation to provide a regular rhythm without being monotonous. For example, use vertical piers (generally spaced no more than 25 feet apart) of a different material or width or height. Plantings and street trees should be used in conjunction with a wall or fence to break up a long expanse.		
6. Use paint or opaque stains on pressure treated or unpainted wooden fences.		
7. Fence stringers (the structural framing of the fence) should be located facing the interior of the subject lot, with the finished side facing out away from the subject property.		
8. Fences at intersections and driveways should comply with City requirements for site distance. (See Article IX, Division 7 of the Zoning Ordinance for detailed site triangle requirements.)		
9. Transitional screening should consist of a densely planted buffer strip to provide an adequate visual screen. The screen should be of appropriate plant materials to form an effective buffer for all seasons. Mature vegetation should be retained in such areas and supplemented as necessary by new vegetation to screen sight lines.	N/A	n/a

Chapter III: Guidelines for Sites, I. Signs	Applicant's Comment	Staff Comment
1. Place signs so that they do not obstruct architectural elements and details that define the design of the building.	Signage design will be integrated into the Architecture.	Signage will require separate sign permits and/or comply with the sign regs,
2. Respect the design and visibility of signs for adjacent businesses.		
3. Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.		
4. Use a minimal number of colors per sign where possible. Avoid jarring overly bright color schemes.		
5. Exterior illumination of signs shall comply with the City's outdoor lighting requirements. Exterior neon is discouraged.		
6. Illumination of any sign shall not be directed toward any residential area or adjacent street.		
7. Consider using a comprehensive signage plan for larger developments.		
8. Encourage the use of monument signs with accent landscaping at the base along corridors.		
9. Internally lit signs should use an opaque background so only letters are lit.		
10. Flashing lights are prohibited.		

Chapter III: Guidelines for Sites, J. Utilities, Communication Equipment & Service Areas	Applicant's Comment	Staff Comment
1. Locate utilities to minimize their visual impact from the street and adjoining developments.	Above-ground power lines along Ivy Road will be buried.	

2. Screen and landscape dumpsters with wood board or solid barrier wall when multiple sides of a building are highly visible.	Reference responses to Design Principles.	Concur
3. Place utilities underground if at all possible or locate behind buildings.	Reference responses to Design Principles.	
4. Screen service areas and loading docks that are visible from streets or adjoining development with berms, landscaping, structures or fences.	Reference responses to Design Principles.	
5. Site noise-generating features away from neighboring properties especially residences, or use noise barriers or other means of reducing the impact.		
6. Screen roof-top communications and mechanical equipment.	Reference responses to Design Principles.	Roof top mechanical equipment will not be visible. No communications equipment proposed.

Chapter IV: Guidelines for Buildings, B. Architectural Compatibility	Applicant's Comment	Staff Comment
1. Charlottesville seeks new construction that reflects the unique character, history, and cultural diversity of this place. Architectural transplants from other locales or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable.	Reference responses to Design Principles.	
2. A distinctive identity for each corridor should be created through a combination of materials, forms and features that create a coordinated and inviting mix of buildings and spaces.		
3. Encourage a diversity of architectural materials, forms and styles that respect the traditions of architecture in the Charlottesville area including gable or hipped roof forms, standing seam metal roofing, brick, and wood siding.		
4. <b>New development should strive to implement the intended vision</b> rather than repeat existing inappropriate development patterns.		
5. New development should respect existing historic buildings and excellent examples from the recent past.		
6. Existing development should be upgraded as opportunities arise.		

Chapter IV: Guidelines for Buildings, C. Building Mass, Scale & Height	Applicant's Comment	Staff Comment
1. Break up the front of a large building by dividing it into individual bays of 25 to 40 feet wide.	Reference responses to Design Principles.	Concur
2. Use variation in materials, textures, patterns, colors and details to break down the mass and scale of the building.	Reference responses to Design Principles.	Concur
Avoid an unmodulated mass		
Use stepped-back height		
Use varied wall surfaces		
Use varied heights with regular width		
3. Use building mass appropriate to the site. Place buildings of the greatest footprint, massing, and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.		
4. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density uses.		
5. Use massing reduction techniques of articulated base, watertables, string courses, cornices, material changes and patterns, and fenestration to reduce the apparent height of a large building. Fake windows and similar details are not appropriate articulation. Floor-to-floor heights of a building can have an impact on the mass of a building. For instance, typical ceiling heights in a residence are 8-9 feet. First floors of office buildings or retail shops can range from 10-15 feet. Upper floors that include residential or office are generally 8-12 feet in height. When actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, then a building may begin to read as more massive than human-scaled. When articulating large buildings, keep these dimensions in mind.		
<b>Space:</b> Creating human-scaled spaces that are defined by either buildings or landscape features provide more friendly, inviting places.		

Chapter IV: Guidelines for Buildings, E. Facade Organization & Storefronts	Applicant's Comment	Staff Comment
1. Orient primary entrances on a building facade to the street or corridor.	For Chapter IV, please reference responses to Design Principles. See also building elevations and renderings.	Concur.
2. Use a hierarchy of entry design on any complex, if the building has more than one orientation, and focus main entry on street/corridor facade.		
3. Secondary entries may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops.		
4. Orient at least part of public elevations of shopping complexes to any adjoining neighborhoods.		
5. Provide attractive facade treatments on any elevation that is visible from streets/corridors or from any primary elevations of adjoining developments and avoid use of unadorned blank walls.		
6. Consider using the traditional three-part facade of <b>cornice</b> , pattern of <b>upper story windows</b> and a <b>storefront with articulated base</b> when designing a new building or when renovating an existing structure.		

7. Use a regular pattern of solids and voids for openings that relate to more traditional building design in the corridor.		
8. Use a proportion of openings (vertical or horizontal) that generally is consistent with the context of the building. More traditional designed openings are typically vertically proportioned.		
9. Strive for designs and materials that reflect the architectural traditions of the region.		
10. Storefronts or large display windows should be used at the street level.		

<b>Chapter IV: Guidelines for Buildings, F. Materials &amp; Textures</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use material changes to help reduce mass and provide visual interest.	For Chapter IV, please reference responses to Design Principles. See also building elevations and renderings.	Concur
2. Choose materials that offer texture and avoid monotonous surfaces. For example, use wood or brick or stone, or new synthetic materials that approximate the look and dimension of these materials.		
3. Use quality materials consistently on all visible sides of commercial, office and multi-family residential buildings.		
4. In Charlottesville, common building materials are brick, wood or stucco siding, and standing-seam metal roofs. Stone is more commonly used for site walls than building walls.		
5. Avoid the use of building materials with long-term maintenance problems, such as EIFS (exterior insulation and finishing systems), or vinyl siding. Sustainable, utilitarian building materials such as concrete block, metal siding or cementitious panels may be appropriately used for a contemporary design.		
6. Clear glass windows are preferred.		

<b>Chapter IV: Guidelines for Buildings, G. Color</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.	For Chapter IV, please reference responses to Design Principles. See also building elevations and renderings.	Concur
2. Set the color theme by choosing the color for the material with the most area. If there is more roof than wall area in a development, roof color will be the most important color choice and will set the tone for the rest of the colors.		
3. Limit the number of color choices. Generally there is a wall color, trim color, accent color, and roof color.		
4. Use natural tints of materials such as reds, browns, tans, grays, and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings.	Please reference the digital materials board as well as the elevations and renderings.	Concur. Palette is predominantly neutral, earth tones.
5. Use color variation to break up the mass of a building and provide visual interest.		
6. Do not use strong color that has the effect of turning the entire building into a sign.		

<b>Chapter IV: Guidelines for Buildings, H. Details</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use articulated elements such as cornices, belt courses, water tables, bay divisions, variations in wall plane and roof features to create designs of interest.	For Chapter IV, please reference responses to Design Principles. See also building elevations and renderings.	Concur
2. Include human-scaled elements such as columns, pilasters and cornices, particularly at street level and on facades with a pedestrian focus.		
3. Avoid large expanses of blank walls that are visible from the public right of way or neighboring developments.	Blank wall expanses are limited to 25'-0" along Ivy Road and Copeley Road by the PUD.	Concur
4. Avoid oversized decorative elements.		
5. Avoid decorative elements that do not relate to the architecture but serve to turn the whole building into a sign.		

<b>Chapter IV: Guidelines for Buildings, I. Roof Form &amp; Materials</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use roof forms that complement the building design and contribute to a human scale. Avoid tall roof areas that overwhelm the height of the building's wall. Common Charlottesville roof forms include hipped, gable, flat and gambrel.	The roof design is flat. Parapet heights vary so as to accentuate the buiding's massing elements.	<b>Concur</b>
2. If a shed roof or flat roof design is used, add a parapet wall to screen the roof.		
3. Avoid a visible monolithic expanse of roof on large-scale buildings. Break the roof mass with elements such as gables, dormers, or parapets. Scale these features to the scale of the building.		
4. Consider using a special roof feature on buildings located at a gateway, a prominent corner or highlight entry bays on larger structures.		
5. Steeper forms are associated with more traditional design and can be appropriate when the development adjoins nearby neighborhoods.		
6. On roofs that are visible such as gable, hipped or shed designs, use quality materials such as metal or textured asphalt shingles.		
7. Any equipment located on a roof should be screened from public view.		

<b>Chapter IV: Guidelines for Buildings, J. Awnings.</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Encourage the use of awnings at the storefront level to shield displays and entry and to add visual interest.		Canopy at podium storefront is appropriate.
2. Coordinate the choice of colors, as part of an overall color scheme. Solid colors, wide stripes and narrow stripes should be considered as appropriate.		

3. Awning forms may be angled or curved.		
4. Use of a canopy as an illuminated sign is not appropriate.		
5. Awning materials should be appropriate to the overall design of the building. Traditional cloth fabric, as well as standing-seam metal or newer rigid materials may be considered.		

<b>Chapter IV: Guidelines for Buildings, I. Appurtenances</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Building service, loading, and utility areas should not be visible from public streets, adjacent developments or from access drives within large developments. Such service areas should be located behind the main structure in the least visible location possible.	Parking is fully screened by the building uses on the ground floor. All trash is fully contained within the building and therefore screened. The loading space is contained with in the building and therefore screened. All mechanical equipment will be placed on the roof and screened from view.	Concur
2. Mechanical equipment on roofs or sides of buildings should not be visible from streets.		Design complies
3. When the mechanical equipment vents, meters, satellite dishes and similar equipment is ground mounted, screening should include either an opaque fence or wall made of the same material as the building or an evergreen hedge that screens objectionable views.		
4. Items such as roof ladders, railings, roll-up doors and service doors should be located on building elevations that are the least visible from public streets/corridors, adjacent developments or from access drives within large developments. Their colors should be coordinated among all these elements and with the rest of the building.		
5. In some cases, appurtenances may be integrated into the building design if such integration enhances the compatibility of the overall design with the corridor vision.		

<b>Chapter IV: Guidelines for Buildings, J. Additions &amp; Corridor Conversions</b>		n/a
<b>Chapter IV: Guidelines for Buildings, K. Franchise Design</b>		n/a
<b>Chapter IV: Guidelines for Buildings, L. Gas Station Canopies</b>		n/a
<b>Chapter IV: Guidelines for Buildings, M. Civic &amp; Institutional Buildings</b>		n/a

<b>Chapter IV: Guidelines for Buildings, N. Multi-Family Buildings</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Follow the other guidelines within this chapter as applicable for the overall design of such buildings in such issues as massing and building footprint, scale, complexity of form, height and width, materials, textures and colors, roof forms and materials, etc.	Please reference responses to Design Principles.	Concur
2. Give consideration to placing first floor retail storefronts in multi-family buildings if they face along a commercial corridor or face a pedestrian-oriented street within the downtown.		
3. Avoid creating street front facades that are dominated by garage doors.		
4. Ensure that the designs of such buildings are consistent with any adjoining neighborhoods and the zoning ordinance.	Building design is in compliance with the PUD; streetscape will be consistent with the UVA Emmett/Ivy corridor.	Concur

<b>Corridor 4: Ivy Road from the corporate limits to Emmet Street</b>		
<b>Recommended General Guidelines</b>		<b>Staff Comment</b>
Residential scale and design along corridor to complement neighborhood		Updated to higher density and mixed-use per Comprehensive Plan
Consolidated and connected parcels for new mixed-use development		n/a
Upgraded franchise designs		n/a
Stronger edge to better define corridor		Street trees and coordinated streetscape will contribute to coherent, defined corridor
Improved pedestrian connections.		Project will enhance streetscape and pedestrian experience

<b>Vision statement for corridor:</b>		<b>Staff Comment</b>
Opportunity for new, denser mixed-use development		Project will be high-density and have mixed-use elements.
Opportunities for unified landscaping along the corridor that would help enhance the pedestrian connection and define this entrance to the City. University development on this corridor should maximize mixed use, pedestrianfriendly development at the street level.		Street trees and coordinated streetscape will contribute to coherent, defined corridor

**CITY OF CHARLOTTESVILLE**  
**BOARD OF ARCHITECTURAL REVIEW**  
**Summary of BAR Discussion on July 17, 2018 re: *Clear Glass***

---



On July 17, 2018, at the request of the ERB, the BAR regarding the definition of clear glass and the corresponding 70 VLT that has become the city's standard.

Background:

While one of several factors used in specifying glass, *Visible Light Transmission* (VLT) is generally accepted as the measure of the clearness and reflectivity of glass. High VLT indicates the glass is clearer and less reflective; low VLT indicate less clear, more reflective glass.

The city's Design Guidelines for Architectural Design Control Districts and Entrance Corridors (EC projects are reviewed by the Entrance Corridor Review Board, or ERB) both recommend "clear glass." However neither guidelines refers to a specific VLT—see citations below. Several years ago, after evaluating the criteria used to specify glass, the BAR (and the ERB) began using 70 VLT as the threshold for clear glass; tacitly establishing it as *the standard*.

Summary of BAR Discussion:

BAR concluded that VLT 70 should remain the preference relative to *clear glass*. However, they acknowledged the case-by-case flexibility offered in the Design Guidelines; specifically, though not exclusively, that this allows for the consideration of alternatives—e.g. VLTs below 70--and that subsequent BAR decisions regarding glass should be guided by the project's location (e.g. on the Downtown Mall versus a side street), the type of windows and location on the building (e.g. a street level storefront versus the upper floors of an office building), the fenestration design (e.g. continuous glass walls versus punched windows), energy conservation goals, the intent of the architectural design, matching historical glass, and so on.

Additionally, the BAR recommends that the ERB consider a similar approach in its evaluation of the glass proposed for EC projects.

References to Glass in Design Guidelines

**ADC Design Guidelines**

Chapter 3. New construction; I. Windows & Doors

(5) Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.

(9) Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.

Chapter 4. Rehabilitations; C. Windows

(15) Do not use tinted or mirrored glass on major facades of the building. Translucent or low (e) glass may be strategies to keep heat gain down.

**Entrance Corridor Design Guidelines**

IV. Guidelines for Buildings; E. Materials and Textures

(6) Clear glass windows are preferred.

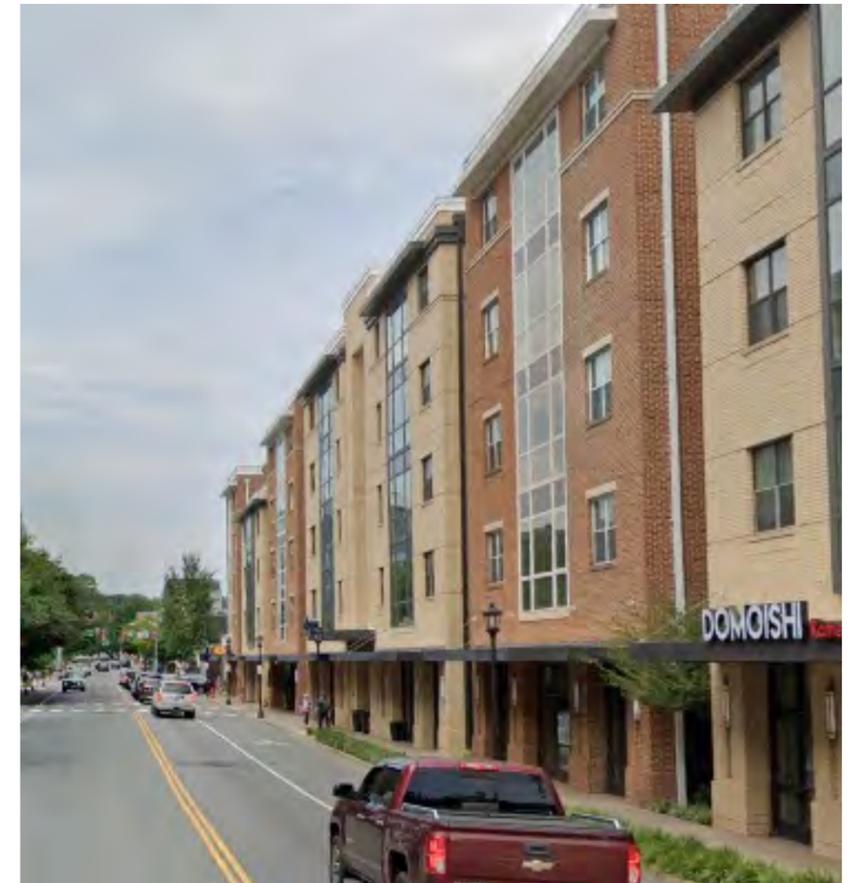
Note: The Historic Conservation District guidelines state: *Clear glass windows (VLT of 70% or more) are preferred*. These were adopted after the 70 VLT became the tacit standard for ADC and EC projects.



**600 West Main Steet** (ADC District, approved 2018)



**852 West Main Steet** (ADC District, approved 2014)



**853 West Main Steet** (ADC District, approved 2013)



**1000 West Main Steet** (ADC District, approved 2015)



**1102 West Main Steet** (ADC District, approved 2015)



**Blake Center** (UVa)



**UVa Hospital Lee Street (UVa)**



**UVa Hospital Lee Street (UVa)**



**310 East Main Street (ADC District, approved 1980s, 2023)**



**121 East Main Street (ADC District, no review)**



**Monticello Hotel Court Square( ADC District, no review)**



**CODE Building (ADC District, approved 2018)**



**Commonwealth Building** 300 Preston Ave (ADC District, no review)



**Residence Inn** 315 West Main Steet (ADC District, approved 2012)



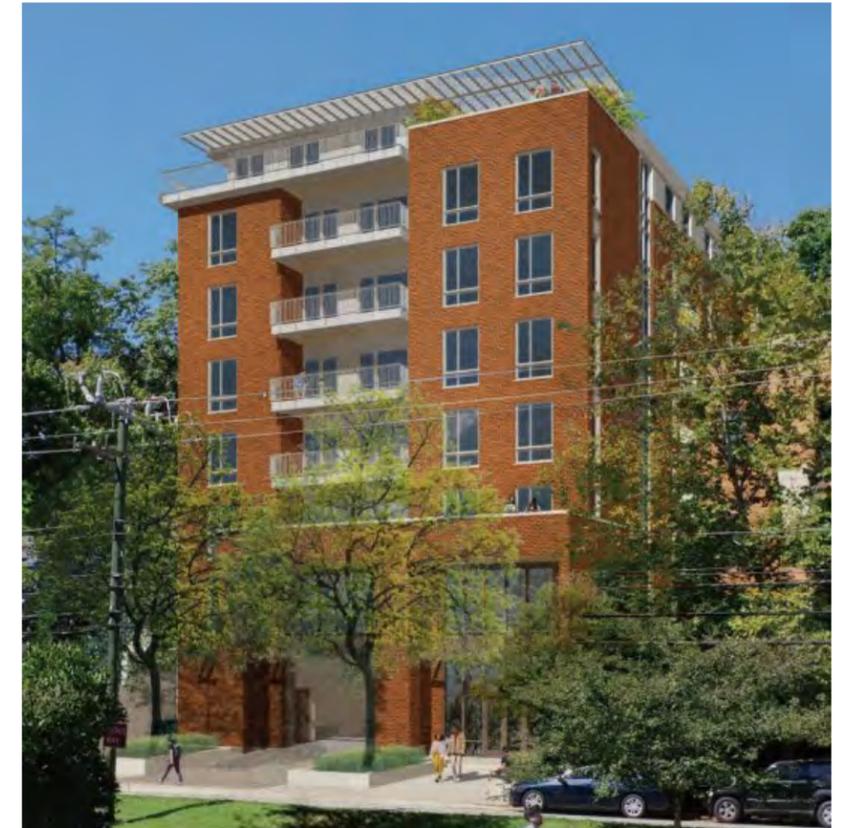
**CFA** 915 East High Street (EC, not reviewed)



**250 West Main Street** (ADC District, approved 1989)



**Omni Hotel** (ADC District, approved 1985)



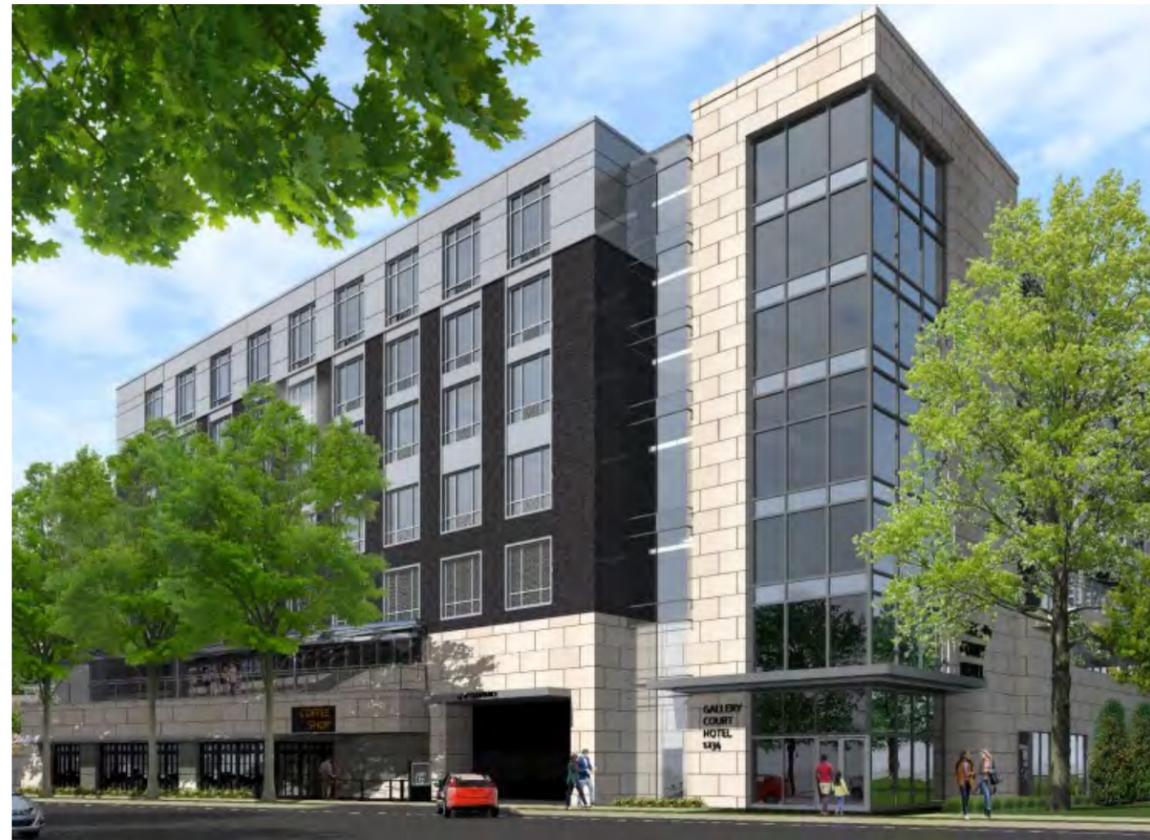
**1709 JPA** (EC, approved 2023)



**1532 Virginia Avenue** (ADC District, approved 2020)



**Dairy Central 946 Grady Ave** (EC, approved 2022. IPP, approved 2018)



**Gallery Court 1400 Emmet Street** (EC, approved 2019)



**2005 JPA** (EC, approved 2023)



**Bice Street (UVa)**



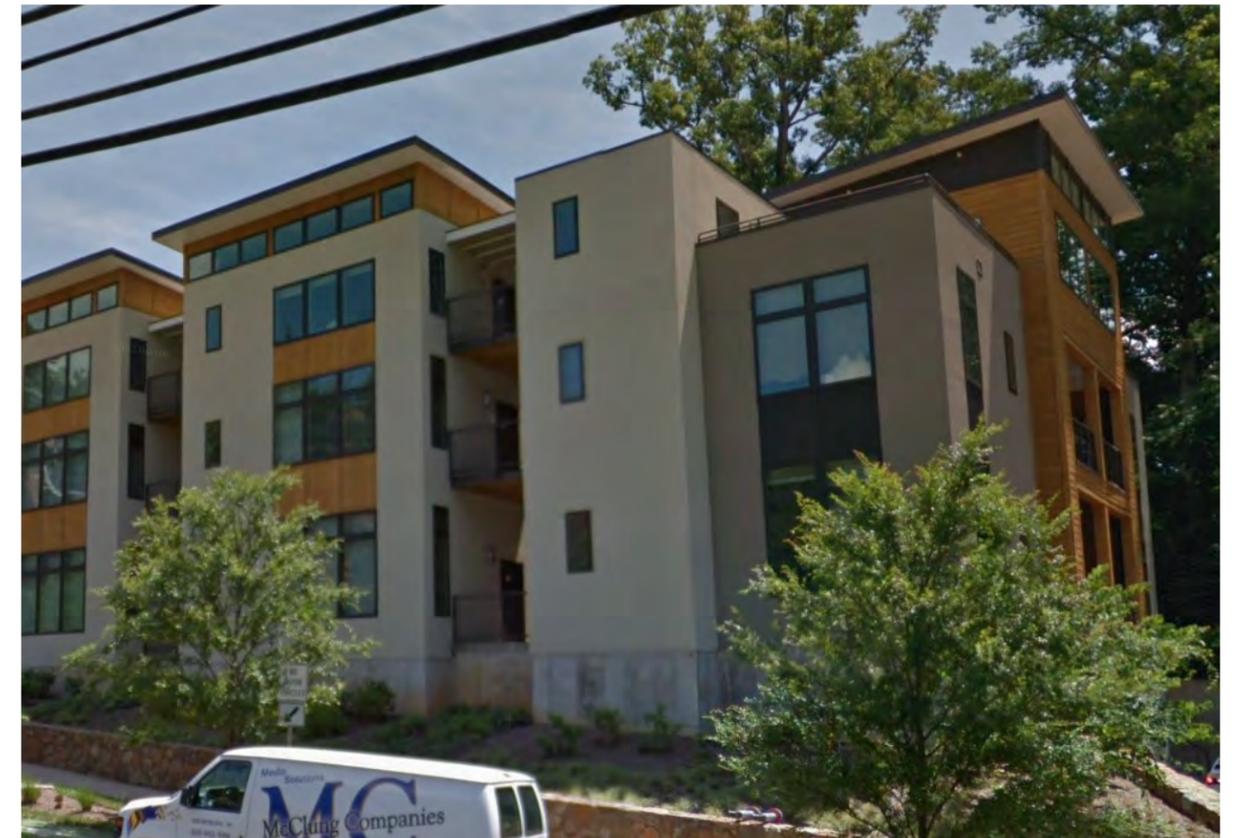
**Chik-fil-A Barracks Rd SC (EC, approved 2020)**



**1101 East High Street (EC, approved 2013)**



**Hillsdale Place 1801 Hydraulic Road (EC, approved 2013)**



**1600 JPA**



**Virginia Guesthouse Ivy Road (UVa)**



**Karsh Institute of Democracy Ivy Road and Cameron Lane (UVa)**



**1705 JPA (EC, approved 2015)**



**Waterhouse 216 West Water Street (ADC District, approved 2014)**



**Entrance Corridor Review Board  
Review of Certificate of Appropriateness for 2117 Ivy Road**

**Planning Commission Regular Meeting  
Date Of Planning Commission Meeting: February 13, 2024**

Project Planner: Dannan O'Connell  
Date of Hearing: February 13, 2024  
Application Number: HST24-0006  
Zoning: URB within the Ivy Road Entrance Corridor Overlay  
FLUM designation: Urban Mixed-Use Corridor  
Tax Map Parcel: 070001200.  
Site Acreage: 1.027 acres  
ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

**Attached:**

- Updated material board, Sheet A-10. Includes railing detail.
- Midwest Stairs & Iron, Inc. Balcony Schematics, Type 1.01.01.01

**Additional information from applicant:**

Electrical transformers on Copeley Road (See note on Sheet L-1): Owner will be using an applied decorative graphic. A bicycle theme is being considered (see below); however, no decision has been made.



Staff note: Staff suggests the applied graphic(s) be allowed and the final selection subject to administrative review.

