

## Agenda

### **PLANNING COMMISSION REGULAR DOCKET TUESDAY, August 13, 2019 at 5:30 P.M. CITY COUNCIL CHAMBERS**

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

*Beginning:* 4:30 p.m.

*Location:* City Hall, 2nd Floor, NDS Conference

#### **II. Commission Regular Meeting**

*Beginning:* 5:30 p.m.

*Location:* City Hall, 2nd Floor, Council Chambers

##### **A. COMMISSIONERS' REPORTS**

##### **B. UNIVERSITY REPORT**

##### **C. CHAIR'S REPORT**

1. Appointment of the Nominating Committee

##### **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 – July 9, 2019 – Pre- meeting and Regular meeting

2. Minutes – July 23, 2019 - Work Session

#### **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

- 1. SP19-00003** – Landowner Heirloom West Main Street Second Phase LLC, by its agent Milestone Partners is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-641, to allow additional residential density for a mixed-use building at its property having an address of 602-616 West Main Street, having approximately 163 feet of frontage on West Main Street. The applicant is proposing a mixed-use building with ground floor commercial space, and up to 55 residential units above the ground floor. The property is further identified on City Real Property Tax Map 29 as Parcel 3 (“Subject Property”). The Subject Property is zoned West Main East Corridor (WME), subject to the West Main Street Architectural Design Control Overlay District and the Parking Modified Zone Overlay District. In WME residential uses are allowed by-right, including multifamily dwellings, at a density up to 87 dwelling units per acre and additional density, up to 120 dwelling units per acre, is allowed pursuant to an SUP. Building(s) within the proposed development are to have a minimum height 35 feet and a maximum height of 52 ft. max, subject to a bulk plane restriction; ADC architectural guidelines state that height should be within 130 percent of the prevailing average of both sides of the block and should relate to adjacent contributing buildings. The Comprehensive Land Use Map for this area calls for Mixed Use, but no density range is specified by the Comprehensive Plan. Information pertaining to request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP application may contact NDS Planner Brian Haluska by e-mail ([haluska@charlottesville.org](mailto:haluska@charlottesville.org)) or by telephone (434-970-3186).

**2. ZT19-06-01** -- A proposed amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. Currently the ordinance requires 2 points of access for any development that contains 50 or more dwelling units; this requirement is outdated and does not match current Fire Code or other engineering and safety standards. The purpose of the amendments are to clarify that access must be designed and constructed in accordance with the standards set out in the City's Standards and Design Manual, and mandatory safety standards, and to eliminate conflicts with those other documents. Staff contact:

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

*Continuing:* until all action items are concluded

1. 503 Rugby Road - Preliminary Discussion

#### **V. FUTURE MEETING SCHEDULE/ADJOURN**

Thursday August 15, 2019 – 6:00PM Location To Be Determined	Work Session	Joint Work Session City Council/Planning Commission on Form Based Code proposal
Tuesday, August 27, 2019 – 5:00PM – Water Street Center – tentative location	Work Session	240 Stribling Avenue Primary Discussion
Tuesday, September 10, 2019 – 4:30 PM	Pre-Meeting	
Tuesday, September 10, 2019 – 5:30 PM	Regular Meeting	Planning Commission Annual Meeting <u>Entrance Corridor</u> – Hillsdale Place Comprehensive sign package

#### **Anticipated Items on Future Agendas**

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements  
SUP –MACAA (1021 Park Street), 167 Chancellor, SP19-00002 – 1201 Druid Avenue  
Rezoning – 240 Stribling Avenue

**Persons with Disabilities may request reasonable accommodations by contacting  
[ada@charlottesville.org](mailto:ada@charlottesville.org) or (434)970-3182**

**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.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY  
7/1/2019 TO 7/31/2019**

**1. Preliminary Site Plans**

- a. Gallery Court Hotel (TMP 8-4) – July 9, 2019
- b. 10<sup>th</sup> & High Medical Office Building (TMP 53-273, 274, 275) - July 15, 2019

**2. Final Site Plans**

- a. 319 11<sup>th</sup> Street NE (Charlottesville Day School Parking lot – July 1, 2019

**3. Site Plan Amendments**

- a. Emmet Street – Bodos Dumpster Relocation – July 2, 2019
- b. 608 Preston Ave - Sigma Chi Renovation/Addition – July 10, 2019
- c. 104 Keystone Place (JAUNT Parking Modification) – July 15, 2019
- d. Water Street Trail Project – July 29, 2019

**4. Subdivision**

- a. BLA – Nassau St (TMP 61-79.2, 79.3, 79.4, 79.5, 79.6, 79.7) – July 2, 2019

## Minutes

**PLANNING COMMISSION REGULAR DOCKET**  
**July 9, 2019 – 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**  
**NDS Conference Room**

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

***Beginning:*** 4:30 pm

***Location:*** City Hall, 2<sup>nd</sup> Floor, NDS Conference Room

**Members Present:** Chairman Lisa Green, Commissioners Hosea Mitchell, Jody Lahendro, Taneia Dowell, Lyle Solla-Yates, Gary Heaton, and Rory Stolzenberg

**Staff Present:** Missy Creasy, Lisa Robertson, Kari Spitler, Alex Ikefuna, Joey Winter, and Matt Alfele

Chairman Green called the meeting to order at 5pm. She asked if there was discussion concerning the consent agenda. It was noted that there is no intent to remove any of the consent agenda items from that agenda.

In reference to the public hearing scheduled for this evening, Lisa Robertson outlined the order for Council's actions on the rezoning and the Comprehensive Plan amendment for the properties on Maury. Chair Green asked if 750 Hinton should go back to this process and it was noted that we will start this process from now and not go back to older projects. Matt Alfele stated that one of the rezoning criteria is "is the change warranted." That is not always easy to note in the affirmative if the land use map does not match. Ms. Robertson noted that the Comprehensive Plan can bring all of those elements together. If the land use map does not match, the community may not see the link for the change. Commissioner Mitchell asked if we move this forward, does the project become by right. Ms. Robertson confirmed that it will not. Chair Green asked if the land use map and the application do not match, can the applicant propose an amendment. Commissioner Dowell looks forward to the Comprehensive Plan being finished since it feels like it is polka dotting the City. Alex Ikefuna provided background on the RFP for the Comprehensive Plan, Housing Strategy and Zoning Ordinance.

Chair Green asked if there were any questions on the David Terrace application and then the Zoning Initiation request for the Fry's Spring area. Ms. Robertson reminded everyone of the past request in Fry's Spring to zone from R-2 to R-1. She noted that once properties are zoned for a certain level of activity that becomes the baseline into the future. It is very difficult to zone to a less intensity after that. Commissioner Dowell asked for confirmation of the goal of this request. Commissioner Stolzenberg provided information.

**II. COMMISSION REGULAR MEETING**

***Beginning:*** 5:30 pm

***Location:*** City Hall, 2<sup>nd</sup> Floor, NDS Conference

**Members Present:** Chairman Lisa Green, Commissioners Hosea Mitchell, Jody Lahendro, Taneia Dowell, Lyle Solla-Yates, Gary Heaton, and Rory Stolzenberg

**A. COMMISSIONER'S REPORTS**

**Commissioner Lahendro:** Attended a BAR meeting on June 18. Seven COA applications were submitted and of those, five were approved and two were deferred. There was also an SUP application for 612 West Main Street, the location for University Tire, where the BAR had to determine if there were any adverse effects for increasing

the density. This will be coming to the Planning Commission and the density increase is from the allowed 43 dwelling units to 120. The BAR was asked to review it for City Council in terms of the criteria under the Design Guidelines for the BAR. Under those Guidelines, the BAR found no adverse impact, although they recommended the following conditions attached to the approval: 1) Garage entry shall not be accessed directly from the building's street wall along West Main Street; 2) That the building's mass shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation; 3) That the Holsinger Building be seismically monitored during construction; 4) That there shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level; and 5) That the building and massing refer to the historic buildings on either side.

**Commissioner Solla-Yates:** The HAC met on June 19. The Rental Assistance Program is going to be expanded about 50% this year and it has been successful. The grant is written and should be going live soon. Work is currently underway to create a new program to incentivize rental unit owners to invest in energy efficiency upgrades. Similar work has been finished with Crescent Hall and Westhaven is coming soon.

**Commissioner Dowell:** No report.

**Commissioner Heaton:** No report.

**Commissioner Stolzenberg:** There was a PLACE meeting in June where we discussed the Preston/Grady intersection in advance of the Smart Scale application. It included several different options that included lights, roundabouts, oblong roundabouts, etc. A few days later we found out that Smart Scale is doing the Cherry Avenue intersection instead so those plans will be pushed off for a while. We also discussed allowing duplexes and fourplexes in R-1, as we have been talking about in the Comprehensive Plan. It is anticipated that PLACE will produce a memo on that subject over the next few months. On July 5 it was announced that there was a bacterial flare-up in the Rivanna River, so stay clear of that.

**Commissioner Mitchell:** No report.

## **B. UNIVERSITY REPORT**

**Bill Palmer:** No report – Mr. Palmer was not in attendance.

## **C. CHAIR'S REPORT**

**Chairman Lisa Green:** Attended the TJPDC meeting in June, where elections were held and we have a new Chair of that group. There were other discussions about the new Regional Housing Study that is underway. There was no meeting on July 4 and the next meeting is scheduled for August 1 at the Water Street Center at 7pm.

## **D. DEPARTMENT OF NDS**

**Missy Creasy:** There is a work session scheduled for July 23 for the presentation of the Fontaine Avenue Streetscape. They are currently presenting to other boards and commissions and the consultants will be here to provide information on that. From a staff perspective, we are gearing up for phase 2 of the Rivanna River project. We are in some of the early phases prior to the steering committee getting back together again. We will be hearing more about that very soon.

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

None.

## F. CONSENT AGENDA

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

1. Minutes – June 11, 2019 – Pre Meeting and Regular meeting
2. Minutes – June 25, 2019 – Work Session
3. ZTA Initiation – Access Management
4. Preliminary Site Plan – Gallery Court Hotel
5. Preliminary Site Plan – 901 River Road

**Commissioner Solla-Yates moves to approve the consent agenda as presented. Seconded by Commissioner Dowell. Motion is approved 7-0.**

## III. JOINT MEETING OF COMMISSION/COUNCIL

*Beginning:* 6:00 pm

*Continuing:* until all public hearings are completed

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

### 1. CP19-00001: Comprehensive Plan Amendment – Future Land Use Map Amendment

The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan's Future Land Use Map. The Future Land Use map is provided for the purpose of guiding a coordinated, adjusted and harmonious development of the territory within the City limits, in accordance with present and probable future needs and resources. The purpose of this request is to evaluate approximately 1.6 acres of land identified within City tax records as Tax Map and Parcel (TMP) 17-18, TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, "Subject Property"), which is the subject of a rezoning application (ZM19-00002) seeking to increase the intensity of uses as well as allowable density of residential uses. The Subject Properties have frontage on Maury Avenue and Stadium Road. The Comprehensive Plan Land Use Map for this area currently calls for Low Density Residential (15 Dwelling Units per Acres); the proposed ZM 19-00002 seeks to reclassify the Subject Properties to the R-3 zoning district classification, which would allow multifamily dwellings and a residential density of development of up to 21 DUA by right or 87 DUA by special use permit. The Comprehensive Plan Amendment is being evaluated by staff to see if it is appropriate to change the Future Land Use Map designation to High Density Residential (Over 15 Dwelling Units per Acres) based on existing patterns of development, probable patterns of development, and other factors.

**Staff Report, Matt Alfele:** Tonight you are holding a public hearing on amending the Comprehensive Plan Land Use Map from low density residential to high density residential. This was a component of a rezoning request that this Commission recommended approval on at the June 11 meeting. At the July 1 City Council meeting, they heard the rezoning and held their own public hearing. City Council was inclined not to pass the rezoning recommendation and it has likely been moved to the August 5 agenda, but a final decision has not been made. Their discussion on the dais made it sound like they were not in favor of rezoning the subject parcels. The Comprehensive Plan component is currently low density residential, which is the housing type of single family and two family types of dwellings under 15 dwelling units per acre. Our definition of high density residential in the Comprehensive Plan includes the housing type of townhomes, apartments, and a density over 15 dwelling units per acre. In deliberating, the Commission should consider two roads: Maury Avenue and Stadium Road. Under the Streets that Work plan they are considered roads that should be access to higher density.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** Is there a public benefit to keeping higher density housing away from this area?

**Mr. Alfele:** The subject property is located near Grounds and it is in a typically single family and two family neighborhood. The majority of the homes in the area have switched to rentals but there are still some owner-occupied lots. You are at an intersection of student housing at the northwest and directly to the east, and Jefferson Scholars is directly to the southeast. Then you move to lower density to the west, even though they are rentals. We don't have a good transition zone from something like an R-3 down to an R-1. There is a little bit of balance on that because there are some height and setback restrictions since they are based on density. It isn't as bad as some of the single family low residential that abuts highways where there is no buffer.

**Chairman Green:** Did Council have any reasoning in their discussion?

**Mr. Alfele:** Their concern didn't really get into the Land Use Map, it got into the request for rezoning that there was nothing to review as far as a plan, which made them uncomfortable. It wasn't that they were necessarily opposed to higher density in this location but they had a hard time visualizing what that would look like.

## PUBLIC HEARING

**William Atwood:** I am an architect and have been associated with this particular project ever since the Jefferson Scholars Foundation tore down the sister house. We have been working on a strategy to protect the house for about 5 years. The neighborhood south is a small scale architectural endeavor. It's almost like a horizontal apartment building in Brooklyn because it is very intense and small but it is like the Minnesota Model for number of units per acre. We built three on Price Street that sold instantly. Across the street, there are two white windowless elements that were approved, so it is transitioning to these wide sardine cans with no windows full of students. There is a lot of pressure on it. Fortunately for us, the neighborhood is extremely stable. A famous architect from New York came and did Hereford. There is a park across Stadium and across the street there is an apartment complex that is about 60 years old, so from that side the environment is very stable. There are a lot of graduate students so they make a lot of money. Then there is a non-conforming use, which is not a star for why you would do this. We have encouraged the Commission to consider transitional zoning. This goes from R-2 to R-33. This is not R-3. It's like taking a walk to the Omni for R-2 and a walk to Chicago for R-3. It looks deceptive but we had mostly apartment people come. Everyone who came made a proposal prior to just blankly asking for the R-3 and they all fell short. It is a beautiful forested lawn, as is the whole neighborhood. If a bomb gets across that island it's going to spread. It is stable and it works. We switched from housing to duplexes to increase the density. We sold it to Mr. Armstrong and now he wants more units. The big problem is he hasn't designated the number so we don't know how much. We want a strategy to help our house.

**Virginia Luna:** We are neighbors of this zone and we wanted to try and understand what is going on. Our hope is that it can be kept as a zoning where there are more people invested in the neighborhood and the community. A lot of students, especially undergrads, live around there and we've seen that they are only there during the semester and they don't have much investment in the community itself. This is in regards to noise, trash, taking care of property, and doing neighborhood events. It is unclear how big of a scale this rezoning would mean and how big they want to develop but our interest is trying to have a place where there is more community.

**Cliff Fox:** Given the course of the Comprehensive Plan to date, Land Use Map, etc., I have no idea why there is a rush here. I am a strong proponent of higher density, better planning, and better sustainable development of greenspace into our neighborhoods. This seems to have been ripped out of the common and placed into a special

situation, just like the Fry's Springs issues that you will hear. It is not ordinary and it is not the best approach. A more holistic approach for this whole area where you can have an idea of where greenspace is going to be would be a better format for looking at this, especially in the scenario of a Special Use Permit. While it is good to utilize as much of the space as efficiently as we can, it's important to keep the master plan process in context and not rip little pieces here and there out of context because it provides a privileges situation that everyone else doesn't have the opportunity to.

**Jennifer Ward:** I grew up on this property. This is a stable neighborhood and it seems to me that it would be a mistake to make the jump right there and go to R-3 and change. The minutes from the June 11 meeting mentioned that it seemed as if the back part of the house looked as if a fire escape had been torn off and shingles were on the ground. That doesn't make sense at all. At one point the garage was demolished and perhaps someone saw that. The house has been in good repair and has been lived in all along. As far as the Land Use goes, it is a stable neighborhood and it should stay that way.

**Christopher Luna:** I am a resident in the Fry's Springs neighborhood and I am a researcher on sound. One overlooked topic that is being researched is the effect of noise pollution in the environment and the people that live in the communities, which is very relevant to this zoning discussion. For example, NYU's Steinhardt School of Music is very heavily invested in noise pollution research and how that affects samples of society that are subject to these practices. A lot of Nordic countries have been doing this study as well. Myself and several friends we have in the Fry's Springs neighborhood have experienced the impact of these practices, like keeping up with leaf blowers and guarding all of these machines that are happening. Rezoning will have an impact in that sense as well so I would love for the Commission to consider sound pollution on this matter.

**Justin Shimp:** I don't necessarily have an opinion on this lot but as this Comprehensive Plan process goes, as these things do drag out it does have an impact on people. The people aren't here who are impacted but every day that goes by and there is not a house built, it's a little harder for them. Rents are outrageous and we see old houses being bought up and converted into high rent investment properties, which is a result of not having projects like high density student housing in this corridor. It's tough to transition but at some point in time you have to think about the people more broadly who are around who are adversely impacted by not making these changes. Regardless of the project and wherever I work, I see that trickledown effect. We have a lot of inequality problems in this country and one of them is that the preservation of housing in certain areas has kept other people out of those areas of opportunity, which is something you have to weigh with these holistic sort of things.

## COMMISSIONER DISCUSSION

**Chairman Green:** Reminds the Commission that we are not discussing the rezoning, as that is in front of Council. We are talking about the Comprehensive Plan Land Use Map and discussing changing from low density to higher density. Low density is not just R-1, but it's also R-2 and R-2U. The rezoning of that property to R-3 is something completely different.

**Commissioner Solla-Yates:** Can staff clarify the City's position on the house?

**Mr. Alfele:** In the last meeting the Eugene Bradbury house did come up. In the City we have Individually Protected Properties (IPP) and this is not one of those. There is a deed restriction on it that requires the house to stay and be kept in good repair. That is a civil matter and it is not something where a municipality would step in. If it were an IPP, the City would step in.

**Commissioner Lahendro:** Is this currently zoned R-2U?

**Mr. Alfele:** It is zoned R-2U, which does match the Land Use Map for the definition of low density residential. If City Council were to rezone it, it would no longer match the Land Use Map. There would be disconnect. It would match if it were R-3, as defined in our City's Comprehensive Land Use Map.

**Chairman Green:** Council hasn't been in favor of rezoning this, correct?

**Mr. Alfele:** They are the decision makers so they would work with the legal department to make sure this gets heard at the same time to make that decision. They could approve or turn down both at the same time. Again, this is a recommendation to City Council.

**Commissioner Dowell:** I voted against this in the last vote.

**Commissioner Mitchell:** The reason you voted against the zoning is because you didn't know exactly what they were going to build, which is the same reason Council didn't want to move forward with this as well. There isn't a better place in that general area to zone up. It is right there at UVA adjacent to the dorms and near Scott Stadium. What better place to up-zone in that area is there?

**Commissioner Dowell:** I would prefer that we stopped doing this piecemeal. If we are going to do our Land Use Map and update it, let's do it all at one time. That is why I have a hard time accepting this. If we want to condense so we can open up other opportunities for people to have affordable housing in the City, this has the potential to be a good location. However, there might be adverse effects on the neighborhood because there is already a lot of traffic and density so there are reservations about that. Whoever gets the RFP and looks at the Land Use Map, this should be part of what they are reviewing.

