

## Agenda

### PLANNING COMMISSION REGULAR DOCKET

TUESDAY, August 8, 2023 at 5:30 P.M.

Hybrid Meeting

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

*Beginning:* 5:00 p.m.

*Location:* (CitySpace, 100 5th St NE, Charlottesville, VA 22902 and Electronic/Virtual)

#### II. Commission Regular Meeting

*Beginning:* 5:30 p.m.

*Location:* (CitySpace, 100 5th St NE, Charlottesville, VA 22902 and Electronic/Virtual)

##### A. COMMISSIONERS' REPORTS

##### B. UNIVERSITY REPORT

##### C. CHAIR'S REPORT

##### i. Appointment of 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 – May 23, 2023 – Regular Meeting
2. Minutes – January 11, 2022 – Regular Meeting
3. Final Site Plan - Belmont Heights (1000 Monticello)

#### 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. **CP23 - 00001 – 0 E High St.** - Pursuant to Virginia Code section 15.2-2232 and Charlottesville City Code Sec. 34-28, the Planning Commission and City Council will review the public roads, trails, and park facilities proposed within the 0 E High St. preliminary site plan to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City's currently adopted Comprehensive Plan or part thereof. The preliminary site plan may be examined at the Department of Neighborhood Development Services, 610 E Market Street, Charlottesville, Virginia, Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m.

#### **2. Draft FY2023 HOME-ARP Action Plan for the City of Charlottesville**

15-DAY COMMENT PERIOD: Monday, July 24, 2023 – Monday, August 7, 2023

The Planning Commission and City Council will be considering projects to be undertaken as part of the City's federal fiscal year 2023-2024 HOME American Rescue Plan Program ("HOME-ARP Program"). The Department of Housing and Urban Development ("HUD") has informed the City that funding for the HOME-ARP Program is currently estimated at approximately \$340,000, which the City plans to use to support the preservation and/or development of rental units affordable to households at 60% of the local Area Median Income ("AMI") (at or below \$55,500 for a household of four persons in 2023). Information regarding the City's HOME-ARP Program can be found online at

<https://www.charlottesville.gov/1658/HOME-ARP> and persons interested in this program are invited to contact Anthony Warn, Grants Analyst, by e-mail at [warna@charlottesville.gov](mailto:warna@charlottesville.gov).

**3. ZM23-0001 and SP23-00001 501 Cherry Avenue** – On August 8, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application and a Special Use Permit Application (“SUP”) for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5th St. SW, and 0 6th St. SW and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the “Subject Property”). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning and SUP. The owner, WP 501 Cherry LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Cherry Avenue Mixed Use Corridor (“CH”) and Single-Family Residential Small Lot (“R-1(S)”) to the B-3 Business District (“B-3”) with proffers. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The owner has also submitted a SUP application to increase the by-right density from 21 dwelling units per acre (“DUA”) to 87 DUA along with modifications to the setbacks and parking requirements pursuant to Charlottesville City Code Sections 34-480, 34-158, and 34-162. The setback modifications include the following: The Cherry Avenue side will have a minimum of 0’ and a maximum of 20’; the 5th St. SW side will have a minimum of 0’ and a maximum of 9’; the 6th St. SW side will have a minimum of 0’ and a maximum of 9’; and all sides adjacent to Low Density Residential will be a minimum of 10’ with S-3 screening. The parking modifications include the following:

- (1) Multifamily dwellings: 1/2 space for efficiency; 1-bedroom, and 2-bedroom units; 1 space per 3-bedroom and 4-bedroom units;
- (2) General retail and sales: 2.5 spaces per 1,000 square feet (“SF”) of gross floor area;
- (3) Grocery stores and pharmacies: 1 space per 500 SF of gross floor area
- (4) No more than 40% of the total parking spaces shall be designated only for compact cars.

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

#### IV. COMMISSION’S ACTION ITEMS

*Continuing:* until all action items are concluded.

1. Discussion - Zoning Ordinance Update

#### V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday August 29, 2023 – 5:00 PM	Work Session	Zoning Ordinance
Tuesday September 12, 2023 – 5:00 PM	Pre-Meeting	



Tuesday September 12, 2023 – 5:30 PM	Regular Meeting	<u>Minutes</u> Zoning Ordinance Update <u>Rezoning, SUP, Critical Slope Waiver -</u> 108 Lankford Avenue
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### **Anticipated Items on Future Agendas**

Rezoning and SUP – 0 Carlton Road, 108 Lankford Avenue

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

Subdivision – Belmont Condominium

Rezoning/PUD – 2117 Ivy Road, 1709 JPA

Preliminary Site Plan – 0 East High Street

Critical Slopes Waiver – 108 Lankford Avenue, 1709 JPA

Preliminary Discussion – Dairy Central Phase 3

Future Entrance Corridor

- 1801 Hydraulic Road – revised Comp Sign Plan, (*Hillsdale Place*, Riverbend)
- Review of 2117 Ivy Road for compatibility with Entrance Corridor prior to Rezoning request.

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

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

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

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

May 23, 2023 and January 11, 2022 Planning Commission  
Minutes are included as the last documents in this packet.

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



**PLANNING COMMISSION MEETING**  
**APPLICATION FOR APPROVAL OF A FINAL SITE PLAN**  
**APPLICATION NUMBER: SP22-0115**  
**DATE OF MEETING: August 8, 2023**

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** July 19, 2023

**Applicant:** Piedmont Realty Holdings III, LLC

**Applicant's Representative(s):** Justin Shimp, P.E. with Shimp Engineering P.C.

**Current Property Owner:** Piedmont Realty Holdings III, LLC

**Property Street Address:** 1000 Monticello Road ("Subject Property")

**Tax Map & Parcel:** 570036000

**Current Zoning Classification:** NCC (Neighborhood Commercial Corridor)

**Overlay District:** None

**Reason for Planning Commission Review:** Final site plan reflects the proposed development of a property that is the subject of an approved special permit per Sections 34-820(d) and 34-822

**Vicinity Map**



### **Standard of Review**

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

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

Mr. Justin Shimp, P.E. of Shimp Engineering P.C., on behalf of Piedmont Realty Holdings III, LLC, is seeking Planning Commission approval for construction of a new mixed use building at 1000 Monticello Road. This final site plan proposes eleven (11) residential units and a 420 square feet commercial bakery. On August 15, 2022, City Council approved Special Use Permit SP22-00005 authorizing an increase in residential density from 21 Dwellings Units per Acre (DUA) to 43 DUA. As per the City's Zoning Ordinance, Planning Commission shall review this final site plan because it reflects the proposed development of property that is subject to a Special Use Permit.

### **Site Plan Requirements**

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

Staff has determined that this final site plan complies with the City's Erosion and Sediment Control ordinance. Erosion and Sediment Control plans are included as site plan Sheets C6 and C7. Due to the fact that land disturbance is under 6,000 square feet, a Stormwater Management Plans is not required.

#### **B. Compliance with applicable NCC (Neighborhood Commercial Corridor) Mixed Use District zoning regulations (Sections 34-696 - 34-702)**

The property is zoned NCC Mixed Use District. The project complies with all requirements of the NCC Mixed Use District.

#### **C. Compliance with general standards for site plans (Sections 34-827 - 34-828)**

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

1. General site plan information, including but not limited to project, property, zoning, site, and traffic information: **Found on Sheet C1.**
2. Existing condition and adjacent property information: **Found on Sheet C3.**
3. Phasing plan: **The project will be constructed in one phase per Sheet C1.**
4. Topography and grading: **Found on Sheet C6.**

5. Existing landscape and trees: **Found on Sheet C3.**
6. The name and location of all water features: **N/A.**
7. One hundred-year flood plain limits: **N/A.**
8. Existing and proposed streets and associated traffic information: **No new roads are proposed.**
9. Location and size of existing water and sewer infrastructure: **Found on Sheet C9-C11.**
10. Proposed layout for water and sanitary sewer facilities and storm drain facilities: **Found of Sheets C4, and C9-C11.**
11. Location of other existing and proposed utilities and utility easements: **Found on Sheet C9-C11.**
12. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection: **Found on Sheet C3 and C4.**
13. Location and dimensions of all existing and proposed improvements: **Found on Sheets C4, C6-C11.**
14. All areas intended to be dedicated or reserved for public use: **N/A**
15. Landscape plan: **Found on Sheet C8.**
16. Where deemed appropriate by the director due to intensity of development:
  - a. Estimated traffic generation figures for the site based upon current ITE rates: **Found on Sheet C1.**
  - b. Estimated vehicles per day: **Found on Sheet C1.**

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

The Special Use Permit granted by City Council on August 15, 2022 includes the following conditions, which are provided on **Sheet C2** of the final site plan.

- 1) Up to 42 dwelling units per acre (DUA), or 34 residential units, are permitted on the subject property. **Found on Sheet C1.**
- 2) The Owner shall provide affordable housing within the Property, as follows:
  - a) For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).
  - i) For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the

Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

- b) For the purposes of this Condition, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
  - i) For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c) Two (2) of the dwelling units constructed as a result of the approval of this special use permit request within the area of the property shall be For-Rent Workforce Affordable Dwelling Units and an additional five (5) of the dwelling units constructed as a result of the approval of this special use permit request within the area of the property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of seven of the dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these conditions with respect to any of the Required Affordable Dwelling Units.
  - i) The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
  - ii) On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and



verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.

- d) The land use obligations referenced in 1.c.i and 1.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period. **This condition is being coordinated with the Office of Community Solutions.**
- 3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City's Office of Community Solutions prior to the issuance of the permit for development of the units. The marketing plan should provide detailed information on how the developer/owner will market the property, including non-discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income. **This condition is being coordinated with the Office of Community Solutions.**
- 4) The main building constructed within the Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application Materials referenced above within this Resolution. **This will be addressed during building plan review.**

### **Public Comments Received**

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

A Site Plan Conference for this project was conducted on December 21, 2022, and was attended by one member of the public. The main concern voiced during the meeting was stormwater/runoff and how it could impact properties downhill from the development.

### **Recommendation**

Staff recommends approval of the final site plan.

### **Attachments**

1. Final Site Plan dated October 27, 2022 with a final revision date of June 29, 2023
2. Special Use Permit Resolution dated August 15, 2022







RESOLUTION  
Granting a Special Use Permit for Property Located at 1000  
Monticello Road (City Tax Map 57, Parcel 36)

WHEREAS Piedmont Realty Holdings III, LLC (“Landowner”) is the owner of certain land identified on Tax Map 57 as Parcel 36, currently addressed as “1000 Monticello Road” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Sec. 34-700 to increase residential density from the current 21 DUA up to 43 DUA; and

WHEREAS the Property is located within the Neighborhood Commercial Corridor, a district in which, according to the Use Matrix set forth within City Code 34-700 increased residential density up to 43 DUA may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 14, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, 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 proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Up to 42 dwelling units per acre (DUA), or a total of 34 residential units, are permitted within the Project.
- (2) The owner of the building(s) located within the Project shall provide affordable housing within the Project, as follows:

a. For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).

- i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- b. For the purposes of this Condition, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).

i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate- income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c. Two (2) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Workforce Affordable Dwelling Units and an additional five (5) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of seven of the dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The owner of the building(s) reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these conditions with respect to any of the Required Affordable Dwelling Units.

i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the

Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
- d. The land use obligations referenced in 2.c.i and 2.c.ii, above, shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner’s successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.
- e. Following issuance of a certificate of occupancy authorizing the building to be occupied, the owner of the building(s) shall thereafter provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City.
- (3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City (to its Office of Community Solutions or other department which may hereafter be responsible for monitoring affordable housing requirements, in conjunction with the zoning administrator) prior to the issuance of any building permit for the Project. The marketing plan should provide detailed information on how the owner of the building(s) will market the units within the building(s), including non- discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.
- (4) The main building constructed within this Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application Materials referenced above within this Resolution.



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CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM



FINAL SITE DEVELOPMENT PLAN  
BELMONT  
HEIGHTS

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2022.10.27  
REVISION:  
2023.02.10  
2023.05.16  
2023.06.29

FILE NO. 20.020

APPROVED SPECIAL USE  
PERMIT CONDITIONS

C2



NOTE: BOUNDARY AND ALL EXISTING UTILITIES SHOWN ARE SURVEYED. THE DIVIDING LINE BETWEEN SURVEY DATA AND GIS DATA IS FOR CONTOURS, BUILDINGS, ROAD & SIDEWALKS DATA



**SHIMP**  
ENGINEERING  
LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. 434.227.5140  
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## FINAL SITE DEVELOPMENT PLAN BELMONT HEIGHTS

CITY OF CHARLOTTESVILLE, VIRGINIA

**SUBMISSION:**

2022.10.27

**REVISION:**

2023.02.10

2023.05.16

2023.06.29

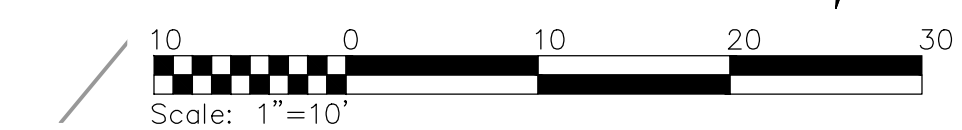
FILE NO.

20.020

**EXISTING CONDITIONS &  
DEMOLITION**

**C3**





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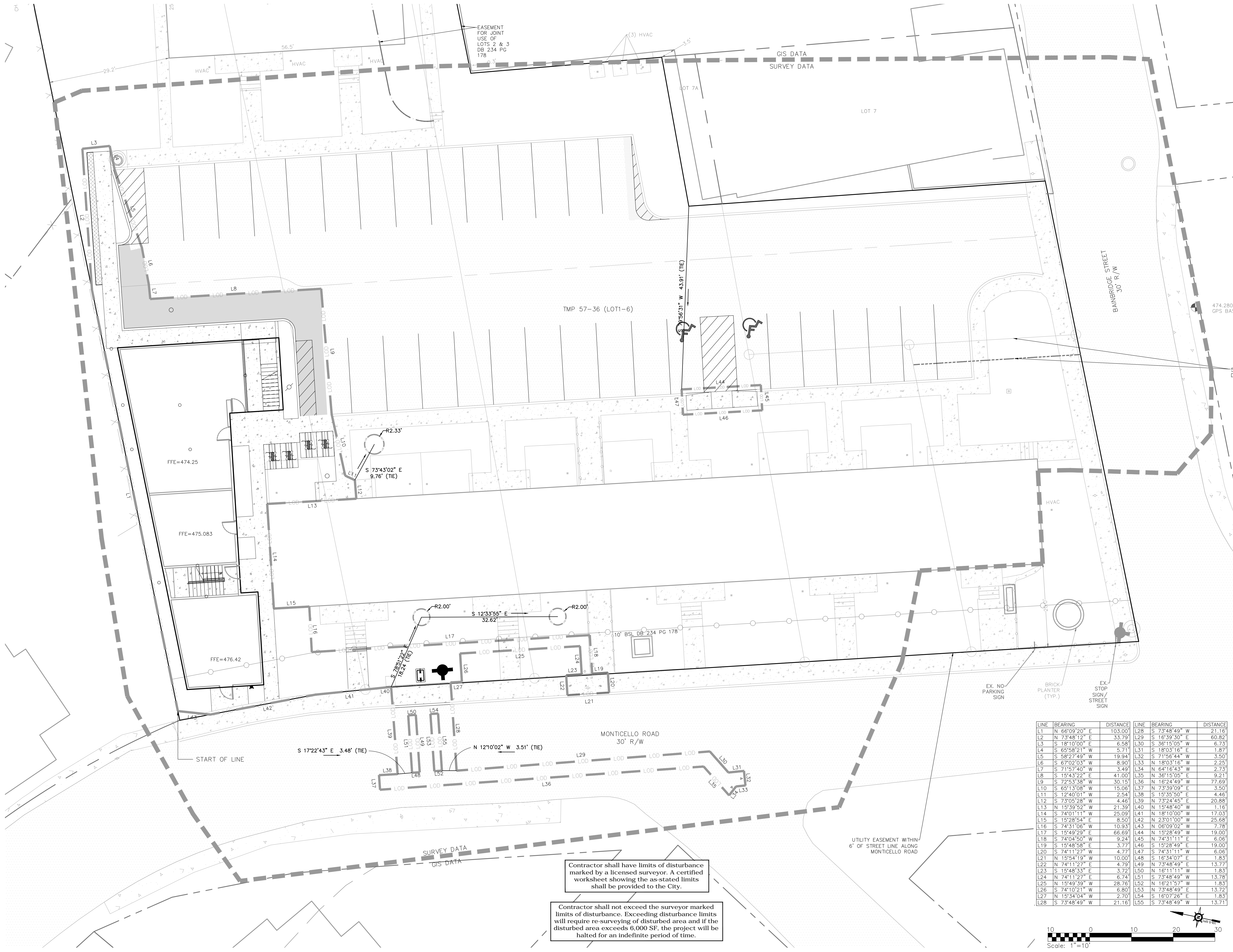


CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2022.10.27  
REVISION:  
2023.02.10  
2023.05.16  
2023.06.29

20.020

C4





LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 66°09'20" E	103.00'	L28	S 73°48'49" W	21.16'
L2	N 73°48'12" E	33.79'	L29	S 16°39'30" E	60.82'
L3	S 18°10'00" E	6.58'	L30	S 36°15'05" W	6.73'
L4	S 65°58'21" W	5.71'	L31	S 18°03'16" E	1.87'
L5	S 58°27'49" W	19.94'	L32	S 71°56'44" W	3.50'
L6	S 67°02'03" W	8.90'	L33	N 18°03'16" W	2.25'
L7	S 71°57'40" W	3.49'	L34	N 64°16'43" W	2.73'
L8	S 15°43'22" E	41.00'	L35	S 36°15'05" E	9.21'
L9	S 72°53'38" W	30.15'	L36	N 16°24'49" W	77.69'
L10	S 65°13'08" W	15.06'	L37	N 73°39'09" E	3.50'
L11	S 12°40'01" W	2.54'	L38	S 15°35'50" E	4.46'
L12	S 73°05'28" W	4.46'	L39	N 73°24'45" E	20.88'
L13	N 15°39'52" W	21.39'	L40	N 15°48'40" W	1.16'
L14	S 74°01'11" W	25.09'	L41	N 18°10'00" W	17.03'
L15	S 15°28'54" E	8.50'	L42	N 23°01'00" W	25.68'
L16	S 74°31'06" W	10.93'	L43	N 06°09'02" W	7.78'
L17	S 15°49'29" E	66.69'	L44	N 15°28'49" W	19.00'
L18	S 74°04'50" W	9.24'	L45	N 74°31'11" E	6.06'
L19	S 15°48'58" E	3.77'	L46	S 15°28'49" E	19.00'
L20	S 74°11'21" W	4.77'	L47	S 74°31'11" W	6.06'
L21	N 15°54'19" W	10.00'	L48	S 16°34'07" E	1.83'
L22	N 74°11'27" E	4.79'	L49	N 73°48'49" E	13.77'
L23	S 15°48'33" E	3.72'	L50	N 16°11'11" W	1.83'
L24	N 74°11'27" E	6.74'	L51	S 73°48'49" W	13.78'
L25	N 15°40'39" W	28.76'	L52	N 16°21'57" W	1.83'
L26	S 74°10'21" W	6.80'	L53	N 73°48'49" E	13.72'
L27	N 15°34'04" W	2.70'	L54	S 16°07'26" E	1.83'
L28	S 73°48'49" W	21.16'	L55	S 73°48'49" W	13.71'