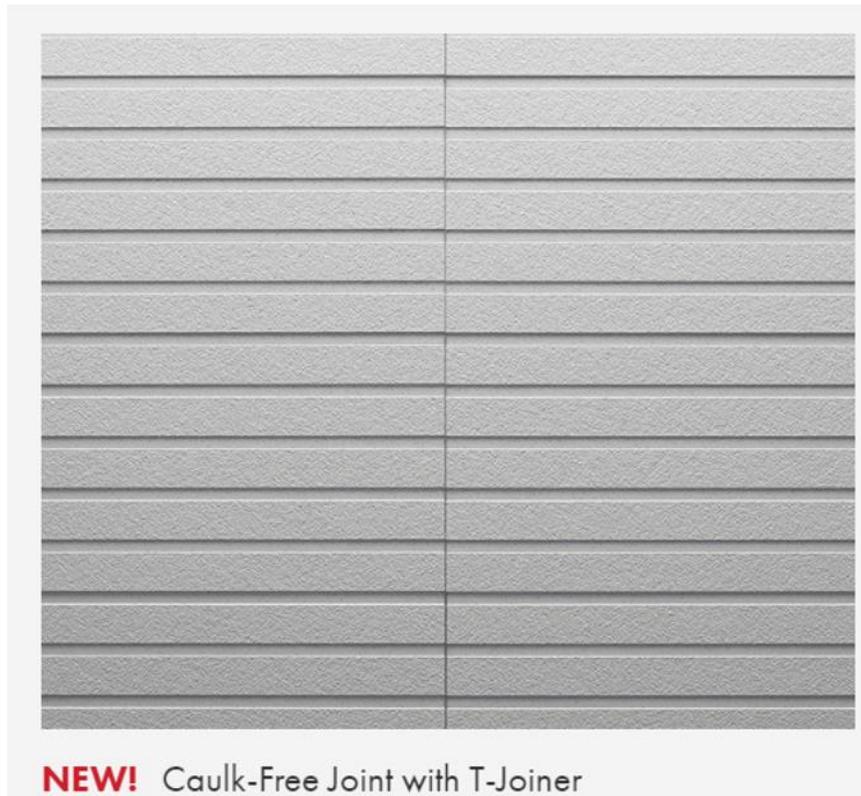
Balconies: The balconies and their railings will be prefabricated; the material for the components (including the railings, tubes, and decking) is powder coated aluminum to match the storefront (dark bronze or black). Attached is an example shop drawing--**we may or may not use a hanger rod and clevis, depending on the final structural design for the building.**

Staff note: Staff has no issues with the hanger rods and clevises as optional components, provided they are used consistently on all the balconies. However, should the ERB find they are not appropriate for this project, that should be expressed in the formal motion.

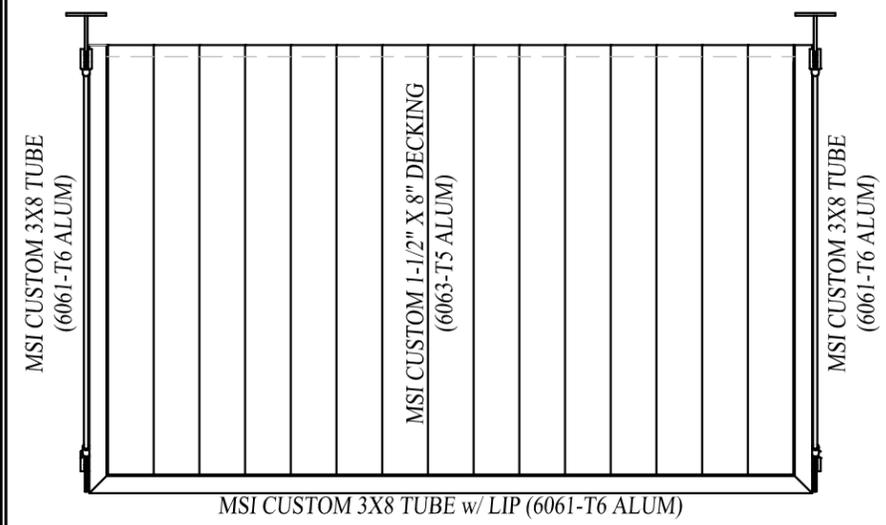
Courtyard and roof railings: The railings (guardrails) for the Courtyard at the second floor and the rooftop amenity will be glass with powder coated aluminum components. All powder coated aluminum for the balconies and railings will match the storefront (dark bronze or black).

Podium masonry: Mortar joints in the podium brick will match the brick.

Composite panels: We will be using a (caulk free) T-Joiner. This eliminates the requirement for continued maintenance with a caulk joint (which can also be unsightly) and provides a clean reveal joint. Example image below. (See also: <https://ceraclad.com/caulk-free>)

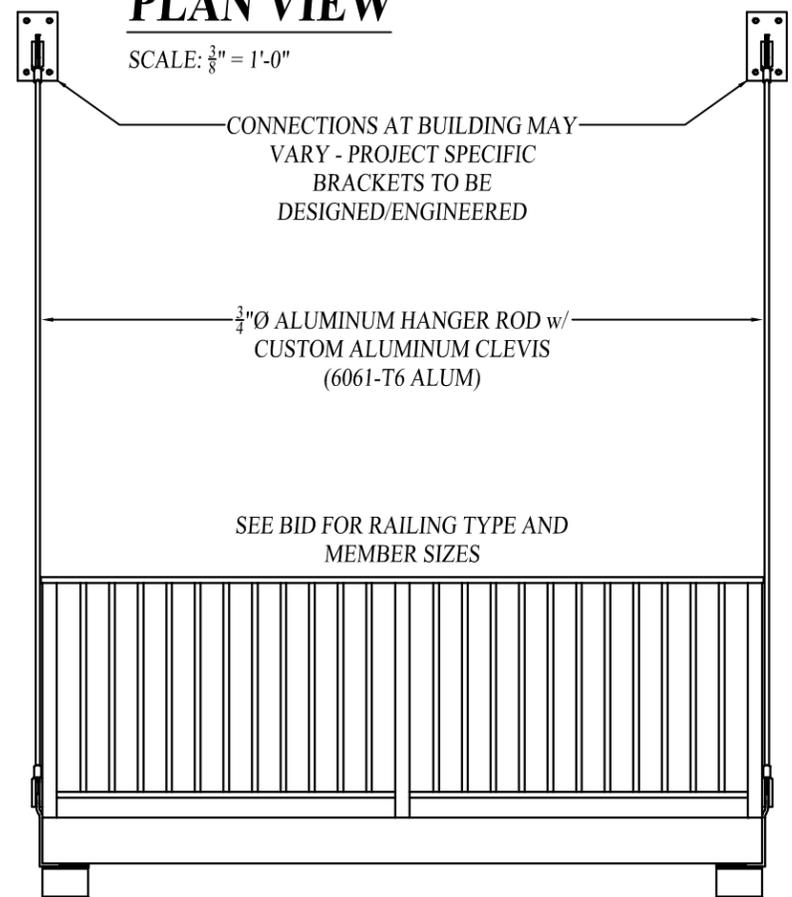


NOTE: ALL BALCONIES ARE CUSTOM TO SPECIFIC PROJECT - SEE MIDWEST STAIRS & IRON, INC.'s SPECIFIC MATERIAL BID FOR CLARIFICATION ON ITEMS INCLUDED IN CONTRACT. THIS SHEET SHOWS GRAPHICAL REPRESENTATION OF SIMILAR BALCONIES



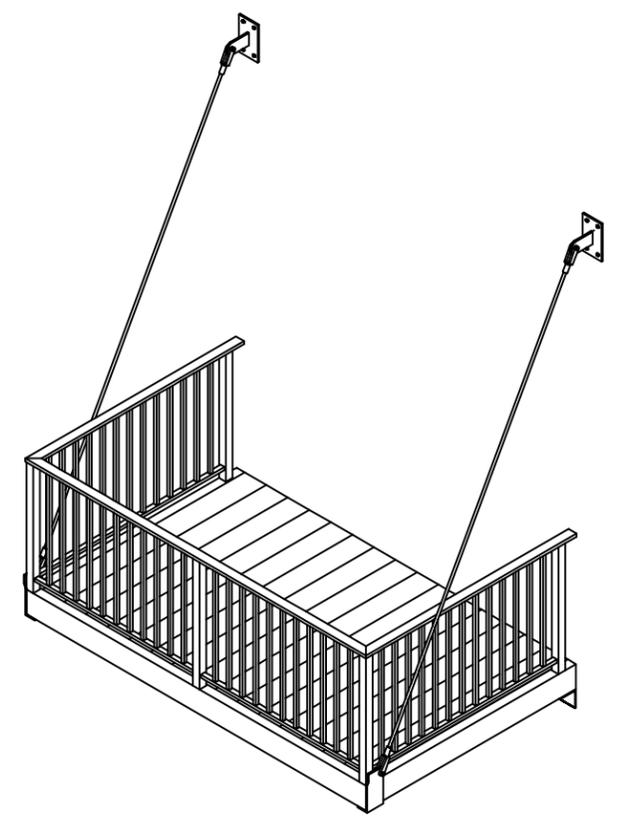
**PLAN VIEW**

SCALE: 3/8" = 1'-0"



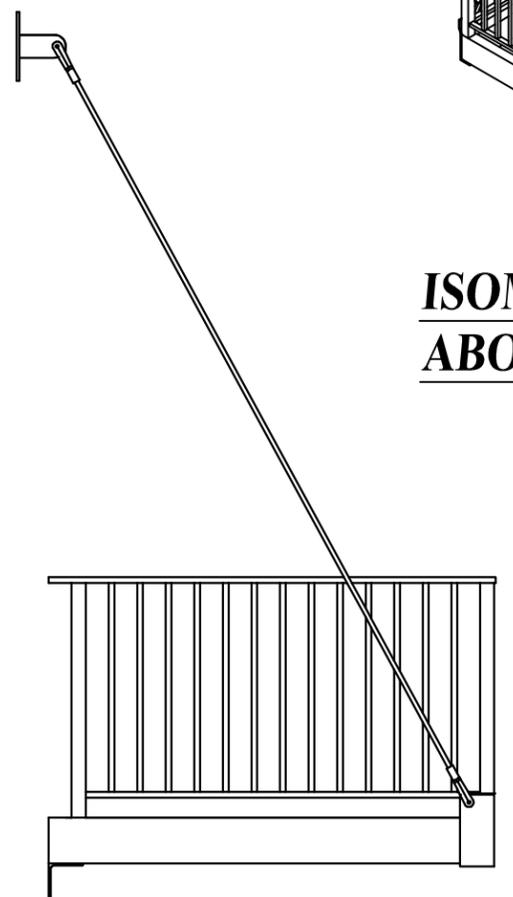
**FRONT VIEW**

SCALE: 3/8" = 1'-0"



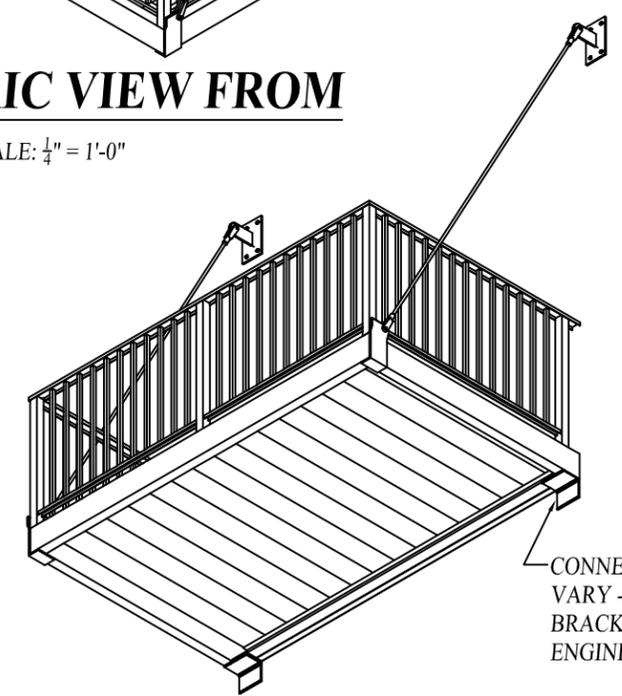
**ISOMETRIC VIEW FROM ABOVE**

SCALE: 1/4" = 1'-0"



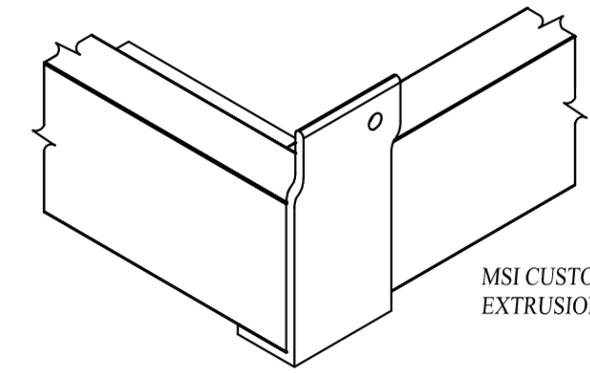
**SIDE VIEW**

SCALE: 3/8" = 1'-0"



**ISOMETRIC VIEW FROM BELOW**

SCALE: 1/4" = 1'-0"



MSI CUSTOM CARRIER EXTRUSION (6061-T6)

**ENLARGED ISOMETRIC VIEW OF OUTSIDE CORNER HANGER**

SCALE: 1-1/2" = 1'-0"

NOTE: RAILING NOT SHOWN FOR CLARITY

**ROD HUNG BALCONY w/ CUSTOM 3X8 TUBE FRAME w/ HANGERS ON OUTSIDE OF BALCONY - RAILING SHOWN w/ 2-LINE PICKET**

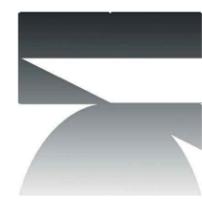
CONNECTIONS AT BUILDING MAY VARY - PROJECT SPECIFIC BRACKETS TO BE DESIGNED AND ENGINEERED

POWDER COATING ACTS AS BARRIER BETWEEN DISSIMILAR METALS



**MIDWEST STAIRS & IRON**  
4160 South 13th Street, Milwaukee, Wisconsin 53221

THESE DRAWINGS ARE THE PROPRIETARY PROPERTY OF MIDWEST STAIRS & IRON, INC. AND SHALL NOT BE USED WITHOUT PRIOR WRITTEN AUTHORIZATION FROM MIDWEST STAIRS & IRON, INC.



**Michael A. Corrigan P.E., ALA**  
architects engineers

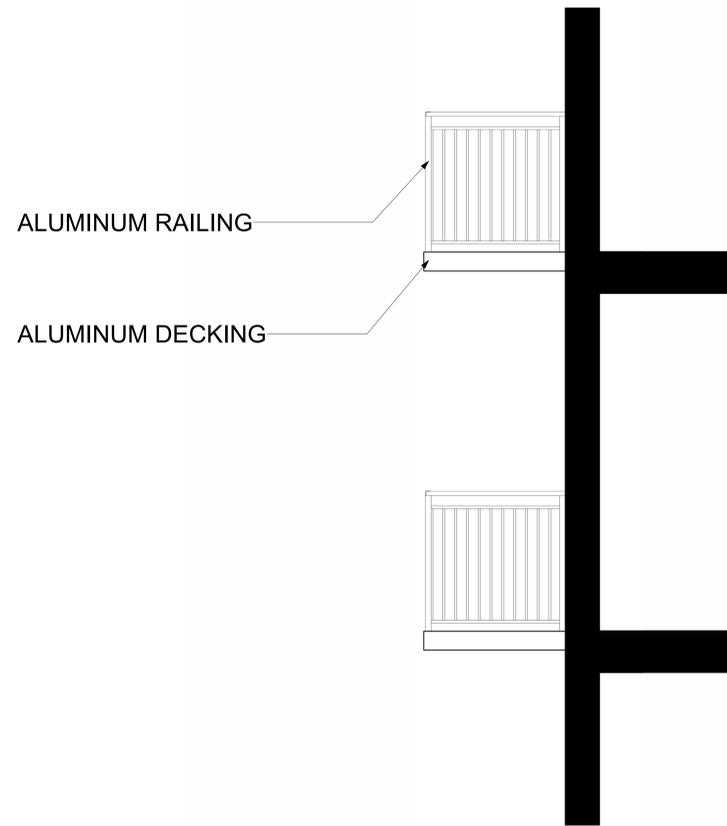
10521 north port washington road, suite 220  
mequon, wisconsin 53092  
telephone: (262) 241-9700

**MIDWEST STAIRS & IRON, INC.'s CUSTOM BALCONY SCHEMATICS**

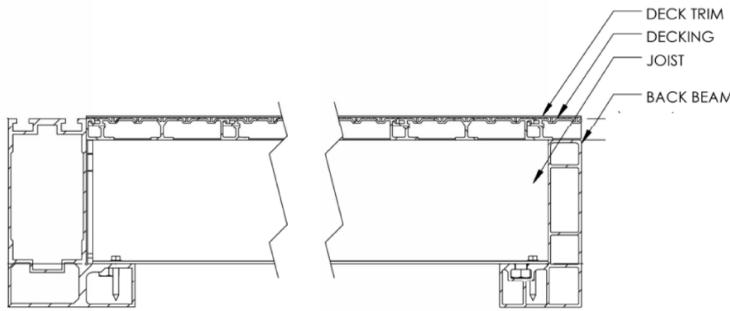
**TYPE 1.01.01.01**



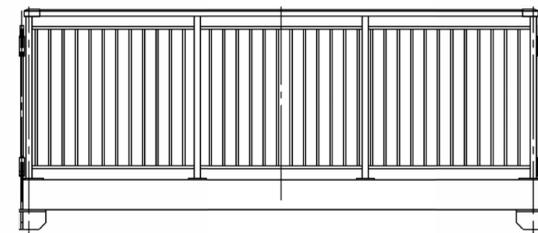
BALCONY RENDERING



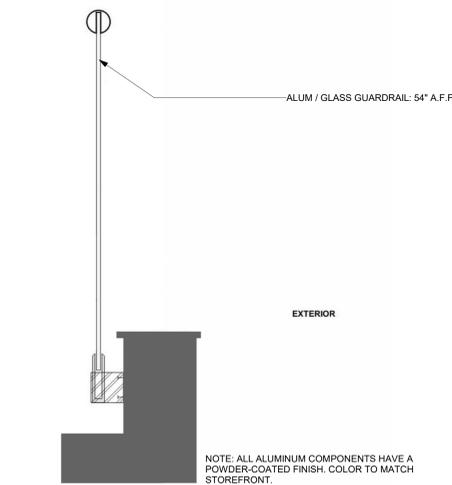
BUILDING SECTION @ BALCONIES



PREFAB BALCONY SECTION



PREFAB BALCONY ELEVATION

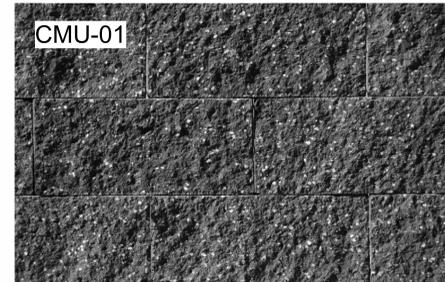


GLASS GUARDRAIL DETAIL

## MATERIALS



MTL-02  
METAL FRAMING, DARK COLOR  
STOREFRONT FRAMING AND UTILITY DOOR  
COLOR



CMU-01  
CMU, BLACK/ DARK GRAY W/ COLOR  
MATCHED MORTAR - LEVEL 1 AND  
BELOW - WEST AND NORTH ELEVATIONS-  
DESIGNERS SERIES SPLITFACE BY  
AMCON OR EQUAL



CPL-01  
COMPOSITE PANEL, STACKED BOND  
PATTERN, RED  
LEVELS 3-10, FIELD COLOR (CERACLAD OR  
EQUAL) - T-JOINER PANEL FASTENER CLIP TO  
MATCH ADJACENT PANEL



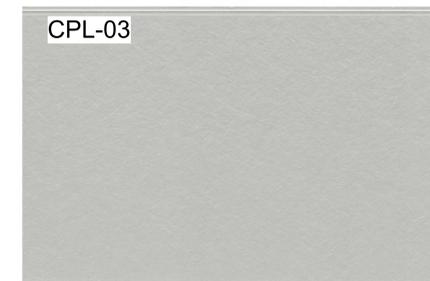
BRK-01  
BRICK, RUNNING BOND, MANGANESE  
IRONSPOT  
LEVEL 1/LEVEL 2 ALONG IVY/COPELEY-  
COLOR MATCHED MORTAR (NOT SHOWN)



CPL-02  
COMPOSITE PANEL, DARK GRAY  
LARGE AREA ALONG IVY & ACCENT COLOR  
AT OTHER ELEVATIONS (CERACLAD OR  
EQUAL) - T-JOINER PANEL FASTENER CLIP  
TO MATCH ADJACENT PANEL



CIP-01  
CONCRETE, 8" BOARD FORM COURSING,  
NON-TINTED - LEVEL B1 & BELOW WEST  
AND NORTH ELEVATIONS



CPL-03  
COMPOSITE PANEL, LIGHT GRAY  
LEVEL 9-10 ALONG IVY, RECESSED AREAS  
ALONG OTHER ELEVATIONS (CERACLAD OR  
EQUAL) - T-JOINER PANEL FASTENER CLIP  
TO MATCH ADJACENT PANEL

ISSUE	DATE
ECRB SUBMISSION	01/23/2024
BALCONIES AND RAILINGS	02/06/2024

REVISION	DESCRIPTION	REV

NOT FOR  
CONSTRUCTION

DISCLAIMER:  
THE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE  
PROPERTY OF DWELL DESIGN STUDIO, AND ARE NOT TO BE  
REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS,  
ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT  
WRITTEN PERMISSION FROM DWELL DESIGN STUDIO.

DRAWING TITLE:  
**MATERIAL  
BOARD**

PARTIAL SD SUBMISSION

JOB NUMBER: 2347106



Entrance Corridor Review Board  
**Preliminary Discussion: CoA Request for 100 Stadium Road (*The Verve*)**

Planning Commission Regular Meeting  
Date Of Planning Commission Meeting: February 13, 2024

---

Project Planner: Matt Alfele  
Zoning: PUD (Planned Unit Development, ZM23-00004) with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)  
FLUM designation: Urban Mixed-Use Corridor  
Tax Map Parcels: 160008000, 160005000, 160001000, 160002000\*, 160003000\*, and 160004000\*. (\* Three parcels are not within the Entrance Corridor; however, being incorporated into a single project including EC parcels, the entire development is subject to design review by the ERB.)  
Site Acreage: approximately 3.3 acres  
ERB staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner  
Submittal: *Verve Charlottesville, Entrance Corridor Review*, dated February 13, 2023\*, renderings sheets 1 through 25. [\* 2023 is an error. Submittal received January 29, 2024.]

---

**Relevant Code Section**

This project is being reviewed per a PUD, approved December 4, 2023, under the current zoning ordinance (pre-February 19, 2024), therefore the code sections referenced are from that ordinance. However, relative to the ERB’s purview and the standards for review, the updated code is essentially unchanged from the prior.

The Planning Commission serves as the Entrance Corridor Review Board (*ERB*), responsible for administering the design review process in entrance corridor overlay districts (*EC*). This development project requires a site plan, and therefore also requires a Certificate of Appropriateness (*CoA*), pursuant to the provisions of Section 34-309(a)(3) of the City’s Zoning Ordinance. ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application.

**Background**

Proposed redevelopment of approximately 3.3-acres [existing structures will be razed] to construct an apartment complex with buildings of various heights (75-ft to 135-ft, five stories to 12 stories), accommodating between 524 to 550 residential units. [Note: The ERB reviews only

the aesthetic and design elements of an EC project. Evaluating and/or considering the proposed uses is not within the ERB's purview.]

The applicant has requested a preliminary discussion of this proposed redevelopment. The primary goals for this discussion are to present to/summarize for the ERB the changes to the design since last reviewed by the Planning Commission [on November 14, 2023], review the planned content/organization of the formal application, and discuss with the ERB any questions or comments. In those discussions, staff encourages both the applicant and the ERB to establish what is necessary for a successful final submittal, particularly identifying any additional information that would contribute to that review.

For example: Renderings and schematic drawings communicate mass, scale, design, and composition; however, ERB should consider if they want additional details and/or specific information about the project's materiality and design elements, components.

In response to any questions from the applicant and/or for any recommendations to the applicant, the ERB should rely on the germane sections of the EC Design Guidelines and related review criteria.

Links to prior PC and City Council reviews:

Joint PC/City Council October 10, 2023

<https://charlottesvilleva.portal.civicclerk.com/event/1788/files/agenda/4326>

Joint PC/City Council November 14, 2023

<https://charlottesvilleva.portal.civicclerk.com/event/1836/files/agenda/4421>

City Council: December 4, 2023

<https://charlottesvilleva.portal.civicclerk.com/event/1672/overview>

City Council: January 22, 2024 (Postponed January 16 meeting)

<https://charlottesvilleva.portal.civicclerk.com/event/1860/files/agenda/4559>

### **Standards for considering certificates of appropriateness.**

In conducting review of an application, the ERB must apply the standards set forth within §34-310 of the City Code, which require consideration of certain features and factors in determining the appropriateness of the proposed construction. (Note: Signage shown is conceptual only. Signage must comply with City Code Div. 4 – Signs and require a separate sign permit.)

- *§34-310(1): Overall architectural design, form, and style of the subject building or structure, including, but not limited to the height, mass and scale;*
- *§34-310(2): Exterior architectural details and features of the subject building or structure;*
- *§34-310(3): Texture, materials and color of materials proposed for use on the subject building or structure;*
- *§34-310(4): Design and arrangement of buildings and structures on the subject site;*
- *§34-310(5): The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar*

*features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.*

- §34-310(6): Provisions of the Entrance Corridor Design Guidelines.

### **Links to EC Design Guidelines**

[EC Design Guidelines Chapter I - Introduction](#)

[EC Design Guidelines Chapter II - Streetscape](#)

[EC Design Guidelines Chapter III - Site](#)

[EC Design Guidelines Chapter IV - Buildings](#)

[EC Design Guidelines Chapter V - Corridors](#)

### **Staff Recommendation**

Staff has no recommendations at this time.

### **Public Comments Received**

No public comments have been received relative to the requested CoA.

### **Suggested Motion**

Preliminary Discussion. **No action to be taken.**

### **Attachments**

A. Applicant's submittal

### **Appendix**

#### **From the EC Design Guidelines, Chapter 5**

(adopted by City Council March 7, 2011)

Fontaine Avenue/Jefferson Park Avenue Entrance Corridor

Overall Description: Fontaine Avenue is known locally and historically as the Fry's Spring area of Charlottesville. Fontaine continues west as an extension of the road named Jefferson Park Avenue (JPA), while JPA turns south toward Fry's Spring Beach Club. The Fontaine section of the corridor is one of the gateways to the City and University, and its commercial sections serve as neighborhood village center. The JPA section serves as a concentration of multi-unit apartment buildings for University students.

#### **Positive Aspects**

- Largely intact residential corridor serving as gateway
- Core of commercial uses to serve the area
- Mature street trees and planted median along much of corridor

- Well-defined and landscaped gateway at Fontaine research park entry
- Comprehensive transportation network with divided corridor, bus routes, bike paths, and sidewalks

Vision: This corridor transitions quickly from accommodating highway speed autos to more congested auto, transit, pedestrian and bicycle traffic. Foremost considerations are traffic calming, provisions for pedestrian safety, and pedestrian amenities such as sidewalks, landscaping and transit stops. The neighborhood center, Maury Avenue intersection, is currently a bustling, mixed use pedestrian activity area that newer developments strive to emulate. The pedestrian and mixed-use characteristics of this neighborhood intersection should not be lost as redevelopment occurs. New mixed use and apartment project design should reflect the character and importance of this major entrance to the City and the University. Historic assets to be protected include the JPA median that formerly accommodated a trolley line, the Fry Spring's Service Station, and the Oakhurst-Gildersleeve Neighborhood. This corridor is a potential location for public way-finding signage.

#### Sub-Area C: Maury Avenue to Emmet Street

- Streetscape: Overhead utilities, cobra-head lights, planted median, on-street parking, bike lanes, concrete sidewalks, canopy of trees.
- Site: Large mature site trees, some front site parking, sloped, block and wood retaining walls, split rail and chain link fences.
- Buildings: Student housing, residential large scale, multi-family, materials include wood, stone, brick and stucco, majority of structures are of traditional designs, some smaller dwellings remain among the large scale infill buildings.
- Recent Past/Historic: Fry Spring Service Station

#### Recommended General Guidelines for Sub-area: Maury Avenue to Emmet Street:

- Put utilities underground that are now located within median.
- Ensure that off street parking areas are well defined and screened as needed .
- Design new apartment buildings to break up their large scale and use traditional materials.

#### **From the Comprehensive Plan**

Urban Mixed-Use Corridor: Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city.