**Commissioner Lahendro:** On one hand we shouldn't be doing this piecemeal and out of context. We should be doing it with our entire Comprehensive Plan. However, I'm also frustrated that the Comprehensive Plan has not gotten as far as it has and I'm not optimistic that it will get done anytime soon. I am leaning in favor of this because of its context. This is contiguous to higher density residential and I am completely looking at this in context. As we were studying the Comprehensive Plan that we were moving forward with, we also saw this area as being higher density.

**Commissioner Stolzenberg:** Our 2013 Comprehensive Plan does call for us to have more density near UVA. In the Transportation chapter it says to "work with UVA officials to encourage students, faculty, and staff to live closer to the University or to use alternate modes of transportation wherever they live." The other one is in the Housing Chapter and it says to "encourage housing development where increased density is desirable and to strive to coordinate those areas with stronger access to employment opportunities, transit routes, and commercial services." This area has all of those and we can all agree that this is the area where we want to see density, it's just that we are doing it piecemeal. I agree with Commissioner Dowell that we should be doing this comprehensively, however I differ in that we shouldn't be doing it piecemeal because at this rate we are probably a couple years until we get a Comprehensive Plan update and it's going to be so much time of nothing changing. We talked about this neighborhood being stable in its under 35 state according to the Census, but we hear from Fry's Springs all the time that their neighborhood is not stable and the neighborhood pressure is spreading farther and farther into Fry's Springs and taking up traditionally non-student housing. UVA's enrollment is set and it is external to anything we do, so the only way to keep them out of areas where we don't want them to go is to give them enough places closer that they will pick those instead.

**Chairman Green:** I will not be supporting this because it is not the best approach to planning. We do too much spot planning throughout the City and that is part of the biggest problem we have in our Comprehensive Plan today. It's interesting that we like to pick apart the zoning ordinance like we do the Bible and pick out the parts that we like. In our Comprehensive Plan we have talked about up-zoning, but a large part of the Comprehensive Plan has been talked about transition areas and that is not being approached or looked at in this area. While we think we are moving forward, this takes us about 2 or 3 steps behind because we are not doing what we talked about wanting to do and providing the transition zones.

**Commissioner Mitchell moves to recommend approval to amend the 2013 Comprehensive General Land Use Map for the Subject Properties from Low Density Residential to high Density Residential. Seconded by Commissioner Solla-Yates. Motion is approved 5-2.**

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

##### **1. Subdivision – David Terrace**

**Staff Report, Matt Alfele:** Tonight the Commission will be reviewing a major subdivision, which is 105 David Terrace. This is a major subdivision due to the fact that it is extending public utilities. A sewer line needs to be extended to make the major subdivision. Staff has reviewed the major subdivision and finds it to be in compliance with all subdivision and zoning codes, with one outstanding question. Section 29-161(c) states that "No lot shall contain peculiarly shaped elongations designed solely to provide the required square footage of area or frontage on a street." The Commission needs to look at that code section and determine if this subdivision is in conformance with that code section. There are 4 lots on the site and the one in question is lot 4 with whether or not its design is in conformance with that section or not. There is not a lot of support from staff because staff does not have consensus on this.

#### **COMMISSIONER QUESTIONS**

**Commissioner Lahendro:** How is the piece of the property that faces the railroad tracks developable in any other way besides this?

**Mr. Alfele:** One of the questions has been how you would subdivide this without creating that particular odd shaped lot. There is a choke point between lots that are not owned and in any configuration you will still have that choke point. In theory you could not divide it and build one duplex on this R-2 lot.

**Commissioner Lahendro:** The only other thing is for one of the adjacent property owners to purchase that piece and then include it into their lot. Is that feasible? What are the options for making that little piece of property contribute to the City?

**Mr. Alfele:** The applicant would have to comment on the feasibility of that.

**Chairman Green:** If that were to happen and properties purchased it, there still would be no access.

**Mr. Alfele:** The only access to that back part is the choke point that is 17.4 ft. wide.

**Commissioner Lahendro:** If an adjacent property purchased it and they had access to the street, then it could be combined with their property.

**Mr. Alfele:** It would also depend on what is built on that property. If there was a home there you couldn't build a second structure behind it unless it was an accessory dwelling unit.

**Commissioner Solla-Yates:** The word "design" strikes me. It looks like this parcel is residual of previous developments. This was not a design and it wasn't intended to be this shape. Is that history correct?

**Mr. Alfele:** It was residual. A dry cleaners used to be here on Shamrock.

**Commissioner Heaton:** As a building lot, there is no structure on there currently. Did there used to be one?

**Mr. Alfele:** It wasn't located on that back corner, it was closer to the road and it has been demolished. It is currently vacant and there are no structures currently on the property.

**Commissioner Heaton:** In terms of water and sewer hookup for building lots, is lot 4 due a hookup? Are all of these lots on David Terrace due a hookup if it's approved?

**Mr. Alfele:** There is no sewer. One of the criteria for a major subdivision is if you have to extend public utilities, regardless of the number of lots. It will extend sewer down David Terrace to run laterals. If someone decided not to develop and built one duplex on this, they could run a long lateral under the street from the sewer to the lot and it would be considered a lateral because you are only serving one. Once it is subdivided and you have to extend the sewer line to start serving laterals to multiple lots, it becomes a main that is maintained by the City up to where the laterals come off. There is no problem with the design for running the main. One thing to consider is one of the City's main water lines runs through here and currently there is no easement on here. One of the things as part of the subdivision is them providing an easement. It's a larger easement than we would typically ask for because that waterline is one of the larger ones that serves half of the City.

**Commissioner Stolzenberg:** We have an access ordinance that requires access to things. Since this ordinance says "solely to provide the required square footage of area or frontage," wouldn't access be a reason to do it this way?

**Mr. Alfele:** A lot of it is the typical flag lot. The City didn't want that; we are an urban setting. There are several in the City that have been there and have these flag lots, but this section was really trying to avoid producing flag lots where you have just enough to have a driveway and get passed that lot that is fronting on the road to get to a lot behind it.

**Chairman Green:** Since there was not a consensus on this from staff, does staff have any ideas on how this would be possible to be developed?

**Mr. Alfele:** The alternative is to build a duplex or subdivide it maybe twice.

**Commissioner Stolzenberg:** We would still be creating a peculiar elongation, we just wouldn't be creating a lot that's only a peculiar elongation, right? We are just attaching that peculiar bit onto a different lot.

**Mr. Alfele:** I don't see how you ever divide this lot without creating something that's peculiar.

**Commissioner Stolzenberg:** From that perspective, it's already non-conforming.

**Mr. Alfele:** No. This lot has more than the required 50 ft. of frontage.

**Commissioner Stolzenberg:** Would you say it wouldn't violate this ordinance as is because it wasn't created in order to get around those things?

**Mr. Alfele:** That would be my argument. If you looked at the lot and looked at the code you couldn't say it was created to get around it. It just happened to be created and it's way above the required square footage and street frontage. Once you start dividing it, how would you ever create a lot that isn't funky?

**Commissioner Dowell:** One of the public comments was about the sewer backing up in the area. Is there further information on that? Are there sewer issues in that area?

**Mr. Alfele:** Utilities would have better clarity on that. It doesn't appear to be an ongoing issue and Utilities is not aware of current issues.

**Commissioner Dowell:** What are staff's concerns if we do approve this? Are there any big adversities to approving it?

**Mr. Alfele:** No. Staff simply didn't come to a consensus in its internal discussions. Reviewing and approving major subdivisions is up to the Planning Commission and because we didn't have consensus we brought this forward. There was not a big issue, but it's a funky lot.

**Applicant – Justin Shimp, Shimp Engineering:** One thing to note is that the triangle shape on the back of lot 4 is a normal shape. It has 16,000 sq. ft. so we aren't using the elongation to get the area. Here is where we run into trouble: If I wanted sell a portion of lot 4 to a neighbor it would be a boundary line adjustment and then I would only have 7,200 sq. ft. including the elongation and the square lot, which would be crossing that line. As it is, the elongation is already there and anything you do would create a funny lot. We aren't really circumventing the area requirements of the ordinance with this division. We have it, we just have this little pinch point and we can't do anything about it, which is what led us to this design.

## COMMISSIONER QUESTIONS

**Commissioner Stolzenberg:** Aren't you tripping the frontage requirement, not the area requirement?

**Mr. Shimp:** You have to have the frontage and it has frontage now, but the elongation essentially has to stay. I could clean this up by just chopping it off at that little pinch point and have the back lot by itself, but that wouldn't have frontage. It has a non-conforming elongation now and we aren't going to change that and violate the area criteria by virtue of subdividing it in this instance. The frontage is an existing non-conformity and we can't really do anything about it.

**Commissioner Lahendro:** Can you tell us about the history of the development of this area and how this lot ended up to be so strange in its shape?

**Mr. Shimp:** We don't have a clear answer. It goes way back and the dry cleaner and the lots around it were owned by members of the same family for a long time. It is suspected that before the subdivision ordinance existed people cut off pieces from their houses and there wasn't a rule to prohibit this sort of shape so it just got left behind. There are some old fences and an old road path that goes past the house at 2262, but I didn't see any foundation for a house back there. Many years ago this wasn't that uncommon and you might walk a path back to your house.

**Commissioner Mitchell moves to approve the proposed subdivision plat located at 105 David Terrace, Tax Map 22 Parcel 59. Seconded by Commissioner Lahendro. Motion is approved 7-0.**

## 2. ZTA Initiation – R-1 to R-2 in portions of Fry's Springs

**Staff Report, Matt Alfele:** This is just an initiation and there is no decision being made tonight on up-zoning certain properties in the Fry's Springs area from R-1S to R-2. The proposed properties are broken down into five areas. As part of the discussion, the Commission should determine if these areas are appropriate in the scope of what was anticipated and if there are any changes. Staff would like to get some direction on the initiation as well. A full analysis has not been done and we would not do this until this becomes something that we are acting on. However, there is information on each area that the Commission may want to consider during the discussion. For example, even though some of the parcels that are being proposed are vacant, there are building permits pulled most likely for single-family homes that take up a large portion of the lot. These are happening on Naylor Street, Porter Avenue, and the Woodland subdivision area. One of the other areas mentioned is the area that is currently under consideration for a rezoning to PUD, which is the Flint Hill area. This was at City Council on July 1 and was not received well. There was not a lot of support but there was an opening for the applicant to amend his proffer statement to allow additional affordable units or perhaps for a longer period of time. There were also design concerns but it is not anticipated that the applicant will make changes to the design. It will be on the August 5 agenda as a regular item and a decision will be made. The other area is the old Azalea Cottage area, which are non-conforming lots. Staff has concerns about them being large enough for single-family homes and would have a lot of concerns about them being duplexes. The last group is one single lot that has dual zoning. It is a large lot at the end of Stribling Avenue. The front end is already zoned R-2 but the back end is zoned R-1S and it is a fairly large parcel. Staff would appreciate any guidance on what the Commission is thinking with this initiation.

## COMMISSIONER QUESTIONS

**Commissioner Solla-Yates:** Could the lot lines be moved in the Azalea Cottage area?

**Mr. Alfele:** They could, it's just something for the Commission to consider. You could always move the lot lines, but any applicant is going to be leery to give up those lot lines because once you give up that nonconformity, it is gone.

**Commissioner Heaton:** Between Monte Vista and Azalea, is that an alley in the number 2 area? Are those lots contiguous across the alley?

**Mr. Alfele:** That is a platted alley, platted street. The proposed development for the pump station was to switch the location of the alley in the street. Right now you have some lots that front on an alley and they were going to reconfigure the lot lines to get everything on a City-maintained street and move the alley where the street is. Right now it is small and is not a City standard street.

## COMMISSIONER DISCUSSION

**Commissioner Dowell:** We do need more density and housing, but we should be doing this comprehensively. We should not be looking at one neighborhood and picking just a few lots to change. We should be looking at it Citywide. It isn't that it is a bad idea, but it's just bad timing.

**Commissioner Stolzenberg:** It is a good point that we should do it comprehensively, but in this case there is a level of urgency for Fry's Springs in particular, largely because many of these lots have impending development on it. If there is any hope of getting a better product that works better for the City to go into that spot, now is the last moment for that. That was my motivation for bring this up now.

**Commissioner Solla-Yates:** My concern is that we don't just have problems in Fry's Springs. We have problems Citywide. However, I am compelled by the research that has been done that Fry Spring's is the tip of the spear and

that is where we are seeing a lot of the action because the UVA community is pushing further from the University. It's not happening in the future, it's happening right now.

**Commissioner Stolzenberg:** My goal is that if we can set an example with this one and make a little bit of progress, then we can start to look at other neighborhoods in the City next and make little bits of progress until we finally get the Comprehensive Plan and zoning code done. It would be nice for us to be making a little momentum, even if it would be nicer to make all the changes at once.

**Commissioner Mitchell:** If we were voting on this tonight I wouldn't be able to support it. It is still unclear what we are asking staff to study. Are we attempting to understand the environmental impact, infrastructure impact, the neighborhood impact, etc.? What are the components of the study that you would like to see?

**Commissioner Stolzenberg:** It seems to me that R-2 is already strictly better than the R-1 we have here now. If you look at these places and the prospect of building these large single-family homes by-right, there is no situation in which it is not better to have at least the option of having duplexes there. Staff can study the normal parcel history and background that they do in any rezoning. Even among new homes, which are pretty much all more expensive than existing homes, the differences between the duplexes that have been built in Fry's Springs and the single-family homes that we've seen go up is enormous. It's the difference between being around the median for a home in the City when it's first built and being 3X the median. To me, it's almost a no-brainer. This, and more, should be legal everywhere. You should be able to build a duplex anywhere you can build a giant single-family house. Why not?

**Commissioner Mitchell:** When reading the Standards of Review, none of these questions are going to be answered until we get a more complete report from staff relating to the impact of the rezoning. How much work is involved in the study? I would hate to duplicate the work that the consultant we are about to bring onboard is going to do.

**Ms. Creasy:** We aren't 100% clear on how much effort it's going to take. We will take the guidance we receive if it's initiated and we will have some internal discussions to put together a plan to present something that provides something logical to the Commission for analysis. At this moment we don't have a straightforward idea of what that would look like.

**Chairman Green:** Does staff work together with Council to create a work plan with initiatives you want to get done throughout the year? What from the work plan, which is initiated by Council, will have to be bumped off of the priority list?

**Ms. Robertson:** As a general rule, the City Manager has a work plan. Council is allowed to initiate a project for the Planning Commission in particular to review. By "work plan" you may be thinking of a resolution from about 3 years ago by which City Council asked for us all to look at the different provisions of the Comprehensive Plan and update discrete portions of it. The Planning Commission undertook a year or more of work looking at the Long Range Land Use Plan. We called it a work plan, but it was more of a Council-initiated look at the Comprehensive Plan/ Zoning Ordinance. As a general rule, staff does not get a work plan from City Council. We have to do what we are asked to do and we have to juggle all of it.

**Chairman Green:** On the annual work plan for things that NDS should be doing for the community, what would we be bumping off of it in order to do this?

**Ms. Creasy:** I would say we wouldn't bump anything off.

**Mr. Ikefuna:** In terms of work plans, every department in the City has a strategic plan, which outlines each department's work plan. That work plan has a performance measurement attached to it.

**Chairman Green:** What will have to come off of that plan? There has to be an annual plan that you follow.

**Mr. Ikefuna:** What is being proposed tonight is not specifically listed on the work plan, however there is a general reference in the strategic plan dealing with the developmental review process and things like that. We have enough workload right now to keep us busy for the next five years. We aren't going to do this overnight and we can't expect staff to come back next month or to provide an immediate analysis. We do what we can and we have to balance this particular project against the existing workload. We would have to sit down at the Management Team meeting at look at the workload and see what the priorities are.

**Commissioner Heaton:** Staff asked for direction for whatever work they might be doing and three things come to mind right away, which is the economic impact on property value and housing costs, transportation and what it will do to the number of vehicles using the same streets, and parking issues.

**Chairman Green:** This is not an undertaking that staff can sit down and undertake in a week. Alongside those things, there are infrastructure questions that need to be answered like water, sewer, etc. If we do it right, it takes a significant amount of time.

**Ms. Creasy:** It's also tricky because it is five separate things and it isn't necessarily looking at one large area. Another consideration to be made is the groupings of things, which is why we are trying to get more clarify on whether this is the scoping or if it should be something different in scope.

**Commissioner Heaton:** We already know what they can do by-right and what the infrastructure can handle. The question is, is what is currently there that could be developed by-right significantly altered if you change the density?

**Chairman Green:** Typically, in an area such as this people would pick out contiguous areas, which would be a small area plan. It takes about 18 months to get to a small area plan. If the Commission wants to initiate this, so be it, but I will not be supporting it. This is another area where we are taking staff time where they could be doing the things that we need to do, like working on the Comprehensive Plan. This might be an urgent need for some, but I haven't heard from the community at large in Fry's Springs that this is urgent for that community. We can't look at this area and rezone it without having some kind of overall look at everything. We mentioned bringing the small single lots into conformity, but maybe these people like their non-conforming uses and may not want to.

**Commissioner Stolzenberg:** We dropped those from the request. Personally I would recommend all of Oak Lawn and Porter Avenue be considered because those homes are all clearly big enough by far to be two family if they wanted to be. I don't see a lot of reason why we should leave the brand new ones out, as they aren't reflective of the historical character of the area.

**Mr. Alfele:** As a point of clarity on existing homes, converting a single family home to a duplex is very hard because of fire rating walls. It would be especially hard for new homes in that area to be turned into duplexes. It could be an accessory dwelling unit, which they can already do under R-1.

**Commissioner Lahendro:** After studying these 5 parcels and looking at current uses around them, it seems like the commonality between most of these parcels is the fact that they are vacant land now, which is because they are the most difficult areas to build on. If we are being asked to consider land use, then being vacant is not a land use that is any benefit to the City. If you look at the uses around them, there isn't anything that shows that they should be considered separately. There aren't enough compelling reasons here to support doing this before the

Comprehensive Plan. The difference between voting favorably for the prior application and this is the fact that this was one cohesive large lot continuous to similar types of developments. This is very different.

**Commissioner Solla-Yates:** Looking this over and considering staff time, I like areas 1 and 2 more and more and areas 3, 4, and 5 less and less.

**Commissioner Heaton:** When we were talking about the previous property by the University, that is a compelling argument to do something that is not in perfect planning order. This proposal is not as compelling as the previous.

**Commissioner Stolzenberg:** There is a very real difference between vacant land and any other land as far as how its future land use impacts the existing residents of the City. If we want to say that this vacant land should be greenspace forever because it's difficult to build on and it's currently woods, I might be okay with that but we need to make sure that we make room elsewhere on currently used land for people to have homes. There is a very real expressed need from the community, not just from Fry's Springs, but from the whole City. We've done so much outreach for the Comprehensive Plan and there is a housing crisis and a need for more housing. That isn't getting kicked down years down the road just because we can't get it together to do our Comprehensive Plan. It was mentioned that it would potentially take staff resources off of the Comprehensive Plan, but that is currently on hold and we're taking it out of their hands and handing it off to a consultant. While I would prefer to do everything comprehensively, if we aren't going to do anything ever until we do it comprehensively, shouldn't we just dissolve the Commission until 2024 or so when the consultant gives us a plan?

**Chairman Green:** We are bound by the state to have a Commission and we are public servants of this City to make sure we are good stewards of the land and we plan comprehensively.