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FINAL SITE DEVELOPMENT PLAN  
**BELMONT HEIGHTS**

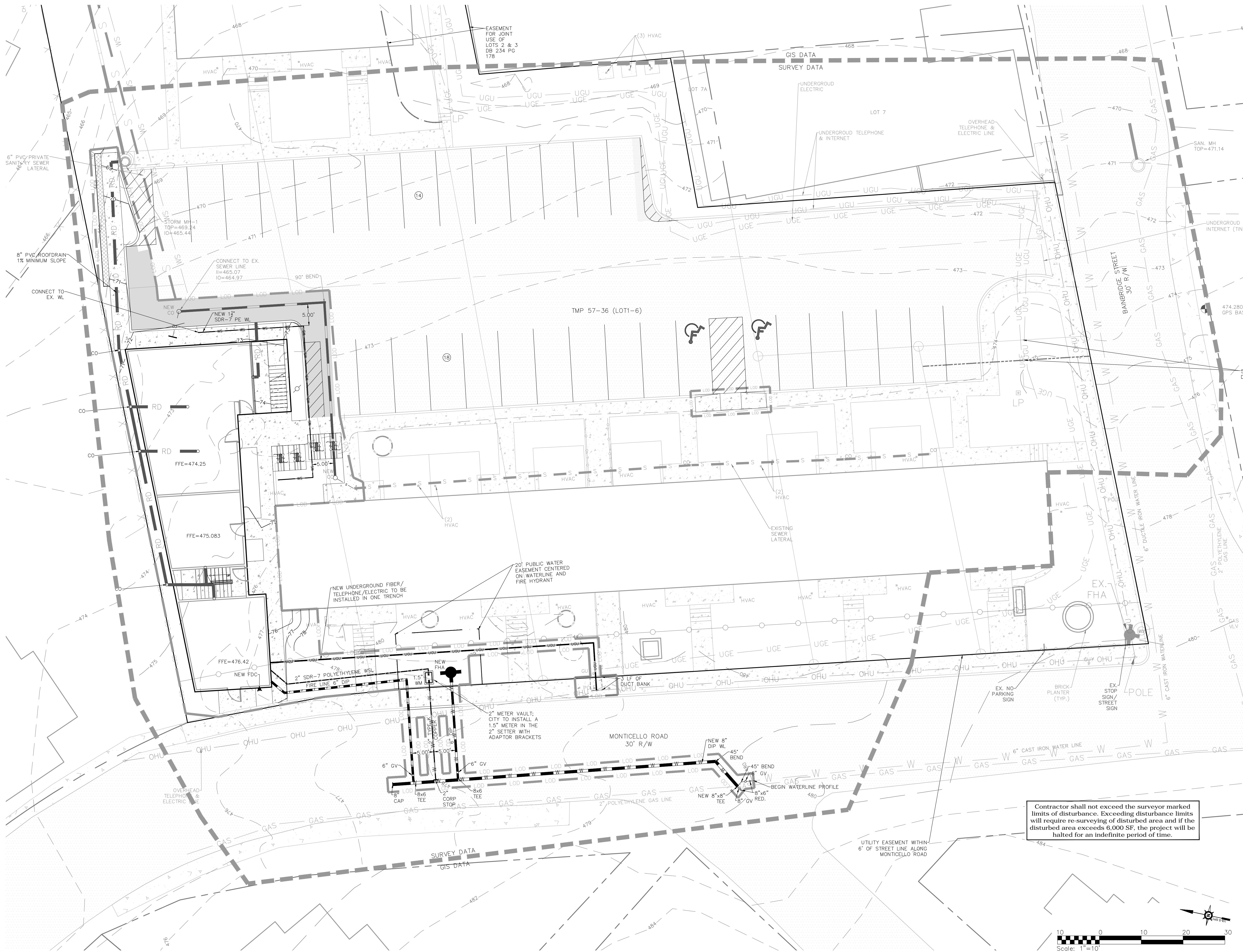
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.10.27  
**REVISION:**  
2023.02.10  
2023.05.16  
2023.06.29

FILE NO. 20.020

**LIMITS OF DISTURBANCE**

C5





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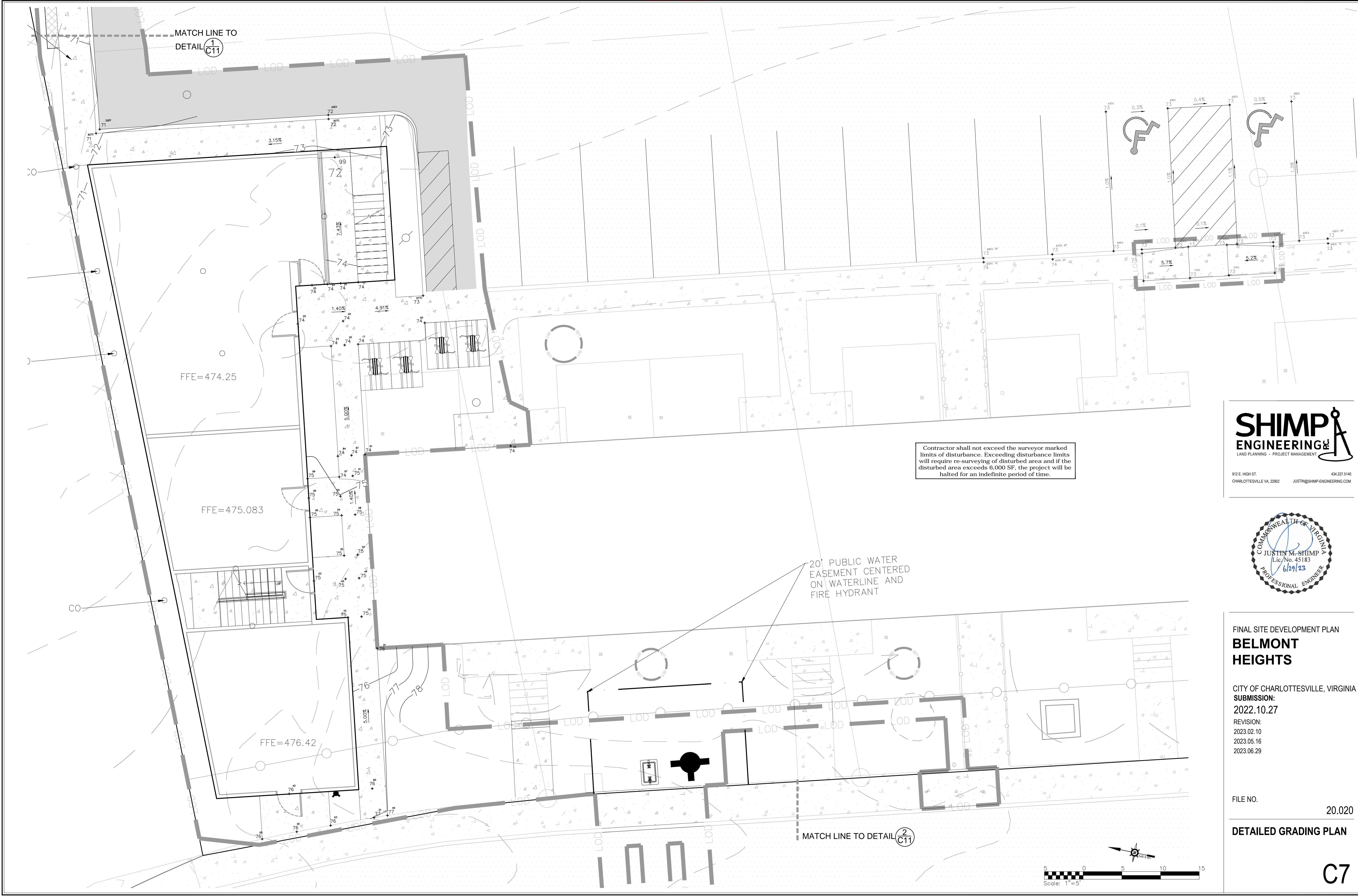
FINAL SITE DEVELOPMENT PLAN  
**BELMONT HEIGHTS**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
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FILE NO. 20.020  
**GRADING & UTILITY PLAN**

C6





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FINAL SITE DEVELOPMENT PLAN  
**BELMONT  
HEIGHTS**

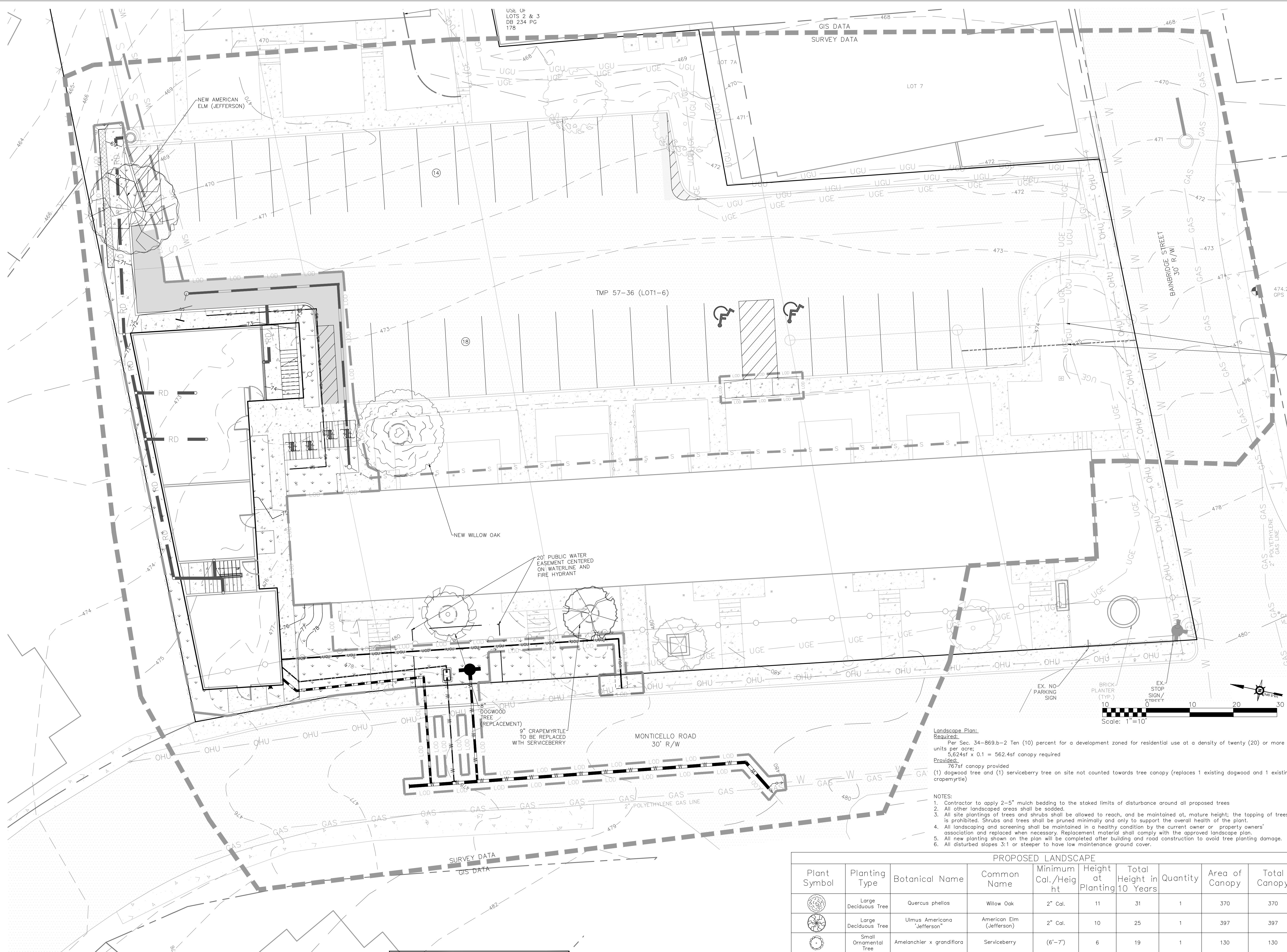
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.10.27  
**REVISION:**  
2023.02.10  
2023.05.16  
2023.06.29

FILE NO.  
20.020

**DETAILED GRADING PLAN**

C7

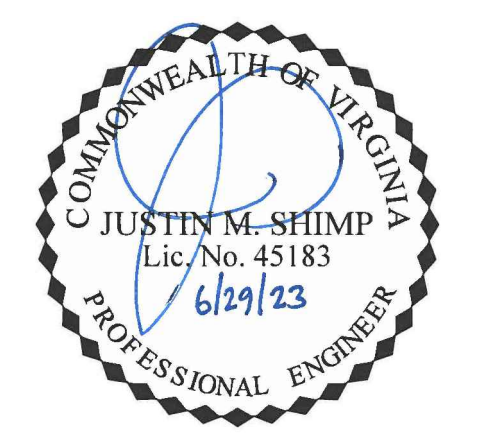




**SHIMP**  
ENGINEERING  
LAND PLANNING - PROJECT MANAGEMENT

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FINAL SITE DEVELOPMENT PLAN  
**BELMONT HEIGHTS**

CITY OF CHARLOTTEVILLE, VIRGINIA  
SUBMISSION:  
2022.10.27

REVISION:  
2023.02.10  
2023.05.16  
2023.06.29

FILE NO. 20.020

**LANDSCAPE PLAN**

C8

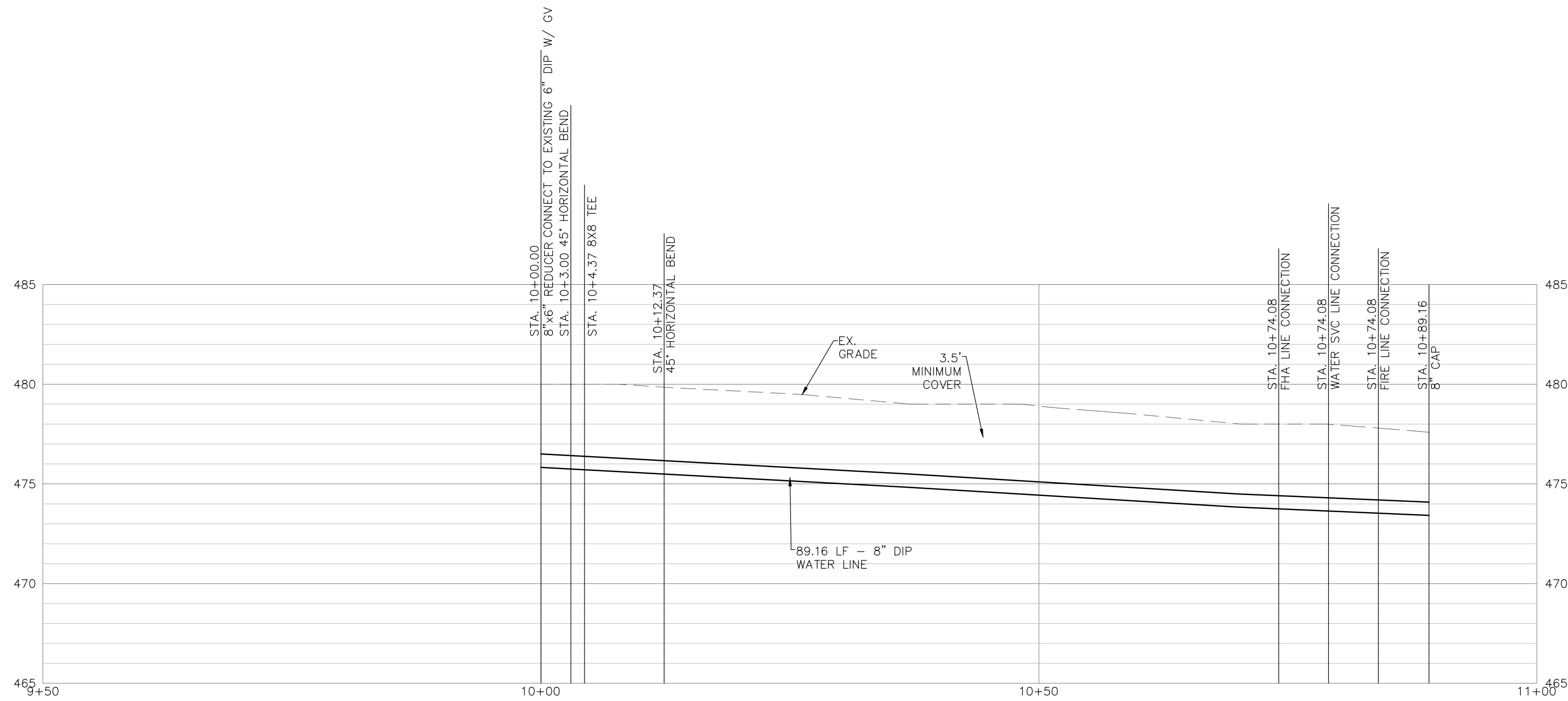
**Landscape Plan:**  
**Required:**  
Per Sec. 34-869.b-2 Ten (10) percent for a development zoned for residential use at a density of twenty (20) or more units per acre;  
5,624sf x 0.1 = 562.4sf canopy required  
**Provided:**  
767sf canopy provided  
(1) dogwood tree and (1) serviceberry tree on site not counted towards tree canopy (replaces 1 existing dogwood and 1 existing crapemyrtle)

- NOTES:**
- Contractor to apply 2-5" mulch bedding to the staked limits of disturbance around all proposed trees
  - All other landscaped areas shall be sodded.
  - All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
  - All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.
  - All new planting shown on the plan will be completed after building and road construction to avoid tree planting damage.
  - All disturbed slopes 3:1 or steeper to have low maintenance ground cover.

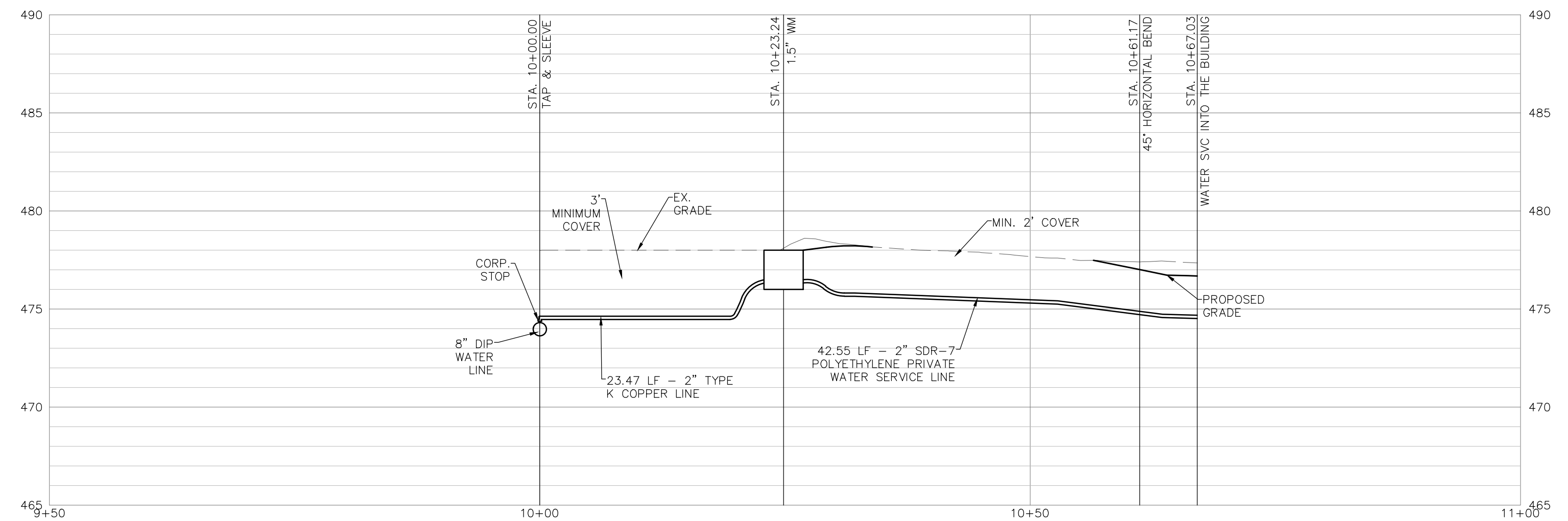
PROPOSED LANDSCAPE									
Plant Symbol	Planting Type	Botanical Name	Common Name	Minimum Cal./Height	Height at Planting	Total Height in 10 Years	Quantity	Area of Canopy	Total Canopy
	Large Deciduous Tree	Quercus phellos	Willow Oak	2" Cal.	11	31	1	370	370
	Large Deciduous Tree	Ulmus Americana 'Jefferson'	American Elm (Jefferson)	2" Cal.	10	25	1	397	397
	Small Ornamental Tree	Amelanchier x grandiflora	Serviceberry	(6'-7')	6	19	1	130	130
	Small Ornamental Tree	Cornus Florida Rubra	Pink Dogwood	(6'-7')	7	17	1	124	124
	Open Grass Lawn								
Total Proposed							2	767	767

Contractor shall not exceed the surveyor marked limits of disturbance. Exceeding disturbance limits will require re-surveying of disturbed area and if the disturbed area exceeds 6,000 SF, the project will be halted for an indefinite period of time.