#### Goal 7. ENTRANCE CORRIDORS

Ensure that the quality of development in Charlottesville's designated Entrance Corridor Overlay Districts is compatible with the City's requirements and standards, and with the adjacent neighborhood's historic, architectural, and cultural resources, while allowing for reuse of structures and evolution of uses in these areas.

Strategy 7.1 Within Entrance Corridors, encourage placemaking elements and look for opportunities to support community-centered destinations.

Sub-strategies:

- Encourage site designs incorporating building arrangements, uses, natural features, and landscaping that contribute to Charlottesville's unique sense of place and character.
- Ensure that new development complements the city's character and respects those qualities that distinguish the city's built environment.
- Incorporate street trees and landscaping along streetscapes to provide shade, buffer pedestrians from traffic, and create a sense of enclosure.



# VERVE CHARLOTTESVILLE

ENTRANCE CORRIDOR REVIEW  
February 13, 2023

subtext

esg

WA  
WOLF ACKERMAN

TIMMONS GROUP

DC  
DESIGN  
GROUP

BEFORE - NORTHWEST CORNER



VERVE CHARLOTTESVILLE

AFTER - NORTHWEST CORNER



VERVE CHARLOTTESVILLE

BEFORE - NORTHEAST CORNER JPA AND EMMET STREET



VERVE CHARLOTTESVILLE

AFTER - NORTHEAST CORNER JPA AND EMMET STREET



VERVE CHARLOTTESVILLE

BEFORE - CORNER OF STADIUM AND MONTEBELLO



VERVE CHARLOTTESVILLE

AFTER - CORNER OF STADIUM AND MONTEBELLO



VERVE CHARLOTTESVILLE



THANK YOU, QUESTIONS?

JPA APPROACH FROM SOUTHEAST



VERVE CHARLOTTESVILLE

VIEW FROM EAST AT JPA



VERVE CHARLOTTESVILLE

NORTHEAST CORNER JPA AND EMMET STREET



VERVE CHARLOTTESVILLE

STREETSCAPE - EMMET STREET AT NORTHEAST ENTRY



VERVE CHARLOTTESVILLE

STREETSCAPE - EMMET STREET LOOKING WEST



VERVE CHARLOTTESVILLE

STREETSCAPE - EMMET



VERVE CHARLOTTESVILLE



STREETSCAPE - MARKET AT EMMET STREET



STREETSCAPE - BUILDING ENTRANCE ON EMMET STREET AND STADIUM ROAD



VERVE CHARLOTTESVILLE

NORTHWEST CORNER



VERVE CHARLOTTESVILLE

STADIUM ROAD FACADE



VERVE CHARLOTTESVILLE

SOUTHWEST CORNER AT STADIUM ROAD AND MONTEBELLO



STADIUM ROAD AND MONTEBELLO



VERVE CHARLOTTESVILLE

STADIUM ROAD AND MONTEBELLO (TREES REMOVED FOR CLARITY)



VERVE CHARLOTTESVILLE

MONTEBELLO LOOKING WEST



VERVE CHARLOTTESVILLE

MONTEBELLO LOOKING WEST (TREES REMOVED FOR CLARITY)



VERVE CHARLOTTESVILLE

NORTHWEST CORNER



VERVE CHARLOTTESVILLE

**PLANNING COMMISSION REGULAR MEETING**

**June 14, 2022 – 5:30 P.M.**

**Hybrid Meeting**

**I. COMMISSION PRE-MEETING (Agenda discussion(s))**

***Beginning:*** 5:00 PM

***Location:*** Hybrid Meeting

**Members Present:** Chairman Solla-Yates, Commissioner Russell, Commissioner Lahendro, Commissioner Stolzenberg, Commissioner Mitchell, Commissioner Habbab

**Members Absent:** Commissioner Dowell

**Staff Present:** Patrick Cory, Missy Creasy, Remy Trail, Brian Haluska, Jeff Werner, James Freas, Alex Ikefuna

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman.**

***Beginning:*** 5:30 PM

***Location:*** Virtual/Electronic

Chair Solla-Yates called the meeting to order at 5:00pm and began by asking for questions concerning the 1000 Monticello application. He noted that it had come forward before and the Commission narrowly provided a recommendation for approval and Council denied. Mr. Haluska provided additional feedback on the previous application. Commissioner Lahendro asked about the height and commercial space. Chair Solla-Yates asked for information on what is the question on the application for this evening. Commissioner Mitchell asked about the affordable units and Mr. Haluska noted that 34-12 does not apply to this application so any units provided are voluntary. Commissioner Stolzenberg asked about the statement provided by the Office of Community Solutions. Mr. Haluska provided some feedback. Commissioner Habbab asked about traffic concerns at this site and Mr. Haluska noted that per the Streets that Work plan, this will provide for one entry and place all the traffic on Bainbridge which should address some concern on Monticello. Commissioner Russell noted that the applicant should plan to provide some feedback on the questions posed by Council during the first application.

Chair Solla-Yates then asked if there were comments on the 923 Harris application. Commissioner Lahendro visited the site today and asked about the house near the railroad tracks. He noted customers from adjacent businesses appear to parking in the right of way access. Mr. Haluska provided feedback on the surrounding properties. Commissioner Stolzenberg asked about landscape buffering adjacent to the sidewalk and Mr. Haluska noted that there is a desire for buffering, but this situation may limit the ability to place. They will need to address detailed requirements at the site plan phase if this request moves forward.

Concerning the 415 10th Street application, Commissioner Mitchell asked if there were any legal restrictions about razing the church following the rezoning request? How about once it sells? Please clarify what a CBA and IPP are? Mr. Haluska provided background information.

Mr. Haluska provided background information on the Lochlyn preliminary discussion. Commissioner Mitchell asked about the critical slopes on this part of the site and Mr. Haluska noted that that is something that can be part of the consideration.

**A. COMMISSIONER'S REPORT**

**Commissioner Lahendro** – I attended two meetings over the past month. The first one was the Board of Architectural Review on the 17<sup>th</sup> of May. We had a light meeting. Only two certificates of appropriateness came to us. They were both approved. The Tree Commission met last week on June 7<sup>th</sup>. Dan Frisbee, who is the city’s water resources specialist, reported on the restoration project of Shanks Stream in McIntire Park. This project is going to happen to stop the ongoing severe erosion and improve the habitat along the stream. It is in the northeast area of McIntire Park where the botanical garden is planned. The project is designed and is currently being bid. They hope to begin construction this fall and be completed in about a year. Our 3 standing committees, which are education & advocacy, arbor, and codes & practices showed their work priorities for the upcoming year. Highlights include the tree planting plan, updating tree data, participation in zoning ordinance rewrite, and taking a more active role in city staff review of development plans to increase and protect trees.

**Commissioner Habbab** – I had one meeting on May 18<sup>th</sup>. It was the Citizen Transportation Advisory Committee. We had a presentation on the city and county climate mitigation plans for both the city and the county. We looked at a draft of the unified planning work program, which is available at the Thomas Jefferson Planning District Commission website. It identifies all the activities that are planned to be undertaken in the Charlottesville Albemarle MPO.

**Commissioner Mitchell** – There were 3 meetings that I was involved in. The first was the Board of Zoning Appeals (BZA). We met to review an application for zoning ordinance relief. The location was 1214 East Harris Street. That is where Harris Street and Meade come together. That white building is there on the end. What they wanted was relief on the setbacks. They wanted to reduce the setback. They want to install a vertical screen and a canopy. We approved it. The Parks & Rec Board met the same day. There have been several personnel movements in Parks & Rec, several hires, and movements. Examples of the hires include a new playground technician, a new urban forester, a new youth programmer, and a new gardener. Things like that have been happening. Good news is that we are moving people around and we are hiring people. The bad news is that we are still down 7 to 8 staff in the Parks & Recreation Department. You know what is happening with the lifeguards. We can’t keep our pools open. We’re down 35 lifeguards. We got a debrief on the Tonsler Park Improvement project that we’re working on. There were 3 things that stood out with me. People don’t want to lose green space to increase the parking that we have there. They do want to bring in more bleachers for the basketball courts. They would like to upgrade and expand the shelter and configure it in a way that will allow for more programmatic activities. Sent you guys a presentation from a UVA student about an urban vision for urban food forest. The vision is to have this in Washington Park on the softball field. The LUPEC group met. There were 3 basic topics that we reviewed. One was a RAISE grant for Three Notched Trail. RAISE (Rebuilding American Infrastructure for Sustainability and Equity). The trail that they are envisioning will run from the Blue Ridge Tunnel all the way to Charlottesville. The objective is to share this with bikes and pedestrians. They’re hoping to get around \$2 million to help them implement this trail. Mr. Freas gave an update. There was one thing that he had to remind everyone a couple of times. The rewrite of our code is not a form-based code. It does contain form-based elements. That is something that we need to remember as we’re talking to people about this. In Crozet, there is a development opportunity, the Barnes Lumber opportunity. This is an effort to revitalize a dormant site in downtown Crozet. What they want to do is build a plaza with the related buildings and infrastructure and road networks. It is right there adjacent to downtown Crozet. This is not something a developer can do by himself. What they have been working on is a public-private partnership. There will be a for profit developer, the county, and VDOT involved to help with some of the infrastructure and with the network of roads. They spoke about this project in a way that suggested that they want to do this so that people don’t have to come all the way to Charlottesville to spend their leisure money. They can stay there and spend their leisure money in Crozet. I would remind you that we want Charlottesville to be a destination for Greene County people, Fluvanna County people, Nelson County people, and Albemarle County people. As we think about our transportation infrastructure and our parking infrastructure, we need to keep in mind that once people get here, they need to be able to get around easily and have a place to park. They won’t come because they will be incentives to do more projects like this.

**Commissioner Stolzenberg** – I did have one meeting this month, the MPO Technical Committee. We recommended approval of the policy committee of the unified planning work program that Commissioner Habbab mentioned. We recommended approval and endorsed 8 smart-scale applications from the MPO, which include Avon Street Multimodal, District Avenue Roundabout, Fifth Street Extended Multimodal (Fifth Street Station), and Rivanna River Bridge. We recommended all the projects the localities are submitting. There are a number in Albemarle County. The one in the city that we discussed last month that will perhaps not be happening on Fifth Street and all the TJPDC ones for outside the MPO area.

**Commissioner Russell** – I attended the TJPDC Commission meeting on June 2<sup>nd</sup>. They voted in officers and approved smart scale applications. I note that none of them affected Charlottesville. There was also a vote on contract negotiation related to rural broadband access. There were some interesting things out of the Executive Director’s report. The regional housing partnership is hosting a summit. TJPDC staff, in December, applied for and was awarded a \$15,000 housing event sponsorship from Virginia housing to support the summit. Staff will be working to secure an additional \$35,000 in sponsorships, donations, and contributions to hold the event. The USDA released a notice seeking applications for housing preservation grants. Because of the short time period, there is a planned meeting with TJPDC on June 23<sup>rd</sup> for a brief presentation and a resolution of support to basically proceed with applying towards this grant that would be due on July 11, 2022. If you are interested in that, June 23<sup>rd</sup> is when that meeting will be. The Commonwealth draft budget was released. Includes funding for a regional transit governance study and funding for the Albemarle transit expansion demo grant. That draft budget will go before the board at the June meeting.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – We just got through 3 weeks of graduation and 2 weeks of reunions. All is quiet on Grounds other than all the construction. The big things happening are the Ivy Corridor Development. If you’re over there, you can see the big stormwater pond facility that is being constructed. It has been dug. You can start to see how that is coming together. The steel is coming out of the ground for the Data Science School. The Contemplative Commons is getting underway. There is a master planning council meeting tomorrow afternoon. We will be reviewing where we are with our Grounds Plan Update.

## **C. CHAIR’S REPORT**

**Chairman Solla-Yates** – I want to thank Commissioner Russell for covering for me at TJPDC. I have been focusing on changing state code, allowing a single-stair residential to 6 stories in Virginia statewide. It has been very time consuming. It is a remarkable effort. That has exited the subcommittee with a recommendation of non-consensus. Some people like it and some people don’t like it. That goes to the full committee, where it may pass. The big idea is to allow the kind of missing middle residential that our Comprehensive Plan calls for but is not allowed by state code.

## **D. DEPARTMENT OF NDS**

**James Freas, NDS Director** – We’re finally able to announce the release of our first report under the zoning rewrite project. This is the diagnostic and approach report. We will be releasing it on Thursday. As we announced today, we have scheduled our public open house for that report for Monday, June 27<sup>th</sup> over at the Ting Pavilion. We look forward to a lot of conversations with the community, all of you, and whoever shows up at that meeting. For context, the zoning rewrite is the third step in our Cville Plans Together project, which began with the Affordable Housing Plan, which was adopted in March, 2021, the Comprehensive Plan that was adopted in November 2021, and the zoning rewrite, which is intended to implement both of those projects. This first report kicks off our 3-step process for the zoning rewrite. This

report is the conceptual plan of the new zoning ordinance. It lays out the ideas. It talks about what we need to do to change our zoning ordinance to advance implementation of the Comprehensive Plan and the Affordable Housing Plan. It lays those out conceptually for discussion for feedback from the community. I will be meeting with neighborhood organizations and other groups to share the content of that report and get feedback. We will be coming back to you in September in a joint meeting with the Planning Commission and City Council to formally present the final draft of this report and get your feedback and get your go-ahead to move forward into drafting the zoning ordinance. We will produce a first draft of that zoning ordinance and restart the process of feedback and engagement around that. We take all that input and turn it into a final draft, which will come back again to the Planning Commission and City Council for adoption. We anticipate those activities happening in the spring of 2023.

**Commissioner Mitchell** – When is the writing of the actual ordinance?

**Mr. Freas** – We are going to start some of the formatting work this summer. The bulk of the drafting of the ordinance will begin after that meeting in September.

**Commissioner Mitchell** – One of the things that Mr. Freas mentioned at the LUPEC meeting was that the actual ordinance is going to be more readable.

**Mr. Freas** – There are many great objectives here. One of them is moving towards a more readable, more readily understandable zoning ordinance so that the average resident can pick it up, understand what they can do with their property, or more importantly what can happen at the end of their street or in their neighborhood more clearly.

**Commissioner Lahendro** – You will have 2 new planning commissioners in September at that meeting. Hopefully, they will be selected and can read and catch up with the background and participate in this meeting.

**Ms. Creasy** – Timing-wise, that should work out. Council, last Monday, was to determine their interview schedule for how they were going to interview candidates for the Planning Commission. I don't know the outcome of that decision. They realize that we have potential for several new people.

**Commissioner Stolzenberg** – Do we have a sense of how that process will evolve after that initial feedback session in September? Is it going to be an iterative process of drafts being written and coming back to us for comment? Is it going to be more of an interactive thing?

**Mr. Freas** – We're working to finalize how that will go. We're talking about there being 3 'chunks' for review. There will be 3 pieces of the zoning ordinance that are released sequentially to begin that review and dialogue. A zoning ordinance is one of those things where each piece interrelates to a certain extent. You need to release some logical 'chunks' that interact and work well together so that people can see the big picture of what is being presented.

## **E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**

No Public Comments

## **F. CONSENT AGENDA**

1. Minutes – August 10, 2021 – Pre-Meeting and Regular Meeting
2. Preliminary Site Plan – 218 West Market Street

(Items removed from the consent agenda will be considered at the end of the regular agenda)

**Motion to Approve – Commissioner Mitchell – Second by Commissioner Habbab – Motion passes 6-0.**

**III. JOINT MEETING OF COMMISSION AND COUNCIL**

**Chairman Solla-Yates called the Planning Commission to order for the joint public hearings.**

**Mayor Snook called Council to order for the joint public hearing.**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

*Format:* (i) Staff Report, (ii) Applicant Presentation (iii) Hearing, (iv) Commission Discussion and Recommendation

- 1. **SP22-00005 – 1000 Monticello Road** - Piedmont Realty Holdings III LLC (the “Applicant”) as owner of the property located at 1000 Monticello Road, near the intersection of Monticello Road and Bainbridge Street identified by Tax Map and Parcel (TMP) 570036000 (the “Subject Property”) has submitted an application seeking approval of a Special Use Permit (SUP) for the property. The property is currently zoned NCC Neighborhood Commercial Corridor. The Comprehensive Land Use Map for this area calls for Neighborhood Mixed Use Corridor which recommends commercial, employment and residential uses and allows buildings up to 5 stories in height. Pursuant to City Code Sec. 34-700, the Owner submitted a request for increased density from a By-Right 21 Dwelling Units per Acre (“DUA”) to 42 DUA. The Owner is proposing a mixed-use building with 11 residential units and a single commercial unit. The Subject Property is approximately 0.808 acres with road frontage on Monticello Road and Bainbridge Street. The SUP, if approved, would allow for the construction of 11 new units on the Subject Property in addition to the existing 23 units already on the site. Additional information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Special Use Permit application may also contact NDS Planner Brian Haluska by e-mail ([haluska@charlottesville.gov](mailto:haluska@charlottesville.gov)) or by telephone (434-970-3186).

**i. Staff Report**

**Brian Haluska, City Planner** – This is a special use permit for 1000 Monticello Road. There was a similar application considered in the early months of 2021. This should look familiar for those of you on the Commission at that time. The request is for additional density at the site. The current property has already been previously developed and is at a density that exceeds the by right density permitted in the neighborhood commercial corridor. Any additional residential units on the site will require a special use permit. The request is for 42 dwelling units per acre, which is above the 21 dwelling units per acre by right allowed under that zoning district. The property has two entrances: one off Monticello Road and one off Bainbridge Street. The applicant proposes to utilize the entrance off Monticello Road as the building site and build a 3.5- to 4-story building on that site that contains a total of 11 residential units and a small commercial unit on the ground floor. The applicant has proposed 2 conditions. I know that they might want to talk about that. I know that they had some modifications to that, which is fine to do at this meeting. The one condition that you will focus your discussion on is condition 2, which stipulates that 7 of the 11 units will be affordable, per the definition spelled out in that condition. That is a condition that you should have seen before on some other applications. This project does not trip the standard in Section 34-12 of our zoning ordinance, the requirement for affordable housing. This condition is offered by the applicant above and beyond what is required under our code, which is nothing because the site is so large in terms of area that it does not hit 1.0 FAR. Staff has reviewed this. In the previous

case and in this case, staff is recommending approval given the additional housing it provides in an area that is typically walkable.

**Commissioner Mitchell** – Is the height by right?

**Mr. Haluska** – That is correct.

**Commissioner Mitchell** – We talked earlier about the impact of future developments in that area. I am thinking about 130 units that are going to be built by the Belmont Condos. With the additional 11 units and the general traffic stretchers on this, do you have any thoughts on that?

**Mr. Haluska** – The overall impact on public infrastructure is something that is considered in each special use permit. We do encourage people to isolate the various impacts of each development. Overall, it is something that the traffic engineering staff monitors. At times, the cumulative impact of that, the city is assuming, at some point, the responsibility to monitor those roads and make changes as necessary. In talking with the traffic engineer about this site and this road, if you have gone through there, there is a lot of on-street parking. If there is a safety issue because of the volume of traffic, the first inclination would be to potentially remove some of that parking. That would go through a public process. That is an unpopular change to make. There is a balancing of priorities in that situation. The traffic impact of an additional 11 units in this area will be small. The road is a narrow road. It has some traffic issues now. We have received some complaints about sight lines. That is one of those safety concerns where you would potentially have to move around some No Parking signs to create better sight lines.

**Commissioner Mitchell** – I am not worried about this project's height. I am worried about the cumulative effect of this. The 130 units is going to be a by right development. That traffic is on the way.

**Commissioner Habbab** – I know that there are a few minor changes from the last application. Do you have any thoughts on that?

**Mr. Haluska** – The previous application, when it came before you, there was a lot of wordsmithing around the affordability provided as a part of this application. The condition in front of you is one that has been vetted several times. It has been presented to the Commission before. There should be less uncertainty around what the applicant is proposing. I believe there has been a little bit of change to the design of the building. I would welcome the applicant to talk about that in greater detail.

**Commissioner Stolzenberg** – I want to commend staff for the improvement in the wording of the affordable housing. We have come a long way since this application came around the first time. There is one other difference. The last time, we had 5 units at 65 percent AMI. The 2 units at 125 percent FMR and 80 percent AMI are new?

**Mr. Haluska** – That is correct.

## ii. Applicant Presentation

**Kelsey Schlein, Applicant** –

### Next Slide

Looking at a site overview here, you can see the buildings in the darker gray. Those are the existing buildings on the 0.1-acre property that is located at the intersection of Monticello Road and Bainbridge Street. The proposed new building footprint, which will house 11 units and a small commercial tenant space is proposed

adjacent to the front existing building fronting along Monticello Road. You can see, in the lighter footprint, the extent of the proposed new building in this location. There is an existing entrance in this location. That will be closed with this building footprint location. Closing the entrance will limit conflict points for pedestrian connectivity along Monticello Road.

**Kevin Schafer, Applicant –**

**Next Slide**

There are questions on what has changed. Hopefully, this slide helps answer those revisions. There are 3 revisions that are notable. The first being the addition of a first-floor commercial space on the ground level that faces Monticello Road. The intention is to create a mixed-use building that helps extend that downtown Belmont commercial corridor a little further up Monticello Road. The second revision is the addition of 550 square feet of rentable square footage on the 4<sup>th</sup> floor. We are still affording a very generous step-back on that 4<sup>th</sup> floor and a rooftop terrace on that 4<sup>th</sup> floor. The building will be presented as a 3-story mass from the street. You can see that the building has become more uniform on that 4<sup>th</sup> floor. The final revision is the affordable housing component, adding more affordable units.

**Next Slide**

What has changed? Why re-submit this project? We heard this question in the pre-meeting. There are several reasons. There has been a lot of discussion and a lot of change in the past 18 months regarding Charlottesville land use and future planning. We have had enhanced community engagement. We have had enhanced public comment through this development of the 2021 Comprehensive Plan. Many of these specific objectives and combined ideals of the Comprehensive Plan start to codify what this project embodies. We felt that with the adoption of this 2021 Comprehensive Plan, now is the time to bring this back. In the past 2 years, we haven't solved our housing crisis, particularly from an affordable housing perspective. What does that compel us to do? That compels us to bring forth a project that has an affordable housing component; even more so than previously submitted. We have an ongoing climate crisis. We heard from the city of Charlottesville citizens that they are in tune with that. That compels us to look for sites that reduce the reliance on an automobile. As stated in our Comprehensive Plan, develop infill sites. This is an existing parking lot/drive that we can turn into 11 units. Seven of those units will be affordable. We heard that from the community and we heard that codified in the Comprehensive Plan. We also heard a desire for mixed-use development and mixed-income developments are successful, especially in these neighborhood corridors. That compels us to include this small ground level commercial space. There is the idea of creating a storefront along Monticello Road that has merit and value.

**Ms. Schlein –** One of the main components that has been changed is the affordable housing commitment and getting that codified and cleaned up, ensuring that it is enforceable, and it can be evaluated by city staff in the future. That was a huge step. We want to thank the city attorney's office for all the work that they did with us on previous applications to get that right. We have a new Comprehensive Plan in place. We have a new Affordable Housing Plan in place. The purpose of the landing section of the Charlottesville Affordable Housing Plan states 'land use policies shape where housing is located, what housing looks like, and how much housing is built. These tools should serve to support affordability without additional demands on local funding.' This is a 100 percent developer subsidized affordable housing commitment. This is not a request for local funds. In looking at these goals and plans that we have put forth over the past 18 months, this project makes sense in this location. This proposal has many consistencies with the recently adopted Comprehensive Plan. I hope this doesn't serve as a recitation of everything that you already know but rather an emphasis on how this project embodies the goals and objectives of that Comprehensive Plan.

**Next Slide**

A land use objective supports the redevelopment of underutilized gray field sites along community corridors. Monticello Road is a main community corridor throughout Belmont and connects a lot of nodes in that

neighborhood. By removing existing impervious area, that is serving as an entrance to the site. We're not compromising on existing green space or developing a green field site. This is a perfect opportunity to realize additional density in this location. It is near an existing bus stop on Bainbridge. That is about as close as it gets to a bus stop and access to transit opportunities.

#### **Next Slide**

Looking at these additional land use goals. Within a 5-minute walk, there are 8 bus stops of this site. That is huge. That does not exist (I am not sure) anywhere else in the city. There is plenty of access to alternate opportunities for transportation. Promoting housing and redevelopment and infill development that supports bicycle & pedestrian oriented infrastructure improvements, and robust public transportation; this project is very consistent with that.

**Mr. Schafer** – If you expand to a half-mile radius (10-minute walk), you can get to 3 parks, the Downtown Mall, and the transit center, which will take you anywhere in Charlottesville.

#### **Next Slide**

We looked towards the Comprehensive Plan for guidance when it comes to the built form of the city. The Comprehensive Plan says scale to allow additional housing types and a mix of uses throughout the city at a scale that is familiar to the city's neighborhoods. That is an interesting distinction and one that we continue to take to heart. The footprint that you see here on this slide shows a building footprint that has a square footage of approximately 1750 at the street level. We're presenting a building that is 18 feet wide by 32 feet tall approximately, which is not out of scale with its adjacent single-family residences. The 4<sup>th</sup> story is unusual in downtown Belmont. The 3-story that is being presented at a street level does have precedent within Belmont including churches, the adjacent elementary school, and the Virginia Center for the Blind. We want to be in harmony with our neighborhood. We want to be at a scale that isn't out of mass or inappropriate. These diagrams illustrate how we aim to do that while adding density and adding additional housing types.

#### **Next Slide**

Land Use Goal 6 states 'encouraging creative context sensitive contemporary planning and design.' I want to focus on context sensitive. That is something that the Planning Commission helped guide us in the previous submission. We take a lot of cues from our adjacent neighborhood. We have a 2-story brick base, 2-story brick mass that fronts the street, which is typical in downtown Belmont. It is also immediately adjacent to us in the existing townhomes. We are using that 2-story brick water table height to mark the eave line of the adjacent townhomes. We have punched openings that are in proportion of this style of construction and this building type. As the project gets to 3 or 4 stories, we are employing a more contemporary style of wood material. That is not atypical in downtown Belmont, whether that is a covered porch or a rear addition to employ a contemporary style that distinguishes itself from a 2-story brick masonry mass.

#### **Next Slide**

**Ms. Schlein** – The comprehensive traffic look question has come up in evaluating this project. We're looking at about an additional 5 to 6 vehicular trips in the AM peak and PM peak hours. It is very minimal from this project. I understand that it doesn't address the comprehensive approach. When we are looking at places and sites that are ideal for residential development the ideal is for minimizing transportation impacts. When you have a site that is within walking distance of 8 bus stops, that is a good start. This is very walkable to downtown. It is in a walkable and bikeable location as well. Overall, there will be more development in Belmont, more trips on the road. Here, there is a great opportunity for multimodal transportation. By closing this entrance, we are reducing conflict points for pedestrians. That is huge. We're having a sidewalk connection that is unbroken by curb cuts. As far as the capacity of Monticello Road and how it functions today, the parking on the street, when you come down Monticello Road, this is one of the first larger building masses that is very

close to the street. You have trees framing the street. It creates the sense of enclosure. It signals to the driver to slow down. You must negotiate, in this area, with other drivers. I am not sure that is a bad thing in this location.

**Mr. Schafer –**

**Next Slide**

As a concerned citizen, rather than an applicant, I would want to know what is happening to the existing residents. A condition that you consider when you're considering an SUP is the displacement of existing residents or businesses. This proposal does not displace any resident. The existing buildings are to remain. No work is proposed on those existing buildings. We're taking great care to push the construction development to the north side of the parcel, occupying a small spot of the parking area to ensure that construction would be as minimally impactful to the existing residents as possible. The overarching goal of this slide is that we will not displace any residents. All residents would be remaining. No work is to be proposed on the existing buildings.

**Next Slide**

A conversation point with the last proposal was the visual view shed impact from downtown Belmont. The 3-story mass is down there at the end adjacent to the existing townhomes. It is shielded by existing trees that are closer to downtown Belmont in between this and the proposal. It is not massive. It doesn't cast long shadows. It doesn't tower over adjacent neighbors. We have the luxury of having a large buffer on site to the east and to the south. We have Monticello Road to the west. We employ the generous step back to present a 3-story mass, which has a change in material after that 2-story height to continue to visually minimize that height.

**Next Slide**

Here are a few more photo montages of the proposed building and how it relates to its existing context. We are taking cues from our context as a guiding principle. We want to be in harmony with the neighborhood, which is another consideration when considering a special use permit, ensuring that a building is not overly massive or out of scale with its neighborhood.