**Commissioner Heaton:** Our role is also to be responsive and by approving some things and not others, this Commission has been trying to not be stuck in a pattern that hasn't been proven to be efficient. We try to be responsive when we can be and try to be comprehensive when we can be.

**Commissioner Dowell:** Moving forward we need to work on being more comprehensive. We do need housing, but if we are supposed to be future planners and map out what we want this City to be and how we're going to have housing, doing it piecemeal won't get us to the overall goal of what we are trying to accomplish. I do like that we're looking at vacant lots, but I just don't agree with the spot updates. Everywhere needs more housing. If we were to approve this and if we initiated a study for these lots, how do we comfortably tell the next resident who is not in this area that we can't do that for them in their neighborhood? We are going to open up a can of worms when we already have this plan in the pipeline. It may take some time, but all good planning takes time. We should definitely include this in our review, but we should wait until we have a comprehensive review of the housing for all of the City and what the overall plan is going to be. What if this portion ends up conflicting with it? We would be back to square one.

**Commissioner Stolzenberg:** It seems unlikely that any future plan won't include more density in these areas and elsewhere, given the shortage. More than that, it's important to remind everyone that we have an adopted Comprehensive Plan from 2013 that talks about infill development and putting housing on vacant lots, which is definitely in conformance. We also have a future Land Use Map that this conforms to. There are a lot of areas in the text that call for more housing and density and putting it in places with good access to amenities. This initiation can easily be justified under the existing Comprehensive Plan. If we are saying we will have a new Comprehensive Plan sometime in the next several years, that is great, but should we just un-adopt our current plan? Our current plan might be old but it means something.

**Commissioner Mitchell moves to decline to initiate the process. Seconded by Commissioner Dowell. Motion to deny the application is approved 5-2.**

**Chairman Green:** Regarding the RFP, since there isn't going to be a staff person hired, staff will have to be very involved in managing this RFP for this.

**Ms. Creasy:** It will be helpful once we get some sort of clear message from the decision makers. Most of us are hearing different things. We are wondering about next steps and the roles that everyone will have and it may be that they are still being worked on by the core group. Hopefully very soon we will have a clearer path and we do know that it closes in mid-August and the path will need to be much clearer when that closes. We are in a big transition in a lot of ways community-wise and hopefully we can get something more concrete so we don't perpetuate the frustration that is going on in many places.

**Chairman Green:** Can Mr. Ikekuna provide the Commission with some type of update on the plan on August 13 when we meet next?

**Mr. Ikekuna:** What do you want to be included in the update?

**Chairman Green:** I want the plan that includes who is going to manage the RFP and if we are hiring.

**Mr. Ikekuna:** I will consult with the City Manager and Assistant City Manager and provide the Commission with the appropriate response.

**Commissioner Stolzenberg:** Putting aside the ZMA, you all read the report and Fry's Springs is a microcosm of the rest of the City. We have a neighborhood with a diverse mix of home types that are historically relatively affordable and now we have \$600,000 homes being built by-right in the middle of this \$280,000 neighborhood with prices rising by double digit percentages. There is a problem. What is this Commission, and you personally, going to do about the problems our City is facing?

**Commissioner Dowell:** I can only speak for myself, but this issue isn't just in Fry's Springs and that is where the holdup is. I do not feel comfortable only addressing one neighborhood. I feel comfortable addressing our City as a whole. I don't think the information you gave was inaccurate or incorrect but the timing is off, especially with us having this new position of someone who is an expert and we are paying a lot of money for to figure that out. I want to see my tax dollars go to good use to whoever is going to get this RFP.

**Commissioner Mitchell:** This is a citywide problem and it's even bigger than that. It is a regional problem and we have to begin working with the surrounding counties cohesively to solve this problem. We can't do it in our little 10 square miles. It has to be bigger than that.

**Commissioner Heaton:** I would encourage the Commission to realize that there is a Commission so that things can be taken outside of the designated comprehensive planning process. There is a Commission so we can be responsive to the citizenry. We are also here to educate the citizenry as to why comprehensive planning is best for everyone, but we are also here so when a compelling reason is presented to us we can take action. This is not easy stuff to do but that's why we are here and there is a good balance being worked on by this group.

**Commissioner Dowell:** Mr. Stolzenberg's points are very valid, but unfortunately it was just bad timing.

**Commissioner Lahendro:** I have agreed to serve as a Planning Commissioner by following the protocol of the Commission, which is that you don't make decisions unilaterally, even as a group. You have to make them based upon Guidelines and a Comprehensive Plan, which has to come first. Then you can look at individual cases based upon that Comprehensive Plan. Unfortunately within the last few years our Comprehensive Plan route has gone

off track. I spent two years looking at the City and how the future Land Use Plan should change. I have some definite ideas based upon that but it has been held up and pushed aside. I am waiting for that to proceed and be finished so we can start to make our decisions based upon that new Comprehensive Plan.

**Chairman Green:** Because my work is public service, being on this Commission means I am a public servant to the citizens and residents of this community. Part of that Comprehensive Plan process is definitely engagement and public outreach. Some of the reason we pause this is we aren't getting the outreach from everyone we need to hear. It's not about not wanting to do anything, but it's about wanting to reach all the people, not just the people who have the opportunity to show up at the meeting. We need to hear from everyone who is affected by this and look at it comprehensively. It is a regional issue, which is why the Thomas Jefferson Planning District is looking at regional housing. It is regional and we have to get the adjoining counties and the University involved because they play a major part of the housing crisis in this community. This affordable housing crisis is huge and it's all over our country. While I am discouraged that it is taking this long, I am encouraged that we at least have something in place to marry the housing strategy and Comprehensive Plan, with a guarantee that we get this zoning ordinance changed. I meet about every other night with citizens because my service on this Planning Commission is to speak to the people, not make decisions based off of my activism or what I want to see happen in the City personally.

**V. Adjournment**

**7:30 pm – Commissioner Heaton moves to adjourn until the second Tuesday in August 2019.**

**Planning Commission Work Session**  
**July 23, 2019 5:00 - 7:00 p.m.**  
**NDS Conference Room**

**Members Present:** Chairman Lisa Green, Commissioners Jody Lahendro, Lyle Solla-Yates, Hosea Mitchell, Gary Heaton, and Mr. Bill Palmer

**Members Absent:** Commissioners Taneia Dowell, and Rory Stolzenberg

**Staff Present:** Kyle Kling, Alex Ikefuna, and Kari Spitler

Chairman Green called the meeting to order at 5:05 pm.

**1. Fontaine Avenue Streetscape**

**Owen Peery, RK&K Engineers:** We are here to answer questions and provide a nice dialogue as to where this project might be headed. We look forward to the Commission's input on the project. The project corridor starts right at Fontaine Research Park and goes to the intersection of Maury Avenue and Jefferson Park Avenue, which is just over a half a mile.

**Chairman Green:** Does it end straight at the City/County line?

**Mr. Peery:** It's a bad spot to stop the project because it leaves about 200 ft. undone. We are currently receiving direction from the City to design it all the way to Fontaine right now and we need to figure out the funding with VDOT and others. It would be beyond the Smart Scale application limits and VDOT is very particular about those things. There is someone from Albemarle County on the Steering Committee and we will be talking with VDOT about how they feel about tacking it on to the project. Some things have changed since the Fontaine Ave study took place in 2005, namely new techniques that have come a long way. You've adapted several plans like the Transit Study in 2013, Bicycle and Pedestrian Master Plan in 2015, and the Streets That Work Plan in 2016, which changes what this street might look like and become. This will be a retrofit type of project out of the Streets That Work Guidelines and it is a Neighborhood A street. Some of the parameters we are trying to follow include sidewalks with a clear zone and on-street parking in areas without off-street parking. Some of the draft design principles that were also part of the Smart Scale application included creating a complete street, increasing safety and comfort for pedestrians and bicyclists, and to beautify the corridor as a gateway. We will improve pedestrian, bicycle, and transit facilities and accommodate the needs of all travel modes. There will be a buffer between the roadway and facilities and where feasible, provide a physical separation for facilities. This is a gateway into Charlottesville and there isn't a speed problem, but speeds are higher eastbound than they are westbound. We haven't conceptualized it yet, but we want to create a gateway here that tells people you are entering a different space. This is one of the major corridors into and out of the City, so it will improve access to US-29, UVA, and University Health System. We want to connect to the existing and proposed bicycle and pedestrian facilities to Fontaine Research Park and beyond. There is a UVA shuttle from the park to part of the hospital system, but there is no transit stop right on Fontaine.

**Chairman Green:** In the future, is this something that can be retrofitted to add in transit since there is so much development going out to Fontaine?

**Mr. Peery:** Yes. Right now the concepts don't have any physical barriers that would prevent a bus to use the bike lane for a few seconds. The concept will have room for bus facilities in the buffer strip and there

will be ways to retrofit. We have been in contact with CAT and they have no plans for bus service down this route and they said they would like to coordinate better with the University on it. UVA's route might be expanded to serve this route in the future.

**Commissioner Mitchell:** It's going to be very important to extend our bus capacity because we are about to lose 80 parking spots at the Research Park when they build the new building.

**Mr. Palmer:** In the Capital Plan the parking garage is either coming first or they are concurrent, but eventually there will be less parking because there will be more buildings there.

**Chairman Green:** There is a lot of stuff going out to the Research Park so there are concerns about transit.

**Mr. Palmer:** Did you have any conversations with UTS regarding if they could put a stop there, would they?

**Mr. Kyle Kling:** Rebecca White is on the Steering Committee and she has been privy to all the conversations with transit. Her and CAT have discussed this issue.

**Chairman Green:** We also have a new transit director coming on board as well.

**Mr. Peery:** The funding for this project is Smart Scale, so we are following federal regulations. The overall budget for the project is \$11,700,000. From spring-fall 2019 we are in preliminary design and we hope to be at 30% design later this year. After we hear feedback from the Commission we want to advance the work further and then get together with the Steering and Technical Committees to make sure we're headed in the right direction. There have been 3 Steering Committee meetings, 2 Technical Committee meetings, 2 Public Meetings, and 2 meetings with PLACE so far.

**Ms. Amy Nelson RK&K Engineers:** We have had two public meetings/workshops. One of the key feedback from PLACE after we held our first workshop was that we needed to have more engagement to get more people at the meeting, especially UVA students. We sent out flyers to businesses on the corridor and to UVA housing areas that are close to the project, had a message board in front of the fire station for about a week and a half, direct mailings, email, and social media. We found that email was the primary way that people were finding out about the meeting and this outreach generated about 10 more people at the second meeting. Unfortunately no UVA students attended. During the first Steering Committee meeting we asked people to identify opportunities, concerns, and goals for the corridor. The goals were to have safety for all users and create a sense of place. Concerns included how much right of way we might be taking and the gap between City limits and the Research Park. They found opportunities to improve access management, storm water management, and to beautify the gateway to Charlottesville. In general, on-street parking was not a priority, but there were concerns if we took away parking and limited the way of the road and how trash and deliveries would access the properties.

**Commissioner Mitchell:** Didn't the businesses in the area express more interest with on-street parking?

**Ms. Nelson:** We've heard from more businesses as we've gone on, especially at the last meeting, and we heard that they actually don't want more parking. They found that their needs are sufficient and they find the parking on the corridor to be more dangerous. For the most part the businesses have been pretty supportive of the plan we've shown them to date.

**Commissioner Solla-Yates:** My sense is that the on-street parking is used for storage for UVA undergrads. Is that correct?

**Mr. Peery:** We can't pin it exactly to them, but we can tell you what we've seen for the parking usage. Parking rates were greatly reduced at night, which tells us that the spaces are being used by someone during the day and they are underutilized in the evening. We also happened to be doing some parking assessments about two weeks after a snowfall and there was still some cars with snow on it that hadn't moved. We've also seen several contract workers get out of their cars and wait for someone from the job site to come pick them up. Some of it could also be daytime parking for the college because it's free.

**Ms. Nelson:** From there, we took the information from the Steering Committee to the first Public Information Meeting. We found that safe routes for pedestrians and bicycles were extremely important. People also wanted to make sure we were preserving trees and finding more greenspace, as well as adding more or widening the sidewalks.

**Commissioner Mitchell:** The lack of enthusiasm for crossing beacons was surprising. Was that just the intensity of the traffic or is that just the nature?

**Mr. Peery:** We did have a board or two about the crossings, but people seemed more focused on the longitudinal aspect. We need to work through how we are going to cross this street with no signals safely and to keep speeds down on the roadway. This is especially true midday and during off-peak hours because that is when we normally see speeds increase.

**Chairman Green:** How many parking spaces are there now?

**Ms. Nelson:** The spaces aren't marked, but it is roughly 25 spaces.

**Mr. Peery:** They are broken up by driveways and entrances to businesses. If on-street parking was very important, for us to give proper site distance to the side streets, you wouldn't be able to park right up to the corner of a street because we would prevent that from happening. It wouldn't end up being 25 spaces at the end of the design even if people said they needed on-street parking.

**Ms. Nelson:** At the same Public Meeting, people found having additional parking to be least important. Sidewalks and bike lanes were at the top.

**Commissioner Mitchell:** The driver of that is that most of the people have little driveways to park there.

**Ms. Nelson:** From there, we took this information and built it into the next Steering Committee meeting to determine what kind of streetscape people wanted to see. There was a general consensus that on-street parking was not a priority. It focused on a typical section with dedicated bicycle lanes with a buffer, a landscape buffer, and sidewalks on each side of those.

**Commissioner Mitchell:** How practical is the buffer with the amount of space it's going to eat up?

**Mr. Peery:** The Fire Chief stated he needed wiggle room on this street, so when we speak about a buffer for the bike lane we are talking about something painted, not physical, for most of the route. Some people discussed rumble strips, but they are in front of houses and they are noisy. They do make quiet rumble strips that have been tested by VDOT and aren't as noisy, but it's unclear if that would still be appropriate on a street like Fontaine.

**Chairman Green:** Is this the emergency access from 64 straight to the hospital?

**Mr. Peery:** Yes, it is one of the major routes to the hospital. VDOT has a project that will improve the off-ramp onto Fontaine from 64, although it won't do anything to the signals.

**Commissioner Solla-Yates:** Why do the firemen need wiggle room westbound? We received public comment about some protected bike lanes so if we could do something that would be good.

**Mr. Peery:** Perhaps if they are responding on 29 to another part of the City they would need it. It's a great question but we haven't drilled down into it yet.

**Mr. Palmer:** In other projects we talked about using protected bike lanes more. Did you get any direction from Pedestrian and Bike Coordinator?

**Mr. Peery:** They are on the Technical Committee and they are saying at 35 mph if they can get some protection it would be great.

**Ms. Nelson:** For the second Public Open House, there weren't any UVA students or commuters, but there were many employees and people who owned a primary residence in the area. We asked these people how they use the corridor and found that most people weren't biking along it because of the lack of bike lanes now. We found that they were crossing it fairly frequently and the overwhelming majority were not using the on-street parking or public transit at all. Again, there is no stop directly in the area, which probably impacts that number. Having bike lanes, emergency vehicle access, and wider sidewalks were the three most important things and again having on-street parking was at the bottom of the list.

**Commissioner Solla-Yates:** Do you have a sense of current transit ridership in the corridor?

**Mr. Peery:** It's unclear, but we know the shuttle is used.

**Commissioner Mitchell:** The future is going to have an increasing need to get people from central City up to the Fontaine area because of all the clinics we are building out there.

**Mr. Palmer:** If Fontaine Research Park grows in the future, which is anticipated, the UTS would probably end up going out there beyond the shuttle they have now. There would need to be a more critical mass of transit out there.

**Ms. Nelson:** During this workshop we also looked at different options in the corridor that would impact the right of way. It was broken into three parts with the first being from City limits to Summit Street. The middle part is from Summit to Lewis and the last piece is from Lewis to the intersection of JPA. As we start adding elements in, it comes at a cost to the people who live in the corridor in terms of right of way. We wanted everyone to be aware that as we look at these options, there are going to be impacts to different things and we need to make sure what we are doing is right for everyone in the corridor. In the first section, we've included a 6 ft. landscape buffer because we heard from various people that this was the number that you'd need to make sure you have trees that are big enough to provide shade. There are 6 ft. sidewalks, a 5 ft. bike lane, 2 ft. buffer strip, and 11 ft. lanes in each direction. Right now we are mirroring that on both sides but there might be some flexibility as we move forward.

**Commissioner Mitchell:** What do we lose when we do that?

**Mr. Peery:** There would be no parking so you aren't losing anything. You are gaining a buffer strip, sidewalks, and bike lanes.

**Commissioner Lahendro:** The reason they had to go beyond the right of way in the last concept is that there was a 4 ft. gutter and curb. By getting rid of that, they fit within the right of way now.

**Mr. Peery:** Actually, we are still just outside of the right of way. To do any of this, we are probably going to need right of way all the way down this corridor, but we are trying to do it and not be in the front door of people's houses. We want to impact the property as little as possible.

**Chairman Green:** Is there money in the Smart Scale budget to obtain right of way?

**Mr. Peery:** Yes and those numbers are fluid. If we spend a lot on right of way we have to take it out of our construction budget and you may not get all of the corridor niceties that you want. It's our job to manage and balance the right of way. The less we do, the more we have to spend on the gateway streetscape. To add parking, that takes up more right of way.

**Ms. Nelson:** As we move to the second section in the residential area with no parking or landscape buffer, we are pretty close to the existing right of way. When you add the landscape buffer, we go off the edge. These sections do have the gutter on it so it is a little skewed and it's still a work in progress.

**Mr. Peery:** We had many other options, but when we saw how high bike lanes were on the priority list, we didn't show the public anything with parking and no bike lanes. Bike lanes and wide sidewalks were on every option, so it came down to parking and the landscape buffer.

**Mr. Palmer:** In this section would you be able to keep any of what has been done in front of the fire house? It's a fairly new landscape.

**Ms. Nelson:** Their sidewalk is actually further back than our current proposed sidewalk so we are hoping to preserve that and not touch their storm water solution.

**Commissioner Solla-Yates:** There was public feedback about safe speeds in the area. Can you look at a 25 mph speed limit?

**Mr. Peery:** We've been asked that by PLACE and the speed limits are set by City Council for the streets. Right now it is not our project scope to visit the speed limit in the corridor. In the speed study we did, we found that vehicles off peak are traveling a little bit below the speed limit.

**Ms. Nelson:** Then we came up with a section from Summit to Lewis that looks very similar to the last section with the same dimensions everywhere. The difference is we are easing up the slopes as we get off of the roadway to ensure no one has a sharp hill leading into their property. We're going to work with them as we move forward and possibly use it as right of way negotiations.

**Commissioner Lahendro:** All of the bike lanes include a 2 ft. buffer. Isn't that something that is nice to have, but not an essential? We have plenty of bike lanes in the City that do not have 2 ft. buffers, so when you are making the decision between that and a landscape buffer, that's a choice to be made.

**Mr. Peery:** Right now our plans seem to be fitting. Whether or not we have the 2 ft. buffer or not we are outside the existing right of way anyway. We are trying to make it work with what everyone wants. In our minds, the buffer for the bike lanes would go before the buffer for landscaping based on the hierarchy of the comments we've received, paired with the fact that this project is supposed to be a streetscape project and a gateway.

**Mr. Palmer:** Everything I've heard recently from Amanda Poncy is that the buffers are nonnegotiable in a lot of projects.

**Commissioner Lahendro:** I never agreed to that in our Steering Committee. We never as a body voted to make a recommendation. It was always a conversation and when you have unlimited right of way, why would you have to make a choice?