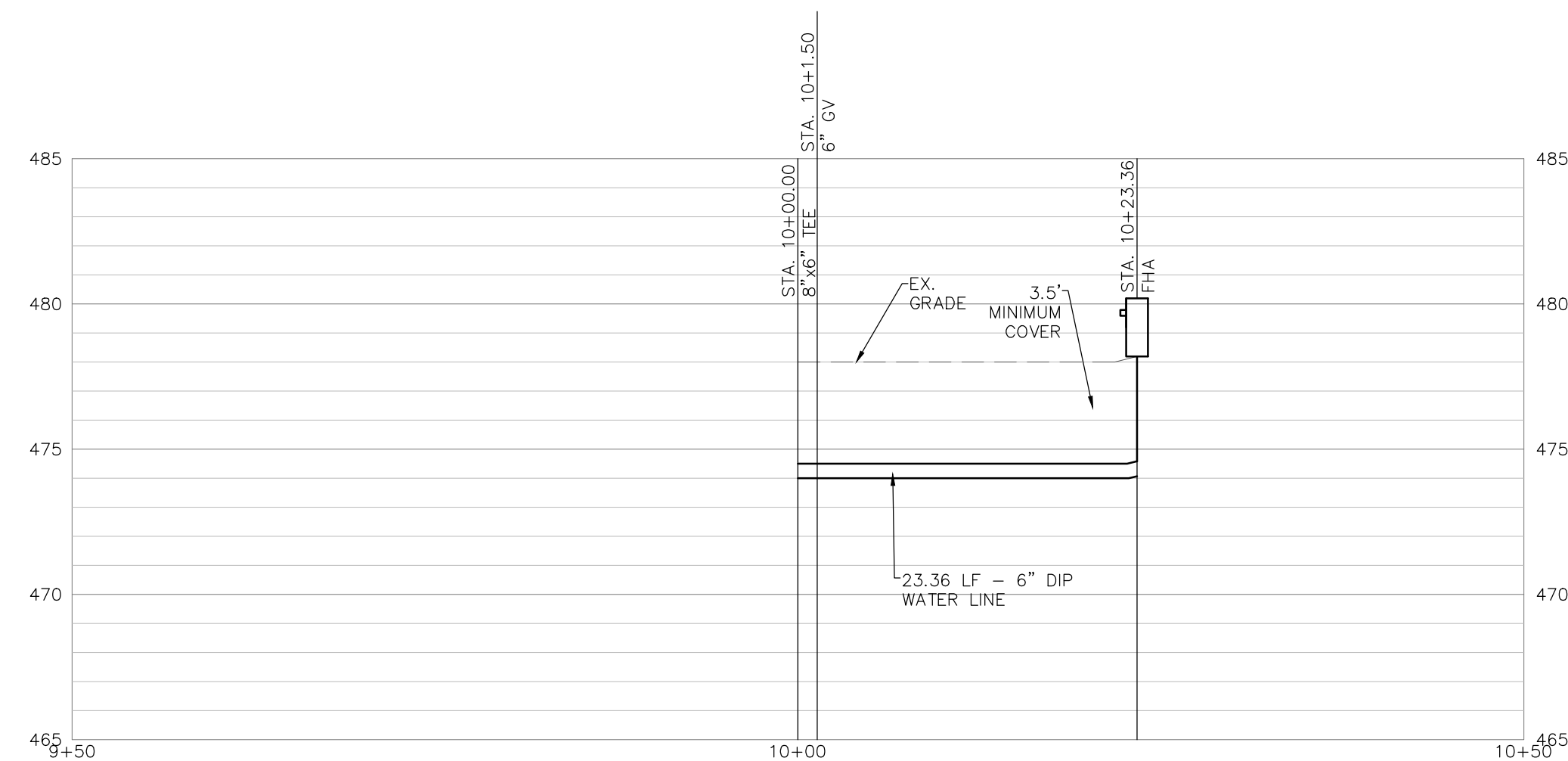




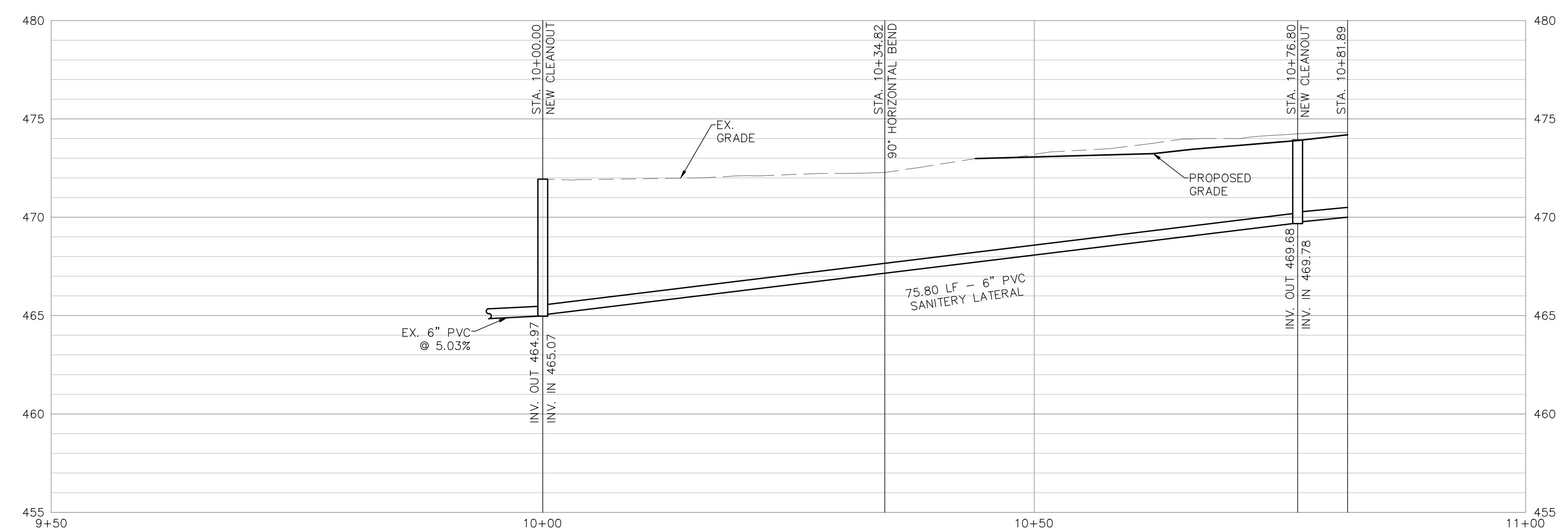
1 NEW 8" DIP WATER LINE  
C9  
HORZ: 1"=10'  
VERT: 1"=5'



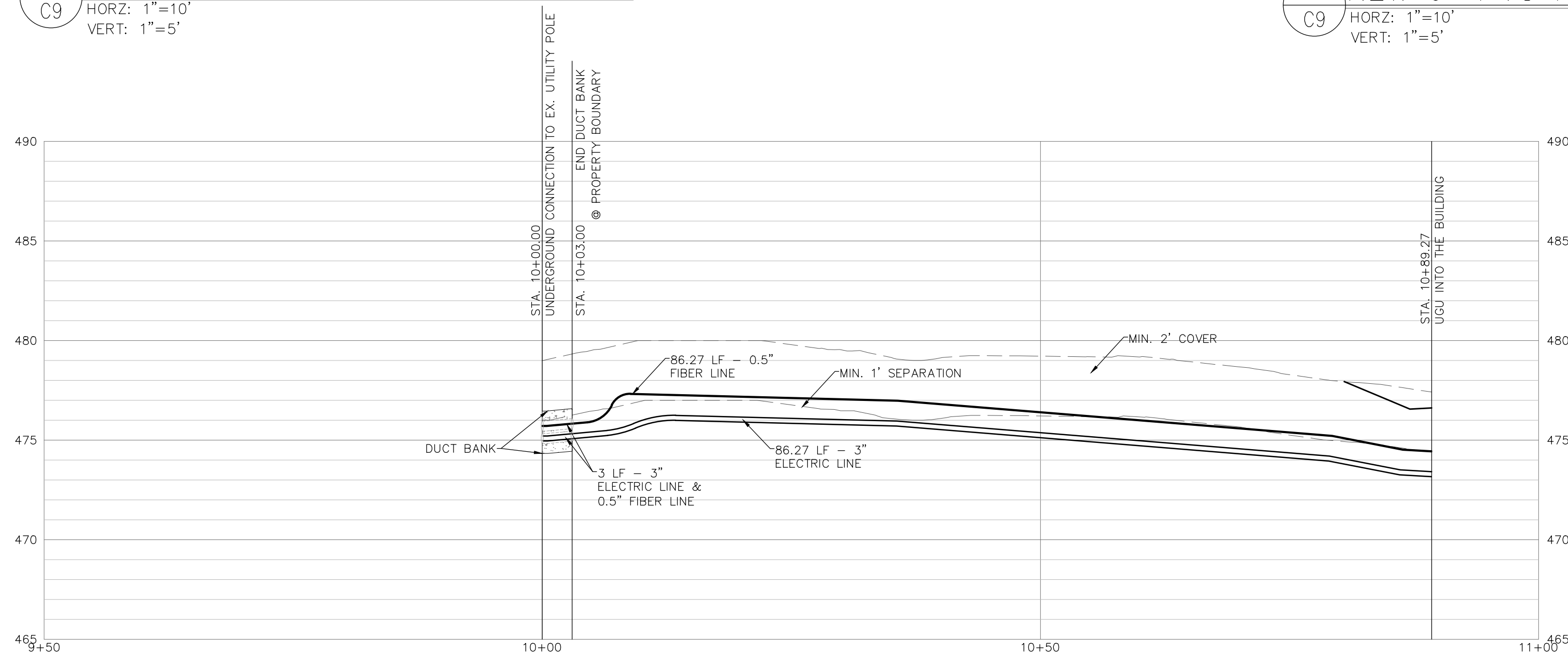
3 NEW 2" WATER SERVICE LINE  
C9  
HORZ: 1"=10'  
VERT: 1"=5'



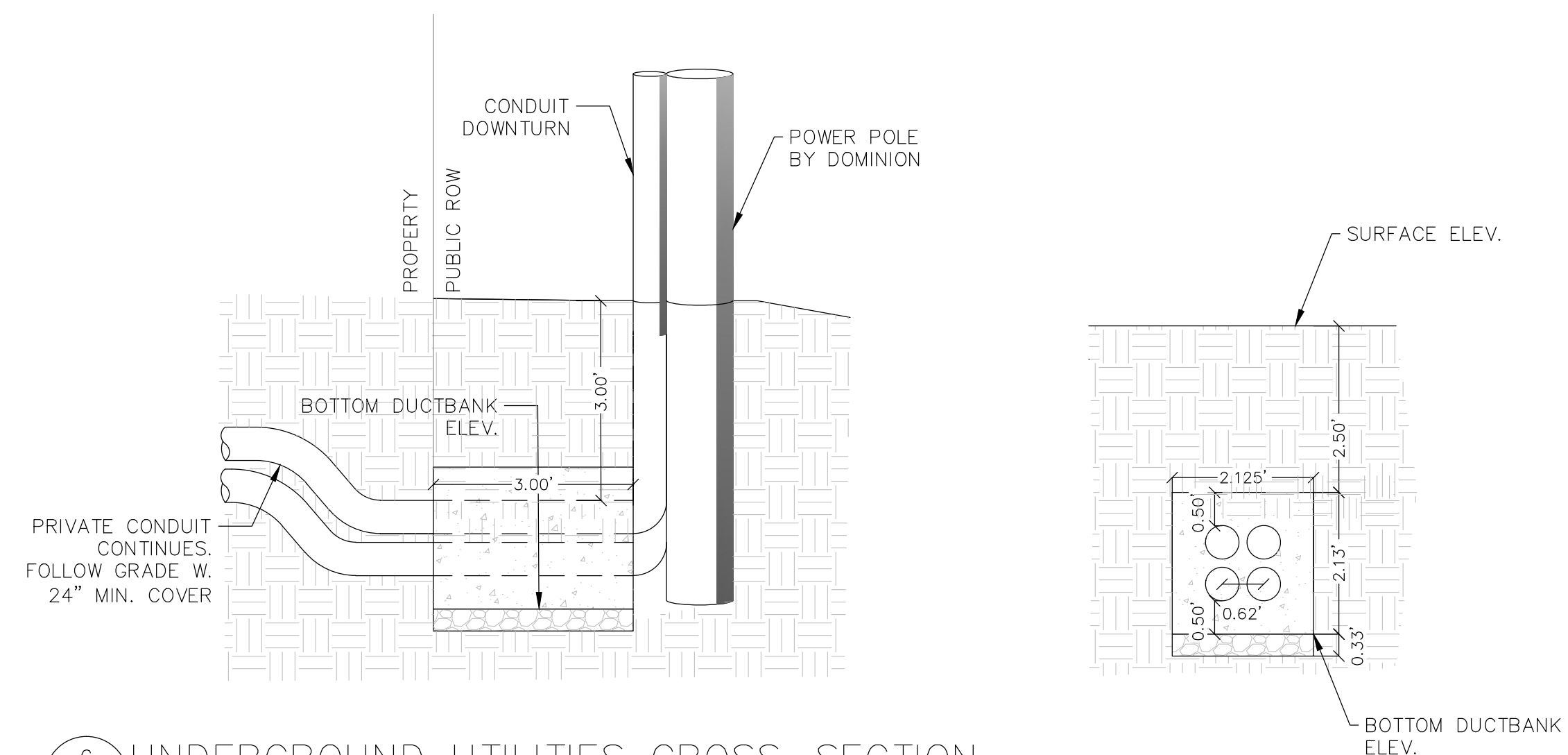
2 NEW 6" DIP TO FHA  
C9  
HORZ: 1"=10'  
VERT: 1"=5'