**Ms. Schlein –**

**Next Slide**

With the affordable housing, the commitment is for 5 units at HUD FMR rents. The income cap for that is at 65 percent AMI and for 2 units to be capped at 125 percent FMR. We took this directly from the Office of Community Solutions feedback to show what the rental rates are for those units. The 2 units at 125 percent FMR will be capped at 80 percent AMI. I know that in the staff report from Community Solutions, it seemed that there was concern about perhaps meeting the city's goals. Everyone is looking to the policymakers for how to structure those things and what those goals are. There are some very specific goals in the Affordable Housing Plan for publicly funded and subsidized units and how to utilize those funds. We really want to target 30 percent for this developer subsidized commitment. This is the commitment that can be made for this project. Knowing that this is important, this is a unique situation on this property where this owner can even offer something at this, given the outrageous construction costs over the past 18 months, given the land costs because of the fact it is reutilizing a portion of the site that wasn't previously anticipated to be utilized. This is a unique situation on this property where this owner can make this specific commitment. I know that there were a few calculations in the Office of Community Solutions staff report. We're getting at expressing a concern that maybe the income limits that were put forth or that the rents that were put forth were out of reach for the income limits that were committed to. That comes from the calculation that was done in the staff report was done at 25 percent of income of somebody making 80 percent AMI or 25 percent of income of somebody making 65 percent AMI. The reason that was done is to account for a 5 percent income allowance for utilities. In our commitment, we have committed to fair market rents. The definition of fair market rents is a gross rent. It is a 30 percent rent calculation. I wanted to clarify that. We feel that the income restrictions that were put forth, these income limits,

are attainable for those income thresholds. If somebody has a voucher that can help to subsidize that rent, our understanding of it and putting forth a commitment to fair market rent, we're doing our calculations off a 30-percent total, not a 25-percent total. I wanted to call out that discrepancy between some calculations that I saw in the staff report and how we had defined this commitment. With the 2 conditions, conditions 3 and 4 that were put forth about tracking and a marketing plan, those are outlined in a covenant that would be recorded along with this affordable housing condition to ensure all those finer details were worked out with the city in the future. We're on board with committing to those conditions 3 and 4 and can make that happen.

**Mr. Schafer** – I will end on a few points with one being a voluntary commitment. Staff noted that this doesn't require any affordable housing. The owner has directed us to be very aggressive in our affordable housing allowance. That was voluntarily decided to make this an affordable housing project. It is unique in that the owner already owns the land. As we see land costs rise in Charlottesville and construction costs rise in Charlottesville, this kind of small to mid-level scaled infill housing project has the possibility to make real change. There is a precedent here. I urge you to consider the merits of this application in the precedent that it sets. Please do not discourage this kind of project for coming in front of you. After the zoning rewrite, we could see this become a by right project depending on how the Comprehensive Plan is outlined. From a density and housing perspective, it is only 11 units. It has impactful change if implemented in other parts of the city in terms of this infill mixed-use, mixed-income housing project on a gray field existing parking lot.

**Councilor Payne** – I have a couple of questions for staff related to the Office of Community Solutions comments on the application. I would be curious to hear from staff about concerns about the rental affordability periods and assurances that vouchers would be accepted.

**Alex Ikefuna, Director of Community Solutions** – Councilor Payne, your point is well-taken. There are a couple of concerns that we have. Even though this is a voluntary commitment on the part of the developer, a 30-year affordability period would be more in line with city policy. There is also a lack of mention of their willingness to accept their vouchers. That is why we raised those concerns. Right now, 10 years in as much as it looks very generous with the voluntary commitment. We feel that a 30-year commitment would be contributing in terms of housing affordability in the city. That was why we raised those concerns.

**Councilor Payne** – What would assurances that vouchers would be accepted look like in practice?

**Mr. Ikefuna** – It would depend on the developer, their willingness to work with staff and the Housing Authority to set that price level at the point where people with vouchers will be able to use it in those units.

**Councilor Payne** – When you talk about an acceptable marketing plan on how to market the designated affordable units, would that look like, in practice, some sort of communication or collaboration with the CRHA and their long wait list of people with vouchers to even have them even know that this property could potentially accept their voucher?

**Mr. Ikefuna** – That is correct. We usually require, as noted in the staff reports, that the developer provide an acceptable marketing plan. Part of that marketing plan is how those that need housing are informed. That will be through the collaboration with CRHA and perhaps other housing agencies and staff. Once the units are ready and the city is notified and the marketing plan is approved, we start working with the developer to disseminate the availability of those units. CRHA is usually in the 'equation' in terms of the marketing plan to make sure that those on the wait list with vouchers can inquire about those units.

**Councilor Payne** – Did you (the applicant) have any thoughts on the feedback in the report, from the Office of Community Solutions about the plan on how to market the designated affordable housing units and whether vouchers will be accepted in the development?

**Ms. Schlein** – With the voucher acceptance, in putting forth this condition, it was our full intent to ensure that vouchers were accepted. I felt that we had put that in our condition. It is, in a convoluted way. With the way Section D of the proposed condition, it references the covenants. We did submit (although the draft covenants are not part of the condition) draft covenants for review. Those are to be reviewed and approved by the city. The draft covenants reference the city’s standard operating procedure adopted by 34-12g. That provides for the provision for the acceptance of vouchers. In providing our condition, although it is not explicitly stated within the condition, we are happy to clarify that. Through a series of document connections, they are required because they are required by the standard operating procedure, which is a reference in the covenants. With the marketing plan, that also is an item that is laid out within the draft covenants. Every recommendation that staff has put forth, we are on board with that. It was never the intent to omit any of that information.

**Councilor Payne** – Of the existing units there, do you know how many are currently occupied?

**Ms. Schlein** – Currently, I believe they are all occupied.

**Councilor Payne** – Do you know how many of those tenants were people who had been living there before ownership changed?

**Ms. Schlein** – It is six. There are 6 units currently occupied before the ownership change. There was a previous owner. There was a long-time owner, a short-term owner, and we have this 3<sup>rd</sup> owner in place who has been in place since 2018. During the short-term owner, I believe that 11 of the units had already gone to a rental rate that was more of a market rate. Out of the 23 units, 11 units had already gone to market rate with the immediate prior owner. When this owner acquired it, there were 12 units that were still renting at below market rate. Of those, there are 6 tenants, who remain in the units and rent at well below market rates.

**Councilor Payne** – Did all the tenants have the choice to renew their lease?

**Ms. Schlein** – I believe most everyone did. If anybody wasn’t, it had to do with an ability to uphold the terms of the lease.

**Councilor Payne** – Of the 6 tenants who remain, do you know if any of them use housing vouchers?

**Ms. Schlein** – I am uncertain about that.

**Councilor Payne** – I would note, for the record, that I think it is important that, while it is true that the damage has been done and this is a development on a vacant parcel for the moment. It is worth to have on the record that the ownership changing has resulted in a net loss in affordable housing. The comment of this development will not displace anyone while technically true, is true because that displacement already occurred. That is worth noting for the record in the history of this specific project.

**Councilor Pinkston** – The main point for the SUP is the dwelling units per acre. Is that the main thing?

**Ms. Schlein** – That is the only request.

**Councilor Pinkston** – In terms of these affordable units or the fair market rate, the thing that you outlined, would that only be in the new piece or spread throughout the whole development?

**Ms. Schlein** – It is only applicable to the new building.

**Mayor Snook** – With the commercial addition, it seems random. How did that come about?

**Mr. Schafer** – I think that we heard from the Comprehensive Plan and the public hearing of that the idea of mixed-use/mixed-income buildings with a variety of housing types are desirable. The mixed-use component of it affords a small, commercial space that fronts a community corridor and a neighborhood corridor. That affords a storefront for a small business.

**Mayor Snook** – To a certain extent, it seems like you are throwing in the commercial there in the hopes of finding one more ‘little nugget’ that someone might latch onto. Another way to look at it is if we add in that additional element, that will enable us to pay a few more bills. We can now afford to throw in another affordable unit or something like that. If the latter was true, it suggests to me a continuity of thought that is greater than what I would say. I don’t mind that it has a storefront capability there. It seems random.

**Mr. Schafer** – There were two trains of thought. One being that we were at our maximum density with 11 units. We couldn’t add another residential unit. That was becoming an amenity space that was only going to service the new units. It seemed better, being on the neighborhood corridor, to give that to the street and create a storefront. The second train of thought there was exactly as you mentioned. If we can have a commercial storefront here, can we commit to more affordable housing. That is represented in the additional 550 square feet on the 4<sup>th</sup> floor. If that leasable square footage is gained, can we be more aggressive with our affordable housing component?

**Mayor Snook** – It is rare that we learn that we on Council, learn enough about the way that a developer figures out what ‘am I trading off against what to get to this result.’ It doesn’t offend me that there is some trading off going on. If there are additional tradeoffs that must be made and this is one of those tradeoffs that must get made to be able to afford more affordability, I am all in favor of that.

**Ms. Schlein** – I recall an earlier design conversation where I know you all were reworking the building in the middle of COVID. We were talking about commercial spaces. A small co-working space or coffee bar are the only opportunities for social interaction when we were in that mindset. You brought up the great point of opening it up to the community. That was big a design driver behind that.

**Mayor Snook** – There was discussion in one of the penultimate drafts of having more mixed-use nodes. There was a lot of objections from people, who said ‘that might be a good idea in New York City. It is not a great idea in my neighborhood.’ Belmont already has that to a certain extent with the various restaurants. It has always seemed to me that might be an example of how a mixed-use node might be seen to work. The idea intrigues me.

**Commissioner Mitchell** – I have a question about the vouchers. If we do the vouchers, will the vouchers be available to all 7 units?

**Ms. Schlein** – Yes. They were limited. I believe the 125 FMR is currently the rate that vouchers cover that are issued by the CRHA.

**Commissioner Mitchell** – An acceptable condition would be that Section 8 vouchers will be applicable/acceptable by all 7 affordable units.

**Ms. Schlein** – If someone comes forward with a voucher, the intent is to accept it.

**Mr. Ikefuna** – For the voucher, are you saying that since the city voucher is up to 125 percent, you guys are inclined to accept the voucher for 125 percent?

**Ms. Schlein** – The reason that we set the thresholds that we did for the rent was specifically to enable the acceptance of vouchers and to ensure that the rent was not offered at a price that was unobtainable for somebody with a voucher. That was the whole intent/thought process in setting the thresholds that were set.

**Commissioner Habbab** – It is a good proposal that adds some infill housing in a very desirable part of our city. I heard some concerns from the public about the term of affordability. Can you talk about why 10 years and where that came from?

**Ms. Schlein** – The 10 years is what can be voluntarily committed to in this situation. I know that the city is seeking much longer affordability in seeking 30 years, seeking 99 years affordability terms. Whenever an applicant is coming before you (this is clear in the Affordable Housing Plan), accepting city funds, that should be the expectation just as when an applicant utilizes LI HTC funding. They must meet certain thresholds. They must offer affordability for a certain amount of time. When an applicant utilizes city funds, there should be a standard by which they adhere to. In this case, 10 years is what we can commit to on this project.

**Commissioner Lahendro** – What is the square footage of the commercial component?

**Mr. Schafer** – It is 385 square feet.

**Commissioner Lahendro** – What practically do you see being able to use that commercially?

**Mr. Schafer** – It is a small space. Is it a coworking space? Is it a small coffee shop or a bakery? It is those kinds of items where it is a small use.

**Commissioner Russell** – Is it just one story/first floor of that space? It seems that a previous plan had more broken up massing on that west façade. It seems like the building that we are looking at now is a monolith. I am wondering if you had extra space. Would it be possible to get that broken up massing? Was that considered? You maxed out the residential part and have this ‘orphan’ of a commercial storefront. I am not sure that is mitigating the impact to the neighborhood from a visual standpoint. I am confused by the viability and the usefulness of that commercial part.

**Mr. Schafer** – It was to get a storefront on the street to face Monticello that was otherwise being used only as an amenity space for the residents. The front tower element is separated by the open-air exterior egress stairs. There are bounding boxes within that front tower element that is directly below studio apartments. We’re working with that footprint and trying to create a unified, cohesive thoughtful design.

**Commissioner Stolzenberg** – It seems that 380 square feet is larger than you think. Isn’t it the case that a source of income discrimination, which means discrimination against voucher holders is illegal by state code?

**Ms. Schlein** – I would agree with that statement.

**Commissioner Stolzenberg** – With these conditions that we are imposing, we say source of income discrimination would not be permitted. Condition 4 as part of the marketing plan: ‘how to market the property including non-discrimination of prospective tenants on the basis of race, religion, color, sex, age, national origin, or source of income.’ That is also in our general standard operating procedures. Do you have a sense of how that marketing plan might do that? Would you give CRHA a ‘heads-up’ that you are listing the units. You must submit the marketing plan to OCS. I guess the implication is that OCS would tell the CRHA that these units are available.

**Mr. Ikefuna** – That is correct.

**Commissioner Stolzenberg** – I did have one question about traffic. The application says something about there being 5 trips in the AM peak hour and 6 in the PM peak hour. The staff report says 12 trips. Is that because the staff report is talking about the total number of units whereas the application is talking about the incremental number?

**Ms. Schlein** – I don't know the answer. It is probably closer to either the whole housing development or perhaps the commercial user was driving a certain number of trips as well. That is going to vary based on who occupies that space. If it is a lunch spot, it is going to contribute no trips in the peak hour if it is only open 11 to 2. I imagine that it is coming from an analysis of the prospective commercial tenant.

**Chairman Solla-Yates** – This project is familiar to me. I am excited about the addition of the commercial use. That makes a lot of sense for the space.

### iii. Public Hearing

**Brandon Collins** – I am speaking for myself this evening. I am concerned about this community and this affordable housing crisis. As it stands, I am going to ask you to deny the special use permit for this property. A special use permit is going outside of your existing rules. The property is already outside of your existing rules. To do so, you must show that there is a benefit to the community and there is not a negative impact on the community. It is crass to hear the development team talk about their commitment to affordable housing and the affordable housing crisis when this exact property has contributed to the crisis in Charlottesville when it comes to affordability and to the displacement of low-income residents. Based on that, there is already a negative impact. They're beyond the rules of the zoning. They're already above their density. We currently have 23 existing units that are overpriced. They're proposing 7 affordable units for a 10-year period. That is not the kind of benefit to mitigate the impact that the owners have had on the affordable housing situation in this community. You need a better deal. Even with a better deal, it is a big stretch to get to a point where these community partners can be seen as operating in good faith.

Ms. Creasy read a statement from legal counsel concerning the earlier discussion. The source of funds or source of income became a protected class in the Virginia Fair Housing Law on July 1, 2020. It is unlawful to discriminate because of any source that lawfully provides funds to or on benefit of a renter or buyer of housing, including assistance benefit or subsidy program. Whether such program is administered by a government or non-governmental entity.

Chairman Solla-Yates also noted a call from Alma Mills of Belmont. She expressed a variety of concerns on a variety of topics. She expressed concerns about aesthetics and traffic safety on this item.

### iv. Commission Discussion and Recommendation

**Commissioner Mitchell** – I recognize Mr. Collins' concern and I recognize the concern expressed by Councilor Payne. Mr. Collins is talking about historical wrongs. Councilor Payne has recognized the historical missteps. That was then. This is now. This is an opportunity to improve the situation. I am likely to support this with the conditions outlined by staff. I would be interested in seeing if any other commissioners want to add something to a condition to beef up the voucher piece as well.

**Commissioner Habbab** – It is a good infill proposal. I do like the commercial space. Something creative can happen there. It extends that downtown Belmont feeling. I appreciate the material change for the massing. The

height is not something that is part of this application. It is a by right height. Is that something we can add to the SUP conditions, the design that was in the application to lock them into it?

**Mr. Haluska** – In the past, we have written conditions that essentially said that the development would adhere to the submission packet. In this situation, you could say that something along those lines of it would be substantially in conformance with what was presented to the Planning Commission. The counsel that I would give is to add the date of the packet and the date of the drawing so it can be easily identified in the future.

**Commissioner Stolzenberg** – This is a good project. If you look at it in a vacuum, ignoring the site, it is possibly the best project you can imagine. It is replacing a redundant driveway and curb cut with 11 units of housing. Seven of them are going to be affordable. It is hard to argue against that. The commercial aspect is a nice addition. Whatever goes in there will probably activate the street and make it more pleasant to walk along. The elephant in the room is the thing that we are legally not supposed to consider in talking about this application, which is the history of this property. We spent a long-time last time going over what that history was and trying assign blame. If the information we received from the applicant was correct, they did make a compelling case that most of the wrongs were done by the previous owner. That is not to say that Mr. Holsworth is a saint. The question for Council, as you consider this and if you are still considering denying these 5 homes for people under 65 percent AMI or deeper, another 2 for people under 80 percent AMI, and another 4 at market rate. If we're denying those homes as punishment to the property owner, when does that punishment end? Is it enough to have 1.5-year delay to say that they couldn't build when construction costs were cheaper and sit on the property? Should we be denying those homes forever as punishment? Our legal counsel would say that you're not allowed to consider that, and you cannot punish them. We can say that we don't like the massing or the impacts of the density. The massing is by right. They could build it to 4 stories without any setback by right if they stuck in commercial. In terms of the actual, direct, and adverse impacts of the density, realistically speaking, there is none. If you layer on top of the affordable housing we're getting out of it, it is a big win. I hope it can move past that baggage.

**Commissioner Palmer** – It seems like a good project for that location.

**Chairman Solla-Yates** – I don't think that we can redeem or make right what has been done in the past. I don't think that is an option on the table. This project must stand alone for good or for bad. It is, in this condition, it is for the good.

**Councilor Payne** – If we're talking about length of affordability being critical for making a longer-term dent, I wonder if we must reach a point in terms of the expectations of developers and what is in a proffer, basically some kind of partnership with the community land trust for affordability. I know Albemarle County has had discussions in that direction. Because it came up tonight, I wonder about that. The point about source of income discrimination now being illegal in Virginia is very important. It moves the conversation to the more important point of: Are developments de facto accepting individuals with vouchers even if they're not turning away someone strictly on the basis that they're using a voucher. We have a long wait list that is not finding properties to rent in Charlottesville or in Albemarle County. Figuring out what is de facto creating that situation is worth figuring out and mitigating. For the historical record, the change in ownership has resulted in a net loss of affordable housing. It perhaps is not going to be on the table. You have seen in developments where a nonprofit has purchased it, allowed people who would have been displaced to stay. That is not on the table right now. It is worth keeping in mind as we're thinking about development as an iterative process where expectations may influence actors' behaviors.

**Mayor Snook** – There has been some question or comment made about the period of affordability. I will note that, depending on the discount rate used in trying to make that calculation, if the discount rate, for example, was as low as 5 percent, the difference between a 10-year or 30-year affordability period is significant. If you're

looking at 8 percent, it is less. If you're looking at a 10 percent discount rate, it is not much. I don't know what the internal rate of return is that these developers are working with. I don't know any way that we would ever know that. I do know that there is not a lot of difference between a 10-year and a 30-year affordability period for most analyses.

**Motion – Commissioner Mitchell – I move to recommend approval of this application for a Special Use Permit in the NCC zone at 1000 Monticello Road to permit residential development with additional density with the following listed conditions.**

- 1) Up to 42 dwelling units per acre (DUA), or 34 residential units, are permitted on the subject property.**
- 2) The Owner shall provide affordable housing within the Property, as follows:**
  - a) For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).**
    - i) For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.**
  - b) For the purposes of this Condition, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).**
    - i) For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.**
- c) Two (2) of the dwelling units constructed as a result of the approval of this special use permit request within the area of the property shall be For-Rent Workforce Affordable Dwelling Units and an additional five (5) of the dwelling units constructed as a result of the approval of this special use permit request within the area of the property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of seven of the dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these conditions with respect to any of the Required Affordable Dwelling Units.**
  - i) The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations**

of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

ii) On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.

d) The land use obligations referenced in 1.c.i and 1.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City's Office of Community Solutions prior to the issuance of the permit for development of the units. The marketing plan should provide detailed information on how the developer/owner will market the property, including non-discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.

4) When completed and occupied, the owner shall provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City's Office of Community Solutions.

5) The massing and design substantially conform to the presented images on application SP22-0005: April 12<sup>th</sup>.

**Second by Commissioner Stolzenberg. Motion passes 5-1.**

#### **Discussion after Second of Motion**

**Commissioner Lahendro** – One of my hesitations is the fact that, while the project does comply with the by right heights and massing. We are asked to comment upon the massing and scale of the project. In my opinion, this is not a compatible project with this context with the buildings next door, with its relationship to the street. I find it unfortunate in its design.

**Commissioner Stolzenberg** – Without the condition, they could build to the by right massing regardless.

**Commissioner Habbab** – That is correct.

**Commissioner Stolzenberg** – I don't think we should be afraid of a 4-story building, particularly with a setback on the 3<sup>rd</sup> floor, especially with such a small footprint. What we're seeing in the by right submittal for the Belmont Condominiums are buildings that are taller with much larger footprints. In previous by right submittals, we have seen large apartment buildings that are 4 stories. This is a nice missing middle small apartment. It fits in great.

2. **SP22-00004 – 923 Harris Street** - 923 Harris Street LLC (the "Owner") and Shimp Engineering (the "Applicant") have submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 923 Harris Street, near the intersection of Harris Street and Cynthianna Drive identified by Tax Map and Parcel (TMP) 350112000 (the "Subject Property"). The property is currently zoned IC Industrial Corridor. The Comprehensive Land Use Map for this area calls for

Business and Technology Mixed Use which recommends light industrial/production uses along with allowing for other commercial/residential uses and buildings up to 6 stories in height. Pursuant to City Code Sec. 34-458(b) and 34-480 the Applicant and Owner submitted a request for increased density from a By-Right 21 Dwelling Units per Acre (“DUA”) to 54 DUA. The Applicant is proposing a multifamily building with 7 units and as the Subject Property is approximately 0.13 acres with road frontage on Harris Street, the SUP, if approved, would allow for the construction of the 7 units on the Subject Property. Additional information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Special Use Permit application may also contact NDS Planner Brian Haluska by e-mail ([haluska@charlottesville.gov](mailto:haluska@charlottesville.gov)) or by telephone (434-970-3186).

#### **i. Staff Report**

**Brian Haluska, City Planner** – This is a special use permit for a property located at 923 Harris Street. There is an existing structure on the property. It is a single-family house that has been vacant for some time. The property is zoned Industrial Corridor. The request before you is for additional residential density up to 62 units per acre. The reason that this did not come before is because we had the wrong number for the density. Staff has reviewed the application. The only issue that has arisen in the discussion was the access to this and the parking. The applicant’s buildout would have a requirement of 8 parking spaces for the residential units plus a small art studio space on the ground floor. They are utilizing reductions in the code to get down to 7 units required but are requesting a waiver of one of those spaces. They would provide 6 spaces on site. You would be asked to reduce that down. As staff has noted, there is on-street parking on Concord, which is one lot to the south of the site. Harris Street, in this area, does have bike lanes. As a part of the buildout, they would extend an existing sidewalk on the adjacent property. Regarding Commissioner Mitchell’s question from the pre-meeting, when you look at the site, there is a platted alley between the pet daycare and this site. It is about 20 feet wide. The rest of the grassy area that you see there is contained within this site. As a part of the buildout of this, you will have a building that is a little wider than that existing structure.

**Commissioner Lahendro** – What is that alley for?

**Mr. Haluska** – Right now, it is grass. In many cases around the city, there are lots of alleys like this that were platted with possibly some interest of preserving access or providing access to the rear of properties. They were never used in that manner.

**Commissioner Lahendro** – I was wondering if it was intended to represent the historic access to something that is now gone.

**Mr. Haluska** – If you look at our city’s GIS mapping, you will notice that the Small Engine Repair facility to the north of the project, that building is on its side lot lines. It almost has no side yard. That parking area that you traverse to get back there is the right of way Cynthiana Avenue. The house behind it is addressed off Cynthiana. It is not very formalized. I am guessing that it is not a publicly accepted street, given its condition. It is a public right-of-way.

**Councilor Payne** – What is the property behind 923 Harris Street?

**Mr. Haluska** – It is 604 Cynthiana. It is a single-family residence. The tax assessor records have the use code as multi-family. I am not sure what that discrepancy is. I am familiar with it because it was an adjacent property to the pet care facility, which has gone through 2 special use permits.

**Councilor Payne** – Has there been any analysis of how this development would impact access to that property?

**Mr. Haluska** – No impacts to the access of the property. That property could avail itself of the alley should they want to. An alley closure would go through a separate process. If this applicant wishes to close that alley and obtain that space, they will have to get the sign off from the owner of 604 Cynthiana. They also have frontage along Cynthiana right-of-way as well.

**Mayor Snook** – I have been concerned and I was concerned when we approved the project that is up at the end of Harris Street. We are taking land that is zoned industrial or commercial and putting it into a residential use at a time when I think the long-term economic health of the city requires us to have some non-residential uses. One of the concerns that I have is to put an apartment building into the middle of what could be a very productive industrial or commercial use of some sort. It is likely to be something that gets in the way. I wonder whether it is wise for us to be creating things that are likely to get in the way of what I suspect is going to be a different kind of development. I don't know if anybody at the Planning Commission level has thought about that or is concerned about that. Council hasn't talked about it. I have mused about it from time to time. If we are being asked to give an unusual use/permission when we think that in the future we're going to regret having done so, I wonder whether that is a good idea. My question is whether the staff or this commission has thought about that concern. Am I alone in it?

**Mr. Haluska** – The Office of Economic Development has raised this before the Commission in the past. One of the problems that the city has in the development of businesses is not a shortage of incubator space but of the next iteration of space; 1000 or 2000 square feet of open space that could be configured however a business needs once they have moved out of an incubator space. That has been raised. A couple legal points regarding zoning: This is the industrial corridor. The industrial corridor permits residential by right at 21 dwelling units per acre. The request is an increase in density. It is not for a use that isn't permitted in the zone by right. That is one element to talk about. Another legal point is how many of those industrial uses that we have traditionally sequestered into our industrial corridors can now be suitably sprinkled throughout the city. In many of these cases, what we consider to be industrial in our Euclidian zoning ideas were relatively dirty uses for pollution and noise. Most of those uses don't go in cities anymore. What we're talking about are laboratory uses and things like that can conceivably co-exist with residential uses and be in a lot more of our corridors than just River Road, Harris Street, and Allied Street. It is a larger discussion. My rationale on this was more along the lines that this is a small property area-wise. I am having a hard time imagining this being a key part of industrial development in the future. It is a point that has been raised and a consideration as we move forward in the zoning rewrite.

**Mayor Snook** – I agree that it is a small site. By itself, it isn't likely to be used for a manufacturing facility or a commercial facility of any significance. On the northwest side of Harris, those are a bunch of small lots. Maybe what we mean is the southeast side of Harris should be industrial. We're not going to worry about the northwest side because those are small lots. It is not that far to the railroad tracks. I would like for us as a city to do that intentionally and not accidentally.

## ii. Applicant Presentation

**Kelsey Schlein, Applicant** – I will start with the alley questions. The alley adjacent to the property was closed in 2014. When an alley closure takes place, that is a public process. When the 15-foot alley closure was closed, half the alley goes to the adjacent property owners on one side and the other half goes to the adjacent property owners on the other side. After that alley closure was done, the property owner, who owns Pet Paradise, acquired the 7.5 feet adjacent to this property. There is no alley adjacent to the property. That is not how the residents behind this property access their unit. That is entirely owned by what is occupied as Pet Paradise. There is no alley separating this property and Pet Paradise. That is a shared property boundary. In the rear of the site, there is a wide railroad right-of-way. They have a lease agreement that they're occupying in that space

back there. To explain the property context and the ownership and what is happening around the site, the alley was closed a few years ago. This property at 923 Harris Street is a property that is less than 5000 square feet located on Harris Street next to Pet Paradise. It is a few hundred feet from the intersection of Concord Avenue and Harris Street. Harris Street has been imagined in the previous comprehensive plan and this comprehensive plan as a business-technology hub corridor. We have incubator spaces. The next space up from that might be some types of labs or biotech uses. We imagine what industrial uses look like in our next phase as a city and in our next phase of land use. Residential uses can co-exist very well with those types of uses. They will most likely be employees and might want to live closer to their place of work. Harris Street is an axis that has been anchored by the development at McIntire Plaza and development, over the last few years, on Preston Avenue. Although this has been a long-imagined vision for what this road could be, now that those 2 anchor points on each end of this axis have started to be redeveloped, to have more commercial and residential activity over the past years. We will start to see some more development proposals on Harris Street.

### **Next Slide – Zoning Map**

You can see that the property is zoned industrial corridor. Regarding Mayor Snook’s point about the economic development considerations that come into play. When a development proposal is before you for something that you may not think of characteristically industrial, residential is a by right use. This request is specifically for a special use permit for increased density to permit 7 units on the site. This is a very small site, less than 5000 square feet. It is not ideal for some type of more comprehensive redevelopment. Most of what we would imagine as industrial uses have taken place on the other side of the street where the concrete operation and the depth of those larger lots lend itself better to those types of uses.

### **Next Slide – Future Land Use Map**

In the context of the recently adopted Future Land Use Map, it is designated as business and technology mixed-use, which calls for light industrial and production uses with other commercial and residential uses where appropriate. This site is incredibly appropriate for residential use. It has been used as residential since 1920, as a single-family dwelling. This is an opportunity for this property to serve 7 households in the future and moving forward.