**Mr. Peery:** The goal is to never have a vote with the Steering Committee. We process what we hear and try to give everyone their desires from the Steering Committee to the public. There will be compromises as we move forward but we want to have as few of them as possible.

**Ms. Nelson:** We also want to have another Steering Committee meeting after we've drilled down the concepts further and have another discussion.

**Chairman Green:** Is that 2 ft. buffer strip an industry standard or could it go down some?

**Mr. Palmer:** It is unclear if it is a recommendation or a necessity.

**Mr. Peery:** A 5 ft. bike lane is recommended when we have the curb next to the bike lane. If there is a gutter pan it can get into the 4 ft. area because the pedal isn't hitting directly into a curb. People compromise when doing retrofits, but on a rebuild like this we would strive to get the 5 ft. because it's recommended.

**Ms. Nelson:** For the buffer strip, we looked at City standards, VDOT standards and a few others and generally we found that the minimum one they recommended was 2 ft. That isn't to say we can't deviate from that, but that is where we are currently pulling our information from right now.

**Commissioner Lahendro:** To be clear, I will be advocating for tree buffers because not only do they look pretty, but they have impacts on how people drive on that street. It slows down traffic and it makes for a more pleasant experience to walk. It is more than a pretty landscape.

**Commissioner Solla-Yates:** Is there an engineering reason we can't flip the landscape buffers and the bike lanes and kill the buffer strips?

**Ms. Nelson:** The fire access management has said they want that extra room to maneuver their vehicles. If you have the landscape buffer there it prohibits them from having that flexibility that this concept does. The last corridor from Lewis Street to Jefferson Park Avenue is where we really get pinched with the existing right of way. Anything we had is pretty much going to be going one way or the other, or a combination of both. We have 6 ft. sidewalks and the curb, a 10 ft. turn lane going down towards the bridge, a 5 ft. bike lane, an 11 ft. lane and turning lane going up towards Maury, and a 12 ft. shared bike lane for this one block only. It is pretty much the same configuration that is currently out there, just with the addition of the bike lane heading towards the east.

**Mr. Peery:** That bike lane will make a connection to the bike lane on JPA directly across. On the other side coming from JPA, you lose the bike lane in the last block in front of the Fry's Spring Station, so bicycles are already in the street in a shared facility. In order to not take the first gas pump of the station and other damage, we felt that the shared lane could translate into our section for just the first block and get bikes back into the bike lane as soon as we get to Lewis Street.

**Commissioner Lahendro:** Is there a cross section option that would eliminate the turn lanes?

**Mr. Peery:** We are looking at the traffic a little more and the queues we see today. We were asked if we could make the turn lanes a little longer at the first Public Meeting, especially the right turn lane, because of the backups at that signal. Our project isn't going to make major intersection improvements

to either the Fontaine light or this signal. We do see some issues with signal timing that we can suggest to VDOT and with the City to make the traffic not queue back quite as far as it does in the morning. It hadn't been our plan to deteriorate the performance of the intersection, but we hear those concerns. After hearing comments from PLACE and those tonight, we are going back and making sure we can't do something a little different at this intersection. We will report back on it, but our gut is that it would be very detrimental to take one of the lanes away that is out there today.

**Chairman Green:** I don't know how you would work it without a turn lane.

**Commissioner Lahendro:** In the Steering Committee I thought we talked about having a 5 ft. understory tree buffer on one side of the street to give a little relief.

**Mr. Peery:** We could look at that but the 5 ft. bike lane would go away and we'd need a shared lane in both directions.

**Mr. Palmer:** You could look at a shared bike lane sidewalk instead of the bike lane in the street.

**Chairman Green:** While I don't like it, just that one block doesn't bother me as much.

**Mr. Peery:** There were comments about this block at the Steering Committee meeting to at least get trees on one side of the street. The other comment was that it is a busy area and if we could do a bang up job for the rest of the corridor it might be the right thing to do to have the bike lane. We will bring options back that show the tradeoffs. We are envisioning 2-3 different concepts for this one block that will be vetted with the Steering Committee.

**Commissioner Solla-Yates:** The East High streetscape did a wonderful job looking at left turn controls crossing the corridor and reducing curb cuts overall and I encourage you to consider that.

**Mr. Peery:** We would love to reduce the curb cuts and how we get pedestrians across the street will play into how we control speed. JPA is the only place where we see a need for any turn lanes at all. The rest of the corridor will be just like it is today with a two-way street.

**Ms. Nelson:** Regarding the Comprehensive Plan consistency, we used the 2013 plan since the 2018 plan is still in draft. For economic development we concentrated on creating a sense of place and encouraging mixed use, as well as regional cooperation. In community facilities, we are working with the fire department and emergency rescue. As for utility infrastructure, we are planning on maintaining existing services to everyone. We may have to move a few utilities with minimal impacts, but we aren't at that level yet. It is not in our budget at this time to bury the utilities. Additionally, we are working on connecting trails and access to parks and recreation. As for economic sustainability, we are engaging the businesses as best we can and encouraging them to participate and help us so we can help them. For the environment, we are looking into different green infrastructure practices that we can use for storm water management. We aren't at that phase yet, but it is in our minds to make the best choices we can for that. Being a roadway plan, transportation is where we hit most of the Comprehensive Plan. We are trying to follow the complete streets by putting in bike lanes, street trees within the buffers, providing safe crossing alternatives, and making sure we are using ADA throughout the corridor. We are also using land use and community design to encourage people to walk and bike in the area. We also have infrastructure funding that is fully funded through Smart Scale. As for historic preservation and urban design, we recognize that the neighborhood has a historic component to it and we are being cognizant of that. We have identified cultural and historic resources in the area and will hopefully not have any impacts to them. We have a comprehensive approach in consulting zoning maps and talking with Public

Works and Utilities to come together and make sure we are all in agreement. This is a primary entrance corridor into the City and we are making an effort to have a sense of place. We are going to refine the concepts based on the information we've received so far and we will be taking them to a Steering Committee meeting late this summer/early fall.

**Commissioner Mitchell:** We've given a lot of thought about getting folks up and down the street, but we haven't seen much thought given to getting people across the street. We should start thinking about that. During the first Steering Committee meeting we talked about all of the pedestrian accidents that have happened and it seems higher than we would have expected. Those accidents happen when people are trying to get across the street, not up and down the streets.

**Commissioner Lahendro:** There are a number of Comprehensive Plan objectives that are not listed that support trees. Under urban environmental sustainability, it says to "protect, increase, and provide an interconnected system of green space and buffers that support habitat for wildlife". In 1.6 it says to "include trees as practical in all City and priority streetscape plans." In Chapter 7, it says to encourage retaining and replenishing shade trees particularly large trees where possible in all neighborhoods", as well as "strive to make the City more walkable." There are additional objectives that can be cited for supporting the inclusion of trees.

**Mr. Peery:** We will make sure to highlight those in the future. With a corridor like this we would love to have a boulevard of trees, but there are a lot of driveways and curb openings that will interfere with having trees every X number of feet. It is going to be a challenge for us.

**Commissioner Lahendro:** The existing utility lines are going to be fighting against getting trees in here, especially canopy trees on the north side because they aren't going underground. There are a lot of hurdles that need to be jumped, but I will be pushing for trees every step of the way.

**Mr. Palmer:** Working on the crossings would be an important next step, especially from the UVA perspective with the Summit/Mimosa crossing. There are a fair number of students who live in the Jefferson Park neighborhood on the south side.

**Mr. Peery:** We've seen a couple of people leave the UVA bus stop and come across, even in the evening because the bus stop is right up the hill.

## 2. Public Comment

**Jess Wenger:** There were a lot of people at the Steering Committee meetings concerned about the bike lanes but they didn't allow a lot of opportunity for disagreement or have contrary opinions about the way the exercise was laid out. As someone who does bike, buffers are wonderful but I could do without them as long as I have a 5 ft. bike lane. I agree with the comments about transit needs. Although there isn't a huge usage of transit currently, it's because the infrastructure doesn't exist. People constantly say that they couldn't get to Fontaine via bike so they walked. There is a transit need out there and we need to be cognizant of it as we're designing because there will be an increasing transit need to get out there in the future. As for the turn lanes, if you try to take away the right turn lane into Fry's Springs the entire neighborhood association will fight you on that one. The congestion is fairly constant and it would create a traffic nightmare if they were taken away. If we can get nice trees and beautification on the rest of the corridor, I'm willing to let the last block go.

**Adjournment: 6:30 pm.**

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



**APPLICATION FOR A SPECIAL USE PERMIT**

**JOINT CITY COUNCIL AND  
PLANNING COMMISSION PUBLIC HEARING**

**DATE OF HEARING: August 13, 2019**

**APPLICATION NUMBER: SP19-00003**

**Project Planner:** Brian Haluska, AICP

**Date of Staff Report:** July 29, 2019

**Applicant:** Heirloom West Main Street Second Phase, LLC

**Applicants Representative:** L.J. Lopez, Milestone Partners

**Current Property Owner:** Heirloom West Main Street Second Phase, LLC

**Application Information**

**Property Street Address:** 602-616 West Main Street ("Subject Property")

**Tax Map/Parcel #:** Tax Map 29, Parcel 3

**Total Square Footage/ Acreage Site:** 0.455 acres or 19,819 square feet

**Comprehensive Plan (Land Use Plan):** Mixed Use

**Current Zoning Classification:** West Main East Corridor with Architectural Design Control and  
Parking Modified Overlays

**Tax Status:** Parcel is up to date on taxes **paid**.

**Completeness:** The application contains all of the information required by Zoning Ordinance Secs. 34-41(d), and 34-158(a) and (b). There are no existing dwelling units on the site, and there are fifty-five (55) residential units in a mixed-use building proposed by this development. Graphic materials illustrating the context of the project are attached to this staff report (Attachment 1 and 4).

The pre-application meeting required by Sec. 34-41(b)(1) was held on April 9, 20019. The community meeting required by Sec. 34-41(c)(2) was conducted on June 20, 2019, at the following location: Carver Recreation Center.

### **Background**

The applicant previously put forward a special use permit request (SP16-00003) for the adjacent property (600 West Main Street), which City Council approved on June 16, 2016.

### **Applicant's Request**

L.J. Lopez of Milestone Partners, acting as agent for Heirloom West Main Street Second Phase, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 602-612 West Main Street with approximately 163 feet of road frontage on West Main Street. The proposal requests additional residential density up to 120 dwelling units per acre (DUA), pursuant to City Code Section 34-641.

The applicant's proposal shows a new mixed-use building on the entire development site (0.455 acres). The property is further identified on City Real Property Tax Map 29 Parcel 3 ("Subject Property"). The Subject Property is zoned West Main East Mixed-Use Corridor with West Main Street Architectural Design Control District Overlay and Parking Modified Zone Overlay. The site is approximately 0.455 acres or 19,819 square feet.

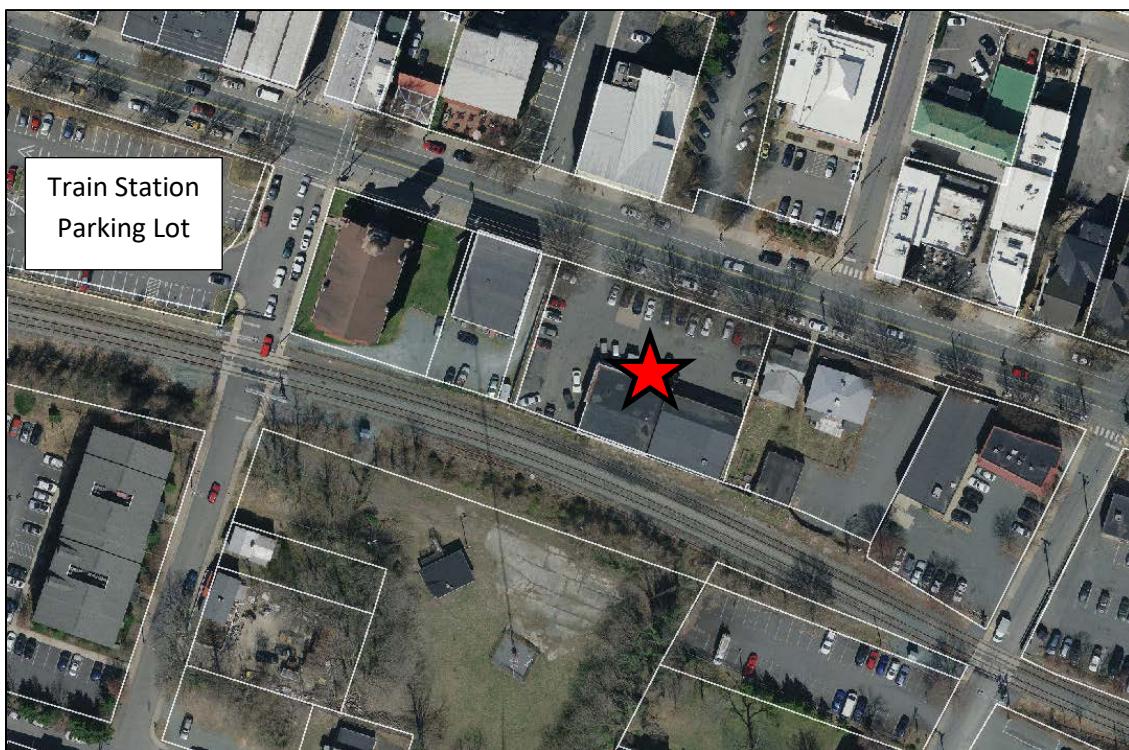
The proposed site plan, dated May 13, 2019 (Attachment 1) proposes the construction of a single 4-story mixed-use building with retail space on the ground floor facing West Main Street, and up to 55 residential units. The plan also shows underground parking beneath the building that would accommodate 53 parking spaces.

The Comprehensive Plan designates the land use of the Subject Property as Mixed Use.

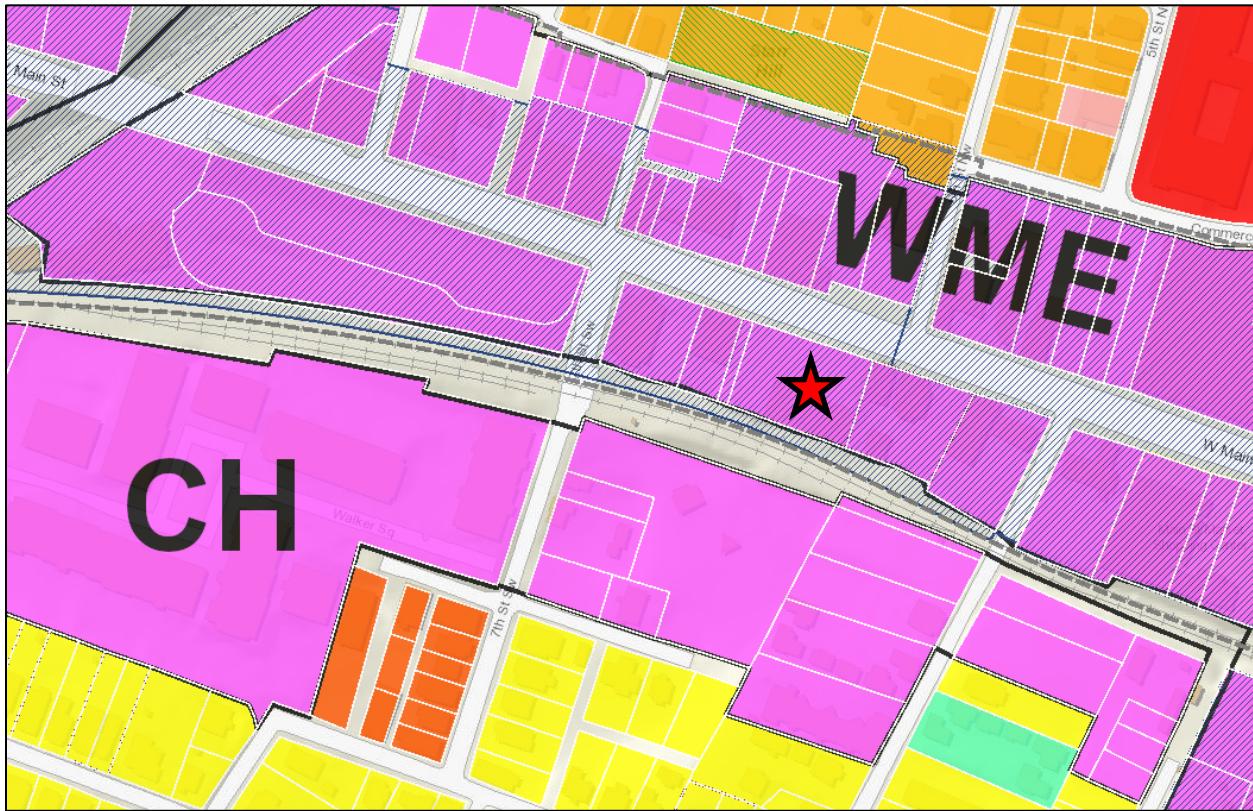
## Vicinity Map



## Context Map 1

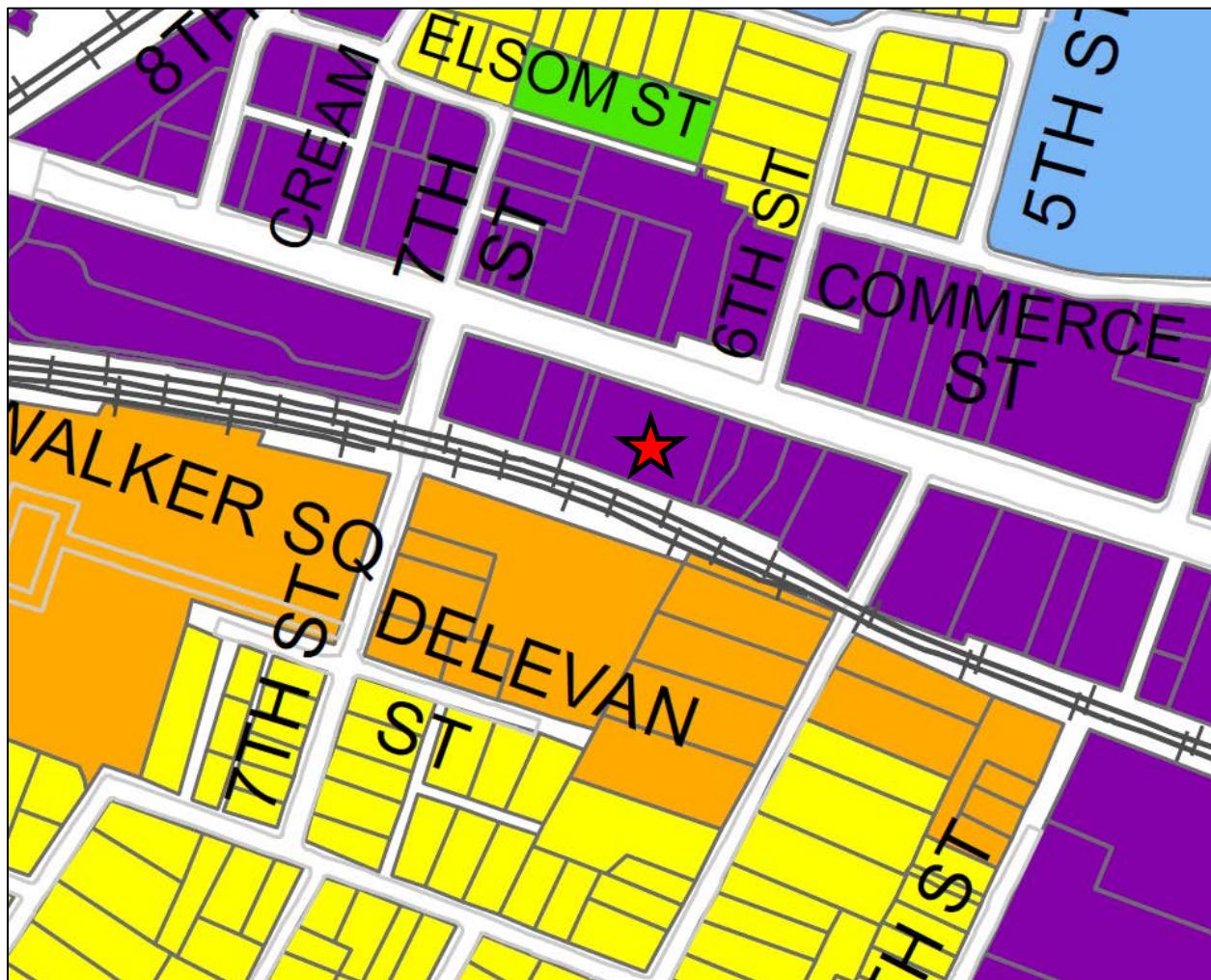


## **Context Map 2 – Zoning Classifications**



**KEY – Magenta (WME): West Main Street East; Magenta (CH): Cherry Avenue Corridor; Yellow: R-1S – Single-Family, Low-Density Residential; Light Orange: R-2 – Two-Family, Low-Density Residential; Deep Orange: R-3 – Multi-Family, High-Density Residential; Aqua Blue: Planned Unit Development; Pink: B-1 – Commercial; Red: B-3 - Commercial**

### Context Map 3 - General Land Use Plan, 2013 Comprehensive Plan



KEY – Purple: Mixed Use; Yellow: Low Density Residential; Orange: High Density Residential; Green: Park or Preserved Open Space; Blue: Public or Semi-Public

#### Application Components:

Application and LID Checklist – Attachment 1

Applicant's Narrative – Attachment 2

Additional Illustrative Materials – Attachment 2

## **Standard of Review**

City Council may grant an applicant a special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed use or development.