4 NEW 6" PVC PRIVATE SANITARY LATERAL  
C9  
HORZ: 1"=10'  
VERT: 1"=5'



5 NEW FIBER & ELECTRIC LINES  
C9  
HORZ: 1"=10'  
VERT: 1"=5'



6 UNDERGROUND UTILITIES CROSS-SECTION  
C9  
SCALE: 1"=5'



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FINAL SITE DEVELOPMENT PLAN  
**BELMONT  
HEIGHTS**

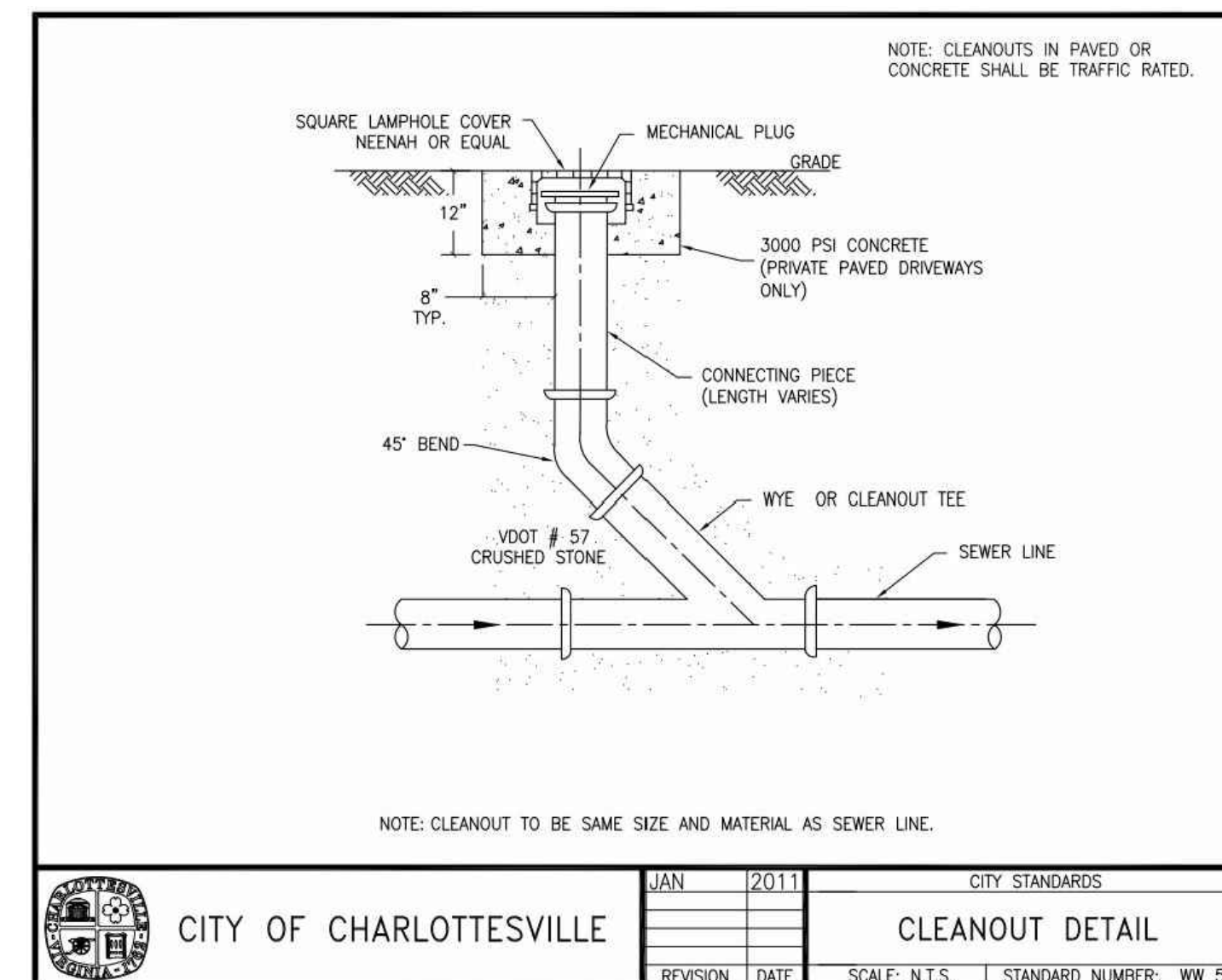
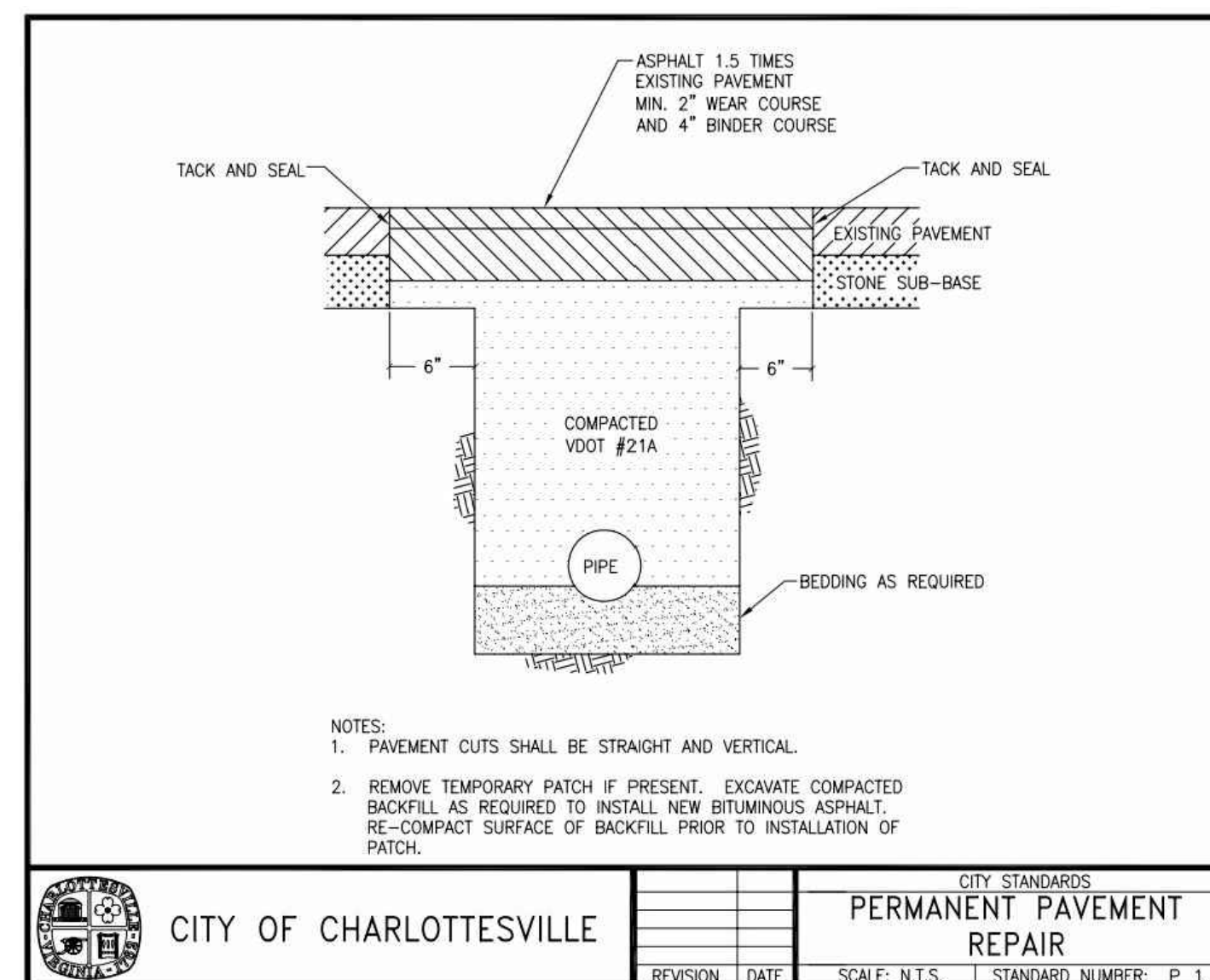
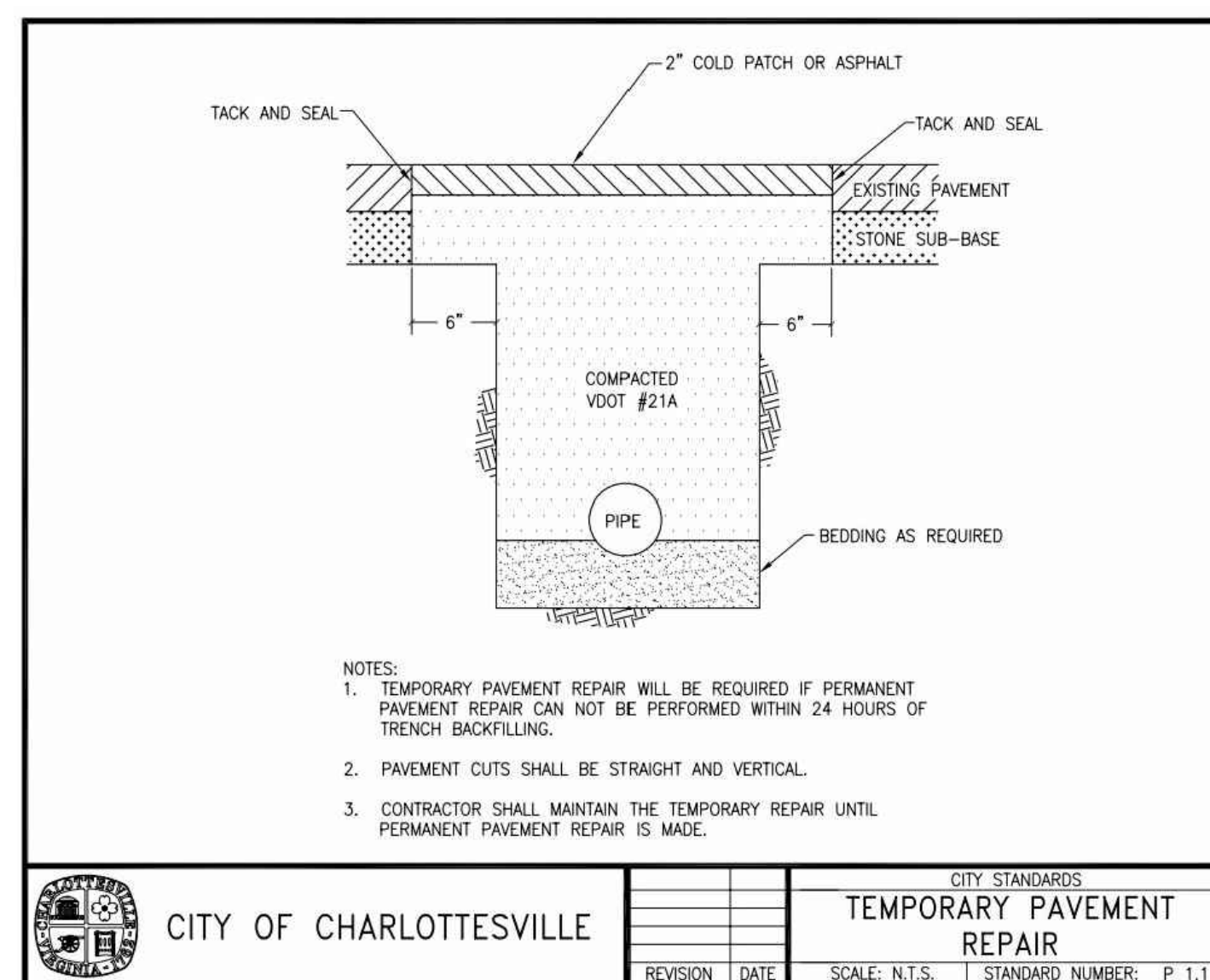
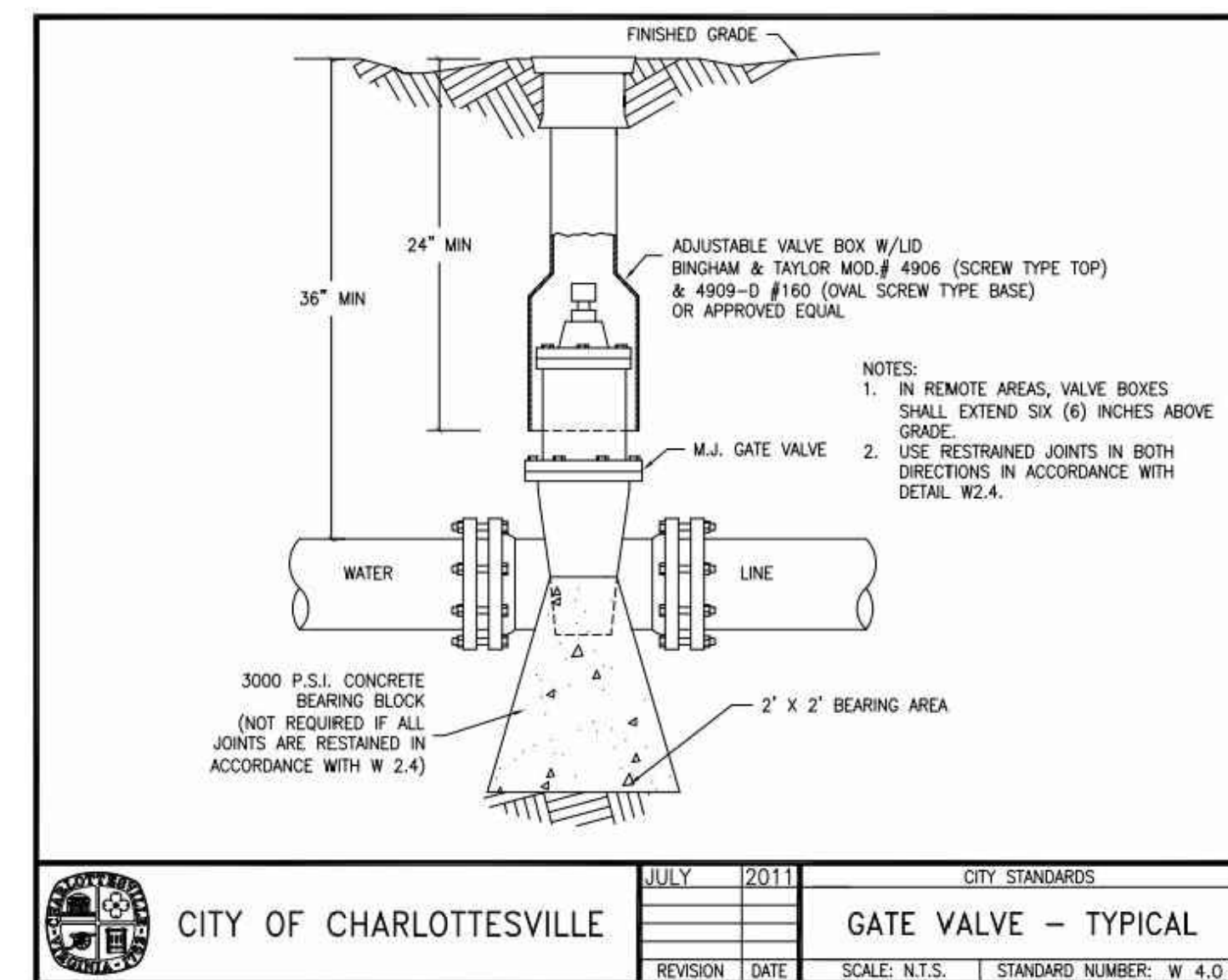
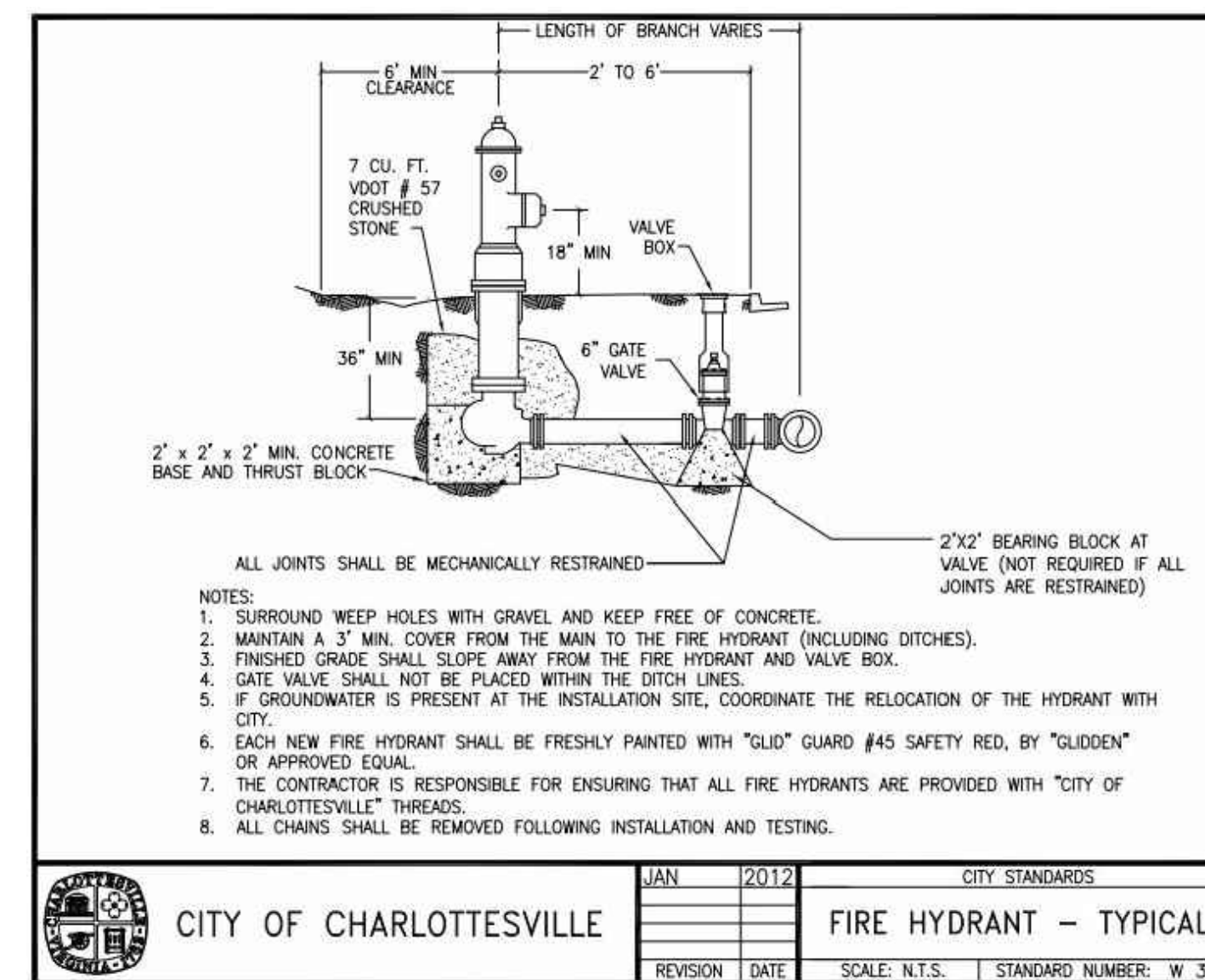
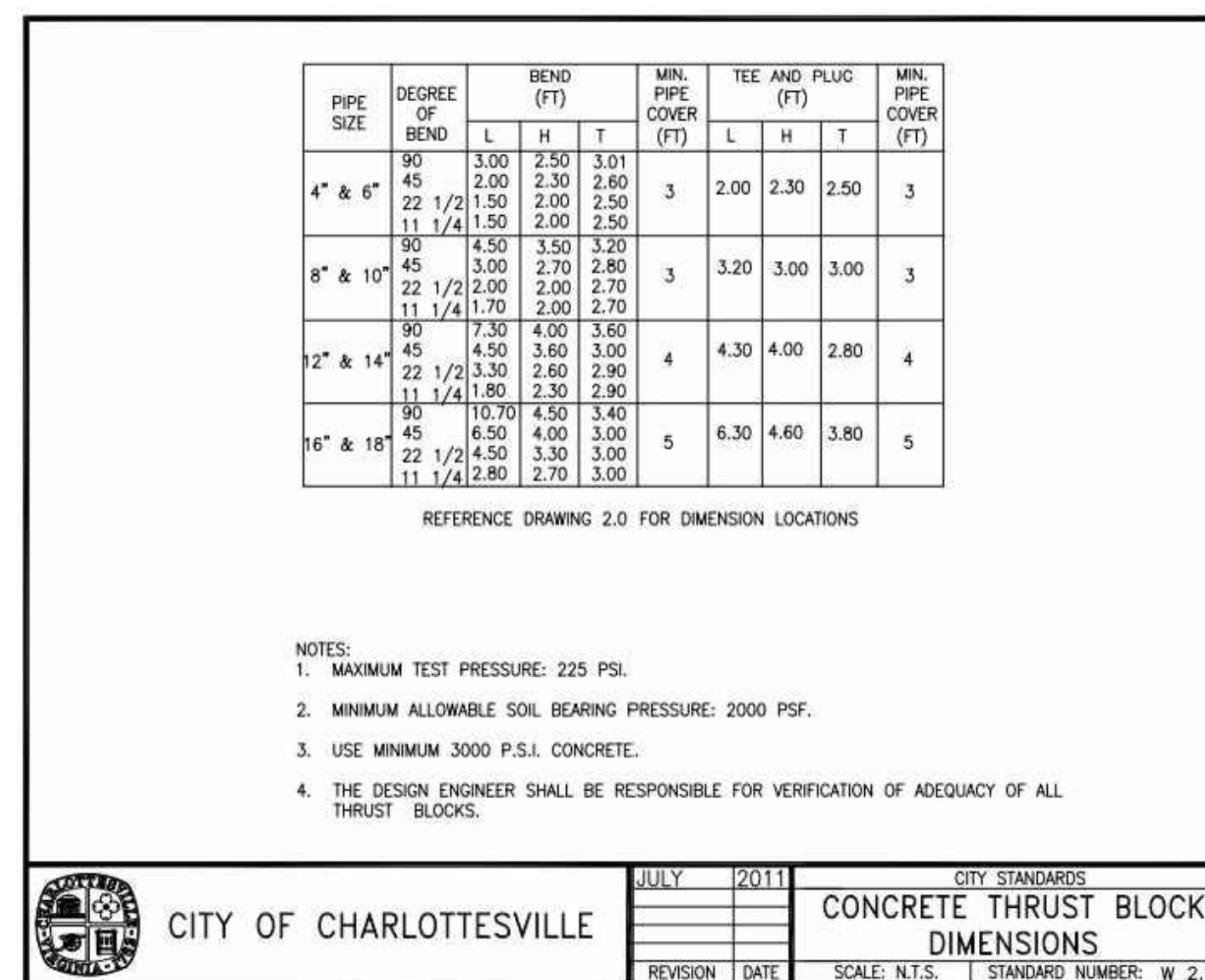
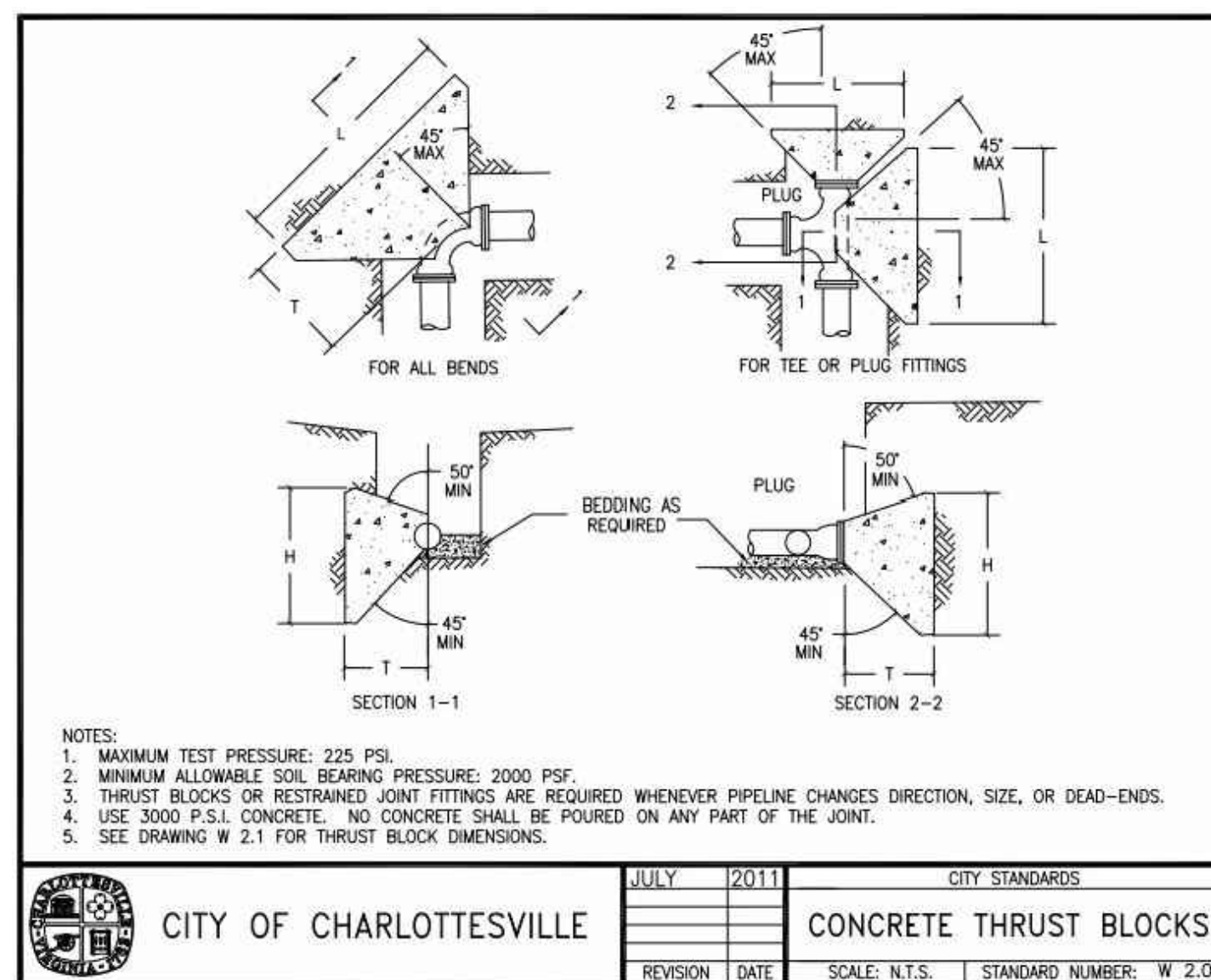
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.10.27  
**REVISION:**  
2023.02.10  
2023.05.16  
2023.06.29