### **Next Slides – Site Context**

You can see that GIS still shows the alley as open. That is probably causing some of the confusion. It is that property boundary between Pet Paradise and the subject property. That alley has been closed. There is an existing single-family residential dwelling. That dwelling has been vacant for some time. The property was under one family’s ownership for a period. The individual, who lived there, had since passed. The property went into an estate. That is how the property was acquired by the current owner. It has been vacant for some time. Moving forward, we see an opportunity for how this can continue to serve future residents in this area on this property.

### **Next Slide – Concept Plan**

Since it is a small site (5000 square feet), it is occupying a majority of the site. We have a generous setback off the rear. It offers a little bit of relief off the current property that currently has an existing single-family dwelling on it. The structure on that property is much closer to being behind the Gingrich Building rather than directly behind our building. Our rear yard is aligning with their rear yard in this proposal. There is one point of ingress and egress here from Harris Street. The parking will be underneath the building. The proposal is for parking on the first floor with 3 stories above. The code offers a parking reduction for providing bicycle parking, conceptually showing how that all would lay out on this site.

### **Next Slide – Transit**

There are transit opportunities somewhat nearby in this area. That adds that as more residential development comes online, there is more need for transit in this area. I am sure that additional bus stops will come online in

the future. This is showing the existing transit and infrastructure in the area and how residents can access transit at nearby transit stops.

#### **Next Slide – Nearby Amenities**

There is good bike infrastructure. The Harris Street bike lane project accommodated bike lanes and especially climbing lanes on the hillier portions of Harris Street to allow bikers to safely maneuver up and down that corridor. There is a bike lane in front of the property because we're on a hill. That is one of the climbing lanes that was implemented. In adding this development here, there won't be any compromise to that existing bike lane. This is also calling out the nearby amenities to the site being Schenks Greenway, Washington Park, and Jackson Burley Middle School.

#### **Next Slide – Additional Project Details**

The city code 34-162 does permit applicants to request parking modifications to requirements in the ordinance when applicants are making a special use permit request. With this special use permit request, we are requesting to reduce the parking requirement by one space. Given the availability of on street parking on Concord, we think that is validated. Given the nature of the relationship between the residential and a potential commercial tenant where there could be complimentary users there where the residents and the commercial tenant are sharing spaces, we feel that the 6 spaces provided with this, given the context and the available on street parking, we can meet the parking demand with this project.

**Carmel Greer, Applicant** – With regards to the alley questions, the alley was closed and sold to Pet Paradise prior to us being involved. I would love for that alley to be open. It is not open, and it is owned by somebody else. With regards to the industrial corridor, I recently moved here from Washington DC. I love McIntire Plaza. It does feel disconnected from the rest of the city. To have a successful industrial corridor, a variety of uses would help facilitate movement from the McIntire Plaza up to Preston Avenue. In terms of creating a walkable, vibrant city, a street like Harris Street as a connector has a variety of uses. Harris Street is characterized by useful, industrial things like Southern States. It is also characterized by a tremendous number of vacant parking lots and lots that are weeds. In the case of this house, it can only house one family. It is in a state of disrepair. The idea is that Harris Street could be a wonderful place and help the city's goals for that corridor. The Preston Avenue area is also full of fun and vibrant things to do. The idea of connecting using Harris Street as a connector is a wonderful thing that we would like to do. Charlottesville is sorely lacking in housing. There are many sites where people don't want housing to be built. This is a site where it is so small. You can't even fit the core, necessary for a lab or something like that on the site. That is just not viable. It is viable as a mini-storage site. I don't think the city is needing more mini storage. There is demand for that because of the students. I think providing housing would be a much more noble endeavor. It is rare to find a site where nobody has a big objection to housing on the site. That is an asset Harris Street has in that people are not offended by the notion of additional housing. I would love to create an art space within the building. The size of that space will depend on, as markets conditions change. We're thinking of a 700- square foot area that would be an artist studio space.

**Commissioner Habbab** – I had a question about the landscaping. Are those shade trees on the sidewalk?

**Ms. Schlein** – I believe that they are shown conceptually as a medium or an ornamental. In the back, they are clearly shown as shade. We are going to comply with the ordinance and with what we must provide along the street frontage.

**Commissioner Habbab** – You mentioned 'to help make Charlottesville a walkable and bikeable city.' It would be nice to have those improvements on that site. Most of the sidewalk addition is in the curb cut for the parking. I was wondering if you considered some kind of textured either stamped concrete or raised sidewalk to reinforce the pedestrian access.

**Ms. Schlein** – At this phase, we haven't considered that. That is a very good consideration. We will work this out with the city engineer and the traffic engineer at the site plan phase. It is whether they would permit some type of material or any type of texture variation in the city right of way. I don't think that is permitted by the city design standard since the sidewalk is in the right-of-way itself. The pedestrian connectiveness is provided in the right-of-way. Any type of crossing over our entrance would be within the right-of-way. That is a very good point and a great consideration. That would be something if we were to do a texture finish, we would need to get approval from the city engineer.

**Commissioner Lahendro** – The drawings show willow oaks for those trees in the back yard.

**Commissioner Russell** – With the commercial space, is it intended to be in the street front?

**Ms. Greer** – It would be towards the rear and encompass the rear yard as a sculpture garden.

**Commissioner Stolzenberg** – I believe that since there are no setback requirements, you're not subject to the street tree section of the code. I hope that you put street trees there and if possible, one large canopy tree. The building next door has a great canopy tree. It would help the walking experience along Harris to keep that going. My question is about the massing sketch. I see that it has a nice-looking, old-style façade along Harris. It has the rear step back, which seems silly and wasteful of good, possibly buildable space. Is that a result of hitting up against that 64 DUA limit? Would you consider larger units or more commercial space to make that viable to build out?

**Ms. Greer** – The units are 2 bedrooms. The units are large. I am not opposed to completing that floor. I feel ambivalent about it.

**Commissioner Stolzenberg** – I suppose that the problem would be that you would need, if you added a 3<sup>rd</sup> bedroom, you would hit up against additional parking requirements.

**Ms. Greer** – The parking requirement is the issue.

**Commissioner Stolzenberg** – We are planning on waiving one of those. I would probably be open to more. With square buildings, when it is a rear setback, that doesn't help with any visual impact on anything else, like what we talked about with front setbacks. It is less energy efficient. It is more prone to leaking. It is better to have a nice simple box.

**Ms. Greer** – I concur. If we were to increase the commercial space, we would increase the parking necessity. If we were to increase the residential size, we would also cause more parking to be required. The parking restrictions are the driver of the shape of the building. If that was something that you felt strongly about, squaring it up, with the anticipation of future parking reductions would certainly be something that I would be open to. When I went to UVA, I didn't have a car. I lived far from Grounds. The idea that every person is going to have a car doesn't seem realistic to me.

**Commissioner Stolzenberg** – I wouldn't say that I feel strongly about it.

**Commissioner Russell** – Is it not possible to have more of a street setback to allow for larger street trees and somehow adjust that ratio?

**Ms. Schlein** – From a site design standpoint, it was just the kind of relief off the rear setback. From a site consideration, I don't see an issue with shifting things back a little bit or reversing the kind of step back.

**Commissioner Stolzenberg** – The suggestion is more that by making the building a box, you could reduce the footprint and add some extra front for setback. It occurs to me that might reduce the space for parking.

**Chairman Solla-Yates** – Mr. Haluska, can you confirm the alley changes?

**Mr. Haluska** – Not with a 100-percent certainty. I vaguely recall that alley closure. It was handled by something that would go straight through the attorney’s office. That process has subsequently changed. The reason why it still shows up on the map is that even though you close an alley, until you move your property line and vacate your old property line, there is no cause for the GIS people to redraw those lines. That would be the reason why.

**Chairman Solla-Yates** – Can you clarify the canopy tree issue?

**Mr. Haluska** – Commissioner Stolzenberg is correct. If you are subject to a setback of zero feet or a build-to line of zero to ten feet, you are not required to have street trees. Street trees, per our code, if they are on a plan, you should endeavor to have large canopy trees. If you are required, that is the requirement. However, we do permit reducing to medium in the case of obstructions overhead. If somebody would like to provide them, there is the availability to do so.

**Chairman Solla-Yates** – Are there obstructions in this case?

**Mr. Haluska** – I don’t believe that there are any overhead power lines in this situation. That is not the only consideration. One of the other considerations is soil volume, whether you have an adequate planting area for that tree to thrive.

**Commissioner Stolzenberg** – Could we add a condition comparable to the one that we added for 1000 Monticello in saying that trees should be provided at least in conformance with what we have seen in the application?

**Mr. Haluska** – I believe so.

### iii. Public Comments

No Public Comments

### iv. Commission Discussion and Recommendation

**Commissioner Stolzenberg** – I have no qualms with any amount of parking reduction. If they were to add more useful floor area, that would trigger additional parking requirements. I would be very happy to allow reductions for those as well. There really aren’t any neighbor residences nearby, who would complain about on-street parking. With industrial zoning, I think about having industrial zoning. It goes in two ways. We need to protect industrial zoning in terms of having places for those blue-collar jobs in our city and our community. It is a good point that many of those uses are compatible with residential nearby. This is a small enough parcel. It is already residential. I don’t see a huge impact on the availability of that potential industrial space. It is something to consider generally. The more interesting thing about the concept of industrial zoning in this area is the flip side of protecting residences from industrial uses, which people say is the reason for zoning in the first place. While this is the IC zone and not the MI zone, and supposed to be for more of those light industrial uses that are not as noxious. It also happens to be host to the most noxious and heavy industrial use in the city right across the street: the concrete plant spewing out fumes, making loud noises, not a pleasant place. It puts the lie to the idea that zoning is there to protect residences from these potentially harmful uses with negative externalities.

Multi-family residential is by right in this zone. We're allowing a couple more units. That use is already there. To potential renters of this place, they know it is there. They know that they're going to be across the street from this loud, smelly place. If they're willing to do it to be a half block away from Ace Biscuits, that is their prerogative. We should think about what that means for the nature of zoning itself as we undertake this upcoming zoning rewrite and what we are protecting who from. Is it protecting people from potential harms? Is it protecting people from not having scary apartments that they don't like near them? The big advantage of Harris Street is that there is no one around to fear these apartments.

**Commissioner Lahendro** – I know this street well because I live in the neighborhood. I have benefited many times from the concrete plant across the street, which also sells stone and materials. To have power engine repair place, I have used that many times. We need these uses. We're losing them. I question the vision of seeing Harris Street become a walker-friendly, more pedestrian, and family-oriented place and suggest building a building that has no street trees and nothing but an entry into an apartment building. To have buildings surrounding this one that are also aged, I could easily see them being combined. We need different size lots for the kinds of industrial uses that are going on there. I am disappointed with this application.

**Commissioner Russell** – I would support housing over mini-storage any day. I understand that this is a by right use and an increase in density. I don't have any major opposition to this application.

**Commissioner Palmer** – I hear what people are saying about losing an industrial kind of use on this property if it is developed as residential. It is interesting that it has the parking underneath, which is great. In a future where cars are not needed, that could be repurposed for some sort of additional space to support whatever the commercial space on the bottom becomes. You might have a little bit of flexibility in the future.

**Chairman Solla-Yates** – The comment that the parking requirements are driving the design hurts my brain.

**Motion – Commissioner Mitchell** – **I move to recommend approval of this application for a Special Use Permit in the IC zone at 923 Harris Street to permit a mixed-use development with additional density with the following listed conditions.**

1. Up to 62 dwelling units per acre (DUA) are permitted on the subject property.
2. The height of the building may not exceed four stories above a floor of structured parking. The overall height of the building shall not exceed 50 feet.
3. The required parking for the project shall be reduced by one space for a requirement of seven on-site spaces, subject to any applicable reductions in the City Code.
4. Requiring a minimum of streetscape trees as shown in the conceptual landscape plan.

**Second by Commissioner Stolzenberg. Motion passes 5-1.**

The meeting was recessed for five minutes.

3. **ZM22-00001 – 415 10<sup>th</sup> Street Northwest (Old Trinity Church)** – Landowner Dairy Holdings, LLC (the "Owner") has submitted an application seeking a Rezoning for approximately 0.188 acres of land identified within the 2022 City real estate records by Real Estate Parcel Identification Number 040046000 ("Subject Property"). The Subject Property has frontage on 10th Street NW and Grady Avenue. The application proposes to change the zoning district classification of the Subject Property from R-1S (Residential Single-Family) to B-2 (Commercial) subject to certain proffered development conditions ("Proffers"). The Proffers include: (1) All non-residential uses allowed under B-2 zoning, other than Art Gallery, Auditorium, Houses of Worship, Club (private), Music Hall, Educational Facilities, Technology Based Business, and Offices, shall not be permitted on the subject property, and (2) No additional vehicular ingress and egress to the subject property. The Comprehensive Land Use Map for this area calls for General Residential which recommends up to

2.5 stories in height, up to 3 units per lot (or 4 units if the existing structure remains) and additional unit allowance depending on zoning allowances. Information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Rezoning application may contact NDS Planner Brian Haluska by e-mail ([haluska@charlottesville.gov](mailto:haluska@charlottesville.gov)) or by telephone (434-970-3186).

**i. Staff Report**

**Brian Haluska, City Planner** – This is a rezoning request for property located at 415 10<sup>th</sup> Street Northwest. It is also known as the Old Trinity Episcopal Church. The request is to rezone from the current classification of R-1S to B-2 with proffers. There is an existing church on the property. The owner is also the owner of Dairy Central and Dairy Market property. They acquired it at the same time as that property. They have done some repairs to the building. As it is zoned R-1S, it is permitted to be used as a house of worship or a residence. The request from the applicant is to amend to B-2 with the restriction that only a certain number of uses would be permitted on the property. The expansion of uses would be art gallery, auditorium, private club, music hall, educational facility, technology-based business, and office. All the other uses in B-2 zone would be proffered out. This is a historic property. There is a document in the staff report that talks about the history of the property. As it is currently zoned, there is no restriction on the demolition of the structure. The applicant has repaired pieces of it. There is no short-term intention of demolishing the building. The applicant’s narrative talks about utilizing the building for event space. There have been several comments from the public, including a letter from the Historic Resources Committee about the potential for an Individually Protected Property. An Individually Protected Property is a single property that is designated as historic and falls under the purview of the BAR for design review and the restriction on demolition. Any building under the BAR jurisdiction must get BAR approval prior to demolition. That would be a way to guarantee the preservation of the building or some public process prior to a demolition versus the current process. The applicants have indicated their willingness to do an IPP. Their only concern was the timing of things. An IPP rezoning would have to be noticed. The most likely way to do that would be to amend this application, defer it tonight and amend this application to include IPP designation re-advertise it for a July public hearing, and go forward in August. That would delay them a little bit.

Another element that Commissioner Mitchell mentioned in the pre-meeting was the community benefits agreement. It is frequently used in rezonings and larger developments. The developer reaches a binding agreement with the adjacent neighborhood or residents about aspects of the development that will, in some way, benefit the surrounding neighborhood. It is not something that we have used in Charlottesville. In larger cities, those agreements are a necessary step prior to consideration for a development. They’re often something that is discussed and debated in a public setting. We cannot require these things. We cannot request a proffer that would vest one of these things. It would be at the discretion of the applicant whether they would want to provide that in this matter. That is an idea that has come up in public conversation about this project.

**Commissioner Mitchell** – It is my hope that this building/edifice can remain undisturbed. The way it looks and feels will not change forever. I like the idea of chatting more about the IPP. There is no legal restriction, even under the new zoning, that prevents them from razing the building and repurposing it based on the new zoning.

**Mr. Haluska** – That’s correct.

**Commissioner Mitchell** – They are still bound by the proffers if they raze the building and repurpose it. If they sell the building and repurpose it, the new owner is still bound by the proffers.

**Mr. Haluska** – That’s correct. Any proffers that are approved as a part of a rezoning ordinance are a part of the land. They go with the land. They don’t come with the owner. The only way to remove the proffers is that in

some of these proffered condition on rezonings, if we're pursuing a general rezoning in the future as a part of our zoning map rewrite, that is an issue that will need to be considered at that time. If you do a general rezoning and sweep all the proffers aside in that situation, how do we maintain those in this situation? That would be a situation where the proffers would be vacated. Lacking an action by City Council to do something like that, any modification of the proffers would require the same process that we're going through to establish them: a public hearing notice, all those elements.

**Commissioner Mitchell** – What does it take to get this property designated a historic site? I think you're suggesting the IPP is a quicker and better way to do this.

**Mr. Haluska** – There are two ways to do it. What we're most familiar with because it generates the most headlines, is when we're creating a new historic district. There has been a survey. We have outlined the bounds of an entire area that is going to be designated. There are several of them across the city. If you look at our map, there are single properties that are designated because the building on them is of note and we want to preserve those. In this situation, I would probably defer to Jeff Werner (City Preservation Planner) about the suitability. There have been surveys in this area. There is the question of whether it would be included in a district in the future, the time of that, if it was prioritized by City Council. The applicant has expressed a concern about the length of time. They would like to get this building into use as an event space. The IPP process would be the quickest way of doing that.

**Commissioner Mitchell** – The objective is to preserve the building. The IPP process will preserve the building.

**Mr. Haluska** – It creates an additional step to demolishing a building. There is an additional body that would have to weigh in on that and approve it. An IPP designation also can bring changes to the building. It still must go to the BAR.

**Commissioner Habbab** – With the mechanism to get a property designated as an IPP, is that something that the applicant must start? How does that work?

**Mr. Haluska** – Ideally, the applicant will come forward. It is not a necessity. The City Council ultimately retains all the ability to rezone property. The City Council with the recommendation of the Planning Commission or BAR could entertain a rezoning. Ideally, the applicant and the owner are on board.

**Commissioner Lahendro** – As far as you know, we're talking about all 3 buildings.

**Mr. Haluska** – It is the entire parcel.

**Commissioner Russell** – It sounds like we are in favor of that. What do we do if the rezoning would be re-submitted? What are we trying to achieve out of this conversation?

**Mr. Haluska** – There are two points in my opinion. One is the statement that is now coming forward. The preservation of the building is important and the additional uses that are being proposed by the applicant would only move forward with a recommendation of approval with the Planning Commission if there is some mechanism by which the building is going to be preserved. You haven't explicitly said it, but it is implied at this point. The other one is if there are any other concerns with this increase in uses. The IPP issue is paramount. If that was to be dealt with by the applicant, are there other concerns from the Commission that you want brought out?

**Commissioner Russell** – There are concerns of seeking buy-in and endorsement from the community. We have heard a lot from neighborhood associations. It sounds like the agreement seems like it is a little bit out of our capacity. Is there some middle ground?

**Commissioner Stolzenberg** – When you said the ideal situation would be the applicant coming forward to request an IPP, they don't want to do it as part of this application because they want to get this done? Wouldn't they have to submit a new application and pay all the fees for ZMA?

**Mr. Haluska** – Yes if they were to go that route. At any point, the applicant can request to pause the application and amend it. The main issue with dealing with that tonight is that it has not been properly advertised and noticed.

**Commissioner Stolzenberg** – I imagine that they don't want that because they want to get it through. If they are Ok with doing it, wouldn't they prefer if we did an initiation? Maybe they could do an informal request.

**Mr. Haluska** – I am not going to speak on their behalf.

**Commissioner Mitchell** – Are you recommending that we consider this application and make a recommendation? How do we guarantee that we get them to do the IPP?

**Commissioner Stolzenberg** – They don't have to initiate it. It is like a regular rezoning. We could initiate it, or Council could initiate it. It sounds like their preferred path is that we get this approved as soon as possible so they can start having events. They are Ok with it being an IPP. I am sure that they are not thrilled with the idea of having to go to the BAR for everything. I would assume that they don't want to submit a whole new rezoning application, pay all the rezoning fees again just to get all these restrictions off their property. For us, are they potentially going to demolish the property in between us approving this rezoning and us finishing the IPP designation?

**Ms. Creasy** – The plan is for them to try and work those applications simultaneously. I am not going to speak for them. There is a concern that has been provided from the community and other aspects. I believe that they are aware that concern is a big concern. There is a way to address it. It appears that they are willing to move in that direction.

**Councilor Pinkston** – The notion is let them shift from R-1S to B-2. The B-2 is limited to only being art galleries, auditoriums, and houses of worship.

**Councilor Payne** – I believe that one of the proffered conditions that would still be allowed is a technology-based business. I am curious what falls underneath that. I am more interested to see what the applicant's intended use is.

**Mayor Snook** – Is there a statutory definition?

**Commissioner Stolzenberg** – Technology-based business refers to a business such as computer component assembly, computer software development testing, financial service company, graphic design firm, research lab or other research facility, and similar businesses where the use has no more than a minimal adverse environmental impact including noise, odor, light glare, traffic, or vibration when measured at the nearest property line. All operations, including storage are housed completely within an enclosed building.

**Commissioner Lahendro** – Can we hear from Mr. Werner regarding the process for an IPP?

**Jeff Werner, Preservation Planner** – Dairy Market is an IPP. Stony Point is very familiar with the process. They have worked with us on all the things that went on there. I live in an IPP. I am convinced that a lot of them were old buildings that the city, (the 80s and 90s), and didn't want to fall over. There is the state and national designation. There is the local designation. One does not require the other. We did do the 10<sup>th</sup> & Page Neighborhood survey. There was a recommendation for a national register historic district. It is eligible for that listing. That would take the next step of formal nomination. That is a big step to take. If there was ever consideration of a local district, I could say that nothing from our work there has led us to pursue that. That is similar with the Rose Hill Neighborhood, which was surveyed back in 2018. There was a little interest, but not enough. One of the results was that we did get Burley listed on the national register.

As far as an IPP goes, we have ADC districts and the conservation districts. The Individually Protected Properties fall under the ADC districts. That is the more rigid design guidelines and regulations. The step would be for you or Council to initiate the rezoning. It would be amending the zoning map and the zoning text to add another protected property to the list. It would be referred to the Board of Architectural Review for a recommendation. It would come to you all for a recommendation that goes to Council. It is their decision. It is not a BAR or Planning Commission vote. That is some of the discussion we (staff) have had the last couple of days. One idea was that you all could ask the BAR next Wednesday night to offer a recommendation. It is not the BAR voting to approve or deny something. It is making a recommendation based on a list in the documents that you have. Ideally, it would be an initiation from you all such that I could take this to the BAR on the meeting on July 19<sup>th</sup>. The issue is that you meet the night before. I don't know whether you all could ask the BAR for a recommendation. Maybe we give it in July so that I have properly advertised. I don't know how we get that to the BAR for that first step in the recommendation process. After that, everything follows the same process as the current rezoning that you are discussing.

**Commissioner Mitchell** – We cannot ask the BAR tonight to make a recommendation next Wednesday.

**Mr. Werner** – I think we could. There would be some hesitance to do that. A lot of it would be where the applicant is on this.

**Commissioner Stolzenberg** – Are you suggesting that we need the approval of the applicant because it is going to be a modification to this rezoning? It is a separate initiation. We should probably ask them what they think.

**Mr. Werner** – In the code, it is the BAR making a recommendation on the eligibility. Does this make sense or not? The last time the city did this was 2007/2008. This property was on the list of about 100 different properties. Ultimately, I think they ended up with 10 or 12. Council had asked the BAR for a recommendation of properties. It wasn't informal. It was Council asking the BAR for a recommendation. There would be a little discomfort with bringing something to them. We're meeting next Wednesday because of the holiday. It would have to have some real assurances behind it that it is supported by the people here. The applicant is interested. If you're going to bump it to the July 19<sup>th</sup> BAR meeting, you need to figure out when you're going to have that conversation to officially ask. When does Council next meet and let them request a recommendation from the BAR?

**Commissioner Stolzenberg** – Recognizing that the national district is different than a local district and the study was for the national register.

**Mr. Werner** – We have had a policy of, if we're going to evaluate areas, let's get the formal surveys done. The process is done through the Department of Historic Resources and their protocol. It was a place in the city that we hadn't reviewed. The city's decision to establish an IPP goes beyond whether this has state or national significance. Its story is a local story. It is the story of that congregation. It is more compelling than the

buildings. They're fascinating. It is a story that is important to this community. It is completely appropriate to acknowledge it regardless of where it might be with a state or national designation.

**Commissioner Stolzenberg** – When we did that study, this property was recommended to be contributing, but not an individually designated property. Was it because it is a local thing?

**Mr. Werner** – It was recommended as eligibility for the national register of historic places. It was recommended as a contributing structure to the 10<sup>th</sup> & Page Historic District at the national level. As far as locally identifying it as an individual property, the survey that was done for the Department of Historic Resources was great. I can tell why it should be recognized by the city and for its local reasons.

**Commissioner Russell** – An IPP doesn't protect the interiors?

**Mr. Werner** – That is correct.

**Commissioner Russell** – Do you have any concern with what would potentially be allowed as office or business or any modification to the interior of the church?

**Mr. Werner** – The BAR only reviews what is outside. I can't have any concerns because of the zoning.

**Commissioner Russell** – I am not proposing a solution. It would be if a parcel was split, and certain uses were allowed on the parcels and certain uses were not allowed on the church. That might be one way to go about that.

**Mr. Werner** – The IPP doesn't put a bell chart over this thing. It allows alterations, changes. The BAR reviews them to make sure that they are consistent with the historic character. The IPP designation does not 'freeze' it in time. It doesn't absolutely prevent it from being razed. From what I have heard about how the building is planned to be used, that is how we keep these buildings standing. They have a purpose that is a value to the owner. It is none of my business why they are doing it, but the result is. If they preserve that building and keep it viable, I am all for it. With what goes on with the inside, the BAR cannot be involved.

**Commissioner Russell** – I am asking if you, as a preservation professional, have any concerns about potential alterations to the interior of the church.

**Mr. Werner** – I prefer to speak as staff. When as I speak as myself, I take too many down the rabbit hole.

**Commissioner Russell** – We keep talking about weddings at the facility on the property. Where is that in the uses allowed under the B-2 zoning?

**Ms. Creasy** – That would be house of worship.

**Mr. Werner** – The criteria of the evaluation is asking us about the current condition of that building. I don't know. I haven't been in it. I haven't been under it. It probably has some bad spots. There are many buildings in this town that look great. I don't want to presume to know what is going on with that building structurally. That is one of the questions. That is something that the applicant or owner would have to share some information. The most important thing for you all is if you want to move this forward is determining that. At what point and in what way do you get this to the BAR for a recommendation.

**Mr. Haluska** – A house of worship is allowed by right in all the districts. The element of that, in terms of what constitutes an acceptable assembly within a house of worship, a wedding would probably be on good, solid ground. There are certainly the religious land uses, an institutionalized person's act that we must abide by where

a religious assembly of any kind, if we would permit assembly for anything, we must allow a religious assembly. I think what the applicant is striving for here is the auditorium use, which broadens out to non-religious events. If they are going to hold concerts, I think that they want to be on more sound footing zoning-wise. As an event space, that opens up a lot of events that they could potentially host in the facility.

## ii. Applicant Presentation

**Joe Wrege, Applicant** – It is our intent to defer and add that IPP designation to the request. I know there was a lot of conversation about what we were going through. That is the owner's plan currently.

Let's start with the IPP. This is something that we're all looking towards doing. The way that this all generated for Gary Holdings LLC was that we were alluded that without having a person living in the parsonage next door of a religious aspect, we would not be able to hold weddings within the property. There was also the case of any form of special events being able to hold it as an auditorium, music venue, a community gathering space. That was important to us. It was something that we have been in communication with the 10<sup>th</sup> & Page Neighborhood Association, as well as some of the Venable Association and Rose Hill Association. This is something that is important to us. A lot of what we were hoping to do with the entire Dairy Central area is to bring forth a strong sense of community and to be able to appropriately bring everybody together in some way, shape, or form. The R-1S zone did not allow us to do everything that we were hoping to do. We applied for a rezoning to a B-2 facet. With the question that you all had concerning a technology center, most of what we're looking for there is a co-working space. That was the thought process of Chris Henry and the other owners involved with this property. That is mostly the designation that they are looking for in that factor. With renovations that have been done up to this point, I was the project manager on this one. What we mostly tried to do is repair the façade. We went to the interiors. We tried to update the mechanical, electrical, and plumbing systems. We added code compliant bathrooms. We made the entire church and rear prayer center into an ADA compliant through space. We added additional lighting. We tried to keep as much of the existing structure as humanly possible. The rear wall in the back was starting to cave in. We re-supported that and built it back. We exposed the rafters in the parish center to give it a little more vaulted ceiling feel in there that replicates the same as what the church aspect looked like and reglazed the windows and the glass throughout to bring all that beautiful, natural light in there. If any of you would like to go in there before we make a final decision, don't hesitate to let me know. We would be more than happy to show this to you. It is a beautiful space. The shame with the beautiful space that we have is that we haven't been able to utilize it. The big thing for us is to do what we need to, both for the community and for ourselves to be able to utilize this space.