Section 34-157 of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff's analysis of those factors, based on the information provided by the Applicant.

### **Sec. 34-157(a)(1)      Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.**

The properties immediately surrounding the subject property are described as:

Direction	Use	Zoning
North	Retail/Office	WME
South	CSX Railroad	None
East	Mixed-Use	WME
West	Commercial	WME

The subject property is in use as a service repair garage. The building on the property was built in 1958. The proposed new mixed-use building would be taller and occupy more of the site.

#### **Staff Analysis:**

The West Main Corridor was historically the location of the City's automotive oriented uses. A number of buildings on the corridor were previously used for automobile repair, and several of them have been renovated to accommodate new uses that are in keeping with the City's vision for the West Main Corridor without demolishing the building.

The major concern with pursuing such a strategy with this property is its relationship to the street. The current building is set as far back as possible on the property, with the front and side yards used to park and maneuver vehicles.

The City's vision for the West Main Corridor is an activity center in addition to its traditional role as a transportation link between the University of Virginia and downtown Charlottesville. The proposed project would better contribute to the corridor by adding residents to the corridor, and better defining the street edge along this block of the street. The proposal is also in keeping with previous developments both constructed and underway on West Main Street.

**Sec. 34-157(a)(2)      Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.**

The applicant includes within the project proposal narrative (Attachment 1) a section regarding its consistency with the Comprehensive Plan on Page 1 of the document.

**Staff Analysis:** The 2013 Comprehensive Plan's General Land Use Plan specifies the Subject Property and its surrounding properties as Mixed Use.

Mixed Use areas, according to the Comprehensive Plan, are "intended to be zones where the City encourages development of a moderate or high intensity, and where a large variety of uses will be permitted, including many commercial uses, residential uses, and some limited research and manufacturing where appropriate."

Staff believes the use conforms to the intent of the Mixed Use land use designation.

Staff also recognizes the overall product of the proposal conforms to other aspects of the Comprehensive Plan listed below.

*Below are specific areas of the Comprehensive Plan for which the development is in compliance:*

**a. Land Use**

***Goal 3.2 – Public Space, "When considering changes to land use regulations, respect nearby residential uses."***

**Staff Analysis:** The special use permit would increase the total number of allowable residential units within the by-right building volume permitted on the Subject Property. The proposal is in keeping with the vision of West Main as an active corridor, and the Subject Property is not adjacent to and low-density residential development.

**b. Housing**

***Goal 3.6 – Grow the City’s Housing Stock, “Promote housing options to accommodate both renters and owners at all price points, including workforce housing.”***

**Staff Analysis:** The proposed increase in the permitted maximum residential density on the Subject Property will give the applicant the option of providing a variety of unit types with the proposed building.

**c. Urban Design**

***Goal 1.3 – Urban Design, “Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City.”***

**Staff Analysis:** The West Main Street Corridor has had several large residential apartment complexes constructed in the past, as well as three hotel projects. The cumulative result of these projects is a larger population of residents – both permanent and temporary – on the West Main Street corridor. The proposed building would add to this population, which has resulted in an increase in activity along the corridor.

*Below are specific areas of the Comprehensive Plan for which the development may not be in compliance:*

**a. Housing**

***Goal 3.2 Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.***

***Goal 3.3 Achieve a mixture of incomes and uses in as many areas of the City as possible.***

***Goal 3.4 Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications.***

***Goal 3.5 Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.***

**Staff Analysis:** The applicant has made no indication of how they intend to comply with the affordable housing zoning requirement in Section 34-12 of the City Code. This will be required prior to final site plan approval. The applicant previously committed to on-site affordable units in the adjacent building.

**Sec. 34-157(a)(3)** Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.

**Staff Analysis:** The proposed development will conform to all applicable building code regulations. Building plans are not yet available for review, but the construction of the proposed new structures cannot proceed without separate applications/review conducted by the City's Building Code Official.

**Sec. 34-157(a)(4) Potential adverse impacts, including, but not necessarily limited to:**

**a) Traffic or parking congestion**

*Parking:* The applicant shows off-street parking that complies with the minimum parking requirements for the proposed building.

**Staff Analysis:** Staff confirms that the applicant's concept plan shows the required off-street parking. The demolition of the existing building on the site will give the applicant the ability to provide all required parking on site.

*Traffic:* The applicant includes a "potential adverse traffic impacts" section within their project proposal narrative (Attachment 2) and notes that the development would generate approximately 29 vehicle trips in a day.

**Staff Analysis:** Staff has no concerns regarding the traffic impact of the proposed Special Use Permit. The automobile access to the building will be reviewed by the Traffic Engineer during the site plan review process.

**b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment**

**Staff Analysis:** Staff does not anticipate there will be significant noise generated from the proposed project beyond the level that can typically be anticipated in a mixed-use corridor such as West Main Street.

**c) Displacement of existing residents or businesses**

**Staff Analysis:** There are no existing residents or businesses on the Subject Property that would be displaced as a direct result of the Special Use Permit, as the redevelopment of the property is permitted as a matter of right.

**d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base**

**Staff Analysis:** The development would not discourage economic development activities.

**e) Undue density of population or intensity of use in relation to the community facilities existing or available**

**Staff Analysis:** The Subject Property is located in the vicinity of a number of community amenities that should serve the residents of the project. The West Main Corridor is a multi-modal corridor that supports several modes of transit. The Subject Property is within a short walking distance to the downtown business area. The Subject Property is also one block from Starr Hill Park, the Jefferson School African American Heritage Center and Carver Recreation Center.

**f) Reduction in the availability of affordable housing in the neighborhood**

**Staff Analysis:** The proposed development would not reduce the availability of affordable housing in the neighborhood.

**g) Impact on school population and facilities**

**Staff Analysis:** Staff from Charlottesville Schools has noted that they have observed increases in school enrollment when previous large multi-family buildings on West Main Street have opened. Staff speculates that the apartments on West Main Street attracted students from the University of Virginia that were previously renting houses in the low-density neighborhoods near the University. When those students

opted for the newly constructed rental units on West Main Street, families with school age children moved in the houses that the students vacated.

The large scale apartment buildings that precipitated this increase in enrollment were all in the West Main West zoning district, and primarily feature unit configurations that are attractive to a student population.

The applicant's request would enable the applicant to construct more single and two-bedroom units within the building, units that tend to be less attractive to a student population.

**h) Destruction of or encroachment upon conservation or historic districts**

**Staff Analysis:** The Subject Property is in the West Main Street Architectural Design Control District. The Board of Architectural Review will review the proposed building for compliance with the design guidelines for the district.

**i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant**

**Staff Analysis:** The proposed project will comply with federal, state and local laws. This is ensured through final site plan approval.

**j) Massing and scale of project**

The applicant's application materials shows the massing and scale of the proposed building.

**Staff Analysis:** The applicant is proposing to construct a building within the by-right dimensional limits. The Board of Architectural Review will review the proposed building for compliance with the West Main Street Architectural Design Control District guidelines.

**Sec. 34-157(a)(5)** Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

**Staff Analysis:** Staff believes that a mixed-use building is appropriate within the West Main East zoning district.

**Sec. 34-157(a)(6)** Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and

**Staff Analysis:** The proposed project must comply with standards set forth within the zoning ordinance, subdivision regulations and other applicable city ordinances/regulations prior to final site plan and building permit approvals.

**Sec. 34-157(a)(7)** When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

**Staff Analysis:** The Subject Property is located in a design control district. The Board of Architectural Review considered the Special Use Permit request at their June 18, 2019 meeting, and took the following action:

Motion: Schwarz moved that the proposed special use permit for additional residential density for the redevelopment at 612 West Main Street will not have an adverse impact on the West Main Street ADC District, with the understanding that the massing is not final, and must be further discussed, and [will require] a complete full design review at future BAR meeting(s) and propose the following conditions [for the SUP]:

- Garage entry shall not be accessed directly from the building's street wall along West Main Street;
- That the building's mass shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation;
- That the Holsinger Building be seismically monitored during construction;
- That there shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level;
- And that the building and massing refer to the historic buildings on either side.

Mohr seconded. Approved (7-0-2 with Ernst and Ball recused).

## **PUBLIC COMMENTS RECEIVED**

Per Sec. 34-41(c)(2), the applicant held a community meeting on June 20, 2019 (a City Planner attended as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Parking impact in the surrounding neighborhood. Several residents noted that when parking demand exceeds supply on West Main Street, the on-street parking spaces on residential streets around West Main are frequently filled to capacity, which can create difficulties navigating those streets.
- Residents asked about the rental rates of the proposed units.
- Several residents asked about the potential tenants in the commercial space.

## **STAFF'S RECOMMENDATIONS**

If Planning Commission moves that the application be approved, staff recommends it be approved with the following conditions:

1. The specific development being approved by this special use permit, as described within the site plan required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
  - a. Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a Mixed Use Building.
  - b. The Building shall not exceed a height of four (4) stories.
  - c. The Building shall contain no more than 55 dwelling units.
  - d. The Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building facing West Main Street. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance.
  - e. Underground parking shall be provided within a parking garage structure constructed underneath the Building, which shall provide at least 53 parking spaces serving the use and occupancy of the Building. No direct access shall be provided into the underground parking from the Building's street wall along West Main Street.
2. The mass of the Building shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation. The Building and massing refer to the historic buildings on either side.
3. The Holsinger Building shall be seismically monitored during activities involving demolition, excavation, or construction of the Building and underground parking.

4. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.

## **POSSIBLE MOTION(S)**

1. I move to recommend approval of a special use permit allowing the specific development proposed within the application materials for **SP19-00003** subject to the following reasonable conditions and safeguards:
  - The conditions presented in the staff report
  - *[alternative conditions, or additional condition(s)....list here]*

**OR,**

2. I move to recommend denial of the special use permit requested by **SP19-00003**.

## **ATTACHMENTS**

- 1) Special Use Permit Application received May 14, 2019
- 2) Special Use Permit Project Proposal Narrative received May 14, 2019  
*Includes Project narrative, Conceptual Plan, Building Elevations, Landscape Plan*
- 3) Special Use Permit Resolution for 600 West Main Street, approved by City Council on June 20, 2016



# City of Charlottesville

## Application for Special Use Permit

Project Name: UTAC REDEVELOPMENT

Address of Property: 602 - 616 W MAIN

Tax Map and Parcel Number(s): 29-3

Current Zoning District Classification: WMEH

Comprehensive Plan Land Use Designation: MIXED USE

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: \_\_\_\_\_

Applicant: HEIRLOOM WEST MAIN STREET SECOND PHASE LLC (HWMS SECOND PHASE LLC)

Address: % MILESTONE PARTNERS 300 2<sup>ND</sup> ST. NE, C'VILLE, VA 22902

Phone: 434-245-5803 Email: JEFF@LEVIENT3.COM

Applicant's Role in the Development (check one):

Owner

Owner's Agent

Designer

Contract Purchaser

Owner of Record: HEIRLOOM WEST MAIN STREET SECOND PHASE LLC (HWMS SECOND PHASE LLC)

Address: 178 COLUMBUS AVE #231409, NEW YORK, NY 10023

Phone: 917-612-6630 Email: JEFF@LEVIENT3.COM

Reason for Special Use Permit:

Additional height: \_\_\_\_\_ feet

Additional residential density: \_\_\_\_\_ units, or 120 units per acre

Authorize specific land use (identify) \_\_\_\_\_

Other purpose(s) (specify City Code section): \_\_\_\_\_

(1) Applicant's and (2) Owner's Signatures By: HWMS SECOND PHASE GP LLC

(1) Signature [Signature] Print JEFFREY LEVIENT, PRESIDENT Date \_\_\_\_\_

Applicant's (Circle One): LLC Member  Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_

(2) Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Owner's (Circle One): LLC Member  Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 612 West Main Street / UTAC REDEVELOPMENT

Pre-Application Meeting Date: 04/09/2019

Applicant's Representative: Craig Kotarski / Jeff Dreyfus

Planner: Brian Haluska

Other City Officials in Attendance:

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**The following items will be required supplemental information for this application and must be submitted with the completed application package:**

1. Preliminary Elevations

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2. \_\_\_\_\_

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3. \_\_\_\_\_

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4. \_\_\_\_\_

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5. \_\_\_\_\_

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Planner Signature: Brian J. Haluska



# City of Charlottesville

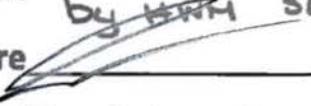
## Application Checklist

Project Name: UTAC REDEVELOPMENT

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant HWMS SECOND PHASE LLC  
by HWMS SECOND PHASE GP LLC

Signature  Print JEFFREY LEVIEH Date   

By Its: PRESIDENT

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

Project Name: UTAC REDEVELOPMENT

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: HWM SECOND PHASE LLC

By: HWM SECOND PHASE GP LLC

Signature PRESIDENT Print JEFFREY LEVIEH Date \_\_\_\_\_

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: HWMS SECOND PHASE LLC Date: \_\_\_\_\_  
By (sign name): by HWMS SECOND PHASE GP LLC

Print Name: JEFFREY LEVIEH

Owner's: LLC Member LLC Manager Corporate Officer (specify): PRESIDENT

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: LJ LOPEZ

Name of Corporate or other legal entity authorized to serve as agent: MILESTONE PARTNERS

Owner: HWMS SECOND PHASE LLC Date: \_\_\_\_\_  
By (sign name): by HWMS SECOND PHASE GP LLC

Print Name: JEFFREY LEVIEH

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): PRESIDENT

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name JEFFREY LEVIEH Address 2093 GOODLING ROAD, NORTH GARDEN, VA 22969

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

**Note:** The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: HWM SECOND PHASE LLC

By: HWM SECOND PHASE GP LLC

Signature \_\_\_\_\_ Print JEFFREY LEVIEH Date \_\_\_\_\_

Its: PRESIDENT (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Fee Schedule

Project Name: UTAC REDEVELOPMENT

Application Type	Quantity	Fee	Subtotal
Special Use Permit		\$1800	<b>\$1800.00</b>
Special Use Permit (Family Day Home for 6-12 Children)		\$500	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_



# City of Charlottesville

## LID Checklist

Project Name: UTAC REDEVELOPMENT

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
Shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	5
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .	8 points or 1 point for each 10% of lots treated.	
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	5
Green rooftop to treat ≥ 50% of roof area	8 points	
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	
	Total Points	10

Applicant's Signature

*HWM SECOND PHASE LLC*  
*by: HWM SECOND PHASE GP LLC*

Signature

Print JEFFREY LEVINE, PRESIDENT

**UTAC Redevelopment**  
SUP Application I  
Request for Additional Density I  
Narrative Statement I  
May 14, 2019 I  
I

i

Heirloom West Main Street Second Phase LLC (the "Applicant"), owner of the property located at 612 West Main Street (and in City records as Tax Map 29 Parcel 3), requests approval of a special use permit ("SUP") to allow residential density on the properties up to 120 units per acre. This request is in accordance with Section 34-641 of the City's zoning ordinance. The proposal includes housing units with commercial space on the first floor.

The owners of the Applicant are the same owners of Heirloom West Main Development, LLC, Owner/Developer, of the adjacent property ("Adjacent Property"), located at 600 West Main Street (and in the City records as Tax Map 29 Parcel 7). On June 20, 2016, the Adjacent Property received a similar SUP approval sought by Applicant. Therefore, there is precedent for granting this SUP approval in this corridor of West Main Street. That Adjacent Property project is currently under construction and scheduled for completion later this year which will include the return of the beloved local food icon, Blue Moon Diner.

Applicant, as part of this SUP process, appeared before the Board of Architectural Review ("BAR") on April 16, 2019 at a public hearing to engage in a preliminary discussion on this application. The BAR indicated that it did not see any adverse impact to granting density. The BAR did make comment about massing and other design elements, which Applicant took note of and will surely address during the Certificate of Appropriateness approval process following this SUP application.

**Request for Additional Density**

The Applicant anticipates constructing a variety of housing units ranging from studio units, 1-bedroom, 2-bedroom (and potentially, 3-bedroom) units. Approval of additional density up to 120 units per acre will enable the Applicant to provide this broad range of unit types and offer them at a variety of price points to potential residents. Keeping with the current restrictions on density would result in large, expensive, units geared to one segment of the residential market, or worse, derail the redevelopment of the property and continue the property to be used for automotive repair. Approval of the additional density will enable the project to positively impact the housing stock and options available in the West Main Street and central city area and be consistent with the overall vision of the City for West Main Street.

**Conformity with Comprehensive Plan**

Additional density will be in keeping with the goal of the City as expressed in the Comprehensive Plan. The Comprehensive Plan's land use map designates the properties for mixed-use. This proposal includes both housing and a small amount of retail. The additional residential units will help to foster the creation of a vibrant mixed-use neighborhood along West Main Street. While there are a range of businesses along West Main Street, there are few housing opportunities along the eastern portion of West Main Street. This project will provide such housing.

i

This project will also serve towards meeting the City's Comprehensive Plan goals to "grow the housing stock" and "promote housing options." The Applicant expects to include in the project a number of market-rate (non-student) studio units which will provide a housing option not presently available in the West Main or Downtown areas (except as will be provided on a limited basis on the Adjacent Property). Furthermore, the project is directly in line with the goals of the West Main Street Streetscape initiative to provide "safe, active, pleasant and usable" places.