FILE NO.  
20.020

**UTILITY PROFILES**

C9





## SIZING WATER SERVICE LINES AND METERS

Rev. 2023.02.10

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET				
Customer	Piedmont Realty Holdings III, LLC	Address	1000 Monticello Rd, Charlottesville, VA	Zip Code 22932
Building Address		Subdivision	Lot No.	Blk. No.
Type of Occupancy	Mixed Use			
Fixture	Fixture Value 80 psi	No. of Fixtures	Fixture Value	
Bathtub	8 x	4 =	32	
Bedpan Washers	10 x	=	0	
Bidet	2 x	=	0	
Dental Unit	2 x	=	0	
Drinking Fountain - Public	2 x	=	0	
Kitchen Sink	2.2 x	11 =	24.2	
Lavatory	1.5 x	14 =	21	
Showerhead (Shower Only)	2.5 x	9 =	22.5	
Service Sink	4 x	=	0	
Toilet - Flush Valve	35 x	=	0	
- Tank Type	4 x	14 =	56	
Urinal - Pedestal Flush Valve	35 x	=	0	
- Wall Flush Valve	16 x	=	0	
Wash Sink (Each Set of Faucets)	4 x	2 =	8	
Dishwasher	2 x	11 =	22	
Washing Machine	6 x	2 =	12	
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0	
- 3/4 in.	9 x	=	0	
- 1 in.	12 x	=	0	
Combined Fixture Value Total			197.7	

Pressure Factor from Table 4-1 =	1.09 gpm	67 psi	
Customer Peak Demand From Fig. 4-2 or 4-3 x Press. Factor		60 gpm x 1.09 gpm	= 65.4 gpm
Add Irrigation -	Sections* x 1.16 or 0.40*		= 0 gpm
-	0 Hose Bibs x Fixture Value	0 x Press. Factor	1.09
Add Fixed Load			= 65.4 gpm
<b>TOTAL FIXED DEMAND</b>			= 65.4 gpm

\* 100 R<sup>2</sup>/a = 1 section  
+ Spray Systems- Use 1.16; Rotary Systems- Use 0.40

\* 100 R' area = 1 section  
+ Spray Systems - Use 1.16; Rotary systems - Use 0.40

Figure 4-6 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

Table 4-1 Pressure adjustment factors\*

Working Pressure at Meter Discharge (psi)	Average Flow from 50 ft of 1/2 in. Hose and Sprinkler (gpm)	Pressure Adjustment Factor
35	6.7	0.74
40	7.2	0.80
50	8.1	0.90
60	9.0	1.00
70	9.8	1.17
80	10.5	1.35
90	11.2	1.53
100	12.1	1.74

\*derived from Table 4-1 and 4-2 of Manual M22 (1975).

NOTE: To convert psi to kPa: psi x 6.89476; to convert gpm to m<sup>3</sup>/hr: gpm x 0.227.

**9** PRESSURE ADJUSTMENT FACTOR TABLE 4-1  
C10 NOT TO SCALE

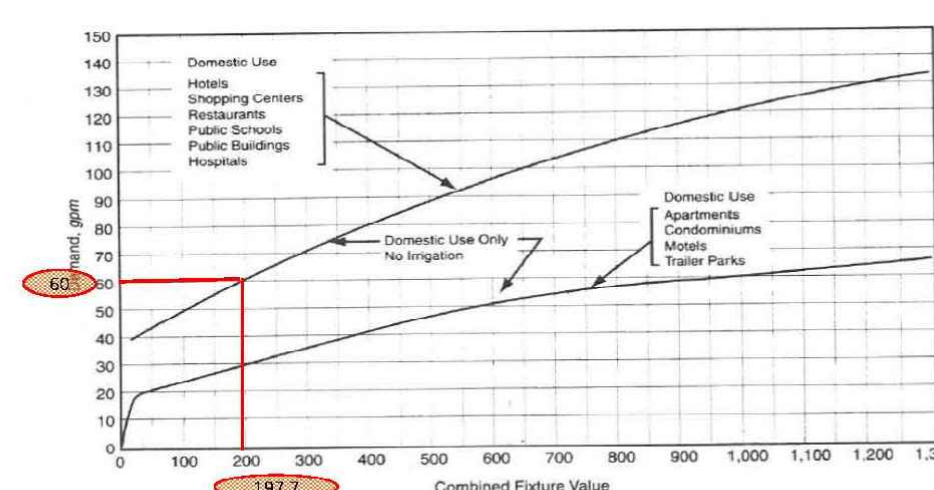
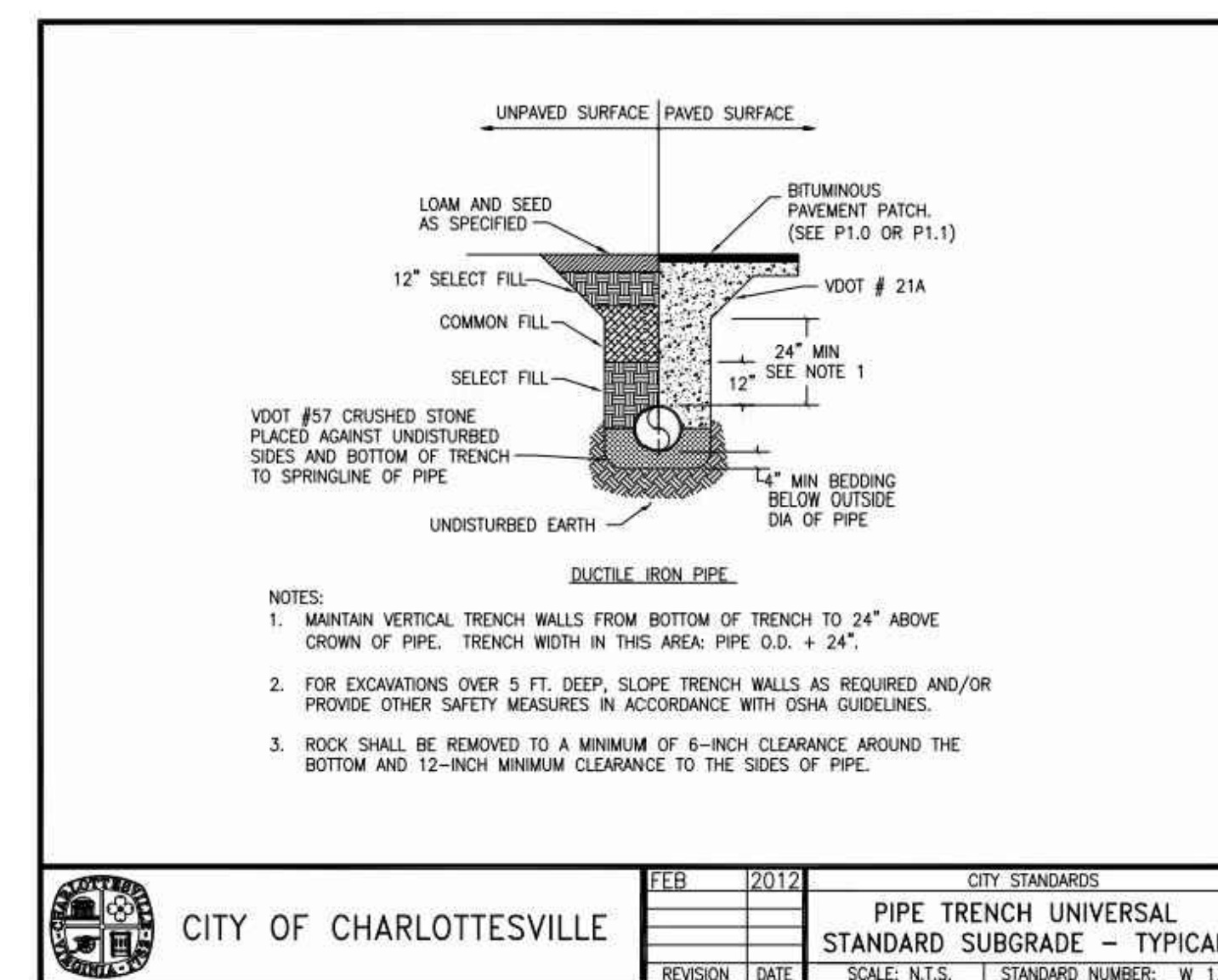
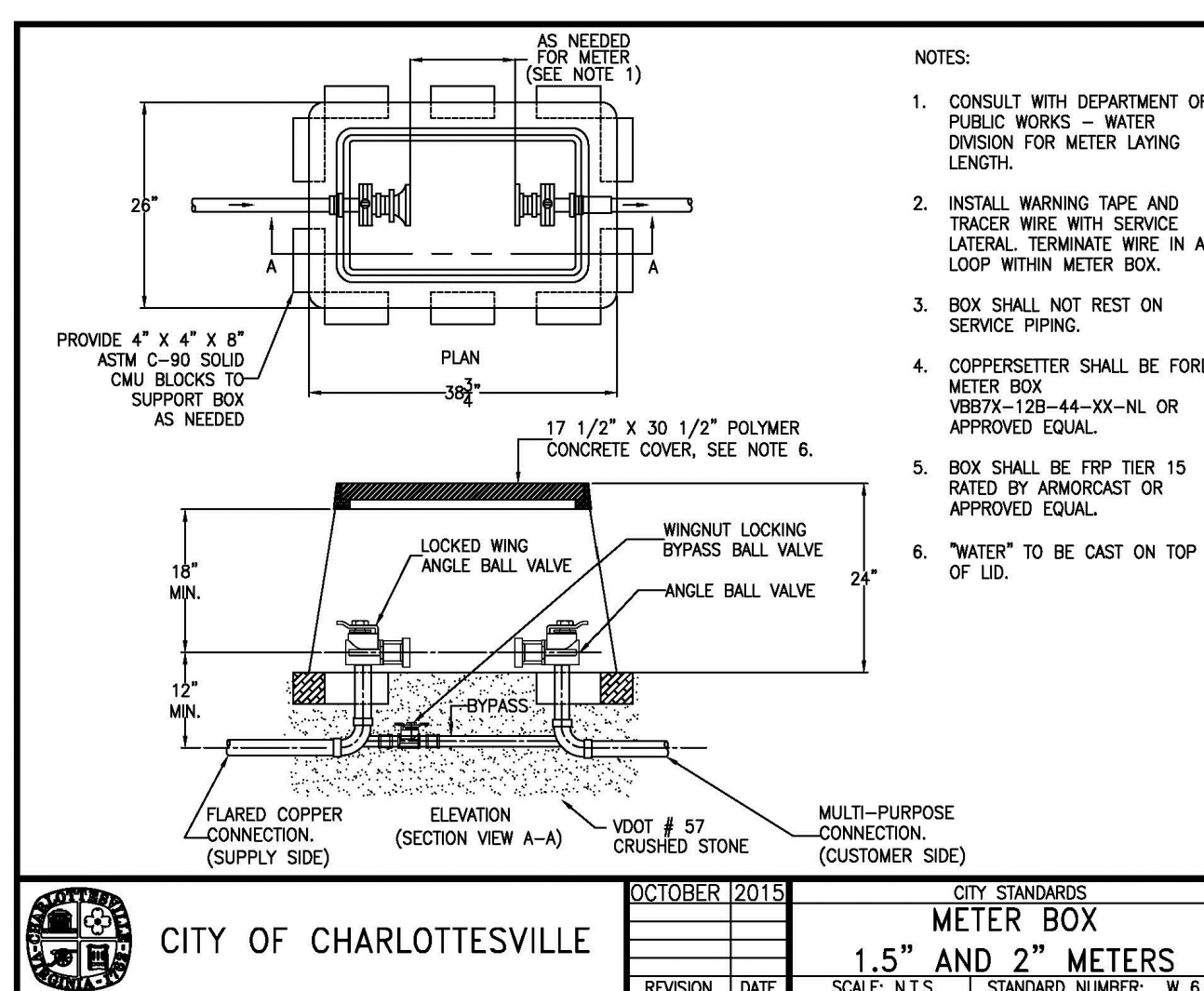


Figure 4-2 Water flow demand per fixture value—low range



FINAL SITE DEVELOPMENT PLAN  
**BELMONT HEIGHTS**

CITY OF CHARLOTTESVILLE, VIRGINIA

SUBMISSION:

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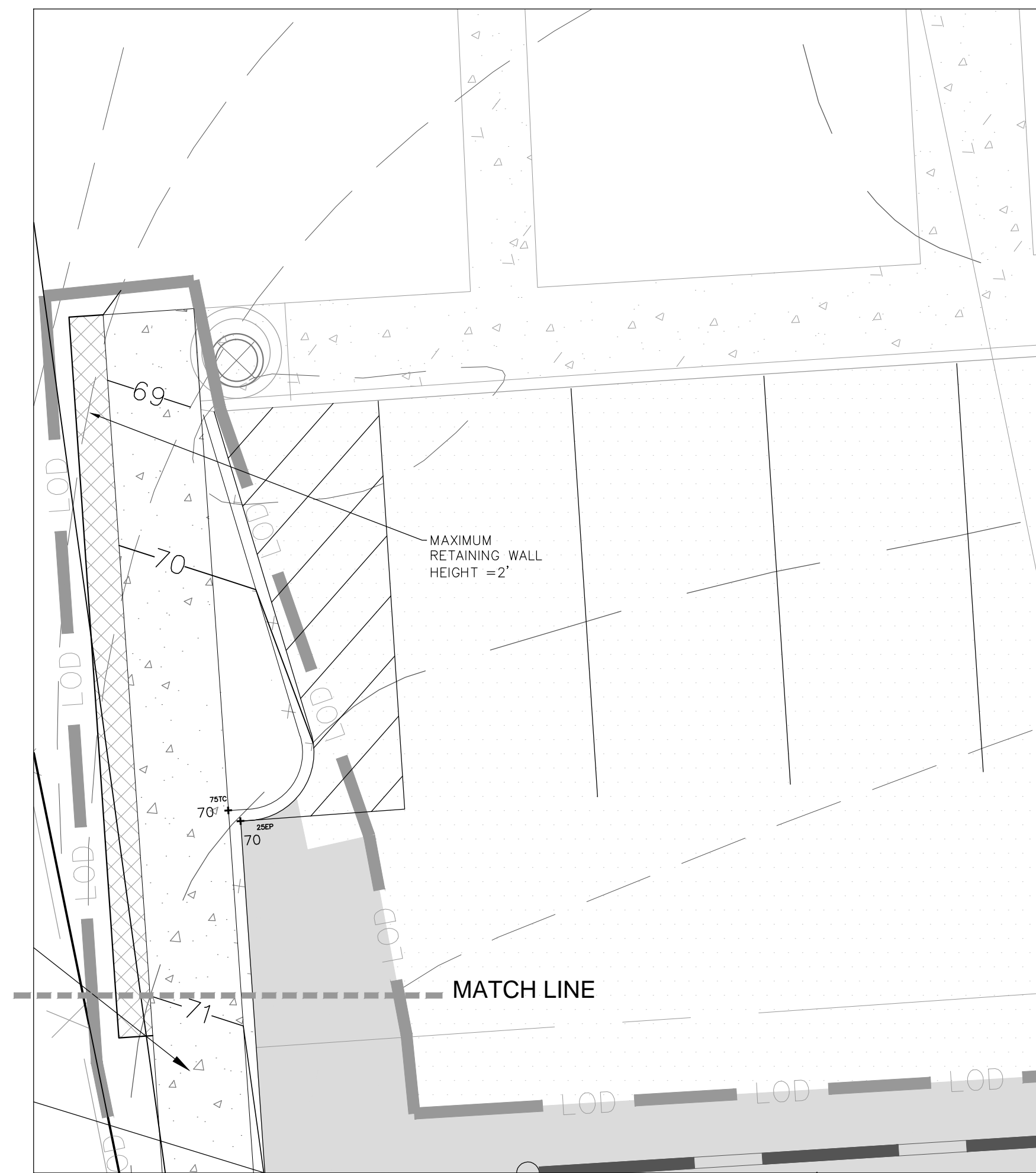
FILE NO.