**Zach Zingsleim, Applicant** – Having been able to see the inside and the work that Joe and the team did, it is really stunning. I echo Joe's sentiments of being a place of engagement and connectivity with the community.

**Commissioner Mitchell** – What do we need to do to accept their request to defer? Do we have to vote on accepting that?

**Ms. Creasy** – We should be Ok with the request to defer. We are scheduled for a public hearing. We might have people who are awaiting that. We should give them the opportunity.

**Commissioner Habbab** – I have a question on the private club use designation, and if that was intended for the co-working space. It would be a shame to close it off to the public.

**Mr. Wrege** – We would not be trying to close this off to the public. Private club is mostly looking like a co-working space and being able to utilize it during the day for people who would like to be able to better themselves in some way.

**Commissioner Lahendro** – Is there any interest in developing an agreement with the community for their use of the building at lower rates? Would that be something that you would be willing to pursue?

**Mr. Wrege** – Absolutely. Currently with the 10<sup>th</sup> & Page community, we already have agreements for their neighborhood meetings. They hold them down in the brick cellar in the event space at Dairy Central. The hope was always to be able to hold these within the church. That is going to be something that we are going to continue to do. I know that the owners have been willing to nurture some form of agreement with a discounted rate for neighborhood association or neighborhood events. If we are doing larger events, the potential of us sponsoring those events for people that are in need. We would do it all on a case-by-case basis. As for a written agreement, I don't believe it has been anything that we have had to pursue in the past. I do not anticipate it would be something that we would be afraid to get into depending on what the terms of the agreement would be.

**Commissioner Lahendro** – With the parsonage, what is your intention about reuse of that building?

**Mr. Wrege** – Currently, the parsonage is for rent. Since we did the renovation in 2020, we have had 2 different tenants that have moved in and out of that unit. That will continue to be our designation for that. We proffered out all other potential residential units except for the existing parsonage.

**Commissioner Lahendro** – You did some repairs to the parsonage as well?

**Mr. Wrege** – That is correct.

**Commissioner Lahendro** – The interior picture of the church that I saw in the materials for tonight showed an exposed frame wall at the chancel end. Was that because of the work that you were doing at the time? Has the rear daws and those fittings been removed?

**Mr. Wrege** – That was because of the work that we were doing at the time. We had to remove the stage above. There was no finished material on the back side. We came back and tried to remake what the existing chair rail and paneling on the back side were. We added a message board above to finish that aspect out. The other items that we included in that area was HVAC returns. We removed them from the floor. We put them into the side wall that goes through the breezeway space.

**Commissioner Lahendro** – The items that show up in an older photograph, rear daws, and screens around the choirs, carpenter gothic woodwork was gone when you purchased the building.

**Mr. Wrege** – It was still existing when we purchased the building. There was a bit of an infestation in some of it. That needed to be removed.

**Commissioner Stolzenberg** – As I recall from the Dairy Central meetings, this whole discussion of nonprofit meeting space and discounted space came up. You guys have a meeting in the basement now. Was that a proffer or condition of that SUP? Was that a formal agreement?

**Mr. Wrege** – To the best of my knowledge, that was an informal agreement. I have nothing in writing that formally states that. I have several emails that I can refer to from a legal standpoint that say that this is something that we are willing to do and continue to do so.

**Commissioner Stolzenberg** – That generally makes sense. The Planning Commission and Council tend to like having these things written down. If property changes hands, that is less likely for Dairy Central and more likely for the random house and church across the street. It would be nice to have that sort of thing written down.

Looking at the use matrix for B-2, technology-based businesses is by special use permit. It would continue to be by special use permit. We can't rezone our proffer into being by right.

### iii. Public Comments

**Emily Dreyfus** – I was hoping to hear from residents of the 10<sup>th</sup> & Page neighborhood. I have talked with several people and have heard concerns about the impact that Dairy Market has had on their neighborhood, especially related to parking. I want to raise that. I don't know if the original plans made it clear that Dairy Market was going to charge for parking. That has had the impact of putting cars from UVA students and others visiting the shops that they're mainly in the 10<sup>th</sup> and Page neighborhood. That is making life difficult for a lot of the residents when they try to come home and find a spot. I would like to know what the communication is with the neighborhood association and whether this topic has come before them, what their feedback has been, and what the arrangements are for donating space to the neighborhood association. That would be a positive step.

**Shelby Edwards** – I would like to reiterate what Ms. Dreyfus has shared. I am the executive director of Charlottesville Public Housing Association of Residents. PHAR works in collaboration with West Haven residents. I don't think that we have been made aware of this. I am not sure what involvement there has been with the neighborhood. I encourage some community involvement. If we could talk more openly about how we're going to use the space, perhaps it is donated to the community for free use. I was not in leadership during the discussions of Dairy Market being built. I would be interested to hear more about what community engagement looks like.

**Carl Schwarz** – Thank you to the applicant for voluntarily offering the IPP status. I want to mention that the applicant did come to our neighborhood association meeting. Our meetings are not well attended. We had 10 people at that meeting. It was announced in the neighborhood Facebook page. It was emailed to several people. There was a community meeting about this. We meet in the basement of Dairy Market. Chris Henry has attended several of our meetings. There is communication. There are things that the neighborhood would like. There are plenty of things that we would like to see. We have been meeting with them. This was one of the things that was requested at that meeting.

### iv. Commission Discussion and Recommendation

Applicant will defer the application.

**Commissioner Mitchell** – I would like to know the next steps. The applicant has deferred.

**Mr. Haluska** – With the applicant request to defer, they can amend their application to alter that. They can alter the proffer statement or whatever details of that application they want. We will give them a deadline by which we need to receive any amended documents. We would advertise it for a July public hearing and repeat the process that we have done tonight.

**Mayor Snook** – On Friday, the Historic Resources Committee sent an email to me and you saying that the Historic Resources Committee had asked that the Planning Commission and City Council initiate the process necessary to establish 415 10<sup>th</sup> Street Northwest as a locally designated historic property. I assume that is the equivalent of an IPP. What is that process?

**Mr. Haluska** – In the zoning ordinance, if you go to the conditional zoning section, there are 3 ways to start the rezoning of a property. The one before you is item 3, which is the most common one, which is an owner of a property or contract purchaser requests a change in zoning and they submit a rezoning application. The Planning Commission, by motion, initiate a rezoning. City Council, by resolution, can initiate a rezoning. In

both of those cases, we have an initiation that comes before the Planning Commission and City Council. They discuss starting the rezoning process.

#### **IV. COMMISSION'S ACTION ITEMS**

##### **1. Preliminary Discussion – Lochlyn Hill, Block 4b**

###### **Staff Report**

**Mr. Haluska** – This is a preliminary discussion regarding Block 4b of Locklyn Hill. I did forward a memo that was not in the packet that hopefully explains this item a little further. The concept plan in front of you shows Block 4b of Lochlyn Hill as being developed in the form of 2- 24-unit apartment buildings. The applicant submitted a preliminary site plan to the city showing 11 single-family detached houses, which led city staff to indicate that this did not comply with the zoning of the property. That led to the discussion coming before you today. One of the avenues that the applicant would like to pursue is whether or not the Director of Neighborhood Development Services, in his capacity in the code to amend an SUP or grant an amendment of an SUP or PUD, if there is a plan for this block that the Planning Commission would support that and direct the Director to approve. One of the items that we (staff) have thrown out there that might be appropriate here is whether some of those missing middle types that we talk about, not single-family detached but not an apartment building. The applicant can tell you some of the difficulties around potentially trying to implement the plan that is approved on the block. This is a discussion and an opportunity to bring the issue to the Commission and see where our opinions are on potential changes to the block.

**Commissioner Russell** – What did you say are the density or number of dwelling units proposed?

**Mr. Haluska** – It depends on the section of the code that you are looking at. In the code of development, with the PUD, the applicants provide a code of development and concept plan that dictate how that project will be developed. Block 4b, in its illustrative drawing, shows 2 apartment buildings, 24 units each, and 48 total units. There is another description of Block 4b, a narrative description that talks about multi-family apartments. There is a use matrix. That use matrix shows all residential types being by right. There is a table that identified the different blocks and the number of units, that minimum and maximum would be permitted in each of those blocks. The minimum number of units for Block 4b was 15. You don't have a unified indication across the entire concept plan. There are different pieces that potentially permit different things. Getting some clarity on that is part of the idea.

**Commissioner Stolzenberg** – There are 2 matrices in the code development. They both have detached in townhouse by right in all of them. One of them only has multi-family allowed in Block 4b. The other has multi-family allowed in 3 and 2. Do we know what one of those is right?

**Mr. Haluska** – I believe there are 2 documents in there. We have gone through this process again, once before. It shouldn't contain the original concept plan that was approved (I believe) in 2012. An additional one was approved in 2015. That amendment that occurred several years later was addressing part of Phase 2. There was a cottage block that was identified that the applicant felt they could not develop as they had shown it. They amended the PUD into something that they could. They did touch other parts of the concept plan. I believe that use matrix was amended. That might have been when they made the change.

**Commissioner Stolzenberg** – Do we think the second one is the current one?

**Mr. Haluska** – The second one would be the correct one.

**Commissioner Stolzenberg** – Since that one added multi-family to 3 and 4a, did we get multi-family in those blocks?

**Mr. Haluska** – I will defer to the applicant about the overall build out. I don't believe there is anything specifically multi-family unless you are counting townhouses. Keep in mind that 3 or more units in a building is considered multi-family in our code.

### **Applicant Presentation**

The applicant played a video of the project as part of the presentation.

**Frank Stoner, Applicant** – A portion of this development is in the city and a portion is in the county. The largest portion is in the city. That is what you're looking at. The project has taken 24 years to develop, and we got our code development approved in 2012 and amended in 2015. This is a project that has taken a long time. We spent a lot of time trying to get it right. We built a bridge over Meadow Creek. We have an incredibly diverse amount of housing. We have 13 Habitat families living in our neighborhood. There will be another two coming with Phase 4. I believe that we have 15 accessory dwelling units. The property that we're talking about (4b) is right here. It is up against the golf course. It slopes from back to front. This gives you an idea of what the community is like. The principles that were important to us when we created the code were: We wanted it to be compact and urban-We have achieved that. We are at a net density of seven units an acre. We wanted it to be diverse in every way. We have achieved that as well. We have all the housing types that you just saw. We are incredibly economically, socially, and ethnically diverse. It is an interesting community. People move there because it is so diverse. We wanted to focus on high quality community spaces. Lots are small. The community spaces were valuable. We wanted to make sure that we did them right. We have another park that will be on the park space that will be on Meadow Creek. There is a greenway that we're waiting for the city to build, which will hopefully be done this year. We wanted to create opportunities for small, local builders. What happened in 2007 and 2008 is that small, local builders were crushed. Today, four builders control over 80 percent of our market. They control it because they control lot inventory. They are production builders. They build the same thing repeatedly. They are good at what they do. They are cost efficient. For creative, small, and local builders, they were excluded from the market. Because we wanted a diverse community, small and local builders became an important critical aspect of our success formula. We have had 8 local builders in Lochlyn Hill. They built different types of products and different architecture. That is the essence of what Lochlyn Hill is. We have heavily relied on them, and they have relied heavily on us. They don't have many opportunities in the city or in the county. For the most part, they are excluded. It is difficult for them to find lots. When we got into Phase 3, there was a lot of demand. We filed an application for Phase 4, which is in the county. That process has taken 2 years to get approval. In the meantime, we have builders who don't have lots. We looked at this block. We thought about our original vision and where we are now. A couple things occurred to us. When I look at the neighborhood and if you drive through the neighborhood and look at that site, and you think about what a 4-story building will be, it feels out of scale with the neighborhood. It is at the back end of the neighborhood. From a traffic perspective, it is not ideal. We put it in the original plan because we knew if we didn't put multi-family in the original plan somewhere, we would never get it approved later. If we had 100 people living in the neighborhood and we wanted to build 48 units, you can imagine what that would look like. Our perspective is that conditions have changed. The market has changed. We favor trying to figure out how to build that missing middle. We have considered the possibility of a small multi-family or townhouse block at the end of the street. We feel strongly that 2- 24-unit multi-family buildings is out of scale. It is not less profitable. One unintended consequence is that it starves our small local builders that we're depending on to help us get through Phase 4 and the diversity that we value. We put them in a difficult spot. What I ask today is that you consider the bigger picture, that you look at the quality of what we have constructed, you look at the diversity that we have built, and I welcome the opportunity to work with staff to establish a streetscape for this final block that everybody is happy with. I would appreciate the opportunity to do it in the way that makes the most sense in today's market.

**Commissioner Lahendro** – Are you proposing single-family detached?

**Mr. Stoner** – We are proposing a mix. We would probably do a block of townhomes at the bottom of the hill and a series of single-family. We hired 2 different architects in town to help us design houses that would work. These are small, tight lots. The grades are difficult and challenging. It would give us that mix. We have 3 townhouse blocks in the neighborhood. We have a 4<sup>th</sup> townhouse block in Phase 4. We intentionally separated them so that you didn't have a townhouse section and a single-family section. They are all integrated seamlessly. That would be our intent here, not to build a whole street out of townhouses.

**Commissioner Habbab** – In the staff report, there was mention of an affordable housing proffer. What is the impact to the affordable housing units by decreasing the 2 apartment buildings?

**Mr. Stoner** – If you look at the original proffer, by today's standards, we are 15 percent affordable. Most of that affordable has been achieved through 'for sale' housing. We originally committed to establish a housing trust fund, which we did. We committed to funding with \$150,000. We ended up putting \$300,000 into it. We partnered with Habitat for the 13 affordable units that we have in the neighborhood so far. They will manage the housing trust fund because it is all Habitat residents. The impact of removing the 48 units from an affordability standpoint, if you look at the proffer, is almost irrelevant. That was not a factor in the decision. I am a big affordable housing believer.

**Commissioner Russell** – Is it correct that there would be no multi-family in the development?

**Mr. Stoner** – There is a possibility that we could either do townhomes or we could do a small multi-family building at the bottom of the hill. We feel that the scale of 48 units is inappropriate.

**Commissioner Russell** – Have you figured out the trail connectivity to get from the Meadow Creek bridge through the neighborhood, and into Pen Park.

**Mr. Stoner** – That is another challenge on this block. The RTF trail runs behind these units. We must fit the trail in, and we must fit in whatever buildings go in there as well. It is tight. There is a water line easement back there, which makes it more challenging.

**Commissioner Stolzenberg** – It is not that this is financially infeasible. It is out of scale.

**Mr. Stoner** – That is our perspective.

**Commissioner Stolzenberg** – When staff says that you submitted a proposal for 11 detached units, is that what you are now proposing?

**Mr. Stoner** – What drove the decision to file for the 11 units was to get those lots as quickly as we could for home builders. They are out of lots. The road is already there. Utilities can be put in quickly. It would give us the opportunity to deliver lots to them more quickly. That process is taking longer than what we had expected. We believed that we had the right to build single-family according to our code. It didn't occur to us that this would be an issue that would come to the Planning Commission. I understand why it is here. I am not sure what the value of a by right use in a block is if you can't build it.

**Commissioner Stolzenberg** – You do have the minimum number of units in your code. You could do 15 detached. That wouldn't be here.

**Mr. Stoner** – That is correct. We have done a book of options that we sent to staff for that block that looks at all kinds of possibilities. At one-point, Stony Point/Design Build was going to do a block of courtyard attached homes along that street. They changed their focus. Part of their challenge for us is our builders don't have the capability to do something that substantial, a set of attached buildings. That is a serious financial commitment for them. That becomes difficult logistically. Trying to support them, trying to find things, from a financial standpoint, will work for them. We need them to stay in the neighborhood.

**Commissioner Stolzenberg** – Have you considered a set of smaller buildings or breaking up the buildings more? Instead of 2 large buildings, there were 4 smaller buildings. Are your builders not capable of doing anything that isn't single-family?

**Mr. Stoner** – Our builders are not in the business of building and owning 8- or 12- unit apartment buildings. We would have to get somebody else to build those. These are single-family home builders.

**Commissioner Stolzenberg** – Earlier you said that you had 4 builders.

**Mr. Stoner** – We have had 8 builders in the neighborhood.

**Commissioner Stolzenberg** – I was looking at your website. Is Southern still on there?

**Mr. Stoner** – Southern only built a townhouse block.

**Commissioner Stolzenberg** – For other times within your code of development, where you had a denser form of housing, you have been willing to go to a different builder because you must meet your code of development. The zoning law driving PUDs says that one of the points of a PUD is having that diversity of housing types in there. It seems that you have finally gotten to this last selling type that you haven't yet done. It is easier to break that out into detached units. I see bimodal distribution of housing prices in this neighborhood. You have your Habitat units, which are quite affordable. Your detached units are some of the most expensive homes in the city. While it is a good point that this won't affect your proffered subsidized affordable housing, it does seem to undermine the idea of having a diversity of housing types to create a diversity of residents by eliminating the possibility for that kind of middle section of residents, who don't get subsidized housing, but can't afford an \$800,000/\$900,000 house.

**Mr. Stoner** – We brought in production builders to build what smaller builders couldn't build. That is why Southern came in and built that block of townhouses. Sam Craig built a block of townhouses in Phase 1. During that period, we had a plethora of available single-family lots. We also had cottage lots. One of the comments that was brought up is that we had a cottage block in Phase 2. Because the city wouldn't allow us to carve that up in a way that made building those cottages possible at a density that made sense, we changed our original vision. We built cottages. We have 6 cottages plus 2 Habitat units that sit on that green. We have single-family that wrap around behind it. That was, from our perspective, the best solution, given the circumstances. Those cottages were high 2s/low 3s at the time. It is unfair to say that there is nothing in the middle. There were both townhouses in the 3s and 4s and there were cottages.

**Commissioner Stolzenberg** – Are those along Bennet?

**Mr. Stoner** – Those were along Bennet.

**Commissioner Stolzenberg** – Those are now in the 450 range. Is it fair to say that if your county phase were going faster and you had lots there, you wouldn't be coming to us for this modification?

**Mr. Stoner** – I don't think we would have come with the modification we came with. We were feeling pressure to get lots for these builders. I am open to conversations about hybrid versions of what we're talking about. I am committed to affordable housing. The city needs housing of all types. There aren't a lot of opportunities for housing at the other end either these days. Lochlyn Hill is a beautifully diverse community, one of the most diverse in the city. We're proud of what we have done. I would like to finish it in the way that we feel is most appropriate and that the people who live there feel is most appropriate. I need some lots. That is what I am asking for.

**Chairman Solla-Yates** – I am hearing many different components. I appreciate your transparency on the issues here. It is not simple. It sounds like there is a financial component here. I am reminded that we have a strategic fund for economic development so we can keep small businesses active and thriving in the city, like these 8 buildings that you mentioned. I am wondering if that money could be activated to help solve this problem temporarily. It seems like a possibility.

**Mr. Stoner** – I don't know about that. I would assume that builders would have to come directly to the city for that.

**Commissioner Stolzenberg** – Why can't you do 15 detached houses on smaller lots? Are you coming up against a minimum lot size?

**Mr. Stoner** – It gets tight. If you're going to get to 15, you need to attach them. You could do duplexes. There are complications with the grade as well. Aside from being shallow, the grade is constantly moving uphill. That is what makes these smaller modules fit with the terrain better. There could be detached. They could be attached in a duplex form. Part of it is what our builders want, what they need, and what the demand is for. We try to be responsive to what they see in the marketplace and what they need. I would hope that you are sensitive to that. That speaks to where the demands not being filled elsewhere in the city.

**Commissioner Stolzenberg** – It looks like you have a remaining townhouse block that is undeveloped on the east corner. Do you have plans for that?

**Mr. Stoner** – We're hoping that for one of our builders. One of our strategies was to have one of these smaller builders take the townhouse block. That is a big nut for that builder. He is trying to pull it off. I don't want to bring another production builder back. I don't want to bring Southern in. Southern wanted all the townhouse blocks. We said 'no.' They wanted to build the same product. We felt strongly that it needed to be something different. He is going to try to pull that block off. I am hoping that might help him bridge the gap here. So far, he has not been able to get a design completed and get funding from a bank to take down that many units at one time.

**Commissioner Mitchell** – I would love to see more multi-family. I like the idea of having to keep all the family units at the bottom. We can delegate this to the NDS Director.

**Commissioner Habbab** – I agree with Commissioner Mitchell.

**Commissioner Lahendro** – I would like to see more units in this area. I am curious why you all selected a site overlooking the golf course for these multi-family large units. I would have thought that would have been more attractive as a single-family detached. It is not a financial issue that you are wanting to go back to single-family detached because it is next to the golf course.

**Mr. Stoner** – Is it a financial issue? It isn't as much as this builder issue is a financial issue for us. If we lose these small, independent builders, that is a blow. They are not easy to replace. From a capital standpoint, is it

challenging when you're building 48 units as opposed to 250 units. It is more challenging. Costs have gone up. The single-family has been more adept at handling that than the multi-family market. Rents have gone up dramatically because of these cost increases. We don't like that. It is not a great time to build. If we're going to build 2 big multi-family buildings, it is not a great time to build. That is secondary to the other issues, which are from a scale perspective. When we originally put it in, it was an effort. With the site, you could see a multi-family building working. You could see it being desirable being up against the golf course. There were a lot of things at the time that we thought that it might work. We have been at it for some time. I am not making this decision because I am trying to avoid a proffer, or I think that I can make more money. It is really a decision about what we think is right for the neighborhood and best for the neighborhood. I would hope that you give us some deference. We have done a good job. It is one of the most unique and exciting neighborhoods in the city. It took a lot of work to make it that way.

**Commissioner Lahendro** – There is a reason we have PUDs for the diversity of housing types. I am a little disappointed to see that it is heading back towards a bunch of single-family homes. That gets away from the whole concept and the creativity of a PUD.

**Mr. Stoner** – Nobody with the city asked us to put those multi-family buildings there. That was our decision.

**Commissioner Lahendro** – It might have been a factor into allowing or approving the PUD.

**Mr. Stoner** – I don't think so. It was a different time. If we had put single-family there and tried to go back and put multi-family today, it would have been very difficult.

**Commissioner Russell** – You're seeing a common theme and getting consistent feedback. It feels like not getting what the community was promised in that original PUD to go back from multi-family to single-family. My advice would be to look for some middle ground. It is a great neighborhood. I can understand why people want to be there.

**Commissioner Stolzenberg** – To the extent that it would be difficult to add it in today, it would be less difficult for the Planning Commission, Council, and the residents. I know you are getting quite high prices for these buildable detached lots. That is a testament to the quality of the neighborhood that you have built. On the other hand, it seems like the fact that so many people have moved into these nice houses in this very nice neighborhood is driving the fact that they don't want a bunch of apartments down the street. It undermines the intent of the PUD. It is in our code. It is one thing to have detached and attached and some cottages and another to have detached, attached, and multi-family. I am hesitant to say to take all the multi-family out and replace it with detached. There is probably middle ground to be found. It could be as flexible as splitting it into similar lots to what you are thinking for detached but reserving a couple of them to build a product that is something like a 6-plex or an 8-plex. That is much less bulky than a 24-unit building. It fits into the neighborhood, and it provides a big book ending view that blocks the golf course. That provides opportunities for single floor living in a smaller unit in a multi-family building that is going to hit a lower price point. It is not going to be all that financially ruinous for you. If you can try to fit some of that multi-family in, it would be reasonable to allow some amount of detached in the remaining parts. You might have an opportunity with that remaining townhouse block, if Arcadia can't pull it off, that might be a place where you could stick one bigger multi-family building. A blanket approval for 11 detached is undermining it.

**Chairman Solla-Yates** – It is an interesting time. The costs are crazy. It is hard to get anything done. The demand is enormous. We have the new Comp Plan and the rezoning coming. New types of building types are becoming possible that haven't been possible in a century. We are talking about stacked townhouses and plexes of every kind of description. We don't have builders who can do that. Our code is anticipating builders who can do something that we don't have. This is an interesting place to meet the need. If you could do some of it, that

would be very helpful. It doesn't need to be big apartment buildings; more affordable and more creative missing middle types of homes is what is needed.

**Mr. Stoner** – We're open minded to somewhere in between. The missing middle is very desirable and difficult to execute but necessary in the city. It seems that there is a consensus that we could work with staff to figure out what that mix is. I appreciate your willingness to accommodate some detached in the block. We think that is important.

## **V. ADJOURNMENT**

The meeting was adjourned at 9:54 PM

**PLANNING COMMISSION REGULAR MEETING**  
**January 9, 2024 – 5:30 P.M.**  
**Hybrid Meeting**

**I. COMMISSION PRE-MEETING (Agenda discussion(s))**

**Beginning:** 5:00 PM

**Location:** NDS Conference Room

**Members Present:** Chairman Mitchell, Commissioner d’Oronzio, Commissioner Joy, Commissioner Solla-Yates, Commissioner Habbab, Commissioner Stolzenberg

**Staff Present:** Patrick Cory, Missy Creasy, Matt Alfele, Carrie Rainey, Dannan O’Connell, Ryan Franklin, Krisy Hammill, James Freas

Chair Mitchell called the meeting to order and welcomed Michael Joy to the commission. Michael will be asked to introduce himself during the report portion of the regular meeting. Commissioner d’Oronzio noted an error in the minutes on page 245 of the packet and will state that during the consent agenda. Concerning the fire station application, staff will share Commissioner Schwarz’s emailed comment with the applicant. Chair Mitchell provided background on the timeline for the Friendship Court item. No questions were raised on the Capital Improvement program. It was clarified that VERVE and 2117 Ivy are returning to Planning Commission for additional hearing due to an advertising anomaly that was corrected. The rest of the process for those applications was outlined.

Commissioner Solla-Yates asked for clarity from staff on the reports for 108 Lankford Avenue. Ms. Rainey provided information.

Commissioner Stolzenberg arrived and had additional questions on the Friendship Court application which were addressed. Additional questions were also provided on the Lankford application that will need to be addressed to the applicant during the meeting.

**II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:32 PM.**

**Beginning:** 5:30 PM

**Location:** City Hall Chambers

**A. COMMISSIONER’S REPORT**

**Commissioner Stolzenberg** – No Report

**Commissioner Solla-Yates** – The Charlottesville Schools CIP Committee met on November 3<sup>rd</sup>. I was not able to attend.

**Commissioner d’Oronzio** – The TJPDC had their final meeting of the year (2023). It was a wrap-up. There was nothing of terrible substance there. There was a closed session described to the public as a personnel matter and a security issue. This week, they have their regional safety summit. The HAC did not meet in December. It is meeting next Wednesday to take up the ADU Manual. The CAHF is getting underway now. We have the applications. There are 22 applications for CAHF money. Sixteen are for Sticks and Bricks, which is \$835,000 available with \$2.2 million in requests. On the HOP side, there are 6 applications for \$585,000. We are short

\$1.1 million there. There are 5 meetings scheduled for the CAHF starting on Thursday, with 5 meetings in January. The CDBG is starting their process for that, including on the 24<sup>th</sup>.

**Commissioner Habbab** – There was one meeting last week that I was unable to attend. It was the Tree Commission meeting on the 2<sup>nd</sup>. From that meeting, they are working on the State of the Urban Forest Report. They elected a new chair and vice-chair. There are 3 openings on the Tree Commission right now. I am encouraging people to apply. You can find that from on the city’s website.

## **B. UNIVERSITY REPORT**

**Commissioner Joy** – I am the Associate University Architect at the University of Virginia in the Office of the Architect. I am a licensed architect in the Commonwealth of Virginia. I am honored and pleased to be here.

## **C. CHAIR’S REPORT**

**Chairman Mitchell** – No Report

## **D. DEPARTMENT OF NDS**

**Missy Creasy, NDS Deputy Director** – We have diligently been spending the holiday doing a lot of behind-the-scenes admin work getting ready for when the Code will become effective in February. We’re working on the fee schedule and development review manual, which you will see soon. It has been very hectic trying to make sure that we are as informed as we can be. Several members of the public have asked questions concerning the updated code. There were a few changes that Council made from the draft that we currently have online. The consultants are back from their holiday time, and they are working through the updates. We expect to have them within days. We will have a work session on January 23<sup>rd</sup> to talk about the development manual, the changes that were made between the Planning Commission and City Council, and another topic or two.

## **E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**

No Public Comments

## **F. CONSENT AGENDA**

1. Minutes – May 10, 2022 – Regular Meeting
2. Minutes – October 18, 2023 – Zoning Deliberation Meeting
3. Minutes – November 14, 2023 – Regular Meeting
4. Site Plan – Route 250 Fire Station
5. Subdivision – Friendship Court Phase 2

**Commissioner d’Oronzio** – **Second by Commissioner Solla-Yates** – **Motion passes 4-0 with one abstention for the May, 2022 Minutes.**

Meeting was recessed until 6:00 PM for a quorum of City Council.

Chairman Mitchell gavelled the Planning Commission to order.

Mayor Wade called Council to order.