#### Potential Impacts

Approval of additional density for the project will have minimal impact on the West Main Street area. The residential density requested is provided for in the zoning ordinance as a permitted use and thus the City has already decided the density is appropriate for the zoning district. Other projects along West Main Street have been approved for additional residential density beyond that permitted by right. The West Main Street corridor is anticipated to develop as an urban mixed-use environment, and the additional density will contribute to that desired environment. Any impacts associated with increased density are mitigated by the proximity of the project to employment and retail centers, mass transit and the provision of bicycle facilities.

It is anticipated that many residents will choose to live in the project precisely because they will be able to walk to work, shopping, and transit. Because West Main is well served by bus and train transit as well as cab service, residents will have transportation options. Bicycle facilities will be provided and much of the City is within "bike-able" distance from the project.

#### Existing Affordable Housing

There are no existing "affordable dwelling units" on the property. There will thus be no loss of affordable housing. The project is planned to include a mix of units, including studio units, at a variety of price points. This is a better option than what would be built under the existing zoning density (19 large, expensive, units) or if the project was not undertaken at all and the property remained in its current use.

The GFA of the proposed project is 66,400sqft with 5,900sqft of ground floor commercial and 60,500sqft of residential. These numbers are not inclusive of the below grade parking, which has 53 parking spaces (16 compact, 2 HC, and 1 HC Van).

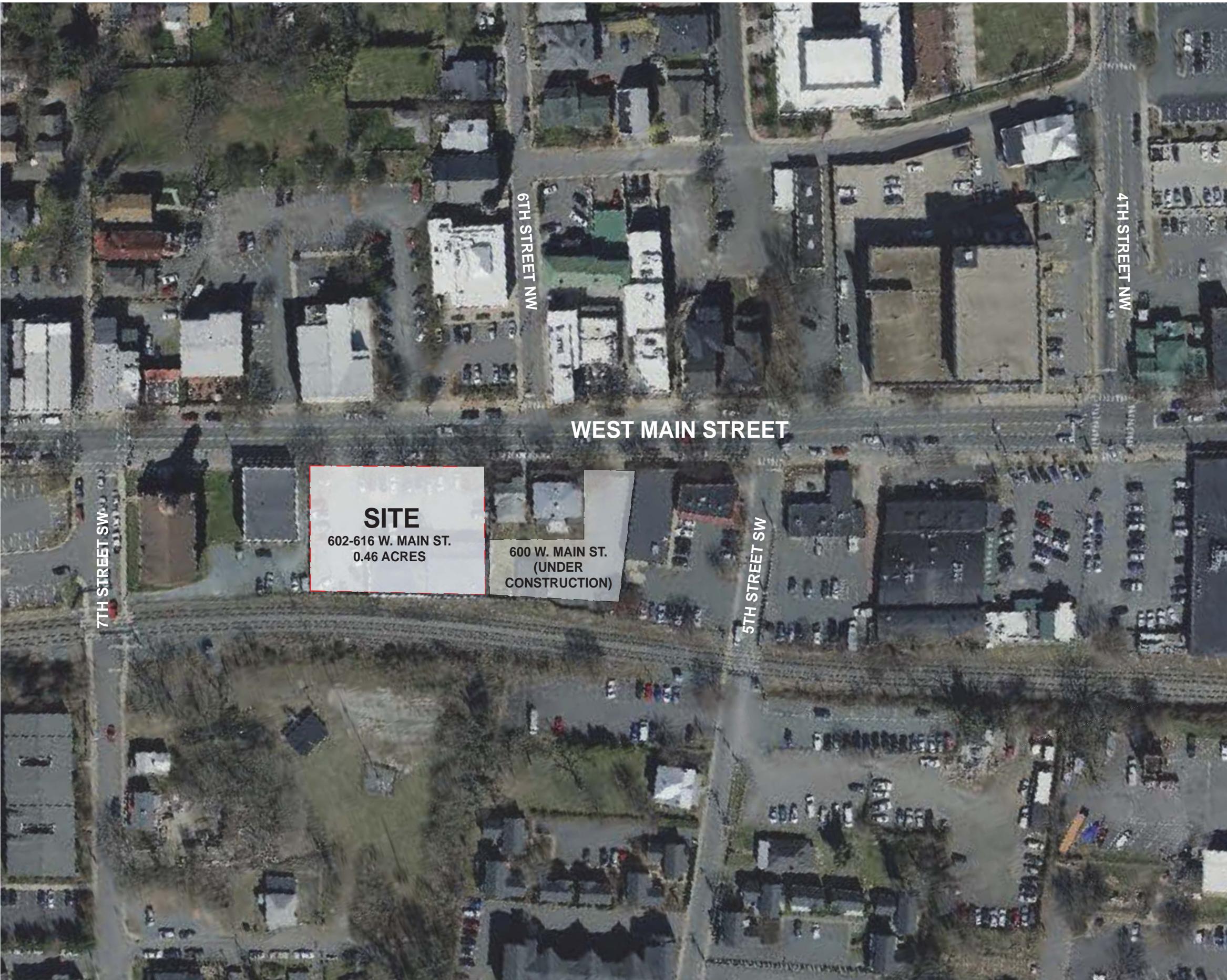
#### Compliance with USBC Provisions

The project will be constructed in complete compliance with all building code requirements.

#### Conclusion

The proposed redevelopment of the properties will be in keeping with the City's goals as expressed in the Comprehensive Plan for creating a mixed-use, urban neighborhood along West Main Street. The project will greatly enhance the vibrancy of the eastern portion of West Main Street by bringing an increase in the number of residents along the corridor. By offering a variety of housing types oriented to those who seek to live, work and shop within a walk-able setting, the project will be filling a niche for housing that is currently underserved. Approval of the special use permit allowing residential density up to 120 units per acre will enable all this to be achieved. i





## 602-616 W. MAIN STREET

### **ZONE:**

- WEST MAIN STREET EAST CORRIDOR (MIXED-USE)
- ARCHITECTURAL DESIGN CONTROL DISTRICT
- PARKING MODIFIED ZONE

### **PRIMARY STREETS:**

- WEST MAIN STREET

### **LAND AREA:**

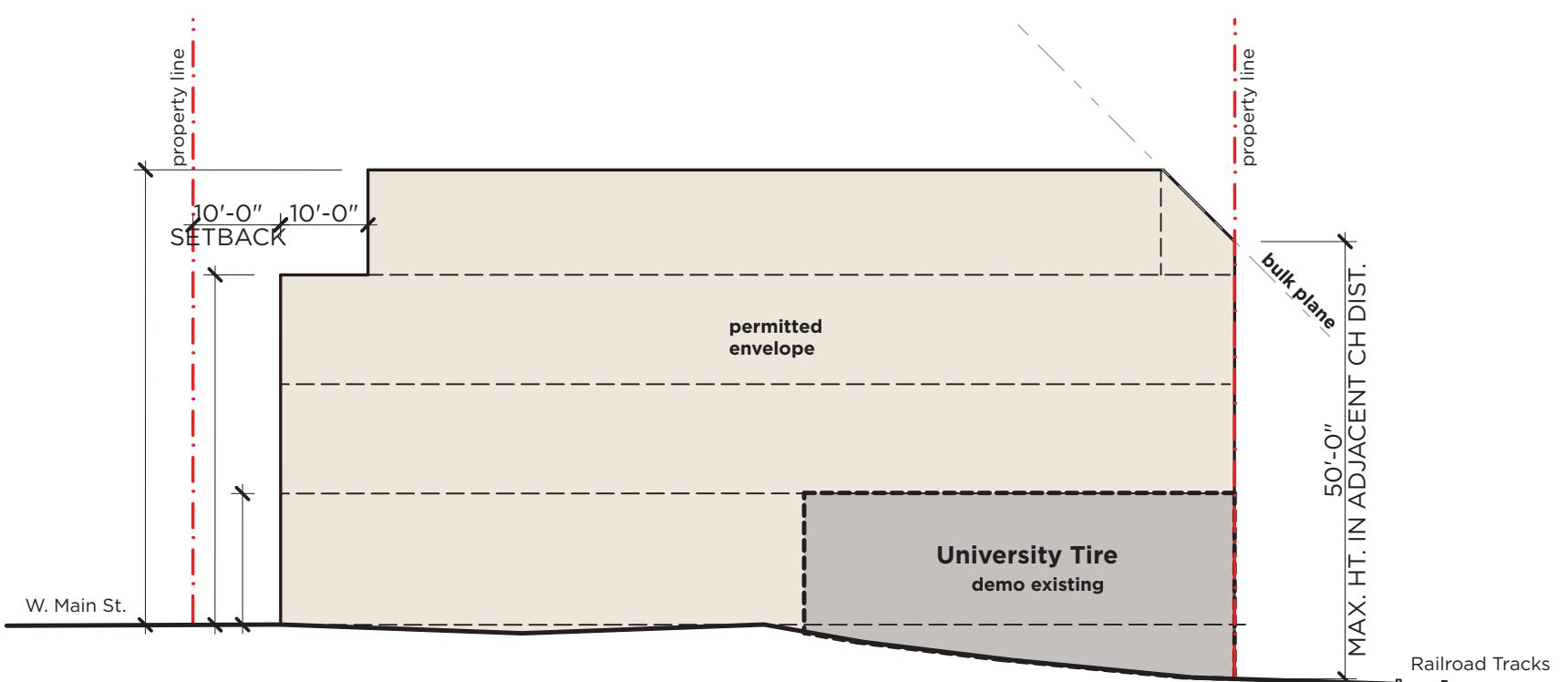
-0.46 ACRES/19,830 SF

### **DENSITY:**

### PROPOSED MASSING GSF:

	PARKING	RESIDENTIAL	RETAIL
<b>PARKING LEVEL</b>	19,830		
LEVEL 1	1,413	10,377	5,871
LEVEL 2		17,677	
LEVEL 3		17,677	
LEVEL 4		14,801	
<b>TOTAL:</b>			87,646