20.020

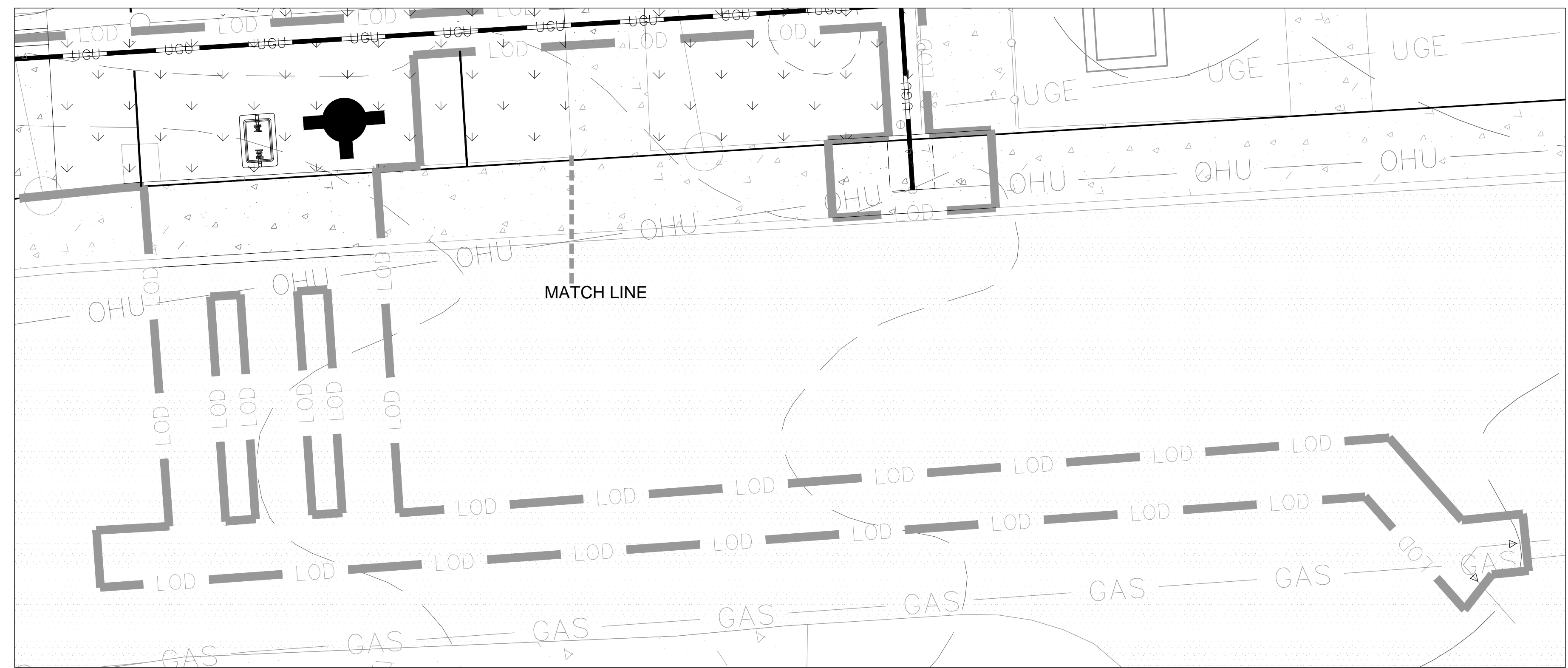
## UTILITIES DETAILS

C10

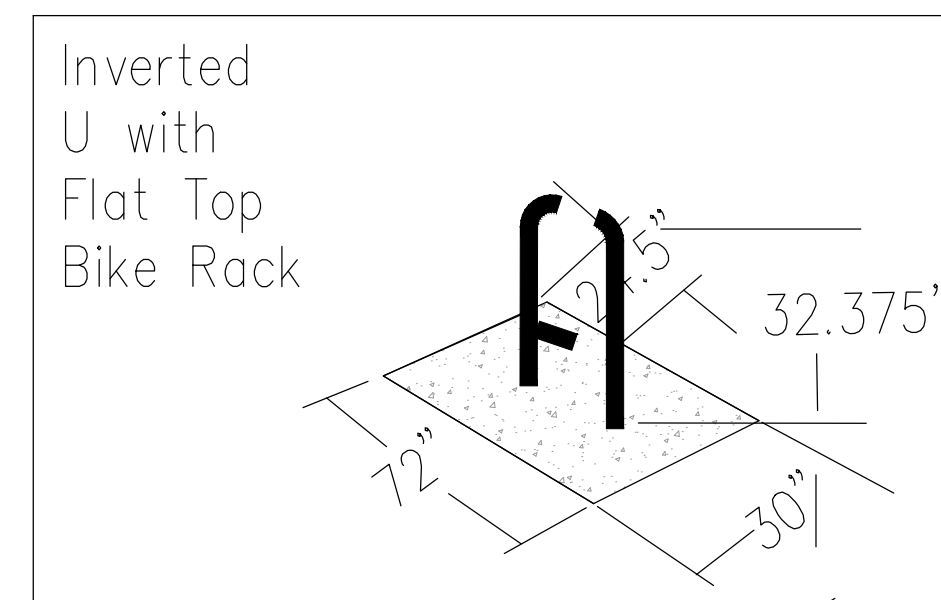




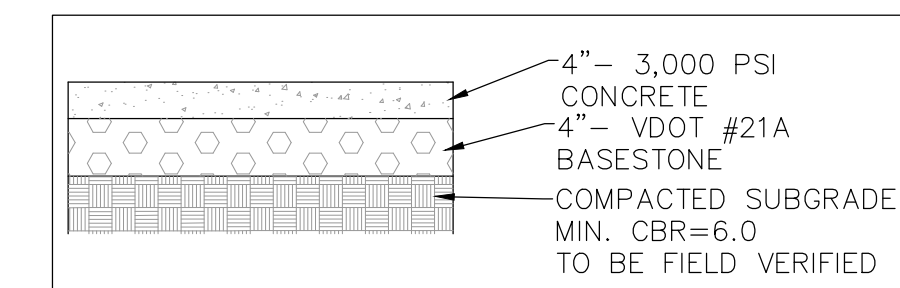
1 GRADING & SPOT ELEVATION PLAN  
C11 SCALE: 1"=5'



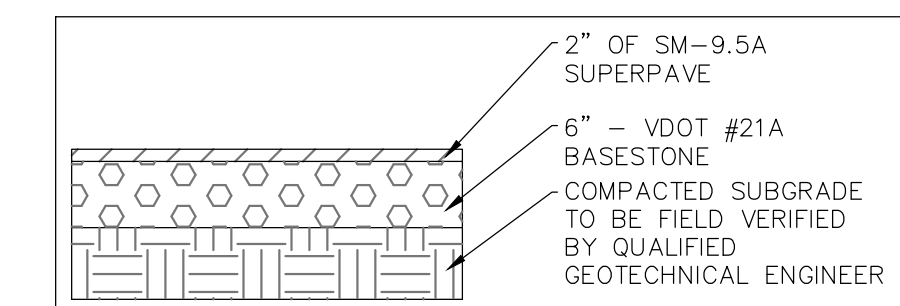
2 GRADING & SPOT ELEVATION PLAN  
C11 SCALE: 1"=5'



3 INVERTED U BIKE RACK DETAIL  
C11 Not To Scale



4 SIDEWALK CONCRETE DETAIL  
C11 Not To Scale



5 PAVEMENT SECTION DETAIL  
C11 Not To Scale

**SHIMP ENGINEERING**  
LAND PLANNING - PROJECT MANAGEMENT

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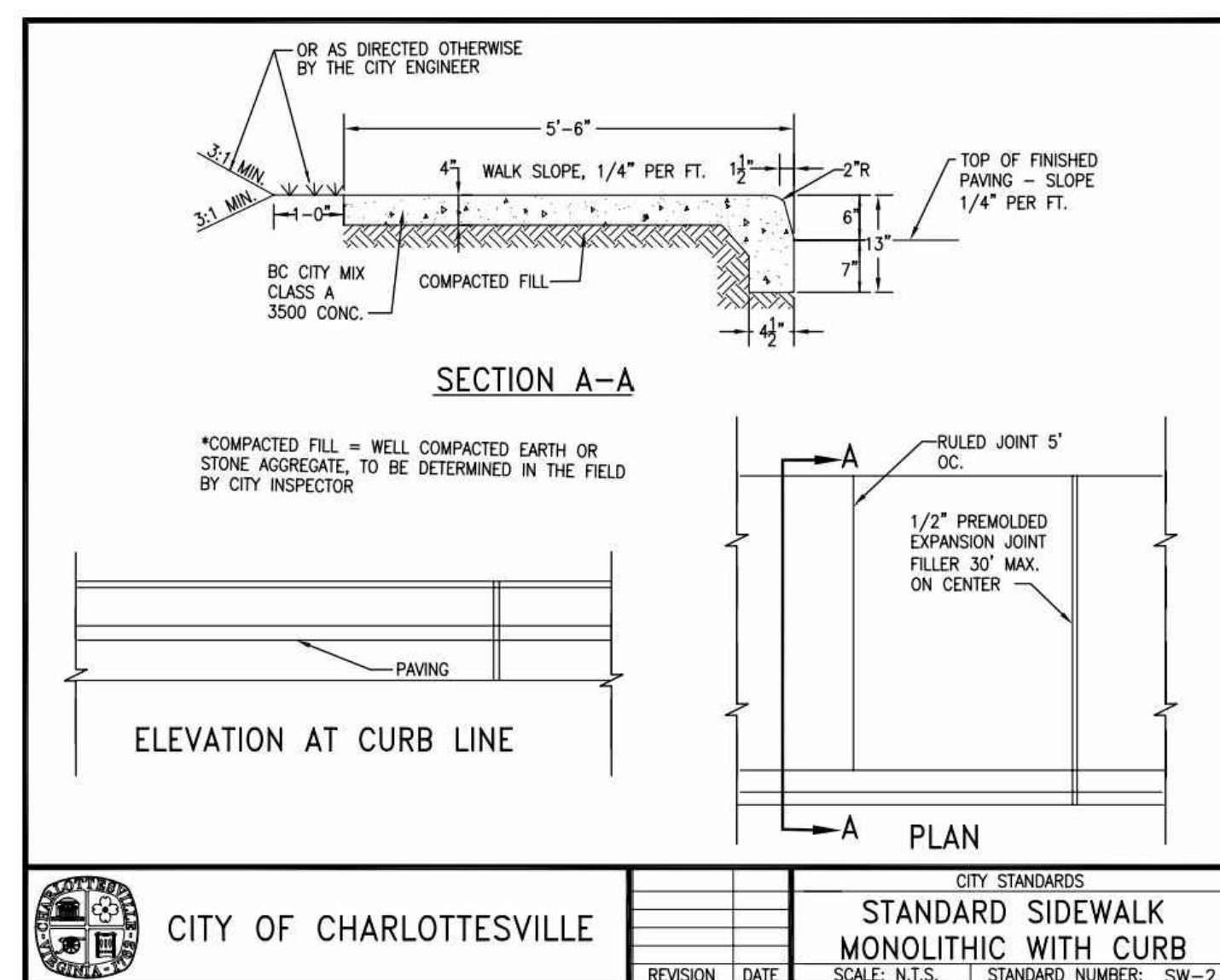
FINAL SITE DEVELOPMENT PLAN  
**BELMONT HEIGHTS**

CITY OF CHARLOTTEVILLE, VIRGINIA  
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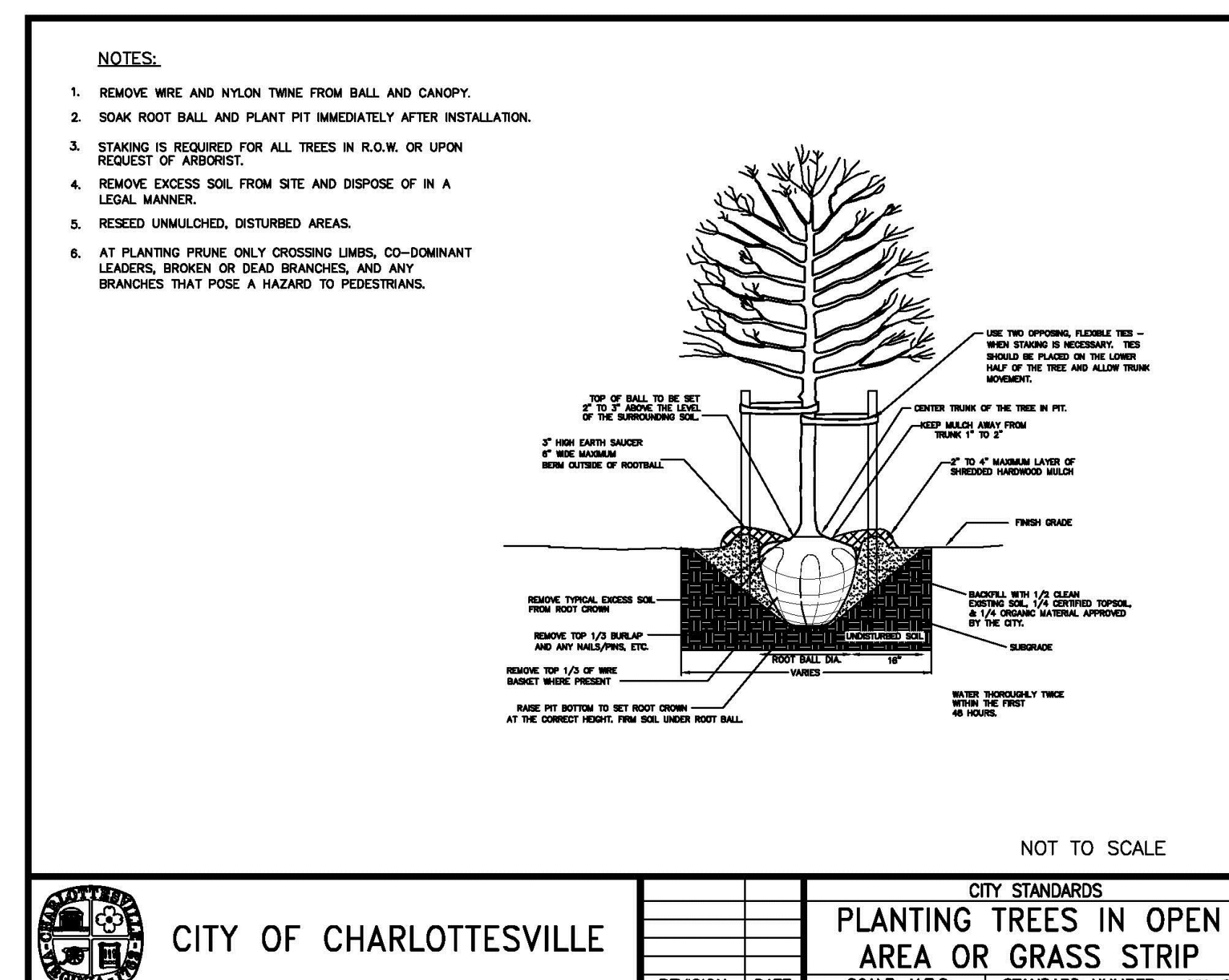
FILE NO.

20.020

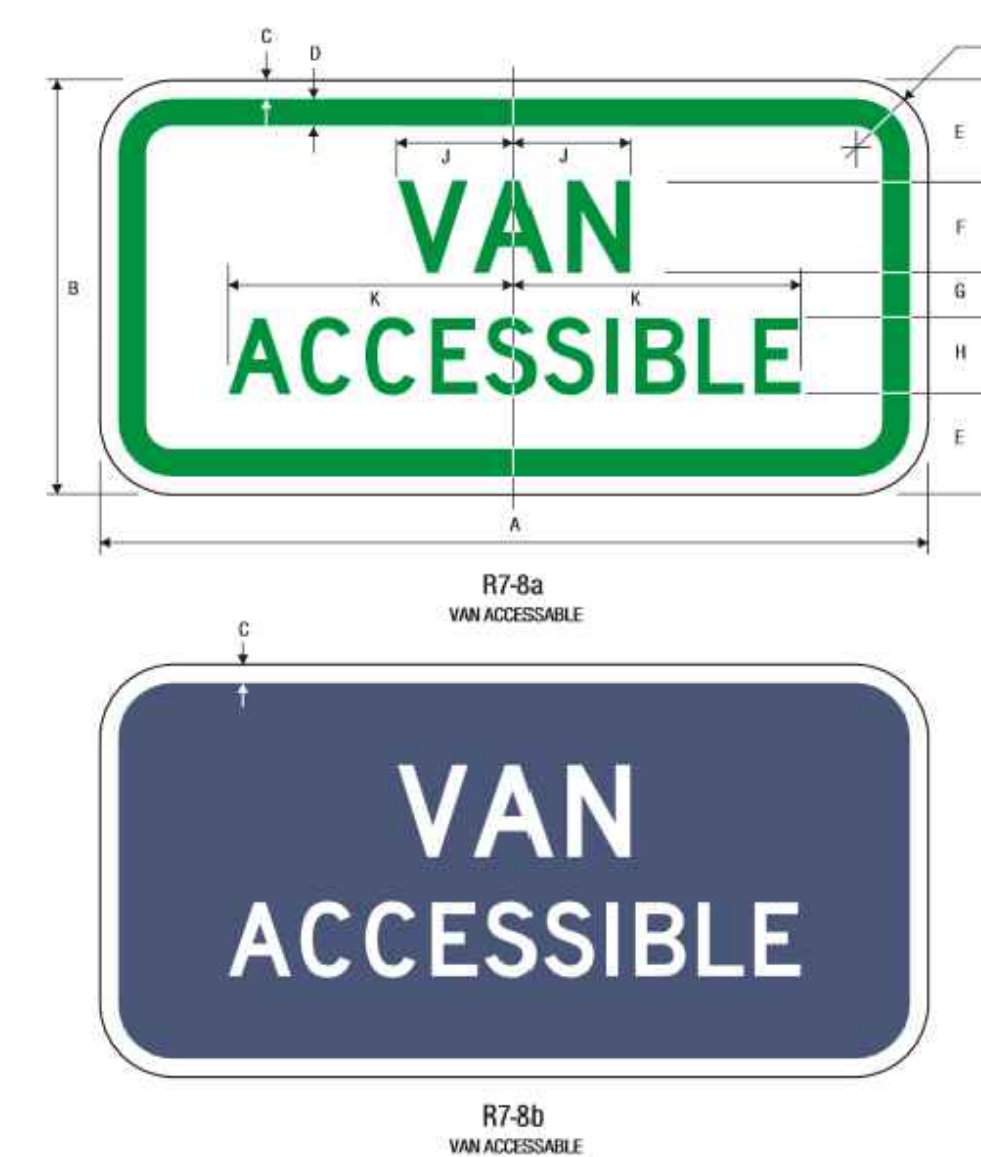
**SITE DETAILS**



6 STD. SIDEWALK W/ CURB  
C11 Not To Scale



7 TREE PLANTING DETAIL  
C11 Not To Scale



A	B	C	D	E	F	G	H	J	K	L
12	6	375	438	1.5	15.0	5	1.0	1.071	3.859	1.5
18	9	375	438	2.25	2.0	1	1.50	2.493	5.784	1.5

PARKING APPLICATION  
COLORS: LEGEND — GREEN (RETROREFLECTIVE) ON BLACK BACKGROUND — WHITE (RETROREFLECTIVE)

DIRECTIONAL APPLICATION  
COLORS: LEGEND — WHITE (RETROREFLECTIVE) BACKGROUND — BLUE (RETROREFLECTIVE)

8 ACCESSIBLE PARKING SIGN  
C11 Not To Scale



LEGEND — GREEN (RETROREFL), WHITE SYMBOL ON BLUE (RETROREFL) BACKGROUND — WHITE (RETROREFL)

\*Reduce spacing 50%.  
\*\*See page 6-31.  
\*\*\*See page 6-2 for arrow design.

