

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



Agenda Date:	September 5, 2023
Action Required:	Consideration of a Rezoning Application
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	<b>Ordinance to rezone the properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (1 of 2 readings)</b>

**Background**

Woodard Properties (applicant and owner) has submitted a Rezoning application and a Special Use Application for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5th ST SW, and 0 6th ST SW and identified in the City's land records as Tax Map and Parcel (TMP) as 290179000, 290178200, 290177000, 290178100, and 290178000 (Subject Property). The applicant is pursuing a rezoning to change the existing zoning of the Subject Property from Cherry Avenue Mixed Use Corridor (CH) and Residential Small Lot (R-1S) to Commercial (B-3) with proffers. The proffers include:

- (1) a minimum of sixty affordable residential dwelling units should the residential portion of the development be sold to Piedmont Housing Alliance (PHA) or four to five (with proffered language that could increase the units to eight or nine) affordable dwelling units, for a minimum of six years, should a sales agreement between the owner and PHA not be executed by December 31, 2023;
- (2) Non-profit space will be provided for purchases for one-hundred twenty days after the issuance of the first certificate of occupancy (CO);
- (3) A minimum of 5,000 square feet of leased commercial space will be reserved for a grocery store that sells fresh produce until the issuance of the first CO;
- (4) The following uses within the B-3 Zoning district per Code Section 34-480 will be excluded from the Subject Property: Gas Station; Repair/servicing Business (automobile); Car Wash; Crematorium (independent of funeral home); Dry Cleaning Establishments; Drive-through windows; Taxi Stand; Towing Service, automobile; Industrial Equipment service and repair; and Wholesale Establishments;
- (5) A maximum building height shall not exceed sixty-five feet or five stories. A five foot step-back shall apply to any story above the fourth story for the Cherry Avenue frontage. Building height within forty feet of the rear (northern boundary) will be restricted to forty-five feet or three stories;
- (6) The development will be mixed use with no one type of use exceeding 80% of the gross square footage of the Subject Property.

The owner has also submitted an SUP application to increase the by-right density from 21 dwelling units per acre (DUA) to 87 DUA along with modifications to the setbacks and parking requirements. The setback modifications include the following: the 5th ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); the 6th ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); and all sides adjacent to Low

Density Residential will have a minimum setback of ten feet with S-3 Screening. The parking modifications include the following: for multifamily dwellings, 1/2 space for efficiency, 1-bedroom, and 2-bedroom units and 1 space per 3-bedroom and 4-bedroom units; for general retail and sales, 2.5 spaces per 1,000 SF of gross floor area; for grocery stores and pharmacies, 1 space per 500 SF of gross floor area; and an allowance for compact car spaces up to 40% of total spaces. The applicant is proposing a mixed-use development with up to 118 residential units and approximately 24,400 square feet of commercial space through new construction. The Subject Property is approximately 1.36 acres with road frontage on Cherry Avenue, 5th St. SW, and 6th St. SW. The Comprehensive Land Use Map for this area calls for Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area).

### **Discussion**

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on August 8, 2023 on this matter. The Planning Commission and City Council had the following comments on concerns:

- How the affordable housing aspect of the project will be achieved and what levels of affordability will be offered. Piedmont Housing Alliance (PHA) indicated they are aiming to provide affordable housing at the following for this project:
  - o 10% of the units available to households at 30% Area Median Income (AMI)
  - o 50% of the units available to households at 50% AMI
  - o 40% of the units available to households at 60% to 80% AMI
  - o All units available to households using Housing Choice Voucher
- Will a grocery store be viable in this location and what happens if the applicant cannot find a tenant for the space?
- Traffic could impact 5th ST SW and 6th ST SW.

Overall, both the Planning Commission and City Council believe the development will have a positive impact on the community if implemented as proposed. They were also impressed with the level of community engagement the applicant went to in partnering with the Fiveville Neighborhood Association. This partnership and engagement have built a lot of support from the neighborhood for this project. There was some concern from the Planning Commission and City Council in regard to the proffers as they are setup in a way that relies on different moving targets being met. There was also a concern that the proffers call out specific organizations and not just land uses. Despite these concerns, both bodies believe this development could be a model for other projects in the City moving forward.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 04:08 mark.

[Link to August 8, 2023 Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 65.

[Link to application, background materials and staff report.](#)

### **Alignment with City Council's Vision and Strategic Plan**

If City Council approves the Rezoning and Special Use Permit request, the project could contribute to Quality Housing Opportunities for All and a Community of Mutual Respect aspects of the City Vision Statement.

## **Community Engagement**

On June 3, 2023, the applicant held a Community Meeting at Living Hope Outreach Church (824 Cherry Avenue) from 11:30am to approximately 2pm. The meeting was well attended with approximately forty members of the public participating and sharing their thoughts. There was positive feedback related to more affordable housing options in the neighborhood, nonprofit space, and a grocery store returning to the site. There were also concerns expressed with the massing/height, types of residential units being offered, and a historic lack of trust from the community with developers and the City. Below are some of the key takeaways from the meeting:

- Fifeville needs more affordable housing at different levels and styles.
- The building is too tall and will have a negative impact on the surrounding single family homes.
- Water and drainage are already an issue on 5th ST SW and 6th ST SW and this project will only make it worse.
- Parking will be an issue and will spill into the surrounding neighborhood.
- 5th ST SW and 6th ST SW are small narrow streets, and they will not be able to handle the additional traffic.
- Speeding is a problem on Cherry and the new development will be dangerous for pedestrians.
- Due to past developments and treatment of longtime residents in Fifeville, there is distrust with developers and the City.
- Safety and infrastructure improvements are needed around the development and should be a City priority.
- The community would like to see the site developed, but they want to make sure it is developed in a way that respects the community and gives back to the neighborhood.

The applicant took the feedback from the meeting and addressed it in their application.

On August 8, 2023, the Planning Commission held an in person and virtual joint Public Hearing with City Council that was well attended by the public. Sixteen (16) members of the public spoke and expressed the following:

- Overwhelming support for the project and what it could provide to the community and City.
- Some concerns with traffic and parking, but these issues should be addressed by the City improving the infrastructure in Fifeville.
- Support for how the developer engaged the neighborhood.
- Concern that not all residents of Fifeville were involved and more community engagement was needed.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

## **Budgetary Impact**

This has no impact on the General Fund.

## **Recommendation**

The Planning Commission voted 4-0 to recommend the application be approved for the Rezoning.

Suggested:

"I move to approve the ORDINANCE for application ZM23-0001 rezoning the Properties located at 501-507 Cherry Avenue, 0 5th ST SW, and 0 6th ST SW, City Tax Map Parcels 290178000,

290178100, 290177000, 290178200, and 290179000 from Cherry Avenue Mixed Use Corridor (CH) and Residential Single Family Small Lots (R-1S) to Commercial (B-3) with Proffers.”

### **Alternatives**

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance granting the Rezoning as recommended by the Planning Commission;
- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning; or
- (4) by motion, defer action on the Rezoning.

### **Attachments**

- 1. 2023.08.10 - 501 Cherry Ave Proffers FINAL signed
- 2. 501\_Cherry\_Ave\_RZ\_ORDINANCE\_9\_5\_23.CA Rev