## ZONING HEIGHTS AND SETBACKS

### ZONE:

- WEST MAIN STREET EAST CORRIDOR (MIXED-USE)
- ARCHITECTURAL DESIGN CONTROL DISTRICT
- PARKING MODIFIED ZONE

### PRIMARY STREETS:

- WEST MAIN STREET

### LAND AREA:

-0.46 ACRES/19,830 SF

### DENSITY:

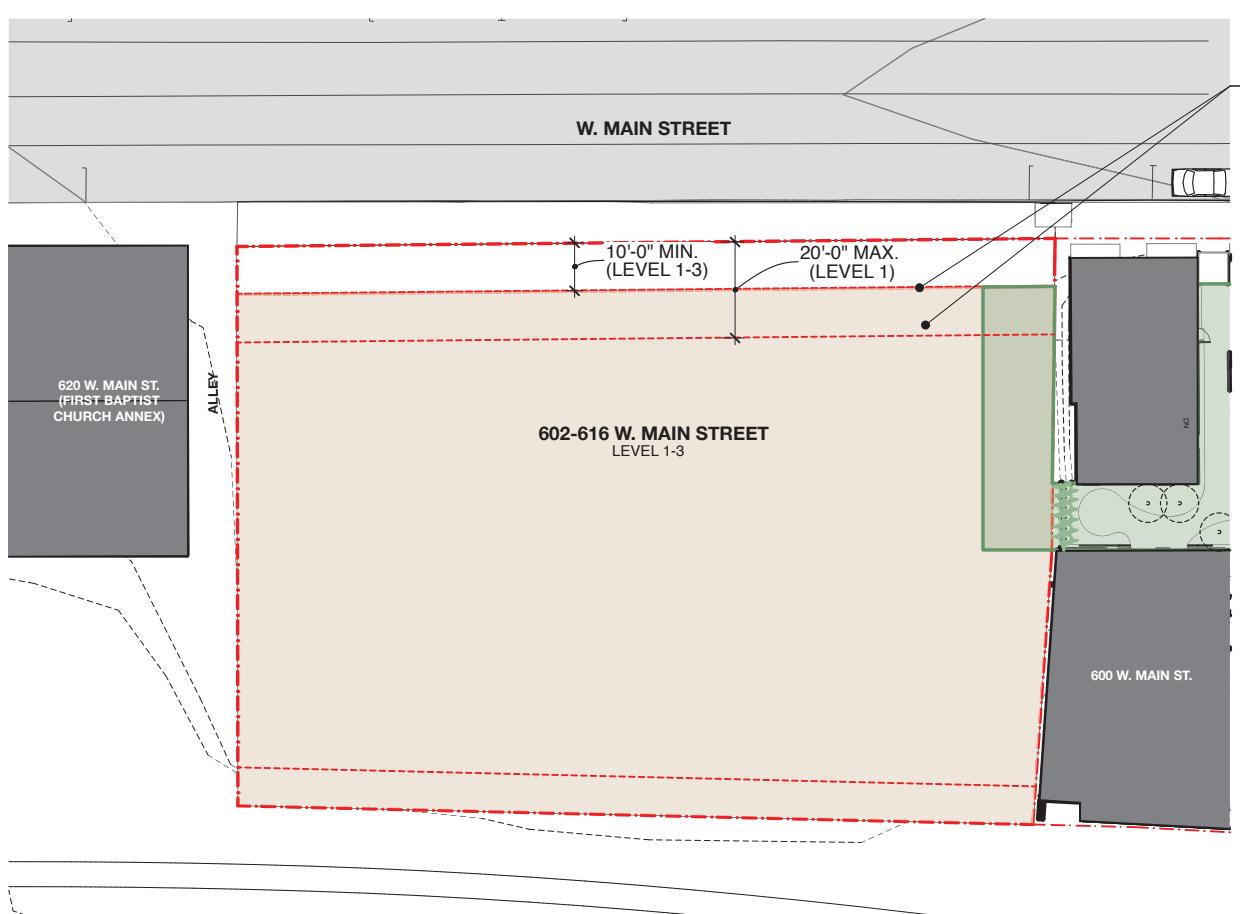
BY RIGHT

43 DUA

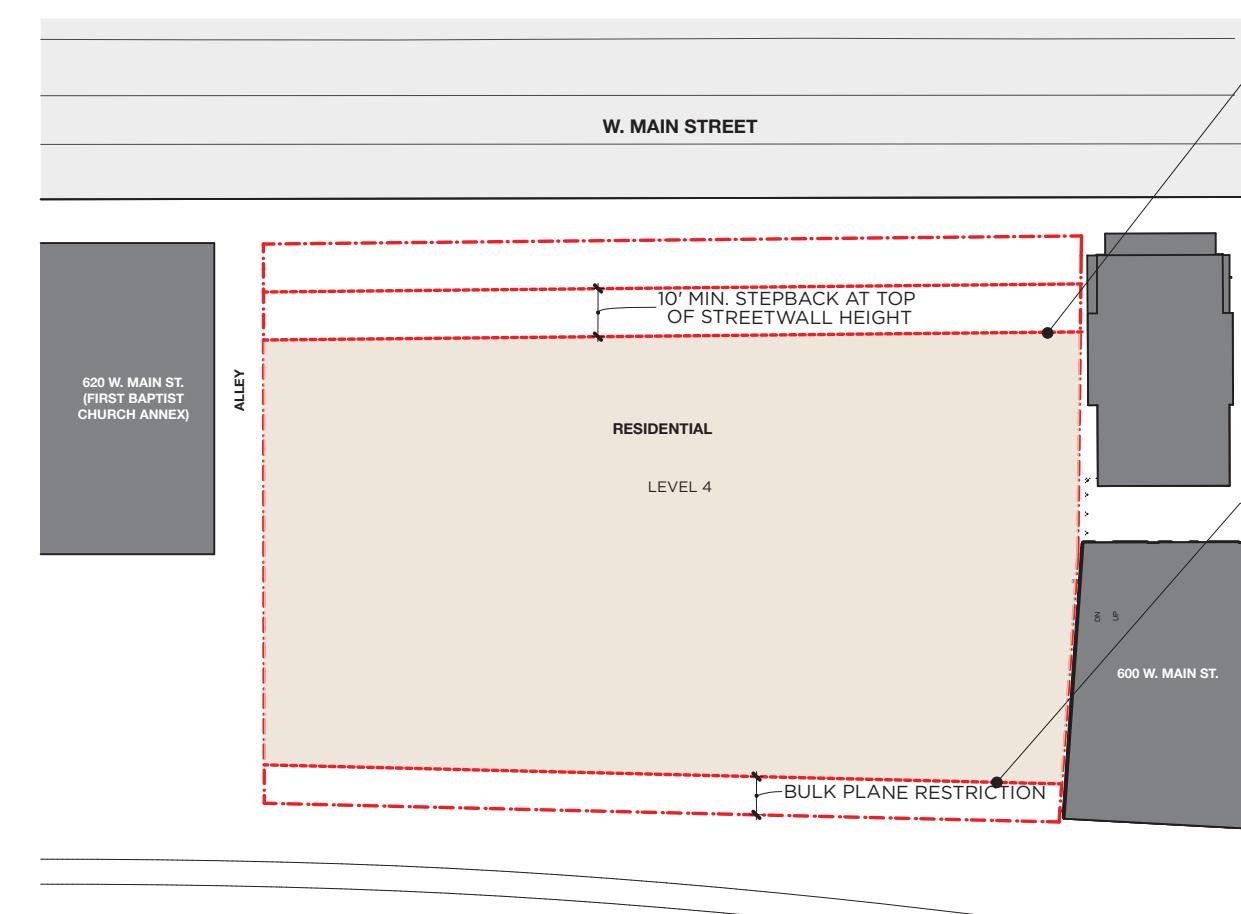
WITH SUP

120 DUA

TOTAL: 20 DWELLING UNITS 55 DWELLING UNITS

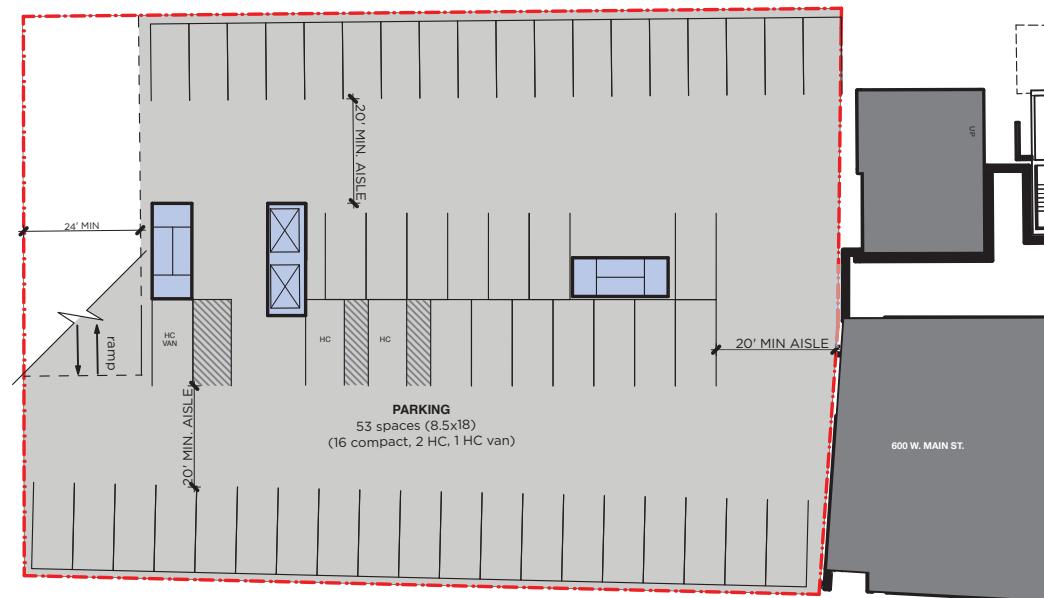


LEVELS 1-3

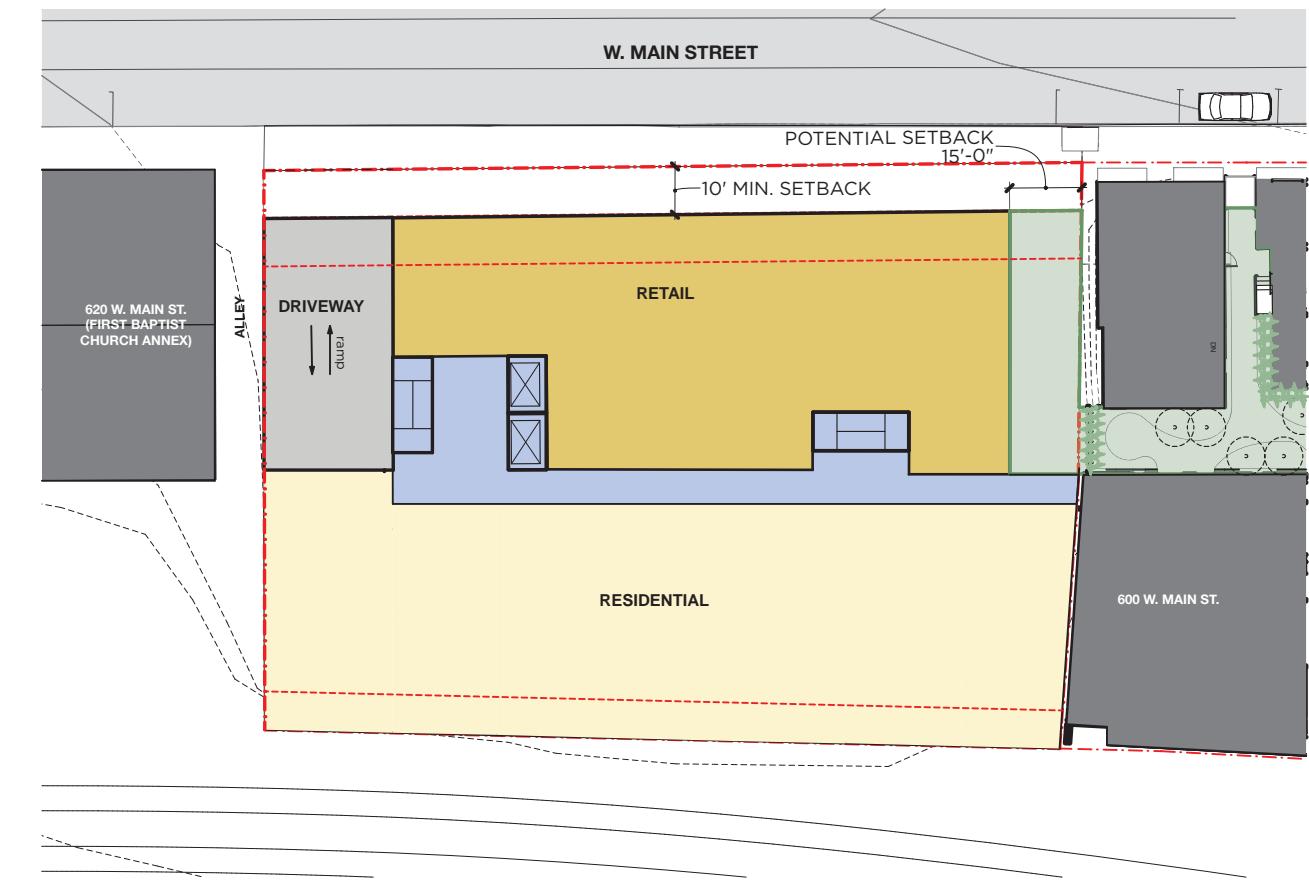


LEVEL 4

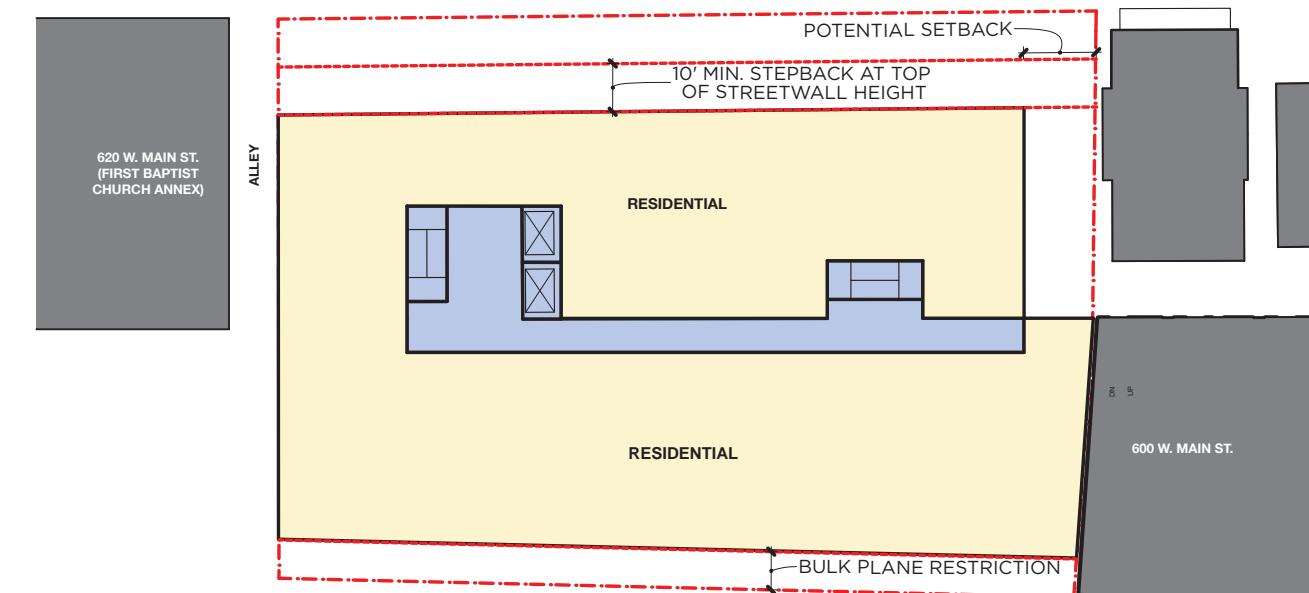




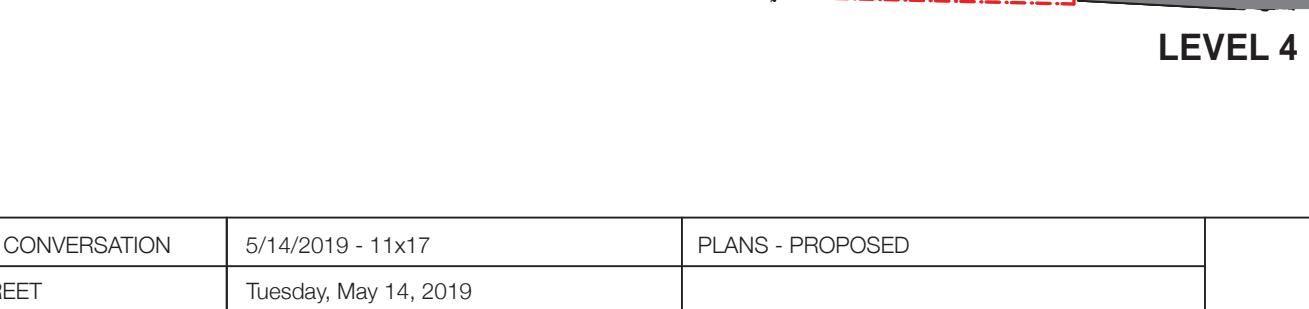
PARKING LEVEL



LEVEL 1



LEVEL 4



LEVEL 2-3





VIEW WEST



VIEW EAST



BAR - PRELIMINARY CONVERSATION	5/14/2019 - 11x17	MASSING - ALLOWABLE ENVELOPE
612 WEST MAIN STREET	Tuesday, May 14, 2019	



**VIEW EAST TOWARD MURAL**

**VIEW SOUTH**



BAR - PRELIMINARY CONVERSATION	5/14/2019 - 11x17	MASSING - ALLOWABLE VS PROPOSED	
612 WEST MAIN STREET	Tuesday, May 14, 2019		



**VIEW FROM WEST ON RAILROAD TRACKS**



**VIEW WEST ON WEST MAIN STREET**



**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO ALLOW HIGH DENSITY RESIDENTIAL DEVELOPMENT  
WITH MODIFIED RESIDENTIAL PARKING REQUIREMENTS  
FOR PROPERTY LOCATED AT  
510, 512-514 AND 600 WEST MAIN STREET**

**WHEREAS**, Heirloom West Main Development, LLC (“Applicant”) has represented that it is the current owner of three lots, identified on City Tax Map 29 as Parcels 6, 7 and 8 (City Tax Map Identification Nos. 290006000, 290007000 and 290008000) (collectively, the “Subject Property”), and the Applicant proposes to redevelop the Subject Property as and for a proposed mixed use development containing multifamily residential (at a density of more than 43 dwelling units per acre), containing studio, one-bedroom, and two-bedroom units, along with some commercial use(s), together with structured parking located underneath the building(s) (collectively, the “Proposed Development”); and

**WHEREAS**, the Proposed Development is described within the Applicant’s application materials dated March 21, 2016, submitted in connection with SP16-00003 (collectively, the “Application Materials”), in which the Applicant states that it expects to include within the Proposed Development, among other types of dwelling units, a number of market-rate (non-student) studio dwelling units, in order to provide a housing option not presently widely available within the Downtown or West Main Street areas; and

**WHEREAS**, the Applicant’s request for additional residential density, and for modification (reduction) of the parking standards applicable to the Proposed Development, require approval of a special use permit, pursuant to City Code §§ 34-641 and 34-162(a); and

**WHEREAS**, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 180 dwelling units per acre (DUA) with parking to be provided for the proposed residential dwelling units at a rate of 0.5 space per unit, all subject to certain suitable conditions and safeguards recommended by the Commission; and

**WHEREAS**, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to certain conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-641 and 34-162(a), a special use permit is hereby approved and granted to authorize the Proposed Development to be established on the Subject Property, with residential

density up to 180 DUA, subject to the following conditions:

1. There shall be a mixture of dwelling units permitted within the Proposed Development including without limitation one or more studio units. Any studio unit shall have a size of not less than 350 square feet. The studio units with a size from 350 square feet up to 550 square feet may comprise up to 40% of the total dwelling units within the Proposed Development;
2. The parking requirements for the residential component of the Proposed Development shall be as follows: (i) for each unit having an area of 550 square feet or less: 0.5 space per unit; and (ii) for each unit having an area of more than 550 square feet: 1.0 space per unit. Parking reductions allowed pursuant to the City's zoning ordinance may be applied to further reduce the total number of required parking spaces.
3. At least forty percent (40%) of the total number of required parking spaces for the Proposed Development shall be provided on-site. Any remaining required parking spaces, if any, may be provided at an off-site location ("Off-site Spaces"), in accordance with the requirements of City Code §34-971(e)(4)(b), provided that, any off-site parking lease for the Off-site Spaces may contain renewable terms if, collectively, the terms of the lease comply with the durational requirements of §34-971(e)(4)(b), and, by the terms of such lease, the Applicant has the right to renew the terms. The Applicant shall give the City's Zoning Administrator 90 days' advance written notice of any expiration or earlier termination of such lease.

On or before July 1 of each calendar year following issuance of any certificate of occupancy for the Proposed Development, the property owner shall submit to the City's Zoning Administrator a Parking Demand Management Plan ("Plan") designed by the Property Owner, reasonably documenting parking demand and the means by which the parking requirements of this Condition #3 will be satisfied during the upcoming year and describing any other means or measures that may be taken by the owner during the ensuing twelve (12) months to reduce or eliminate parking demand within or associated with the use and occupancy of the Proposed Development. After the initial Plan is submitted, the Owner may satisfy subsequent annual submission requirements by submitting modifications of the Plan to the City; if no modifications are received in a timely manner by the City, then the prior year's Plan (as in effect on June 30) shall remain in effect.

4. The new building proposed to be constructed within the Proposed Development shall contain an indoor lobby area, and an outdoor courtyard provided for the recreational use of the residents.

5. Prior to commencement of any land disturbing activity on the Property, the Owner shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any land disturbing permit for the Proposed Development.
6. The Owner, or its agent, shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site) during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application for a building or other development permit for construction of improvements that are the subject of the site plan.
7. The Owner, or its agent, shall provide the city's director of neighborhood development services and all adjoining property owners with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the Proposed Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
8. The Owner, or its agent, shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for any building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be submitted to the zoning administrator prior to the commencement of any construction of the first-floor above-grade framing.
9. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the Owner, or its agent, shall be required to obtain approval of an encroachment agreement, in a form suitable for recording in the City's land records, and subject to such terms and conditions as may be approved by City Council and the City Attorney. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for any new building within the development.

Approved by Council  
June 20, 2016

  
\_\_\_\_\_  
Paige Rice

Clerk of Council

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



**REQUEST FOR A ZONING TEXT AMENDMENT**

**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING:** August 13, 2019

**Author of Staff Report:** Missy Creasy, AICP & Brennen Duncan, PE

**Date of Staff Report:** August 6, 2019

**Proposed Change To Ordinance:** Modify access requirements for various uses.

**Applicable City Code Provisions:** §34-896 Access

**Executive Summary**

This is a proposed zoning text amendment to modify access requirements for various uses. Currently the ordinance requires two (2) points of access for any development that contains 50 or more dwelling units; this requirement is outdated and does not match current Fire Code or other engineering and safety standards. The purpose of the amendments are to clarify that access must be designed and constructed in accordance with the standards set out in the City's Standards and Design Manual, and mandatory safety standards, and to eliminate conflicts with those other documents. Adoption of the change would require amendments to the City Code Section 34-896.

**Background**

At the May 2019 Planning Commission Meeting, Mr. Trey Steigman requested that the Commission consider the initiation of a Zoning Text Amendment to change access requirements in the zoning ordinance (City Code Section 34-896 which currently requires at least two vehicular points of entry if a development contains 50 or more units). Mr. Steigman is undertaking a development that will have more than 50 dwelling units, but he believes that having to satisfy a requirement for two points of vehicular access is not reasonable and does not allow for flexibility in site design. The Commission scheduled to discuss this item at the June Work Session and to make a determination on the initiation following.

At the June 25, 2019 Planning Commission Work Session, this item was discussed and the Commission directed Staff to add an initiation for a text amendment to the regular July meeting agenda. At the July 9, 2019 Planning Commission meeting, this item was initiated for review.

## **Standard of Review**

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## **Proposed Zoning Text Change**

Amend §34-896 to modify access requirements for various uses.

### **Standard of Review Analysis**

#### **1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

The 2013 Comprehensive Plan provides guidance in both the Land Use and Transportation Chapters that support this proposal. Land Use Goal 5.5 and Transportation Goal 1.7 support the update to the SADM to provide for design features to support a multimodal network. Transportation Goal 3.3 specifically asks for access management standards to be developed of which this proposal could be a first step. The proposed amendment will allow the evaluation of engineering standards to a specific case to determine access standards rather than a numeric standard that may or may not be appropriate for a particular circumstance.

#### **2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;**

The purposes of the chapter would be furthered by the amendment. The amendment would provide the ability to evaluate the specific situation to engineering standards rather than a set number based on total units provided.

#### **3. Whether there is a need and justification for the change;**

This amendment will allow engineers for the city and private engineers to determine the safest way for new development to access public streets

#### **4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

### **Public Comment**

Comment was provided at the May 2019 Planning Commission meeting which led to a work session on June 25, 2019 (<https://www.charlottesville.org/home/showdocument?id=65638>). Speakers at the June 25, 2019 work session supported a change to the ordinance (Minutes: <https://www.charlottesville.org/home/showdocument?id=65869>).

### **Recommendation**

Staff recommends that the zoning text amendment be recommended for approval by the Planning Commission to City Council as written to amend and clarify the City of Charlottesville Zoning Ordinance.

### **Appropriate Motions**

1. “I move to recommend approval of this zoning text amendment to amend and re-ordain §34-896 (Amendments to the Zoning Ordinance) on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and/or good zoning practice.”
  
2. “I move to recommend denial of this zoning text amendment to amend and re-ordain §34-896. (Amendments to the Zoning Ordinance) on the basis that the changes would not serve the interests of public necessity, convenience, general public welfare and/or good zoning practice for the following reasons: ....”
  - a.
  - b.

Proposed Ordinance

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City's Traffic Engineer, in the review of a site plan, may specify the number, type, and location of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City's Standards and Design Manual as well as any other mandatory engineering and safety requirements.
- (b) .
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) .
- (e) .
- (f) Developments containing dwellings must have (i) access on a public collector or arterial street, (ii) access to a collector or arterial street within two hundred (200) feet along a public street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City's Standards and Design Manual.

(9-15-03(3); 4-20-09)

Edits from Current Ordinance

Sec. 34-896. - Access.

(a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be, designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City's Traffic Engineer~~director or the commission~~, in the review of a site plan, may specify the number, type, and location and design of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City's Standards and Design Manual as well as any other mandatory engineering and safety requirements.

(b) ~~Each entrance onto any public road for vehicular traffic to and from a development shall be subject to approval of the director or commission. All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.~~

(c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a ~~residential~~ development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.

(d) ~~The commission or director may require provision for, and/or construction of, travel lanes or driveways to serve adjoining properties.~~

(e) ~~On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director's determination that the vehicular circulation patterns provided are safe and convenient.~~

(f) ~~Developments containing mMultifamily dwellings developments having a density greater than 43 DUA must have (i) access on a public collector or arterial street, (ii) or have access to a collector or arterial street within two hundred (200) feet along a fifty six foot right of way developed to city street standards public street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City's Standards and Design Manual.~~

Current Ordinance

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads, designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the director or the commission, in the review of a site plan, may specify the number, type, location and design of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points.
- (b) Each entrance onto any public road for vehicular traffic to and from a development shall be subject to approval of the director or commission. All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a residential development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) The commission or director may require provision for, and/or construction of, travel lanes or driveways to serve adjoining properties.
- (e) On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director's determination that the vehicular circulation patterns provided are safe and convenient.
- (f) Multifamily developments having a density greater than 43 DUA must have access on a public collector or arterial street, or have access to a collector or arterial street within two hundred (200) feet along a fifty-six-foot right-of-way developed to city street standards.

(9-15-03(3); 4-20-09)

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

**PRELIMINARY DISCUSSION: SUP REQUEST**



**DATE OF PLANNING COMMISSION MEETING: August 13, 2019**

**APPLICATION NUMBER: SP 19-00004**

**Project Planner:** Joey Winter

**Date of Staff Report:** August 5, 2019

**Project Name:** Kappa Kappa Gamma – 503 Rugby Road Special Use Permit

**Property Owner:** Epsilon Sigma House Corporation of Kappa Kappa Gamma

**Applicant's Representative:** Ms. Erin Hannegan - Mitchell/Matthews Architects

**RE: Special Use Permit Request for a Sorority House at 503 Rugby Road**

**Background**

Ms. Erin Hannegan of Mitchell/Matthews Architects on behalf of the Epsilon Sigma House Corporation of Kappa Kappa Gamma has submitted a Special Use Permit (SUP) application for a sorority at 503 Rugby Road. Pursuant to Sec. 34-420, an SUP is being requested for a sorority house with up to 37 residents. The property is further identified on City Real Property Tax Map 5 Parcel 52. The site is zoned R-3H and is approximately 0.3440 acres. The General Land Use Plan calls for High Density Residential development.