C11



**RESOLUTION**  
**Granting a Special Use Permit for Property Located at 1000**  
**Monticello Road (City Tax Map 57, Parcel 36)**

**WHEREAS** Piedmont Realty Holdings III, LLC (“Landowner”) is the owner of certain land identified on Tax Map 57 as Parcel 36, currently addressed as “1000 Monticello Road” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

**WHEREAS** the Applicant seeks a Special Use Permit under City Code Sec. 34-700 to increase residential density from the current 21 DUA up to 43 DUA; and

**WHEREAS** the Property is located within the Neighborhood Commercial Corridor, a district in which, according to the Use Matrix set forth within City Code 34-700 increased residential density up to 43 DUA may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 14, 2022; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

**WHEREAS** upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, 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 proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

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

(1) Up to 42 dwelling units per acre (DUA), or a total of 34 residential units, are permitted within the Project.

(2) The owner of the building(s) located within the Project shall provide affordable housing within the Project, as follows:

- a. For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).

## Attachment B

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

## Attachment B

Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
  - d. The land use obligations referenced in 2.c.i and 2.c.ii, above, shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.
  - e. Following issuance of a certificate of occupancy authorizing the building to be occupied, the owner of the building(s) shall thereafter provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City.
- (3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City (to its Office of Community Solutions or other department which may hereafter be responsible for monitoring affordable housing requirements, in conjunction with the zoning administrator) prior to the issuance of any building permit for the Project. The marketing plan should provide detailed information on how the owner of the building(s) will market the units within the building(s), including non- discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.
- (4) The main building constructed within this Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application Materials referenced above within this Resolution.

	<u>Aye</u>	<u>No</u>
Magill	_____	<u>x</u> _____
Payne	_____	<u>x</u> _____
Pinkston	<u>x</u> _____	_____
Snook	<u>x</u> _____	_____
Wade	<u>x</u> _____	_____

Approved by Council  
August 15, 2022



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Kyna Thomas, MMC  
Clerk of Council

## Attachment B

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



**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING**  
**COMPREHENSIVE PLAN COMPLIANCE REVIEW**  
**APPLICATION NUMBER: CP23-00001: 0 E High Street**  
**DATE OF HEARING: August 8, 2023**

**Project Planner:** Carrie Rainey

**Date of Staff Report:** July 31, 2023

**Summary**

As part of a preliminary site plan application (P22-0079) to establish a development containing multifamily residential units at 0 E High Street (TMPs 500144000, 500143000, 500143100, 500017000, 500018000), the applicant, Justin Shimp of Shimp Engineering, has proposed public facilities and uses including public streets, public land, public trail facilities, and public trail parking facilities. Per Section 34-28(a), the Planning Commission may determine whether the general location, character, and extents of the proposed public facilities and uses are compliant with the adopted comprehensive plan prior to authorization and construction of said facilities and uses. The detailed design of the proposed public facilities (such as public trail width and surfacing) is reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. This includes compliance review with the floodplain ordinance (Chapter 34), water protection ordinance (Chapter 10), and public facilities design requirements (Chapters 29 and 34, Standards and Design Manual).

Other components of the proposed development, including the multifamily residential use, private parking lot serving the multifamily units, and private amenity spaces, are not components for which the Planning Commission may conduct a comprehensive plan compliance review. The private development components are reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. The Planning Commission, per Section 34-820(d)(3), will review and approve or deny the preliminary site plan application at a future date.

## **Standard of Review**

Pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28, the Planning Commission may review the proposed public facilities associated with the O E High development project to determine if the general character, approximate location and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval.

## **Public Streets**

The applicant proposes two (2) new public streets ("Public Road A" and "Public Road B") in addition to widening existing Caroline Avenue and Fairway Avenue.

### **Public Road A**

#### ***Proposed Public Road A— Preliminary Site Plan dated June 2, 2023***



Public Road A is proposed to provide two-way vehicular travel with seven (7) public on-street parking spaces, "T and Branch" turnaround, public sidewalks 5-feet in width on both sides of the street, and curb extensions at the intersection with Caroline Avenue. Public Road A provides access to a network of proposed trails, both on private land under public easement and on land to be donated to the City, which connect to the Rivanna River trail network.

**Staff Analysis:** Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed Public



Road A, as presented, is consistent with the requirements of the SADM. The City Traffic Engineer find the roadway serves a public good by incorporating access and parking for the city trail network.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system*. Therefore, the final design of proposed Public Road A must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road A may be in line:

### **2021 Comprehensive Plan**

#### **Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation**

*Future Land Use Planning Objective:* Maximize access to public open spaces, urban agriculture amenities, and schools.

#### **Chapter 7: Environment, Climate, and Food Equity**

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

### **2022 Urban Rivanna River Corridor Plan**

#### **Recreational Activities Recommendations**

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### **Multipurpose Trails and Bridges Recommendations**

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road A may not be in line:

### **2021 Comprehensive Plan**

Guiding Principle: Connections and Access: The City will consider land use and transportation in complementary ways, creating more accessible and safer mobility options for all. Residents and visitors will have a variety of travel choices and will be able to move safely, efficiently, and affordably throughout neighborhoods, the city, and the region, with easy access to services, employment opportunities, healthy food sources, parks, schools, and other services and amenities, regardless of vehicle ownership or physical ability. The City will place an emphasis on enhancing networks and safety for walking, riding bicycles, and public transportation.

#### Chapter 6: Transportation

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 3.1* Encourage new street connections and alternate traffic patterns, where appropriate, to improve connectivity, reduce trip lengths for all users, and distribute traffic volumes across the street network.

*Strategy 7.1* Develop policies and strategies to incorporate green infrastructure as an integral part of transportation planning, and ensure transportation projects are sited and designed to avoid sensitive environmental resources and natural resiliency features such as floodplains, stream buffers, and wetlands.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

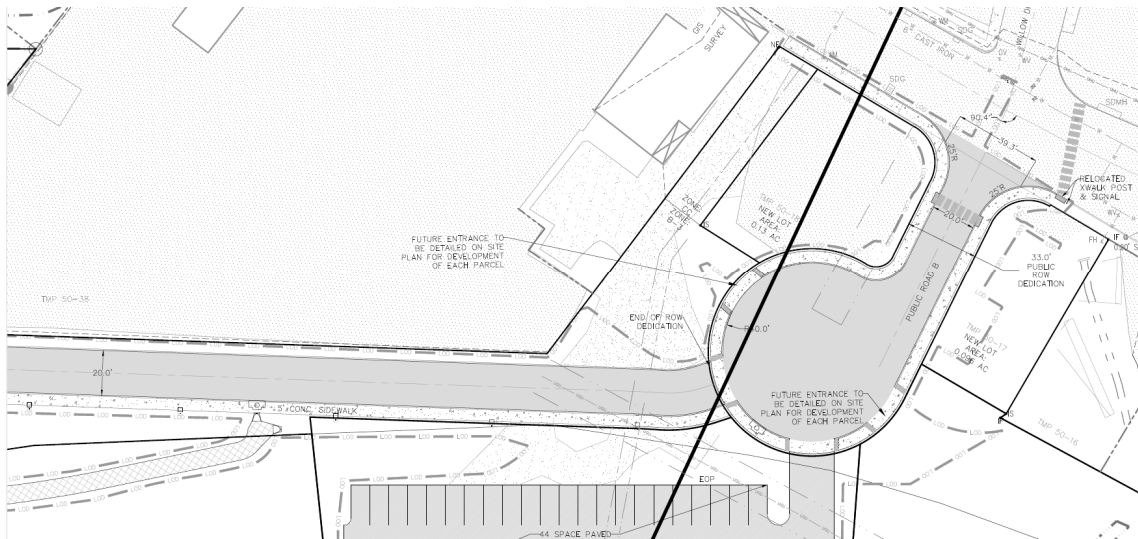
Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River, public spaces, and trail networks. However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic.

The Guiding Principles of the 2016 Streets that Work plan (an amendment to the comprehensive plan) state *Charlottesville will be a multi-modal, connected community...* and the planning of public streets will be a... *collaborative process to ensure decisions made about the city's streets reflect the public's priorities*. Public Road A is considered a *Local Street* per the 2016 Streets that Work Plan. *Local Streets* are characterized as the majority of the street

network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for *Neighborhood B* streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for *Neighborhood B* streets. Sidewalks and on-street parking are noted as the highest priority street elements. Public Road A provides a five (5) foot sidewalk (without curbside buffer zone), on-street parking, and curb extensions at the intersection with Caroline Avenue. Public Road A will provide additional public access to the Rivanna River trail network but will not provide connectivity to the wider street network and community.

### Public Road B

*Proposed Public Road – Preliminary Site Plan dated June 2, 2023*



Public Road B is proposed to provide two-way vehicular travel with “circular” turnaround and public sidewalks 5-feet in width on both sides of the street. Public Road B will align with the existing public street Willow Drive. Public Road B provides access to proposed Lot B (detailed below), which provides public parking and a public trail connection to the Rivanna River trail network.

*Staff Analysis:* Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed Public Road B, as presented, is consistent with the requirements of the SADM. The City Traffic Engineer find the roadway has a proper turn around, matches the intersection on the opposite

side of the street, and has the proper sidewalks. The roadway also serves a public good by incorporating access and parking for the city trail network.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system*. Therefore, the final design of proposed Public Road B must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road B may be in line:

### **2021 Comprehensive Plan**

#### Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation

*Future Land Use Planning Objective:* Maximize access to public open spaces, urban agriculture amenities, and schools.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

### **2022 Urban Rivanna River Corridor Plan**

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road B may not be in line:

### **2021 Comprehensive Plan**

Guiding Principle: Connections and Access: The City will consider land use and transportation in complementary ways, creating more accessible and safer mobility

options for all. Residents and visitors will have a variety of travel choices and will be able to move safely, efficiently, and affordably throughout neighborhoods, the city, and the region, with easy access to services, employment opportunities, healthy food sources, parks, schools, and other services and amenities, regardless of vehicle ownership or physical ability. The City will place an emphasis on enhancing networks and safety for walking, riding bicycles, and public transportation.

#### Chapter 6: Transportation

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 3.1* Encourage new street connections and alternate traffic patterns, where appropriate, to improve connectivity, reduce trip lengths for all users, and distribute traffic volumes across the street network.

*Strategy 7.1* Develop policies and strategies to incorporate green infrastructure as an integral part of transportation planning, and ensure transportation projects are sited and designed to avoid sensitive environmental resources and natural resiliency features such as floodplains, stream buffers, and wetlands.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

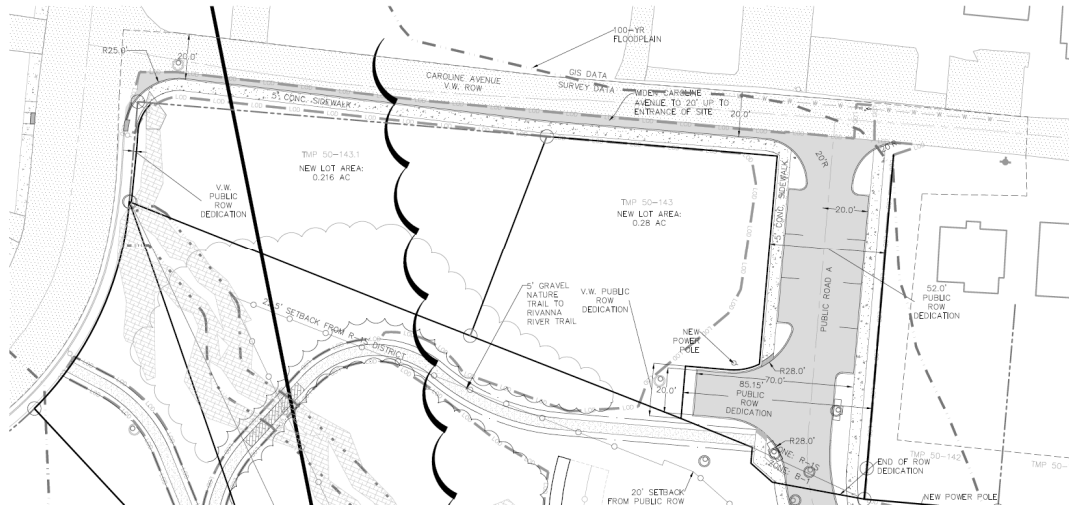
Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River and trail networks. However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic.

The Guiding Principles of the 2016 Streets that Work plan (an amendment to the comprehensive plan) state *Charlottesville will be a multi-modal, connected community...* and the planning of public streets will be a... *collaborative process to ensure decisions made about the city's streets reflect the public's priorities*. Public Road B is considered a *Local Street* per the 2016 Streets that Work Plan. *Local Streets* are characterized as the majority of the street network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for *Neighborhood B* streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for *Neighborhood B* streets. Sidewalks and on-street parking are noted as the highest priority street elements. Public Road B provides a five (5) foot sidewalk

(without curbside buffer zone) and access to proposed Lot B, which provides a trail connection to the Rivanna River trail network. Public Road B will provide additional public access to the Rivanna River trail network contingent on the establishment of the proposed trail network connecting through Lot B but will not provide connectivity to the wider street network and community.

### Widening of Caroline Avenue and Fairway Avenue

#### *Proposed Widening and Improvements– Preliminary Site Plan dated June 2, 2023*



#### *Transit Stops*



#### *Meade Park Proximity*



Caroline Avenue is proposed to be widened to meet the 20-foot minimum roadway width for two-way travel specified in the SADM and to provide a five (5) foot wide sidewalk along the development's frontage. The public sidewalk proposed on Caroline Avenue will continue around the corner to connect with the existing Fairway Avenue public sidewalk. The applicant

proposes dedicating a portion of land so that the proposed public sidewalk and the existing public sidewalk along Fairway Avenue are entirely within public right-of-way.

*Staff Analysis:* Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed improvements to Caroline Avenue and Fairway Avenue, as presented, are consistent with the requirements of the SADM. The City Traffic Engineer finds that by widening the roadway, the project meets the minimum criteria for allowing the “Road A” connection and providing a safe access point from the development to a city street.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system*. Therefore, the final design of the widening of Caroline Avenue and Fairway Avenue must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the widening of Caroline Avenue and Fairway Avenue may be in line:

## **2021 Comprehensive Plan**

### **Chapter 6: Transportation**

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 5.7* Identify locations along bus routes needing additional bus stops, enhanced quality and comfort of bus stops, connectivity via walking/biking, and safer crossings, particularly near schools, parks, and other amenities

### **Chapter 7: Environment, Climate, and Food Equity**

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

**2022 Urban Rivanna River Corridor Plan****Recreational Activities Recommendations**

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

**Multipurpose Trails and Bridges Recommendations**

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River and trail networks as well as transit stops. The widening of Caroline Avenue and Fairway Avenue will permit a new public sidewalk connection on Caroline Avenue, which will connect pedestrians to both proposed Public Road A and Lot A, as well as the existing transit stop on Fairway Avenue and nearby Meade Park. However, the widening will not address the lack of sidewalks on the remainder of Caroline Avenue.

**Public Land and Facilities**

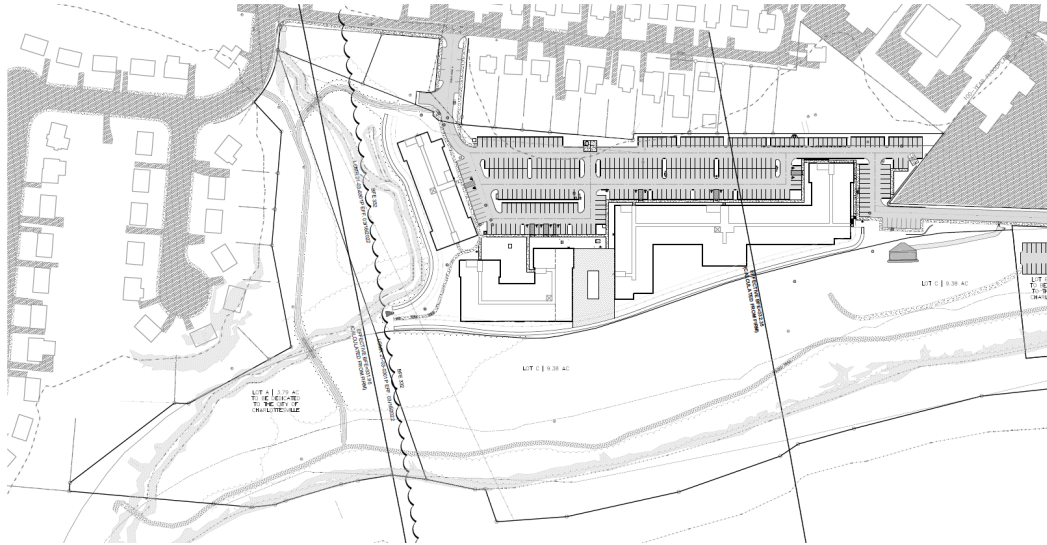
The applicant proposes the dedication of two (2) new parcels (“Lot A” and “Lot B”). Lot A is proposed to include a new public trail and Lot B is proposed to include a new public trail parking lot and trail connection to the existing Rivanna Trail.

**Lot A**

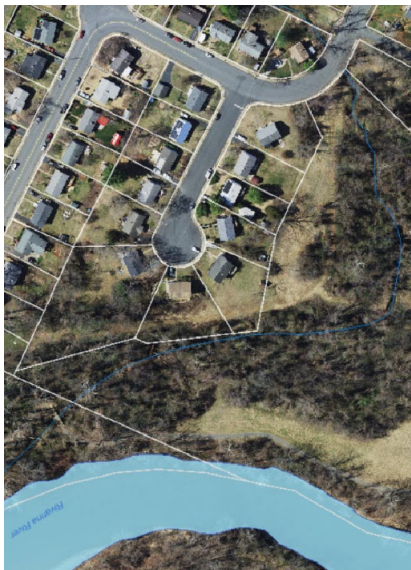
Lot A is 3.79 acres in area with frontage on Fairway Avenue. In addition to the proposed public trail, Lot A also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank, a portion of Meade Creek, and includes stands of mature forest and critical slopes areas. Lot A includes areas of floodplain (BFE) and floodway of the Rivanna River. The proposed trail on Lot A will connect to both Fairway Avenue and proposed Public Road A. The connection to Public Road A is proposed as a new trail on private land (TMP 50-144) with a public access easement to ensure continued access by the public. The proposed trail on Lot A will include a bridge structure over Meade Creek and adjacent critical slopes. Proposed disturbance on Lot A is limited to the area of the proposed public trail.



*Proposed Lot Dedication and Trail Network – Preliminary Site Plan dated June 2, 2023*



*Meade Creek*



*Critical Slopes*



*Rivanna Trail*



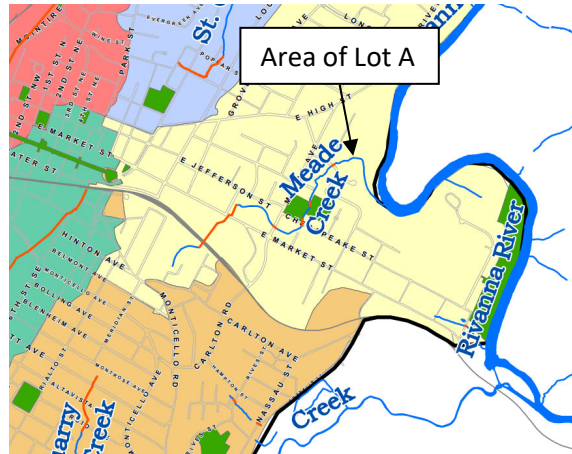
Tree Canopy Patches- 2020 City GreenPrint 1.0



Tree Canopy Patches

- Greater than 1 Acre (with greater than 1, but less than 10 meter edge)
- Greater than 1 Acre (with 10 meter edge)
- Other tree canopy (inside city limits); All tree canopy, 2009 (outside city limits)

2011 Local Waterways



*Staff Analysis:* Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of the proposed trail must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the dedication of Lot A and new trail facility may be in line:

### **2021 Comprehensive Plan**

Priority Area: Keep Charlottesville green, make it greener, and protect the natural environment and the many benefits it provides.