## **III. JOINT MEETING OF COMMISSION AND COUNCIL**

*Beginning: 6:00 PM*

*Continuing:* Until all public hearings are complete  
*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

- 1. **Charlottesville Capital Improvement Program FY2025-2029** – Consideration of the proposed 5-year Capital Improvement Program in the areas of Affordable Housing, Education, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, and Technology Infrastructure. A copy of the proposed CIP is available for review at: <https://www.charlottesville.gov/budget> Report prepared by Krisy Hammill, Office of Budget, and Performance Management.

**Commissioner Habbab** – I have a statement to make regarding my participation in the Planning Commission’s consideration of the Affordable Housing Items included as part of the Capital Improvement Program. We will vote on the recommendations to City Council for the Charlottesville Capital Improvement Fiscal Year 2025 to 2029 expressly excludes items under the heading of affordable housing and further outlined on slide 5 and 11 of the Capital Improvement Program report contained in the January 9, 2024, Planning Commission packet. I am employed at BRW Architects. As a result of the annual salary that I receive from BRW Architects, I am required to disqualify myself from participating in the transactions. I have conferred with the City Attorney’s Office. It is their legal opinion that my voluntary disqualification is consistent with the state and local Conflict of Interests Act. If anybody would like to review the more detailed written disclosure statement that I have filed with the Secretary of the Planning Commission, that statement is available upon request.

**i. Staff Report**

**Krisy Hammill, Budget Office** –

**Next Slide – Planning Commission Role**

The Planning Commission role, in terms of the CIP, is to review, revise, or make recommendations as you see fit in how well the projects do or don’t fit in with the Comprehensive Plan.

**Next Slide – Alignment**

What we did here for you was that we looked at all the projects to see all the project managers assigned a chapter of the Comprehensive Plan to the projects. We took a ‘stab’ at creating a pie chart to show you where those projects were landing in terms of the plan. If there were projects that landed in multiple chapters, we prorated them evenly because there was no way to give a judgement dollar-wise. This will give you some indication of where the projects in the Five-Year Plan fall within your Comprehensive Plan.

**Next Slide – Funding the CIP**

With the CIP, everything that we intend to spend needs to balance with any available revenues. The CIP is largely funded through bonds but also through city cash money, funding from the schools, and state and federal funds that are passed through some of our larger VDOT projects.

**Next Slide – Summary of 5-Year Plan**

Over the 5-Year Plan, we’re planning on spending just over \$136 million. A little over \$81 million of that is intended to be funded with bonds. If we were to look in terms of the value of the dollars, in terms of where the spending is happening, you have affordable housing (1<sup>st</sup>), transportation and access (2<sup>nd</sup>), and education (3<sup>rd</sup>). This is just with these five years. As you recall, last year, we put in a large dollar amount for the Buford renovation. Last year, those priorities were the same three. They were skewed differently.

**Next Slide – Education**

This is the same plan you saw back in November. We have not made any changes. We're looking at \$5.8 million in 25 for education and \$26.2 million over the 5-year total. You will see that the projects are listed there. A couple of new things that we added include money for roof replacements.

#### **Next Slide – Facilities Capital Projects**

We have \$4.6 million in 2025 and \$14.8 million over the 5 years. Some of those things are recurring. We have some additional funds that were added to enhance the General District Court project. We are partnering with the Rivanna on their bailer and bailing facility. Last year was the first time we added money for the climate action initiatives. We have carried that forward through the 5 years in this plan.

#### **Next Slide – Public Safety and Justice**

We have a little over \$700,000 in 2025 \$6.1 million over the 5 years. Many of these are recurring. They are intended to set up to savings accounts for things that are cyclical replacement but large replacement funds when we need those. There was extra money needed to be added for the bypass fire station, which will hopefully be breaking ground soon.

#### **Next Slide – Transportation and Access**

Transportation and Access is a big section. That is \$9.7 million in 2025 and \$29.3 million over the 5 years. Many of these are projects that are recurring in the CIP.

#### **Next Slide – Parks and Recreation**

It is \$5 million in 2025 and \$9.4 million over the 5 years. Last year, we added some money for the invasive plant removal and for the Downtown Mall trees life cycle management. In addition, for this year, the Dogwood Memorial Foundation receives some state funding (\$600,000) that is coming to the city as a pass-through. It gets passed through to the foundation. That money is here as an expenditure. There is an offsetting revenue for that from the state. The lower Meadow Creek Trail is also new this year.

#### **Next Slide – Affordable Housing**

It is \$8.9 million in 2025 and \$48.3 million over the 5 years. West Haven was added at \$15 million. That is \$5 million a piece in 2026, 2027, and 2028. In addition, 501 Cherry was added, which is a project in partnership with PHA. There were some changes to Friendship Court Redevelopment, not in terms of the total, but the way the money was staggered amongst the years.

#### **Next Slide – Technology Infrastructure**

It is \$510,000 in 2025 and \$1.9 million over the 5 years. The two new things on this are new voting equipment in 2027 and Circuit Court Case Management System. We are starting that funding a little bit at a time so we will be there when it is time for replacement in 2027. The circuit court case management system will be an upgrade.

#### **Next Slide – CIP Revenues**

Revenues are an important part of this. We need to make sure that we have the money to pay for these projects. For 2025, the General Fund will be transferring in a little over \$7 million for capital projects. The \$78,000 is the estimated café fees that we collect from The Mall. That gets allocated for upfit and upgrades to The Mall. Last year, we changed with the Vibrant Community Fund anything that is a housing related program is now coming to the CIP. It is considered through those competitive processes. That is that \$575,000. With the schools through the conversation about Buford, last year, we had some conversation about their expected gain share because of federal funds that they are receiving. We were using some of that contingency that we have that was set aside because of COVID that we did not need. That with the Stribling agreement is in here as well. Some of that work will begin. That is in partnership with the developer. All that totals a little over \$35 million for 2025.

#### **Next Slides – What's New?**

These are the things that were specifically new that were added to this 5-year plan that were not in the plan last year. The Meadow Creek Golf Course irrigation is a big money amount. What will happen with that is that revenues from the golf course will be used to pay the debt service on this project since it is an Enterprise Fund.

**Next Slide – Still Under Consideration**

Here are some things that are not currently in this draft that are up for discussion from School Board, Council, and Planning Commission. Our city manager has been talking about homelessness and housing insecurities and a strategy for that. There is still work being done. There is nothing yet in the CIP to address that. The Pre-k Center for Walker is a request that has been discussed but is not currently in the plan. With additional climate initiatives, there is \$1 million that we put in, which is a new addition. There are other opportunities that perhaps at some point, we might want to take advantage of. There are some regional projects that we're aware of that are of considerable amounts. The ECC (Emergency Communications Center) potentially will be looking to renovate or to build a new place. They are still talking about that. With the Central Library renovation, that would be a city-county project. The city-share of that would be \$7/\$8 million. With the Dogwood Vietnam Memorial, there is a question as to whether the \$600,000 they have received from the state does not seem sufficient for the work that they have done. There could be an additional request from the city to fund the difference in that construction.

**Next Slide – CIP Resources**

There are a lot of resources on our budget webpage. The budget book and Comprehensive Plan are out there.

**Next Slide – What's Next?**

Tonight, is the public hearing. This is your opportunity to weigh in on what you see, to make a recommendation to the City Manager. The City Manager will take those recommendations. A proposed budget will be presented to City Council in March.

**Commissioner Solla-Yates** – This is a significant improvement this year. Every year, we get a little bit better at this. The last time we talked about this, we talked about the \$1 million a year in climate spending. Do we have clarity on what that is?

**Ms. Hammill** – They do have a plan. They have a lot of things that they are working on. There are some grant applications and some other things for spending the money. Since it is a new program, we're still working through a lot of those details.

**Steven Hicks, Deputy City Manager** – Kristel and her team are finalizing a climate change plan. Council has already established certain goals that we need to meet. We're identifying certain facilities to help us meet those goals with the carbon footprint and reduction. There are a lot of potential grants coming out there through the federal and state grants. We need to make sure that we have funds available should there be an opportunity for us to go after those grants or potentially match those grants. Kristel was finalizing her climate change report. I am sure that will be presented to the public at some point. There are a lot of good things happening. I am sure there will be an opportunity to share that with the Planning Commission and City Council.

**Commissioner Solla-Yates** – I see lot of rooftops in the CIP. Is there going to be rooftop solar?

**Mr. Hicks** – We are proposing to do that or prepping them. Whenever we do a roof replacement, should there be more grants that come along, they are available. We are making every effort that when we do roof repairs, they are built in a way that we can accommodate solar panels.

**Commissioner Habbab** – With the homelessness strategy, do we have any 'ballpark' cost number?

**Sam Sanders, City Manager** – There is no specific strategy in terms of cost. There is still a lot of work to be done. I am sharing something with Council this week for action that we might be able to take to move this initiative forward. There is a lot to be determined. What is the right approach? We are still having conversations with the county and some of the local providers. We are trying to figure out the scope of our issue, our problem that is homelessness is to figure out how big of a shelter facility that we need. That is what I have identified as the priority that I have recommended to them that we prioritize. It is not the only priority in that space. The shelter, alone, is not solving the problem. It is the beginning of doing something about the problem. There are additional permanent supportive housing units that we need, which is the item that I brought to Council at their last meeting that they will hopefully pass on Monday/Tuesday, that ensures that Premier Circle continues to move forward. There was some issue with their budget. I am still looking at other projects that are in that space that support homelessness. I don't yet have concrete details for you. I am still working on it. The goal is to try to bring more of that to you. The reason that we have homelessness on the list as unresolved is because we will be talking about this as long as I am here.

**Chairman Mitchell** – Are we talking bricks and mortar? Are we talking social services, consulting fees, or are we talking all the above?

**Mr. Sanders** – All the above. I believe that is the answer to the question. It will be all of that.

**Commissioner Habbab** – My other question was on the library renovation. In last year's meeting when we talked about it, I wanted to clarify and get it out there that this is something we can look at right now in the CIP. This is going beyond the scope. There are still discussions with the county. Is that correct?

**Mr. Sanders** – We have not proposed it in the FY25 CIP. We don't have that commitment from the county. I am not convinced that we could afford it in our CIP for 25. We had opened the conversations with the county. Council has indicated support for the notion of prioritizing this in a future year for the CIP. The question was whether they would be able to see the same thing. The County Executive is committed to have the conversation with the Board of Supervisors. I believe that is active. I expect that they will be able to figure something out as to which out year they might be able to do something. We know that it is something that both bodies are interested in making happen.

**Commissioner Habbab** – With the Buford School renovation and our capacity for projects of this scale, what timeline are we looking at? Is this a conversation that we are having?

**Mr. Sanders** – It is a combination of things. I have not been given the directive to make Walker fit into the CIP. That is where we are in this regard. The directive that I received was to ensure we got Buford into the CIP. It was given as a directive with the attachment that the grant is how we were going to go about doing that. We got the grant. It happened to be bigger than what we had anticipated in how we packaged it. There is still follow-up action by this body (Council) to give us another directive if there is one. From a management perspective, we need that to be resolved as a part of this budget process and have that on the list for Council to discuss with the school system.

**Commissioner Habbab** – You mentioned that vandalism was a big cause of expenditures there. Is there some way to resolve that?

**Mr. Sanders** – We have been talking about this for a while. We have opted to not keep throwing good money after a problem that we haven't been able to solve for. We did not prioritize spending a lot of money. Anything that we have in there now is about new and/or adding better than what we had, but not to go and directly respond to vandalism. It continues to happen. We need to continue to think about how we can fix that.

**Chairman Mitchell** – It seems like there is about \$60,000 that we have available in the Parks & Rec budget to at least keep things flat. We might run out near the end of the year. I am comfortable with staff's recommendation.

**Commissioner Habbab** – There is the other request for the Riverview Park restroom for \$300,000.

**Mr. Sanders** – That is cost overrun in the estimating of what the project was going to cost. We were able to get that done. We will hopefully have a restroom out there. I believe that it is on the year end list. We are looking at it for year end allocation to be able to close the gap that we know that exists now.

**Councilor Snook** – With the issue of Walker and how we begin to budget that, we didn't budget Buford until we said 'we don't know what it involves, but we're going to put a marker of \$30 million in the budget. Between now and next year, we're going to figure out what that means.' I wonder whether it might not be useful to do that at some point so we can focus everybody's attention on it. I have no recommendation currently.

**Mayor Wade** – We are meeting with the School Board tomorrow night. It won't be a budget meeting that we're having with the School Board. We will be having a budget meeting later. It will be interesting to see what the School Board says that they want as their priority. They make that decision. It will be interesting to see what they say. There were a lot of changes that took place over the last year and a half on the school side. Their priorities might have changed. We will be scheduling that soon.

**Ms. Hammill** – Council will have an opportunity to weigh in. We will have to come to you with a memo for your appropriation of the school construction grant. At the time last year, we were having these discussions, we were talking about a potential grant opportunity for \$6 to \$7 million. It came in at a little over \$17 million. You will need to appropriate that. Part of that discussion will be that those grant funds must go to the Buford School project. Those are bonds that we don't have to sell that we can help preserve capacity and bond capacity for future projects in future years. You will have numerous opportunities to talk about that.

**Vice-Mayor Pinkston** – For the Walker project, I would suggest that we put numbers 2 or 3 years out in the same way that we did with Buford to force conversations. We will talk with the School Board. We need to hear from them. I am confident that the people there are going to want this. The sooner we start being realistic about the fact that this needs to happen within 5 years. The other piece is the library. There have been some good conversations with Mr. Plunkett and others. This is one that I would like to see within the next 5 years. Within the next couple of years, get the design done. I realize that it will take several years in trying to get everything aligned with the county. We need to work towards that. At the same time, I don't want us to be completely hamstrung by their decisions. I don't think that will happen. The library is an important social component of the city.

**Councilor Oschrin** – The Riverview Park restroom is a great idea. There is not a lot of detail in this report about it and why it would cost \$687,000. Is there a fuller description on that?

**Mr. Sanders** – There is a fuller description, and we can get that to you. It has been on the books for some time. It is the floodplain. That complicates it. That is part of why it has escalated in price. It is to try to find the right kind of restroom facility that can withstand the riverbanks overtopping and what that could do to a restroom facility and what that might do to nearby neighbors. We have gone back and made a couple of changes. There was a small redesign. That escalated the price. That is the reason it has gone up each time. The time from when we first got an estimate on it, it has increased because everything costs more to build.

**Councilor Oschrin** – For the list of tree plantings, is there a list somewhere of those trees that were planted?

**Mr. Sanders** – Yes. I don't have it. I can make sure we get that to you. Our urban forester is responsible for how everything is placed. He is tracking that and planning all that.

**Councilor Oschrin** – Is there a part of this budget that goes to getting him help?

**Mr. Sanders** – No. That was not a request.

**Ms. Hammill** – Some of that work is contracted. I believe that there is a website that is part of the Parks & Rec Department that has information about the tree planting and the progress of that.

**Councilor Oschrin** – For the bailer and bailer facility for the Solid Waste Authority, how dire is that bailer need?

**Mr. Sanders** – It is very dire. It is at the end of its functional life. We probably have gone longer than we should have at this point unresolved. This is about making sure that we have the appropriate machine.

**Councilor Oschrin** – For the climate action initiatives, would e-bike subsidies be able to fall into that category for sidewalk and protected bike lanes since those are things that would go towards our climate action goals?

**Mr. Sanders** – That would be considered more infrastructure. It would not be used for that. The initiative funds are intended to be grant-match so we can bring down even more or specific projects that are within the work plan that is pulled out of the climate action plan. The choice to elevate the Office of Sustainability by pulling environmental out of Public Works was to give them more time and attention to spell out what it is that they're going to be able to accomplish over the course of any year like the other departments and offices. Since they all overlap other departments and offices, they must work better with everybody. I extended their work plan from a 12-month plan to make it go through the end of the fiscal year so that they can follow the fiscal year work plan for everyone else. I should be getting that update soon. I will be sharing that with everyone so you can see what the work plan is. Commissioner Solla-Yates, that will answer your question about what specific are the projects that they are intending to work on. We're going to do a better job of putting that information out front more consistently. I am striving to get where we are planting trees, where are we building sidewalks, and where are we doing these different things on our website so that everybody can see it and update as we go.

**Councilor Oschrin** – With the YMCA Trail, what is going on with that?

**Mr. Sanders** – It is part of VDOT funding. If it is a VDOT project, we have 3 trail projects that are in the VDOT portfolio. The project is designed. It is about construction at this point.

**Councilor Oschrin** – I don't know if the street milling and paving is a General Fund. Is that where protected bike lanes would fall?

**Mr. Hicks** – We work with our transportation planner and traffic engineer. Should there be opportunities for us to maximize the pavement to include some bike lanes, we do take that into consideration.

**Mr. Sanders** – There will be more discussion coming. Our transportation planner (Ben) is going to be coming back to Council. He did a great job last year of bringing Council up to date as to what we were trying to accomplish by bringing him into this space. We have some good work that is underway right now. We have some work that we're doing in that space that we will be able to roll out what I said. We're going to put on the website what sidewalks are going to get done on this schedule. We will keep adding to that going forward.

**Councilor Oschrin** – For the Stribling agreement, that \$2.9 million is technically a loan. That goes in the revenue category even though it is something that we must pay back.

**Ms. Hammill** – It is a revenue that will come in the CIP. We will add city money to it. We will be repaying that back.

## ii. Public Hearing

**David Plunkett** (Director of JMRL) – I want to thank Council and city staff for working closely with the Library Board on the Central Library renovation. This has been many years in the works. They co-own that building with Albemarle County. I appreciate the work that Council and staff have done to open conversations with Albemarle County about the need for this project. I am here to ask the city to consider including the Central Library renovation in the upcoming 5-year Capital Improvement Program. That means working closely with Albemarle County to fund a 2-part project. One year would be architecture and engineering. The construction could begin. The Central Library has served as the main branch of the Jefferson Madison Regional Library since 1981. The building is co-owned by Charlottesville and Albemarle County. It is the most public building in Charlottesville. It serves this community with doors wide open 68 hours a week. The Central Library serves as the administrative headquarters of the Regional Library System. The Central Library needs renovation. The last major upgrade was over 40 years ago. The city has managed this 100-year-old building remarkably well, renovating restrooms, adding a new chiller, and performing day-to-day maintenance needed to keep serving the community. It is a labor of love for city staff that needs more love. There are issues that need to be addressed. To continue to provide the quality service that the people of Charlottesville expect and deserve, library use is a high priority for this community. The changing face of library service means that facilities need to keep pace with changing community needs for their information seeking needs. In 2015, The Friends of the Library commissioned a design study for the renovation of the Central Library. They are prepared to support this project with extensive fundraising. The estimated cost in 2015 was \$8.74 million. The most recent CIP submission was \$15.82 million. The price continues to rise every year the project is delayed. The city's share would be between \$7 and \$8 million. The goals of the renovation aligns with the strategic planning, missions, and values of the city, including caring for aging Capital asset, providing equitable service, ensuring accessibility, modernization of library services, and taking advantage of a shared facility.

**Elizabeth Stark** – I am impressed with the Capital Improvement Program budget. I am glad to see funding for things like rent relief and so much funding for affordable housing. As we're looking to the future of Charlottesville, I hope that we can examine ways that we can take more control of our affordable housing future. One of those options I would like to see explored is for the city to form a landbank. That would be an entity that would be able to purchase land when it becomes available that could be developed into something else in the future. We know that the market for housing is going to heat up with the new zoning. I would love for the city to be empowered with the ability to purchase housing without having to have an entire development plan in place. Once the city has a landbank, I would love to see that established with the \$500,000 set aside for affordable housing at the end of FY23 and hopefully even match. One million is a 'drop in the bucket' of what we need if we want to be able to meaningfully prevent displacement, especially in our core black neighborhoods. I would love to see a robust investment in land trust housing. Land trust housing has deeply sustainable housing. Land trust housing has incredible benefits for the community, for wealth building, for a bridge to home ownership. It is a tool in the toolkit. We need to get that. We need to have that available to us. As you're looking at the CIP and the ways that we are using affordable housing and working with nonprofit partners, I hope that you can prioritize land bank and land trust housing.

**Peter Krebs** (Piedmont Environmental Council) – Congratulations on completing the long journey to update the housing policy, the Comp Plan, and the zoning code. These will result in a city that is more sustainable, more livable, and more equitable. It will also require better walk and bike infrastructure and park access than

what we currently have today. I would like to highlight a current set of interconnected projects that will accomplish both things and change the way people experience and get around the community. There is a long-term vision for a 4-mile loop that will tie the core of the region together. It is centered around McIntire Park, the Meadow Creek Valley, and the John Warner Parkway. This vision is now within reach. Staff has requested funding in the CIP for a crucial segmented Greenway between McIntire Park and an existing shared use path behind the YMCA, CHS, and the Fire Station (YMCA Connector). This plus a small remaining segment will link to a second project that the city has already funded and set to build this year. It will connect Michie Drive, Greenbrier Park, and Hillsdale and the Rt. 29 corridor. There is a feasibility study for a tunnel under the railroad tracks connecting Greenbrier Park to the John Warner Parkway Trail. The possibilities are unlimited. Please support the staff request for funding for this trail and others like them. Commit flexible funds for any shortfalls. Please expedite the missing easement acquisition along 250. It is small and it is within reach. Please prioritize the Greenbrier Tunnel. That is going to be a crucial link for both the city and county. The feasibility study is almost done. It is time to move to the next stage and get it in the regional transportation priority list. This is a piece of the overall work to eliminate the small but debilitating gaps that exist all over the community. I hope the city manager's proposed program budget will include funding for dedicated trail maintenance. This will free existing staff for needed planning, project management, and fundraising. It is my experience in working with the community that elders, women, people of color, and the young are more likely to use trails that are well maintained. Proper maintenance extends the life. It extends the equitable reach of our trails and connections.

**Perri Meldon** (210 Meade) – My congratulations to the City Council and the city manager for approving the new zoning code. The zoning rewrite is one step toward creating equitable, affordable housing opportunities. As you move forward with deliberating the city budget for 2025, I call on City Council to commit to establishing a landbank using \$1 million of budgetary funds, including the \$500,000 allocated for housing from earlier years surpluses. A landbank has the power to purchase distressed properties and hold them for future management by a nonprofit land trust entity. By allocating budgetary funds to a landbank and a land trust, the city can plan creatively for permanently affordable, climate resilient, and multifamily housing. With affordable housing a top priority for the 5-year plan, there is no better time than now to expand on land trust projects. We already have great examples like those in Fifeville. By investing in a land trust/landbank initiative, the city commits to creating below market rate housing, which will ensure opportunities for generational wealth building.

### iii. Commission Discussion and Motion

**Commissioner Stolzenberg** – Sidewalks are the main things that I would like to talk about. The budget explorer describes the sidewalk fund as ‘inadequate to implement sidewalk construction at a meaningful scale.’ As part of the Comprehensive Plan, we made a promise to the city that we would invest in the infrastructure to make the city a more walkable place to help people get out of their cars. \$100,000 a year is not an investment in that. I have gone back through prior years budgets. They are listed all the way back to 2007 on the city website to look at what we put into the sidewalk fund pre-pandemic. FY2020, for example, we had \$400,000. In 2010, we zeroed it out. In 2009, we had \$1.05 million for sidewalks. I had to go back to the first budget in FY07 to find the last time, prior to the pandemic, where we put as low as \$100,000 into the sidewalk fund. Today, you get a little less sidewalk for \$100,000 than you did back in 2007. I understand that we have difficulty building sidewalks. All the money in the fund is committed to existing projects. If we are making an honest commitment to building sidewalks, we need to fix that operational problem and work through the supply chain shortages and contractor shortages that we have now. We need to be putting money into that pot. When we are able, we have the money there to build sidewalks. I would suggest a minimum of \$500,000 per year in new sidewalk funding with the aim of getting up to \$1 million per year in new sidewalks. Those are levels where we can start to make a meaningful impact on our sidewalk backlog. We don't have our list of sidewalk priorities. We know that we're going to have a list of sidewalk priorities. We know that at \$100,000 a year, we're not going to be able to tackle that very priority. By putting a meaningful amount into the fund, we know that when we get that list, let's start to work our way down.

**Commissioner d’Oronzio** – I would concur with Commissioner Stolzenberg. We get persistent and perennial and uninterrupted ‘drumbeats’ from the public about getting the sidewalks sorted. I know that it is difficult. Finding the resources, in terms of human capital to do it. The least that we can do is to make sure we have the money, while we struggle with the rest of it, and make clear that we are laying down a marker. I don’t know what that number is. I am not sure what that is. We need to start making a consistent commitment. I have a lot of thoughts on the landbank. We do need to establish one. We have a draft that is ‘a little long in the tooth.’ Commissioner Solla-Yates and I are working on that with city staff to develop a landbank. It has all the functionality that the public has commented on tonight. That is in the works.

**Commissioner Solla-Yates** – There are so many things that I want to spend money on. My problem is not great things to spend money on: Sidewalks, trails funding, getting a design and engineering for the library. Those jump out as priorities. Those make a lot of sense. I can’t find any fat to cut in this budget, which is a compliment and a frustration. We have more needs than we have resources in the CIP currently, which is troubling. I am uncomfortable voting for increased spending at this time unless we can figure out a way to fund it. That is my concern.

**Commissioner Habbab** – Looking at it, there is nothing to take out, unless we can add more bonds. Would you (Commissioner Solla-Yates and Commissioner d’Oronzio) want to see a line item in the CIP for landbank funding in the out years like a library design?

**Commissioner d’Oronzio** – I am not sure that is the avenue for it. At this point, we don’t know what we don’t know as far as to how there are funding mechanisms for a landbank that we need to look at and balance that. Let’s put \$5 million a year into the landbank for the next 5 years out. I am in favor of that if we can find \$5 million. I don’t know, at this moment, how much money from the city we’re going to need. We need to have a nonsense number in there. I agree with you on borrowing for more bonds. I am looking back fondly on the days where they were giving money away for free in the bond market. We probably should have borrowed every dime we possibly could.

**Commissioner Habbab** – Looking at that slide on the planned revenues. The plan must equal planned expenses. We show a decrease over the years between now and 2029. Is that because we don’t have projects land-wise?

**Ms. Hammill** – It is. We are basically balancing the revenues to the expenditures that are planned at this point. Many years, we have come to you and talked about bond capacity being an issue. That is not the issue now as affording the debt service.

**Commissioner Habbab** – If we were to put something like Walker or the Library renovation, do we have wiggle room in those out years to do that?

**Ms. Hammill** – With every addition, we will have to rerun the projections. Right now, in our CIP, Buford was planned with a much higher bond sale than what we know we need now because of the grant that has been awarded. If you look at what is not in the plan, there is as much or more that could be added on the expenditure side. We could add it. How much do we want to add? What can we give up or not? We would have to work in the pieces. Could we? Sure.

**Commissioner Habbab** – With design services or engineering drawings for a library renovation, would those be bondable?

**Ms. Hammill** – Typically, we do. That would be included in a bondable expense because it is part of the project. The interesting thing with the library is that must move in lock step with the county because it is a joint project. Even if the city was to put in money, the county is not able to do the same step. It becomes a little interesting in how we move forward. Mr. Sanders is in close contact with the County Executive. Our budget office is communicating as they are moving through their process.

**Commissioner Joy** – I want to thank city staff and city manager for the work and clarity of this CIP proposal.

**Chairman Mitchell** – This is the 7<sup>th</sup> one of these that I have done. This is the easiest to follow and the most logical processes that I have seen in the seven years I have done this. I am uncomfortable asking for money that we don't have. The idea of sidewalks is important. The idea of landbank/land trust is important. The library piece is important. The one thing that we have done in these meetings is not necessarily lend an amount to what we're asking for, but to ask Council as it begins deliberating to give thought to finding money for things like sidewalks or the library or begin thinking about finding money for landbanks and land trust. I would recommend that, when we make our motions and we ask for those things, we don't do the \$500,000 every year. We ask Council to consider it. If you can come up with something that they might offset that with something in your motion. In past years, we have not been able to do that either. Council has worked with the City Manager's Office to find ways to make it work and find end of year money to do things like funding sidewalks, landbanks, land trust, and library.

**Motion – Commissioner Solla-Yates – I would like to recommend that we approve the Capital Improvement Plan as presented by staff with the following amendments as discussed. Second by Commissioner Stolzenberg.**

- Exceed pre-pandemic funding amount levels each year for new sidewalks.
- Providing funding in the out years for design and engineering for the Central Library renovation.