**Preliminary Analysis**

An SUP is being requested for (1) additional resident over the previously approved quantity of 36 residents allowed by a Special Use Permit granted on February 21, 1978. In addition, modifications to front and side yard setbacks are requested to permit ornamental features, roof overhangs, and covered porches. The project will consist of sleeping spaces added to the existing structure, which is designated as non-contributing. The main Chapter Room will be enlarged, projecting over parking below, to accommodate the growing membership. Finally, numerous multi-functional study spaces will be added.

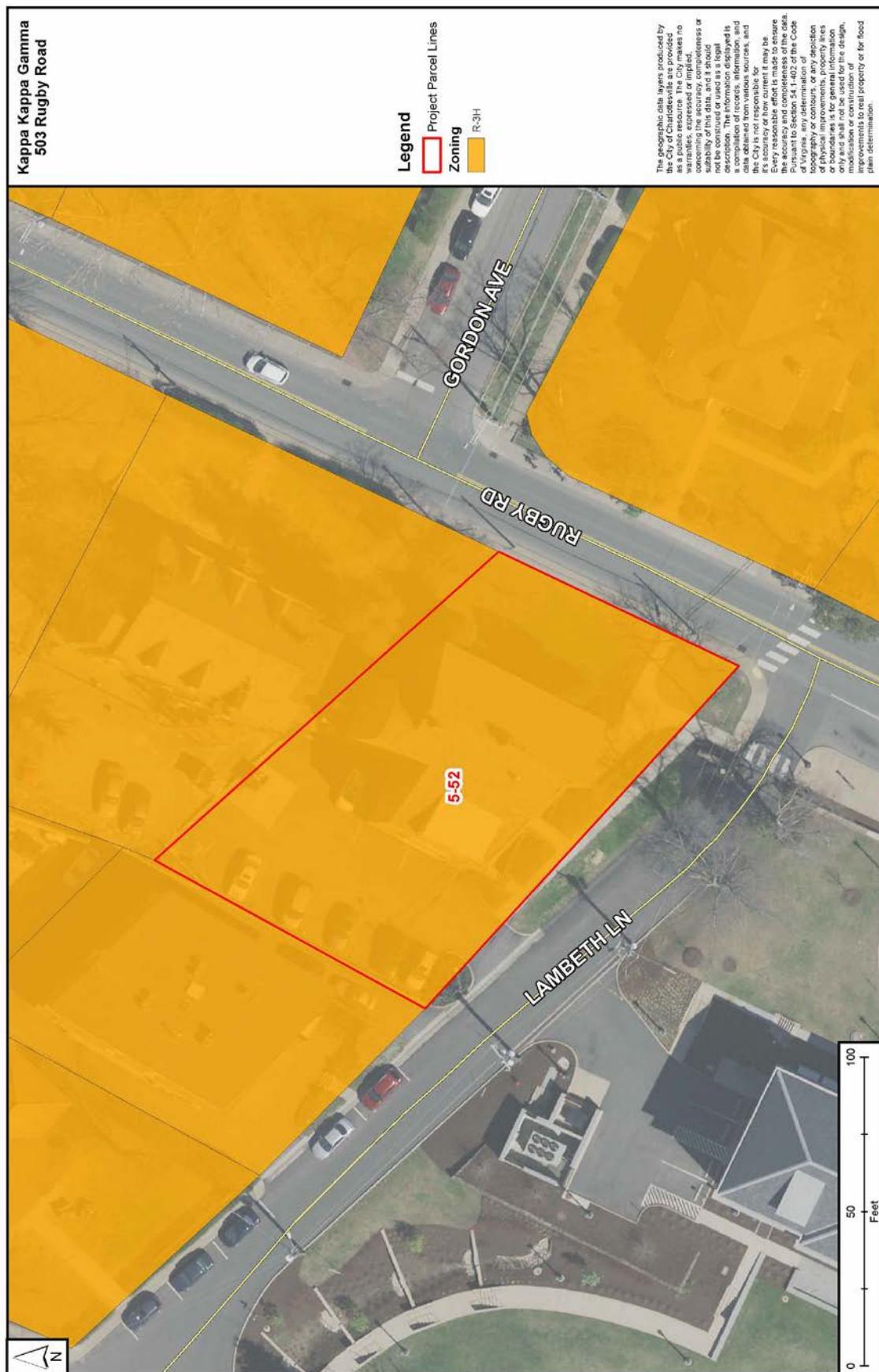
## Vicinity Map

Kappa Kappa Gamma  
503 Rugby Road



The geographic data layers produced by the City of Charlottesville are provided as a public resource. The City makes no warranties, expressed or implied, concerning the accuracy, completeness or reliability of the data and it should not be construed as a legal description of record boundaries and data obtained from various sources, and its accuracy and how current it may be is not necessarily stable for the City. No reasonable effort is made to ensure the accuracy and completeness of the data. Pursuant to Section 54.1-402 of the Code of Virginia, any distribution of topography or contours, or any depiction of physical improvements, present or past, is illegal without a general permit, environmental impact statement, or other environmental analysis, mitigation or construction of improvements to re-apply or for food plan in a permitting.

## Zoning Map



## **Items for Discussion**

- What is the impact of allowing (1) additional resident over the previously approved quantity of 36 residents allowed by the existing Special Use Permit? Are there measures the applicant can take to mitigate any adverse impact on the neighborhood?
- What is the impact of granting modifications to front and side yard setbacks to permit ornamental features, roof overhangs, and covered porches? The Board of Architectural Review will be making a recommendation on this SUP request at their August 20<sup>th</sup> meeting. Pursuant to Sec. 34-157(a)(7), the BAR will provide recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts.

## **Attachments**

- A. Special Use Permit Application
- B. A Resolution Granting A Special Permit For Increased Density Development Of Property Located At 503 Rugby Road - Adopted February 21, 1978



# City of Charlottesville

## Application for Special Use Permit

Project Name: Kappa Kappa Gamma - 503 Rugby Rd SUP

Address of Property: 503 Rugby Road

Tax Map and Parcel Number(s): 050052000

Current Zoning District Classification: R-3H

Comprehensive Plan Land Use Designation: High Density Residential

Is this an amendment to an existing SUP? yes

If "yes", provide the SUP #: see pp. 335-336, record of City Council Mtg from Feb 21, 1978

Applicant: Mitchell Matthews Architects (c/o Erin Hannegan) on behalf of KKG

Address: 300 Twin Sycamores Lane, Charlottesville VA 22903

Phone: 434-979-7550 Email: eh@mitchellmatthews.com

Applicant's Role in the Development (check one):

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Epsilon Sigma House Corps of Kappa Kappa Gamma

Address: 3466 Keswick Road, Keswick VA 22947

Phone: 804-564-6687 Email: cbrown1200@gmail.com

Reason for Special Use Permit:

Additional height: \_\_\_\_\_ feet

Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre, or 37 total residents

Authorize specific land use (identify) \_\_\_\_\_

Other purpose(s) (specify City Code section): \_\_\_\_\_

(1) Applicant's and (2) Owner's Signatures

(1) Signature Erin Hannegan Print Erin Hannegan Date 7-13-19

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_

Other (specify): Project Manager

(2) Signature Catherine Brown Print Catherine Brown Date 7/15/19

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_

Other (specify): \_\_\_\_\_



## City of Charlottesville

### Pre-Application Meeting Verification

Project Name: Kappa Kappa Gamma - 503 Rugby Rd SUP

Pre-Application Meeting Date: Tuesday, July 2, 2019 10:00 am

Applicant's Representative: Erin Hennegan and John Mitchell (Mitchell-Matthews)

Planner: Joey Winter

Other City Officials in Attendance:

Reed Brodhead - Zoning Administrator

**The following items will be required supplemental information for this application and must be submitted with the completed application package:**

1. SUP requires EAR approval
2. Zoning letter from Reed Brodhead (as discussed in this meeting)
3. Materials related to adjacent property owners and Neighborhood association emailed to Erin Johnson on 7/2/19
4. JW 07/15/19
5. \_\_\_\_\_

Planner Signature: J. Winter



# City of Charlottesville

## Application Checklist

Project Name: Kappa Kappa Gamma - 503 Rugby Rd.

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant Mitchell/Matthews Architects 90 Erin Hannegan  
Signature Erin Hannegan Print Erin Hannegan Date 7-13-19  
By Its: Project Manager

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

Project Name: Kappa Kappa Gamma - 503 Rugby Rd.

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Mitchell Matthews Architects c/o Erin Hannegan

By:

Signature Erin Hannegan Print Erin Hannegan Date 7-13-19

Its: Project Manager (Officer, Member, Trustee, etc.)

**AFFIDAVIT**

Commonwealth of Virginia )  
 ) S.S.  
City of Charlottesville )

I, Erin Hannegan, of Charlottesville, Virginia, MAKE OATH AND SAY THAT:

1. The community meeting invitation for our project at Kappa Kappa Gamma (503 Rugby Road) was mailed, by U.S. Mail, first-class, postage paid, on July 16, 2019.
2. The mailing was sent to the list provided by the City.

COMMONWEALTH OF VIRGINIA

COUNTY OF Albemarle

SUBSCRIBED AND SWORN TO BEFORE ME,  
on the 16th day of July, 2019

Signature Susan M. Lanterman

(Seal)

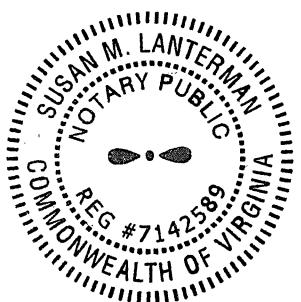
NOTARY PUBLIC

My Commission expires:

Nov. 30, 2020

Erin Hannegan  
(Signature)

Erin Hannegan





15 July 2019

Re: Kappa Kappa Gamma Sorority at 503 Rugby Rd – Neighborhood meeting invitation

Dear Venable/University Circle neighbors,

Mitchell / Matthews Architects is representing the owner, Epsilon Sigma House Corporation of Kappa Kappa Gamma Sorority, for the application of a special use permit in the renovation & addition of 503 Rugby Rd, the Chapter House on the corner of Rugby Rd and Lambeth Ln. See reverse side for a map and photograph of current conditions.

We invite you to attend a meeting **Tuesday, August 6th at 7:00pm at KKG located at 503 Rugby Rd**, to discuss the proposed plans for the building.

The proposed project is a continuation of the existing use as a sorority house. This special use permit specifically seeks to add one bedroom above the currently approved quantity. In addition, the project requests relief to the setbacks in order to accommodate a small front porch and the proposed architecture detailing, including pilasters and roof overhangs. Through thoughtful design, we hope to traditionalize the modern style currently applied to the existing house on this property, which will help contribute to a more consistent character along Rugby Road and throughout the Venable and University Circle neighborhoods.

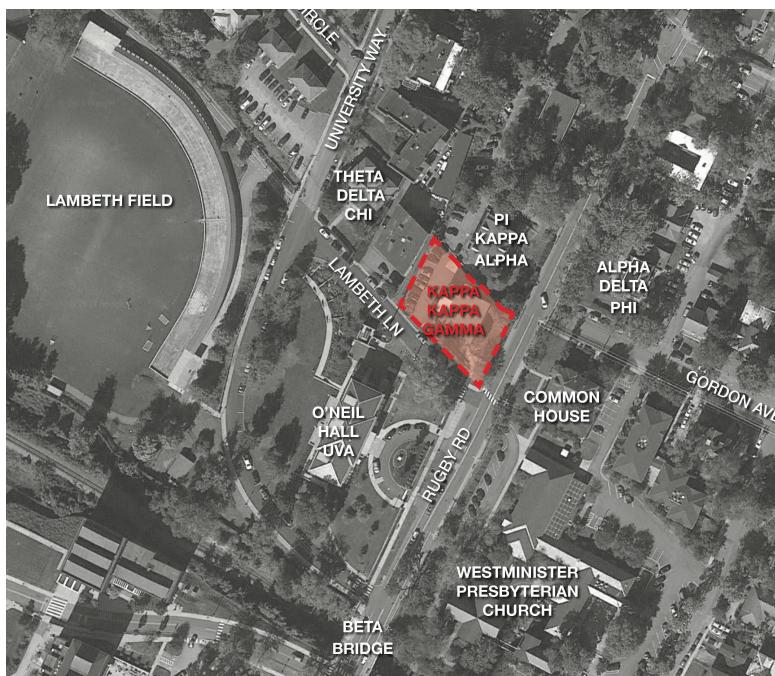
We look forward to explaining more about the project at the neighborhood meeting. The City Planner, Joseph Winter, has also been invited. We would like to ask for your support of this project, so that the process with the City can be expedited.

We hope you can join us on the 6th. In the meantime, feel free to contact me at 979-7550 or [eh@mitchellmatthews.com](mailto:eh@mitchellmatthews.com) or the City Planner, Joseph Winter, at 970-3991 or [winterj@charlottesville.org](mailto:winterj@charlottesville.org) if you have any questions about this project or the proposed special use permit requests.

Sincerely,

Erin Hannegan, Project Manager, Mitchell / Matthews Architects

Cc: Epsilon Sigma House Corporation of Kappa Kappa Gamma, Owner  
Mr. Joseph Winter, Planner for the City of Charlottesville



## KAPPA KAPPA GAMMA SORORITY

COMMUNITY MEETING

TUESDAY,  
AUGUST 6<sup>TH</sup>, 2019

7PM

AT 503 RUGBY RD.



MITCHELL / MATTHEWS ARCHITECTS

P. O. BOX 5603 ■ CHARLOTTESVILLE, VIRGINIA 22905 ■ (434) 979-7550 ■ FAX (434) 979-5220



# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

**Name** Catherine McLamb Brown (president) **Address** 836 Broomley Road, Charlottesville VA 22901

**Name** Woody Oakey (treasurer) **Address** 1650 Browns Gap Turnpike, Charlottesville VA 22901

**Name** Molly Dunnington (director) **Address** 2010 Hessian Road, Charlottesville VA 22903

**Name** Nancy Inman (director) **Address** 1445 West Pines Drive, Charlottesville VA 22903  
Holly Mason (director) **Address** 1910 Barracks Road, Charlottesville VA 22903

**Attach additional sheets as needed.**

**Note:** The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

**Applicant:** Mitchell Matthews Architects (c/o Erin Hannegan)

**By:**

**Signature** Erin R. Hannegan **Print** Erin Hannegan **Date** 7-13-19

**Its:** Project Manager **(Officer, Member, Trustee, etc.)**



# City of Charlottesville

## LID Checklist

Project Name: Kappa Kappa Gamma - 503 Rugby Rd

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be $>1,000 \text{ ft.}^2$ or $\geq 50\%$ of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
Shared parking (must have legally binding agreement) that eliminates $>30\%$ of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	5
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be $\geq 5\%$ of impervious drainage area.	8 points or 1 point for each 10% of site treated.	
Rain gardens. All lots, rain garden surface area for each lot $\geq 200 \text{ ft.}^2$ .	8 points or 1 point for each 10% of lots treated.	
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	8
Green rooftop to treat $\geq 50\%$ of roof area	8 points	
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	
	Total Points	13

### Applicant's Signature

Signature Erin R. Hannegan Print Erin R. Hannegan Date 7-13-19  
for Mitchell/Matthews



16 July 2019

Re: Kappa Kappa Gamma Sorority at 503 Rugby Rd – Affordable Housing Ordinance

Dear Mr. Winter,

This letter is a response to item 4 of the Application Checklist (page 3) of the Special Use Permit Application:

34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an “affordable dwelling unit” by the city’s definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?

- (i) There are currently no existing “affordable dwelling units” on the property.
- (ii) N/A
- (iii) The Gross Floor Area (GFA) of the project is 13,792 sf. The entire project is residential.

Please refer to the attached ADU Worksheet. No affordable dwelling units are required.

Feel free to contact me at 979-7550 if you have any questions about this calculation.

Sincerely,

Erin Hannegan  
Project Manager, Mitchell / Matthews Architects

Cc: Epsilon Sigma House Corporation of Kappa Kappa Gamma, Owner

### Affordable Dwelling Unit Ordinance Worksheet

#### Step 1: Total Floor Area Ratio (FAR) of Site

A. Total size of development site:	0.32 acres		
B. Total square footage of site:	0.32 (# of acres)	x	43,560.00 = 13,891.28 square feet (sf)
C. 1.0 Floor Area Ratio (FAR):	13,891.28 (total sf of site)		
D. Gross Floor Area (GFA) of <u>ALL</u> buildings/uses:	13,792.00 sf		
E. Total site FAR:	13,792.00 (total GFA of site)	÷	13,891.28 (1.0 FAR) = 0.99

F. Is E greater than or equal to 1.0 FAR? NO: Your proposed development does not trigger the ADU ordinance.

YES: Proceed to Step 2 or Step 3.

#### Step 2: Number of ADUs Required

G. GFA in excess of 1.0 FAR:	13,792.00 (D: total site GFA)	-	13,891.28 (B: total SF of site)	=	-99.28
H. Total GFA of ADUs required:	-99.28 (G: GFA in excess of 1.0 FAR)	x	0.05	=	-4.96
I. Equivalent density based on Units Per Acre:					
i. Dwelling Units per Acre (DUA) approved by SUP:	0.00				
ii. SF needed for ADUs:	-4.96 (H: Total GFA of ADUs)	÷	43,560.00	=	-0.0001140 acres
iii. Total number of ADUs required:	-0.0001140 (ii: ADU acreage)	x	0.00 (i: DUA approved)	=	0.00 round up to 7 units

#### Step 3: Cash-in-Lieu Payment

J. Cash-in-Lieu Amount Residential: 13,792.00 x \$2.261 = \$31,183.71

K. Cash-in-Lieu Amount Mixed-Use:

Total GFA of development site:	0.00
GFA Occupied Commercial Space:	0.00
GFA Occupied Residential Space:	0.00
Total GFA Occupied Space:	0.32

% Residential: 0.00

GFA Non-Occupied Space\*: -0.32  
Propotionate amount of non-occupied  
space GFA for residential use: 0.00  
Amount of Payment: 0.00 x \$2.261 = \$0.00

\*GFA of non-occupied space shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures.

**Step 4: Minimum Term of Affordability**

L. Residential Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

\*If answer is less than 5, then minimum term of affordability will be 5 years.

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD High HOME Rents	\$722.00	\$1,010.00	\$1,171.00	\$1,421.00	\$1,566.00	\$1,709.00	\$1,852.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

\*If answer is less than 5, then minimum term of affordability will be 5 years.

M. Mixed-Use Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

\*If answer is less than 5, then minimum term of affordability will be 5 years.

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
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HUD Utility Allowance							
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Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability\*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

\*If answer is less than 5, then minimum term of affordability will be 5 years.

A RESOLUTION  
GRANTING A SPECIAL PERMIT FOR  
INCREASED DENSITY DEVELOPMENT OF  
PROPERTY LOCATED AT  
503 RUGBY ROAD

BE IT RESOLVED by the Council of the City of Charlottesville that there is hereby granted pursuant to §31-33 of the Code of the City of Charlottesville a special permit for the use of the property located at 503 Rugby Road for construction of a sorority house having sleeping and living accommodations for thirty-six residents on such property. Such permit shall be subject to the conditions and regulations set forth in the aforesaid §31-33 for such higher density development as well as to all general conditions and regulations imposed upon special permits by Chapter 31 of such City Code, including the obtaining by the developers of an approved site plan prior to initiating use of the property for such purposes.

Adopted by the Council  
February 21, 1978

Copy Teste:

  
\_\_\_\_\_  
Clerk