**Motion passes 5-0. Commissioner Habbab abstained for the affordable housing items in the CIP.**

#### **IV. COMMISSION'S ACTION ITEMS**

*Beginning: following joint meeting*

*Continuing: until all public hearings and action items are completed*

*Format: (i) Staff Report, (ii) Applicant Presentation (iii) Public Hearing*

1. **ZM23-00004 – VERVE Charlottesville PUD** – Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville (“Code”) for properties (“Subject Property”): Parcel Number: 160008000, 1705 Jefferson Park Avenue, Charlottesville, VA 22903,

Parcel Number: 160005000, 106-114 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160004000, 100 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160003000, 102 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160002000, 104 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160001000, 409 Stadium Road, Charlottesville, VA 22903;

The applicant is proposing to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and a Proffer Statement. The application and development plan includes parking requirements; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The Proffer Statement indicates the applicant will provide a cash contribution to the City’s affordable housing fund in the amount Six Million, Eight Hundred Thousand Dollars (\$6,800,00.00). The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed

building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle.

The Subject Property is approximately 3.3 acres with road frontage on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle. The Comprehensive Land Use Map designates this area in the Urban Mixed Use Corridor. The Subject Property is zoned Residential Multifamily (R-3) with an Entrance Corridor Overlay. This application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda) or a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail ([alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)) or by telephone (434-970-3636).

#### **i. Staff Report**

**Matt Alfele, City Planner** – You have seen this project several times. On December 18<sup>th</sup>, City Council held a meeting for this. They voted on all the supplemental applications that came along with this. There was a critical slope waiver, a sidewalk waiver, amending the closing of Woodrow Street, and amending the sale of the property to allow development. Those passed. During the meeting the applicant did verbally change their proffer to include more money as a contribution to the city’s affordable housing fund. Due to that, this is going back next week to City Council to address that proffer change. There was time between City Council’s meeting and their meeting next week to address this anomaly with the mailing. Staff thought that it was prudent to hold an additional public hearing outside of this public hearing with City Council, just with the Planning Commission to allow anyone that did not receive notice a chance to speak. Staff is anticipating opening the public hearing, closing the public hearing, and Planning Commission making a recommendation just on the zoning map amendment.

#### **ii. Public Hearing**

No Public Comments

#### **iii. Commission Discussion and Motion**

**Motion – Commissioner Solla-Yates – I move to recommend that City Council should approve ZM23-00004, on the basis that approval of the proposed PUD Development is consistent with the City’s adopted Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner d’Oronzio. Motion passes 5-0.**

2. **ZM23-00003 – 2117 Ivy Road PUD** – Williams Mullen (“Applicant”), on behalf of RMD Properties LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 and 34-490 through 34-519 of the Code of the City of Charlottesville for property located at 2117 Ivy Road and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 070001200 (the “Subject Property”). Following the Public Hearing, it is the intention of the Council to consider adoption of this item. The applicant is proposing to rezone the Subject Property from Urban Corridor (“URB”) to Planned Unit Development (“PUD”) with a development plan and proffers. The Proffer Statement indicates the applicant will provide a cash contribution to the City’s affordable housing fund in the amount equal to Three Million, Two Hundred Fifty Thousand Dollars (\$3,250,000), provided that the approved final site plan and approved building permit will permit a minimum of Six Hundred Thirty-Four (634) bedrooms. Otherwise, the amount will be equal to four and one-half (4 ½) times that which would be required under City Code Section 34-12(d)(2). It also modifies their development to include widened pedestrian streetscapes and building step-backs from Ivy Road. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The development plan includes a commitment to affordable housing; a transportation demand management plan; a use matrix; yard and height

regulations; parking requirements; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing commercial structure with one building containing (287) residential units. The proposed building will have a height of (125) feet and include (10) stories plus rooftop amenity space. In addition, the proposed PUD includes improved pedestrian and bicycle road markings at the intersection of Ivy Road, Copeley Road and Alderman Road.

The Subject Property is approximately 1.027 acres with road frontage on Ivy Road and Copeley Road. The Comprehensive Land Use Map designates this area as Urban Mixed-Use Corridor. The Subject Property is zoned Urban Corridor (URB) with an Entrance Corridor Overlay. Additional information pertaining to this application (ZM23-00003) may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in this application may also contact NDS Planner Dannan O’Connell by email at ([oonellld@charlottesville.gov](mailto:oonellld@charlottesville.gov)) or by telephone (434-970-3991).

#### **i. Staff Report**

**Dannan O’Connell, City Planner** – This is the same reason as the VERVE. This is the same PUD application you saw in November. City Council considered it in their December 18<sup>th</sup> meeting. At that meeting, they verbally requested changes to the applicant’s proffer statement, which the applicant agreed to. At the conclusion of that meeting, after they had voted to approve, they voted to have a new public hearing or a new consideration of their application in January to make those changes to the proffer statement legally binding. That will be happening next week on the 16<sup>th</sup>. We did notice a discrepancy in our mailings. We elected to have a new public hearing before the Planning Commission to make sure that we are fulfilling our obligation to advertise to adjacent residents.

#### **ii. Public Hearing**

No Public Comments

#### **iii. Commission Discussion and Motion**

**Motion – Commissioner d’Oronzio – I move to recommend that City Council should approve ZM23-00003 on the basis that approval of the proposed PUD Development Plan is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner Solla-Yates. Motion passes 5-0.**

- 3. ZM23-0002 and SP23-00003 - 108 Lankford Avenue** – On November 14, 2023, the Planning Commission and City Council conducted a Joint Public Hearing for a Rezoning application and a Special Use Permit Application (“SUP”) for property located at 108, 110, 112 Lankford Avenue and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 260012000 (the “Subject Property”). Following the Joint Public Hearing, the applicant requested a deferral to make minor modifications to the applications. It is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning and SUP. The owner, Green Retro Salvage II Holdings, LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Single-Family Residential Small Lot (“R-1(S)”) to the R-3 Multifamily Residential (“R-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 49 DUA along with modifications to the setbacks and screening requirements pursuant to Charlottesville City Code Sections 34-420, 34-158, and 34-162. The applicant is proposing a multifamily residential development with up to 46 units through new construction. The Subject Property is approximately 0.95 acres with road frontage on Lankford Avenue. The Comprehensive Land Use Map designates the Subject Property area as General Residential. Additional information pertaining to these applications (ZM23-0002 and SP23-00003) may be viewed

online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in these applications may also contact NDS Planner Carrie Rainey by email at ([raineyc@charlottesville.gov](mailto:raineyc@charlottesville.gov)) or by telephone (434-970-3453)

## **i. Staff Report**

**Carrie Rainey, City Planner** – Green Retro Salvage II Holdings, LLC has submitted a rezoning application and a special use permit application to permit a proposed development on property located at 108, 110, and 112 Lankford Avenue. The Planning Commission and City Council held a joint public hearing on these applications on November 14, 2023. After the hearing, the Planning Commission granted the applicant's request to defer the application to make modifications. The applicant has chosen to defer the associated Critical Slope Waiver application until a later date.

The modifications to the applications include reducing the proposed residential units to 46 residential units or a density of 49 DUA, retaining 2 of the 3 existing structures on site, modifying the proffer statement to provide 10% of units as affordable for 99 years from the first certificate of occupancy, and providing additional landscaping within the proposed parking lot.

The rezoning application requests a change from the existing R-1S small lot residential zoning to R-3 multifamily residential zoning. The permitted uses in the R-1S and R-3 residential districts are similar with several key differences. While the R-1S district limits residential use types to single family detached units, the R-3 district permits single family detached, single family attached, two-family, townhouses, and multifamily residential developments. While both districts generally prohibit commercial and industrial uses, the R-3 district does allow uses such as health clinics up to 4,000 SF and public health clinics by-right and several commercial uses ancillary to a primary use including consumer service businesses up to 4,000 SF.

The R-1S district permits 35 feet in height while the R-3 district permits 45 feet. Both districts require a 25-foot front setback, although the applicant has requested to modify the front setback to 10 feet as a part of the special use permit application. The R-1S district requires a 25-foot rear setback and the R-3 district requires a 25-foot rear setback for developments with a density up to 21 DUA and a 75-foot rear setback for developments with a density of 49 DUA as requested as part of the special use permit application. The applicant has requested to modify the rear setback to 25 feet as a part of the special use permit application. The R-1S district requires 5-foot side setbacks while the R-3 district requires 1 foot for every 2 feet in height with a 10-foot minimum for a density of 21 DUA and a 75-foot side setback for developments with a density of 49 DUA as requested as part of the special use permit application. The applicant has requested to modify the side setbacks to 10 feet as a part of the special use permit application. As a part of the SUP, the applicant has proposed replacing the required 20-foot S-2 screen for the side and rear setbacks with an opaque fence.

The Office of Community Solutions has noted concerns with the lack of information in the application necessary to determine affordable housing requirements per Section 34-12. Should Council approve the rezoning request, the applicant will be required to demonstrate compliance with the affordable housing provisions of Section 34-12. The proffer submitted by the applicant would require 10% of units to be affordable for 99 years.

Section 34-41 provides factors for consideration of rezoning, including compliance with the comprehensive plan, furtherance of the purposes of the zoning chapter and general welfare of the community, the necessity of the change, and the impact of the proposed zoning district on the surrounding properties and community services and facilities.

The 2021 Comprehensive Future Land Use Map designates the Subject Property and adjacent properties as General Residential. Properties across Lankford Avenue are designated as General Residential Sensitive Community Areas. The Land Use Category Descriptions of the comprehensive plan states General Residential areas allow for additional housing choice within existing residential neighborhoods with forms compatible to the existing context, including house-sized structures with similar ground floor footprint area and setbacks as surrounding residential structures. Up to 2.5 stories of height is recommended, and 3 residential units per lot of 4 units if an existing structure is maintained.

The applicant proposes 46 residential units through the SUP application and would be permitted 19 residential units should this Rezoning application be approved. The revised application materials show retention of two of the three existing structures along the front of the property, which staff finds consistent with the neighborhood pattern and scale. However, the three (3) proposed buildings will be taller and have a larger footprint than the typical patterns of the neighborhood.

While the proposed rezoning may contribute to some aspects of the City's Comprehensive Plan, such as diversifying housing options in support of Goal 2 of the Housing chapter, staff finds the rezoning is not consistent with the Future Land Use Map, Land Use Category Description, and several goals and objectives of the Land Use chapter focused on context-sensitive infill and respect existing neighborhood patterns and scale. The proposed rezoning will not be consistent with patterns of development along Lankford Avenue. The applicant has also applied for a SUP to allow 46 residential units and reduced setbacks and screening requirements as previously described.

Section 34-157 provides factors for consideration of a special use permit, including harmony with existing patterns of use and scale in the neighborhood and applicable zoning district, compliance with the comprehensive plan, impacts to historic districts, and impacts to the neighborhood such as traffic and parking congestion, impacts to the natural environment, and community facilities.

While the Subject Property is not within any historic districts, the western adjacent property is an Individually Protected Property, and the eastern adjacent property contains the Goings Family Cemetery. The City Preservation Planner has noted the applicant must be careful to not disturb the known burial site and be vigilant for any evidence of additional, likely unmarked graves. Staff recommends the applicant retain a licensed archeologist to determine if unknown graves are present on the Subject Property and, if found, no construction continues until notice is provided to the City Preservation Planner.

The City Traffic Engineer has confirmed the proposed development will not create a significant impact to the City's Street network. The existing conditions of Lankford Avenue generally align with the recommendations of the Streets that Work Plan. The narrow travel lanes and on-street parking limit potential improvements in the right-of-way. The proposed development will meet on-site parking requirements, which will minimize impacts to the availability of on-street parking for other residents in the area.

The proposed development will not generally result in any additional dust, odor, fumes, vibration, or other factors that could also be present with any by-right development. It should be noted that due to the increased density, noise and lighting could be more intense than would be present in a by-right development.

The City's Comprehensive Plan identifies community facilities as fire protection, police enforcement, and emergency response services; public utilities and infrastructure; and public parks and recreation opportunities. Although final determination for capacity and code compliance will take place during site plan review, relevant city departments have reviewed the SUP application and determined the development, as proposed, would not have an adverse impact on community facilities.

As previously described, staff is concerned the use and scale of proposed development are not harmonious with the neighborhood or in compliance with the comprehensive plan and do not meet the general standards of issuance for a special use permit. Should the Commission recommend approval, staff has provided a series of potential conditions in the staff report for the Commission's consideration.

**Commissioner Solla-Yates** – I have seen a lot of the issues that came up last time this was addressed. I don't see the safety issues that the public spoke about (speeding, distracted drivers). I don't believe that this is the result of this proposal. Checking previously, there was no plan to address the sidewalk discontinuities or safety issues. Is that still true? Could that be changed?

**Ms. Rainey** – There is nothing proposed in the application to improve Lankford Avenue. That is something that could be provided should the applicant choose. After the City Council meeting in early November, where several members of the public spoke about traffic concerns on Lankford Avenue that city staff has connected with those people to provide some information on our traffic calming program, which has potential to improve neighborhood streets. I have not heard any follow-up from that discussion at this point.

**Commissioner Solla-Yates** – It sounds like this is in process.

**Ms. Rainey** – Yes. The city is potentially looking at improvements on Lankford. At the time, the application itself is not contemplating them.

**Commissioner Habbab** – I have a question about the rezoning and the proffer. Nothing in the rezoning application, if that is approved, locks. It is like a condition or something like that as part of the rezoning, saving the 2 homes or the layout that we are looking at. Is that correct?

**Ms. Rainey** – Correct. That would be correct regarding the rezoning. Special use permits can have conditions if found appropriate by the Commission and Council.

**Commissioner Habbab** – Are there any setback modifications?

**Ms. Rainey** – There is a request to reduce the 25-foot front yard setback, which is both for R-1S and in the R-3 District to be 10 feet. Regarding the side setbacks, there are 2 pieces in play. There is a requirement for anytime a development is adjacent to low density residential districts. This parcel was rezoned R-3. The remaining parcels around it would continue to be R-1S. There is a 75-foot buffer required adjacent to that R-3 property. There has been a request to reduce that to be shown as in the exhibit. There is a requirement to have a 20-foot landscape buffer provided between those multi-family developments and lower density residential. The applicant has proposed a 6-foot opaque screening fence instead of that 20-foot landscape buffer. I did not note that they were requesting to reduce the side setbacks from 75 to 10 feet, maintaining the 25-foot rear setback.

## ii. Applicant Presentation

**Kelsey Schlein, Applicant** – I want to thank you for the conversation that was had at the November 14<sup>th</sup> Planning Commission public hearing. What we have before you tonight is a direct response to concerns that we saw in the staff report that was released before that meeting. I appreciate the conversation that was had that evening. That has allowed us to come back before you tonight with a much better project.

### Next Slide – Project History

One item that I wanted to address is the project history and timeline. I know that you all briefly discussed this at the November 14<sup>th</sup> meeting. Given the recent adoption of the zoning ordinance rewrite and the impending enactment of that on February 19<sup>th</sup>, we are up against a deadline with this project. This is the last night for a vote on this. It will go forward to City Council prior to their 19<sup>th</sup> meeting. What I wanted to demonstrate for you is that we have been working on this application for a long time. The timelines happened to coincide with the recent adoption of the zoning ordinance rewrite. In April 2022, we had the pre-application meeting. After the pre-application meeting, we received some comments from staff. There was the potential that the Goings Family Cemetery was located on the property. They wanted us to do additional research as to the location of that cemetery. We did courthouse research. Some of these plots are very old. We needed to bring on a specialist with ground penetrating radar. It took a while to get that scheduled and for the report to be completed. There was a large gap between the pre-application meeting and our first submission, working through finding the location of that cemetery. It was not found to be on the property. It is believed to be on the property to the east. In August 2023, we received some initial comments from the Office of Community Solutions and Traffic. We responded to those as best as we could by the November 2023 public hearing. After we had a good discussion in November, we are here before you tonight.

### Next Slide – Surrounding Context

I want to draw attention to the context of this property. This is nearly an acre site on Lankford Avenue. We put the 20-minute walking diameter on there to call out how connected this would be. This is bird's eye view. You can get to quite a few places from this site within 20 minutes. You can see the white buildings just southeast of the site. That is the South First Street development where 64 units were recently completed there. They have a planned 175 units for that development. We are directly across the street from the church. Although we are on Lankford Avenue, getting towards this intersection between Lankford and South First Street, we are in a mixed housing type, mixed-use type of neighborhood on this portion of the street.

#### **Next Slide – Neighborhood Context**

This is calling out some additional closer views of the context of this 1-acre site.

#### **Next Slides – Revisions From November 14<sup>th</sup> PC Meeting**

I wanted to go over the revisions from the last time. This is an item that we presented to you at the prior public hearing. It involved the removal of one multi-family structure towards the front of the site and the preservation of 2 of the 3 existing houses along Lankford Avenue to preserve the streetscape as best as possible. If you look closely at the grading plan, there is a good grade drop across the property. Speaking to Commissioner Habbab's questions about setback reduction, there is an R-3 district adjacent to a low-family residential district. It requires a 75-foot separation from the face of the multi-family building to the adjacent low-family residential district. That is difficult to achieve. If you look at the map, you will see that our greater intensity of form, which is still a building footprint that is about 25,000 square feet, is stepping down the hillside. It is not directly adjacent to any adjacent single-family dwellings. If you look at the map, all the buildings are up towards the street. We're utilizing the entirety of this 1-acre property, stepping down, which also diminishes the view from the streetscape.

The November proffer statement committed to 12.5 percent of units designated as affordable at 60 percent AMI from year 10 to year 99 (an 89-year affordability). The reason for that is that it is most difficult to get a project off the ground. That is when the most money goes into a project. That is when it is most difficult to finance. After year 10, you can refinance, and it becomes a little more feasible. That was the thought behind that proffer. After the conversation we had at the meeting, the comments from (Office of Community Solutions) did not change between our 2 proffer statements. They are the same even though the proffer was changed. We changed the January proffer to be reflective of the requirements that are now included in the zoning ordinance, which is 10 percent of units designated at affordable or designated as 60 percent AMI for 99 years. With some of the OCS comments, it is noting that because specific floor plans for each building were not presented as part of the rezoning and special use permit application, they could not confirm the exact square footage for Section 34-12 calculation. What their comments say to me is that if at site plan, we are more than 1.0 floor area ratio, we will trigger 34-12. I don't believe we will get there. If we get there, we will comply with 34-12 in addition to our proffer statement. We will have to meet both requirements.

You will see the retention of the 2 residential structures and elimination of 1 multi-family structure. That is the main change to this proposal. We discussed trees and some green space on the property. In our resubmittal, we proposed an SUP condition, which is incorporated into your packet. It doubles the tree canopy requirement within the parking area. What we're trying to balance here with the amount of parking that we provided, is complying with the ordinance as it stands now. We're balancing it with concerns that we heard at the community meeting about the availability of on street parking in that area. By increasing the tree canopy while maintaining the required amount of parking, we responded well to those concerns.

#### **Next Slide – Site Sections**

This is the revised site section so you can see how the grade steps down. We are maintaining the existing streetscape. That is much more familiar to residents along that roadway.

**Next Slide – Development Scenarios**

This is something that we previously talked about. This is various development scenarios that might be likely to take place. I know that you went into this in a little more detail. There is an acre lot that is very proximate to employment centers, amenities in this area. We feel that a multi-family development utilizing the grade, maintaining the existing streetscape is a creative way to realize some infill development on this property given its unique location.

**Next Slide – Consistency with the Comprehensive Plan**

It was Chapter 4, Goal Strategy 2.3. When we saw that and how it was analyzed in the staff report, that pushed us to revise this application. Prioritizing the preservation of existing structures, while encouraging a greater intensity of use, encourage infill development, and reuse of or additions to structures rather than demolition of existing buildings. That pushed us to the project that we have before you tonight. I hope that we will be able to get your support for it.

**Commissioner Stolzenberg** – With your proffer statement, it seems that the 99 years begins when the first CO (Certificate of Occupancy) is issued. I don't know if you're planning on phasing this. If you were to do that, then in the later phases, that 99 years would have already started elapsing before the affordable units are provided. That wouldn't help you until 98 years later. Was that intentional?

**Ms. Schlein** – It was intentional to start the trigger for establishing the trigger for when the affordability will start. From a tracking standpoint for staff, rather than having tracking tied to each additional building, regarding the phasing question, it is a relatively small project. We would likely develop it all at once. I understand your concern. We're more than happy to clarify and address that. We must establish a trigger. As far as staff tracking, it is from when that first CO was pulled on the property rather than a specific per building basis.

**Commissioner Stolzenberg** – It seems that your number of units per building has increased since the previous one to compensate for losing the front building. It does seem like the buildings didn't get bigger. They are the same height. The footprints look the same. How have you done that?

**Ms. Schlein** – It would either be for going to a smaller unit. Previously, we had accounted for some one bedrooms. Maybe incorporating entirely studios and relatively small units like the size of a project that is going up in Belmont. Alternatively, it gives us the flexibility in the future. When the tenants move out of the front 2 structures, they could potentially be converted into a duplex. One of the structures is being rented out by room. Maybe there is the potential in the future to create a few units in one of the existing structures so that people have cooking facilities in their apartment rather than renting out by room.

**Commissioner Stolzenberg** – Given the property owner's situation, do you anticipate that the current property owner still anticipates developing the project?

**Ms. Schlein** – The estate asked us to keep pushing on this. That is why we are here. It was an awful tragedy that happened to our client. The estate wanted us to bring this forward. There is every intention of bringing this to fruition with the current owners of the estate.

**Commissioner d'Oronzio** – I don't think there has been a change in ownership. This is not an estate matter in a technical sense that the current single owner has been the consistent owner throughout.

**Ms. Schlein** – The owner's wife now has control of the LLC. We submitted updated ownership documents with her signature on it.

**Commissioner d’Oronzio** – She has always owned the LLC. At one point, he was a manager of that LLC. The ownership has not changed. It sounds like you are pushing this closer to studio-type apartments because we are a strange straddling of the two plans here. Under the new zoning, the setback issues are static. There isn’t a 75-foot setback requirement from General Residential to higher density under the new plan.

**Commissioner Stolzenberg** – This will be RA in the new zoning regardless.

**Commissioner d’Oronzio** – Correct. I am talking about the physical landscape in terms of the pragmatic setbacks. We’re consistent with the modifications that you are requesting. With the view from the street, we have it descending. You’re one story behind the original structures. Every single comment about this project to City Council was about the speeding on Lankford. That has nothing to do with this application. I don’t care if the affordability period works out to 99 years or 92 years.

**Commissioner Solla-Yates** – I don’t think that the speeding on Lankford was your fault. I believe that it is happening. The hill is steep. The sidewalks are uneven. There are kids playing on the street. Can you comment how this project might influence the speeding on Lankford?

**Ms. Schlein** – With the transportation planning and traffic planning, it is always a compromise between utility of the road and how many cars can travel on it. Narrower streets tend to indicate to people to slow down. Lankford is a narrow street. It is the grade change that is encouraging people to drive faster than they should. Typically, when people live in the neighborhood, they don’t want to speed through their neighborhood. As far as these residents living here, I imagine that they will not be bad actors as far as driving on the road. I imagine that they will comply with the laws because they will be living there among their neighbors. If they are speeding, their neighbors see that. I am glad to hear that the city is now looking at this and that the residents showed up and expressed their concerns. That is how you get the city to focus on these types of issues if it is not voiced. As far as impacts from this project, there will be more traffic. Hopefully everybody is going to be good actors because they are living in the neighborhood.

**Commissioner Habbab** – I appreciate the willingness to modify the plan based on our last conversation and bring this back to us. I had a question on the proffer. Looking at the 10 percent of the units being affordable, when you are rounding at 46 units, are you doing 4 units or 5 units? How does that work?

**Ms. Schlein** – That is something that has been clarified in the current ordinance. Previously, it was my understanding that it was always interpreted that if you trigger more than the whole number, you will have to provide the additional unit. The new ordinance has clarified that. Under what we are proposing and under R-3, as it is currently interpreted, if you hit 0.1 and you are not providing that additional unit, you haven’t met the requirement.

**Commissioner Habbab** – It will be 5 units in that case.

**Ms. Schlein** – That is correct.

**Commissioner Habbab** – I am assuming that the unit size/amenities and distribution around the development would be equal to other units.

**Ms. Schlein** – We have a note about that. In B-2, it says that the required affordable dwelling units shall be comprised proportional to the unit types constructed.

**Commissioner Habbab** – With the residents in the houses right now that are staying, are those residents staying throughout?

**Ms. Schlein** – That is the intent. There was a good conversation about displacement. By preserving 2 of the 3 houses, the lease is in place, you already have tenants vetted and approved to live in your unit. I can't imagine that the owner has any intention of moving them out. It would be more of a nuisance issue. One of the main goals of revising this was promoting anti-displacement.

**Commissioner Habbab** – It looks like you are at 3.5 stories, which feels compatible with the neighborhood. There was nothing in the conditions that you suggested in the SUP to retain the 2 homes. Why is that?

**Ms. Schlein** – My understanding with special use permits is that it is a specific request that we're putting forward with a special use permit. We have submitted a specific plan for a specific number of units with a concept plan that guides development on the property. If the existing front units were not to be retained, we would not be consistent with the approval of the special use permit.

**Ms. Rainey** – I agree with that statement. As the Commission, you can also recommend adding any conditions that are shown in the plan that you feel are important and that you want to specifically call out in a recommended condition to Council. The landscaping component was called out. In the proposed written conditions by staff, that could be added on the Commission's recommendation.

**Commissioner Stolzenberg** – That would only apply for the special use permit for density and setbacks. If they were to pursue a by right R-3 development, I don't know if that is possible. They could potentially do that without any conditions since it isn't proffered.

**Ms. Rainey** – That is correct.

**Commissioner Habbab** – If it is in the conditions or proffered, could these homes ever be demolished? What would be the process to go through that?

**Commissioner d'Oronzio** – Don't we have a consolidation on Stribling one building to another? Wasn't it substantially consistent with the original site plan? I don't know where that line is. The Planning Commission makes that decision whether they are out of line on the SUP or not.

**Commissioner Habbab** – I assume they are acting on good faith to save them.

**Commissioner d'Oronzio** – Both of those properties have been internally renovated. They spent some time and money on that over the years.

**Commissioner Habbab** – There is nothing you can do about the traffic. I was concerned about the parking lot and how it fits. Across the street is the church parking lot. There is a similar layout one property over.

**Commissioner d'Oronzio** – My impression is that this place has been denser throughout the measured time of zoning in this city, except for the 2003 swap to R-1S. We're consistent with the neighborhood and the history of the neighborhood.

**Commissioner Joy** – I appreciate the sentiment and the acknowledgement of the Comprehensive Plan. It is an improved plan.

**Commissioner Solla-Yates** – Ms. Creasy, you were saying that they would have to come back. They would have to come back if we included a condition on the property in general accord with the proposal.

**Ms. Creasy** – They would have to do it either way. The SUP has conditions. That is a significant condition that is not an administrative situation. They would have to come back and ask. There are circumstances where that is something that would make sense to do down the road.

### **iii. Commission Discussion and Motion**

**Motion (rezoning) – Commissioner Stolzenberg – I move to recommend approval of this application to rezone the Subject Property from R-1S to R-3, on the basis that the proposal would serve the interests of the general public and good zoning practice. Second by Commissioner Habbab. Motion passes 5-0.**

**Motion (SUP) – Commissioner Stolzenberg – I move to recommend approval of this application for a Special Use Permit in the R-3 zone at TMP 260012000 and an address of 108 Lankford Avenue to permit additional density with the following listed conditions.**

- 1. Per Section 34-420: Permitted Residential density up to 49 Dwelling Units per Acre (DUA) on the Subject Property.**
  - 2. Per Section 34-162: Alter the Lankford Avenue front yard setback requirement to ten (10) feet.**
  - 3. Per Section 34-162: Alter the side yard setback requirement to ten (10) feet.**
  - 4. Per Section 34-162: Alter the rear setback requirement to twenty-five (25) feet.**
  - 5. Per Section 34-162: Require a six (6) foot tall opaque fence in the side and rear yards.**
  - 6. The Landowner (including, without limitation, any person who is an agent, assignee, transferee, or successor in interest to the Landowner) shall hire a qualified archeologist to determine:**
    - a. If any human graves are present on the Subject Property and, if found, no construction continues until notice is provided to the City Preservation Planner and upon consultation with the City Attorney's Office, he will provide guidance on the next steps required before development resumes.**
    - b. If construction activity will disturb the adjacent property at 106 Lankford Avenue, determine if any known or unknown graves will be impacted and assure they are treated appropriately including, if necessary, consulting with the Virginia Department of Historic Resources and securing any required state permit(s).**
  - 7. The Landowner (including, without limitation, any person who is an agent, assignee, transferee, or successor in interest to the Landowner) shall provide a minimum of one (1) tree for every four (4) parking spaces provided on-site.**
  - 8. The development be consistent with the general layout as shown in the concept plan on page 140 of the packet submitted December 4, 2023.**
  - 9. The landowner shall provide a minimum of one tree per four parking spaces to increase the required tree count in the parking lot by 100 percent beyond the requirements provided for in Section 34-873d2 of the Charlottesville Zoning Ordinance as of December 4, 2023.**
- Second by Commissioner Habbab. Motion passes 5-0.**

The meeting was adjourned at 8:01 PM.