### Chapter 6: Transportation

*Strategy 8.7* Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

*Strategy 3.1 Sub-strategy:* Continue public acquisition of natural areas along waterways to enable management strategies that protect water and habitat quality.

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

#### Chapter 9: Community Facilities & Services

*Strategy 13.1 Sub-strategy:* Prioritize and encourage acquisition of natural areas, particularly along existing and proposed trails and near the Rivanna River, through developer contributions and fee simple purchase.

*Strategy 15.2* Encourage land and easement acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space, for multimodal enhancement, and as a green infrastructure resource.

*Strategy 15.3* Ensure that all new trails and trail improvements are designed within the context of surrounding natural systems and urban areas to maximize positive and minimize negative impacts on environmental systems and cultural and historic resources.

### **2022 Urban Rivanna River Corridor Plan**

#### Environmental Protection Recommendations

*Recommendation 2* Retain and steward natural habitats and systems throughout the river corridor.

*Recommendation 8* Protect and enhance forests within the river corridor with particular focus on the 100' stream buffer zone.

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

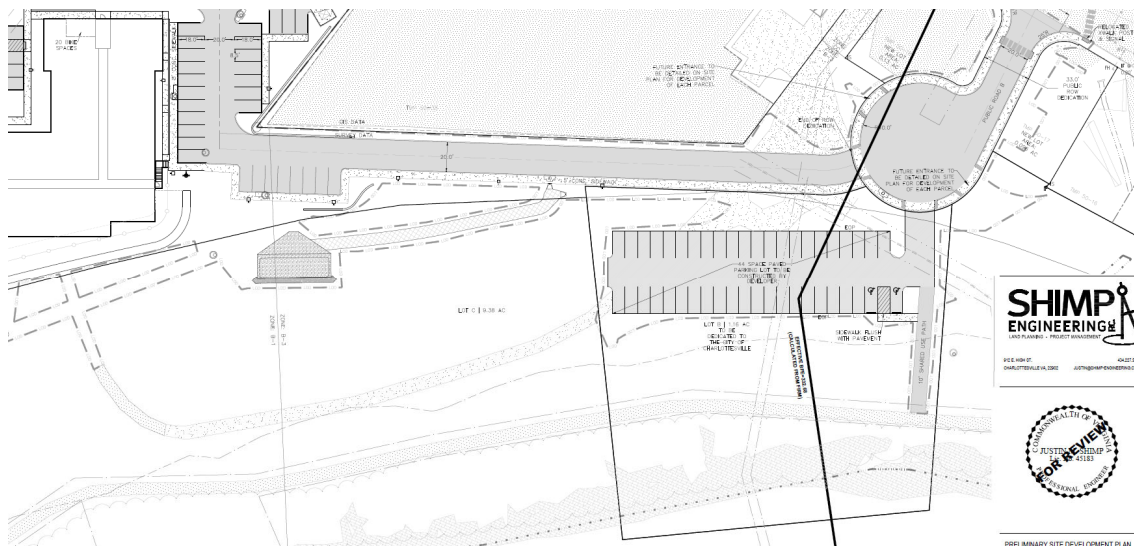
Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor and near local waterways. The 2020 City GreenPrint 1.0 plan (an appendix of the comprehensive plan) identifies the forested area of Lot A as part of a larger tree canopy patch, and notes such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits beyond those provided by individual tree plantings. Donation of Lot A will allow the City to preserve and protect the environmental resources on the lot.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. The 2015 Bicycle and Pedestrian Master Plan (an amendment to the comprehensive plan) recommends a new shared use path connection in the area of Lot A between the Rivanna River Trail and Fairway Avenue. Therefore, the trail network proposed on Lot A will provide an additional connection to the Rivanna River in a priority location.

### Lot B

Lot B is 1.16 acres in area with frontage on the proposed Public Road B. In addition to the proposed public trail parking lot with trail access to the Rivanna Trail, Lot B also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank. Lot B contains areas of floodplain (BFE) and floodway of the Rivanna River. Proposed disturbance on Lot B is limited to the area of the proposed public trail parking lot with trail access detailed below.

### *Proposed Lot Dedication, Public Parking Lot, and Trail Network – Preliminary Site Plan dated June 2, 2023*





*Rivanna Trail**Critical Slopes**Riverview Park Proximity*

*Staff Analysis:* Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of the proposed parking lot and trail must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the dedication of Lot B may be in line:

**2021 Comprehensive Plan**Chapter 6: Transportation

*Strategy 8.7* Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

Chapter 9: Community Facilities & Services

*Strategy 15.2* Encourage land and easement acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space, for multimodal enhancement, and as a green infrastructure resource.

*Strategy 15.3* Ensure that all new trails and trail improvements are designed within the context of surrounding natural systems and urban areas to maximize positive and minimize negative impacts on environmental systems and cultural and historic resources.

**2022 Urban Rivanna River Corridor Plan**Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. Riverview Park, located approximately one (1) mile south as measured along the Rivanna Trail, is the nearest public parking facility providing access to the Rivanna Trail. The high utilization rate of parking at Riverview Park indicates additional public parking facilities would improve community access to the Rivanna Trail. Therefore, the proposed public trail parking and associated trail connection to the Rivanna Trail will provide an additional connection to the Rivanna River in a priority location.

**Public Comment**

Many members of the public have provided comments to staff, the Planning Commission, and City Council on the associated preliminary site plan since the application was first filed in August 2022. While many comments focus on the associated private development (which is not under Planning Commission review for comprehensive plan compliance), the following items were noted by multiple members of the public regarding the facilities under review by the Planning Commission:

- Public Roads A and B do not provide connectivity, do not adequately address traffic conditions, and do not align with the comprehensive plan.
- The importance of maintaining public access to the Rivanna River Trail.
- The importance of preserving the floodplain and existing vegetation/wildlife habitat.
- The desire to see the property to become a public park or natural area.
- Construction of the public parking lot on Lot B will negatively impact the Rivanna River.

**Staff Recommendations**

Staff recommends the Planning Commission consider each facility individually:

- Public Road A
- Public Road B
- Widening of Caroline Avenue and Fairway Avenue
- Lot A with public trail (lot donation and trail may be considered separately)
- Lot B with public parking and public trail (lot donation, parking lot, and trail may be considered separately)

**Suggested Motions**

1. I move to approve the general character, location, and extents of all public facilities proposed as part of the O E High preliminary site plan as substantially in accord with the adopted comprehensive plan.

**OR,**

2. I move to approve only the general character, location, and extents of the following public facilities proposed as a part of the O E High preliminary site plan as substantially in accord with the adopted comprehensive plan.
  - a.
  - b.

**OR,**

3. I move to deny the general character, location, and extents of all public facilities proposed as a part of the O E High preliminary site plan are substantially in accord with the adopted comprehensive plan.

### **Attachments**

- A. Preliminary Site Plan dated June 2, 2023



LEGEND

EXISTING	NEW	DESCRIPTION
		<b>BOUNDARIES</b>
		BENCHMARK
		SITE PROPERTY OR ROW LINE
		ADJACENT PROPERTY OR ROW LINE
		BUILDING SETBACK
		PARKING SETBACK
		<b>SITE TEXT</b>
		PARKING COUNT
		<b>TOPOGRAPHY</b>
		INDEX CONTOUR
		INTERVAL CONTOUR
		SPOT ELEVATION
		TOP OF CURB ELEVATION
		TOP OF WALL ELEVATION
		BOTTOM OF WALL ELEVATION
		STREAM
		STREAM BUFFER
		100 YEAR FLOODPLAIN
		<b>BUILDING</b>
		BUILDING
		RETAINING WALL
		STAIRS
		EDGE OF PAVEMENT
		ROAD CENTERLINE
		FRONT OF CURB
		BACK OF CURB
		CG-12 TRUNCATED DOME
		SIDEWALK
		BIKE PARKING
		HANDICAP ACCESSIBLE AISLE
		HANDICAP PARKING
		<b>MATERIAL</b>
		CONCRETE
		RIPRAP
		ASPHALT
		EC-2 MATTING
		EC-3 MATTING
		WETLAND
		TREELINE
		FENCE
		<b>UTILITY</b>
		UTILITY POLE
		GUY WIRE
		OVERHEAD UTILITY
		UNDERGROUND UTILITY
		UNDERGROUND TELEPHONE
		UNDERGROUND ELECTRIC
		<b>STORM</b>
		STORM MANHOLE
		DROP INLET
		STORM SEWER
		ROOF DRAIN
		<b>SANITARY</b>
		SANITARY MANHOLE
		SANITARY SEWER MAIN
		SANITARY SEWER LATERAL
		<b>WATER</b>
		WATER LINE
		WATER SERVICE LINE
		WATER METER
		WATER METER VAULT
		FIRE HYDRANT
		FIRE DEPARTMENT CONNECTION
		GAS LINE
		<b>EASEMENTS</b>
		CONSTRUCTION
		GRADING
		ACCESS
		SIGHT DISTANCE
		UTILITY
		STORMWATER FACILITY MAINTENANCE
		STORMWATER ACCESS
		DRAINAGE
		SANITARY
		WATERLINE
		GASLINE

OWNER

50-144:	Southern Ventures Inc 410 Ednam Drive Charlottesville, VA 22901	50-143:	Southern Vector, Inc. P.O. Box 5548 Charlottesville, VA 22905	50-143.1:	Wendall Wood 410 Ednam Drive Charlottesville, VA 22903
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DEVELOPER

Seven Development  
310 Old Ivy Way, Suite 204  
Charlottesville, VA 22903

PLAN PREPARATION

Shimp Engineering, P.C.  
912 E High Street  
Charlottesville, VA 22902  
(434)227-5140

PROPERTY ADDRESS

0 E High Street  
Charlottesville, VA 22901

ZONING

The zoning for TMP 50-144 are as follows, per a determination by City Zoning:  
Portion of 50-144 (4.7 AC): R-1S  
Portion of 50-144 (12.8 AC): B-1  
Portion of 50-144 (4.4 AC): B-3  
Portion of 50-144 (0.04 AC): CC Central City Corridor

SOURCE OF TITLE

DB 426 PG 282

BENCHMARK

NAVD 88

SOURCE OF BOUNDARY AND TOPOGRAPHY

ALTA survey provided by Lotts & Associates, P.C., July 7, 2022  
ALTA survey for TMP 50-17 & 50-18 provided by Foresight Survey, P.C., February 14, 2023  
Two (2)-ft interval contours provided by LiDAR, Virginia Geographic Information Network, 2016

FLOODZONE

- FEMA flood insurance rate map (community panel 51003C0287D & 51003C0289D), effective date February 4, 2005 shows this property is within Zone AE Regulatory Floodplain. FEMA letter of map revision (LOMR 21-03-0301P), effective date March 16, 2022, established floodway as shown in this site plan.
- Field stakeout of floodway limits shall be completed prior to the start of construction for city inspection.

WATER & SANITARY SERVICES

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

Demands:

Water: 245 residential units, Max = 29,400 gph, Peak = 44,100 gph

Sewer: 245 residential units = 62,700 gal/day

CRITICAL SLOPES

There are critical slopes within the project area. No disturbance proposed.

GENERAL NOTES

- The information and data shown or indicated with respect to the existing underground utilities at or contiguous to the site are based on information and data furnished to the owner and engineer by the owners of such underground facilities or others. The owner or engineer shall not be responsible for the accuracy or completeness of such information or data. The contractor shall have full responsibility for confirming the accuracy of the data, for locating all underground utilities, for coordination of the work with owners of such underground utilities during construction, for the safety and protection thereof and repairing any damage thereto resulting from the work. All of these conditions shall be met at no additional cost to the owner. The contractor shall contact "Miss Utilities" of Virginia at 1-800-552-7001 prior to the start of work.
- When working adjacent to existing structures, poles, etc., the contractor shall use whatever methods that are necessary to protect structures from damage. Replacement of damaged structures shall be at the contractor's expense.
- The contractor shall be responsible for protecting all existing site structures from damage and coordinating work so that the owner can make necessary arrangements to modify/protect existing structures from damages.
- The contractor shall be responsible for notifying all utility owners, adjacent land owners whose property may be impacted and the Virginia Department of Transportation prior to completing any off-site work.
- Contractor shall notify and coordinate all work involving existing utilities with utility owners, at least 72 hours prior to the start of construction.
- Contractor shall immediately report any discrepancies between existing conditions and contract documents to the owner and engineer.
- Contractor shall submit for the approval of the owner submittals of all specified materials listed in the plans, to include shop drawings, manufacturer's specifications and laboratory reports. The owner's approval of submittals will be general and will not relieve the the contractor from the responsibility of adherence to the contract and for any error that may exist.
- All bare areas shall be scarified, limed, fertilized, seeded and mulched.
- All trees, saplings, brush, etc. shall be removed from within the right of way and the drainage easements.
- Retaining walls require separate building permits.

UTILITY MARKINGS

Miss Utility Ticket Number B026501443 - September 24, 2020

SIGNS

All signs and pavement markings shall conform with the latest edition of the MUTCD Guidelines.

DESIGN STANDARDS

Buildings to comply with most current Virginia Construction Code

Construction Type: Type 5A

Occupancy: R-2

RIVANNA WATER & SEWER AUTHORITY NOTES

- All materials and methods of construction shall comply with the latest version of the General Water and Sewer Design and Construction Standards – Version 1.0, adopted in December 2015, except as modified below or modified in special notes.
- RWSA shall approve all construction materials and methods of construction. A preconstruction conference shall be held with RWSA prior to the start of any work.
- The contractor shall be responsible for notifying Miss Utility (1-800-552-7001).
- RWSA Engineer (Victoria Fort at (434) 977-2970 ext. 205) shall be notified three business days prior to the start of construction.
- All work is subject to inspection by RWSA staff. No tie-ins to the existing system shall be made without coordination with and the presence of RWSA staff. No work shall be conducted on RWSA facilities on weekends or holidays without special written permission from RWSA.
- For sanitary sewer line construction: RWSA may require bypass pumping for tie-ins to the existing system. All doghouse manholes must be pressure-tested before a connection is made to the system.
- The location of existing utilities as shown on the plans is from data available at the time of design and is not necessarily complete or accurate. The Contractor shall be responsible for the verification of the location, size and depth of all existing utilities, both surface and subsurface. The Contractor shall immediately notify the Engineer of any discrepancies between the plans and field conditions. The Contractor shall use due diligence to protect all utilities and structures from damage at all times, whether shown on the plans or not. Damage to any existing utilities shall be repaired by the Contractor to the original condition at no additional cost to the Owner. Erosion and sediment control facilities shall not be permitted in the RWSA easement without special written permission from RWSA. No grading shall be permitted in the RWSA easement unless permitted otherwise by RWSA in writing.
- No blasting shall be permitted within 100 feet of RWSA facilities without written permission and RWSA approval of the blasting plan. Ground monitoring during blasting and a pre-blast survey may be required. For blasting within 100 feet of any operative RWSA sewerlines, bypass pumping and/or pre- and post-CCTV may be required. RWSA may also require certification from a licensed professional engineer stating that the proposed blasting will not damage any RWSA facilities. Damage to any utilities due to blasting shall be repaired by the Contractor to the original condition at no additional cost to the Owner.
- The contractor shall observe minimum separation requirements for utility crossings. When a crossing is made under an existing facility, adequate structural support shall be provided for the existing pipe. The area of the crossing shall be backfilled with compacted 57 stone to the springline of the existing pipe.
- New water main installations shall be pressure tested, chlorinated, flushed and have water samples approved prior to making any permanent connection to the public water system. Approved methods of filling and flushing new water mains will be required to prevent any contamination of the public water system.
- All easements for new RWSA facilities shall be recorded prior to placing the new facilities into service.
- No permanent structural facilities will be permitted in the RWSA easement. This includes building overhangs, retaining walls, footers for any structure, drainage structures, etc.
- Trees are not permitted in the RWSA easement.

BUILDING HEIGHT

Per Sec. 34-457, building height shall be a maximum of 45' in the B-1 zone.

Proposed building height: 45', 4 stories

Building GSF = 322,000 SF

BUILDING SETBACKS

FRONT & REAR: 20'

SIDE: 22.5' for a 45' building height as on the side of a lot adjoining a residential district or use, there shall be a side yard of 1' for every 2' of building height of the tallest building on the lot, minimum of 10'

EXISTING USE

Open space, other retail, not-specified (note: Rivanna River Company to be removed)

PROPOSED USE

Proposed 245 multifamily residential units: (25) efficiencies, (135) 1-bedroom, (85) 2-bedroom units  
20 DUA of B-1 zone

LAND USE SCHEDULE

TMP 50-144

EXISTING	Area	%	EXISTING	Area	%
Building	974 SF	0.1%	Building	0 SF	0%
Pavement	30,593 SF	3.2%	Pavement	0 SF	0%
Sidewalk	490 SF	0.05%	Sidewalk	0 SF	0%
Open Space	921,898 SF	96.6%	Open Space	12,800 SF	100%
Total=	953,964 SF (21.9 ac.)		Total=	12,800 SF (0.249 ac.)	
PROPOSED	Area	%	PROPOSED	Area	%
Building	80,514 SF	8.5%	Building	0 SF	0%
Pavement	118,980 SF	12.5%	Pavement	0 SF	0%
Sidewalk	24,250 SF	2.5%	Sidewalk	0 SF	0%
Open Space	730,220 SF	76.5%	Open Space	13,000 SF	100%
Total=	953,964 SF (21.9 ac.)		Total=	13,000 SF (0.3 ac.)	

TMP 50-143 [Proposed BLA]

EXISTING	Area	%	EXISTING	Area	%
Building	0 SF	0%	Building	0 SF	0%
Pavement	0 SF	0%	Pavement	0 SF	0%
Sidewalk	0 SF	0%	Sidewalk	0 SF	0%
Open Space	12,800 SF	100%	Open Space	9,496 SF	100%
Total=	12,800 SF (0.249 ac.)		Total=	9,496 SF (0.218 ac.)	
PROPOSED	Area	%	PROPOSED	Area	%
Building	0 SF	0%	Building	0 SF	0%
Pavement	0 SF	0%	Pavement	0 SF	0%
Sidewalk	0 SF	0%	Sidewalk	0 SF	0%
Open Space	13,000 SF	100%	Open Space	9,419 SF	100%
Total=	13,000 SF (0.3 ac.)		Total=	9,419 SF (0.216 ac.)	

TMP 50-143.1 [Proposed ROW Dedication]

EXISTING	Area	%	EXISTING	Area	%
Building	0 SF	0%	Building	0 SF	0%
Pavement	0 SF	0%	Pavement	0 SF	0%
Sidewalk	0 SF	0%	Sidewalk	0 SF	0%
Open Space	9,496 SF	100%	Open Space	9,496 SF	100%
Total=	9,496 SF (0.218 ac.)		Total=	9,496 SF (0.218 ac.)	
PROPOSED	Area	%	PROPOSED	Area	%
Building	0 SF	0%	Building	0 SF	0%
Pavement	0 SF	0%	Pavement	0 SF	0%
Sidewalk	0 SF	0%	Sidewalk	0 SF	0%
Open Space	9,419 SF	100%	Open Space	9,419 SF	100%
Total=	9,419 SF (0.216 ac.)		Total=	9,419 SF (0.216 ac.)	

PRELIMINARY SITE DEVELOPMENT PLAN

0 E HIGH STREET

TAX MAP 50 PARCEL 144

PORTION OF TAX MAP 50 PARCEL 17,

TAX MAP 50 PARCEL 18,

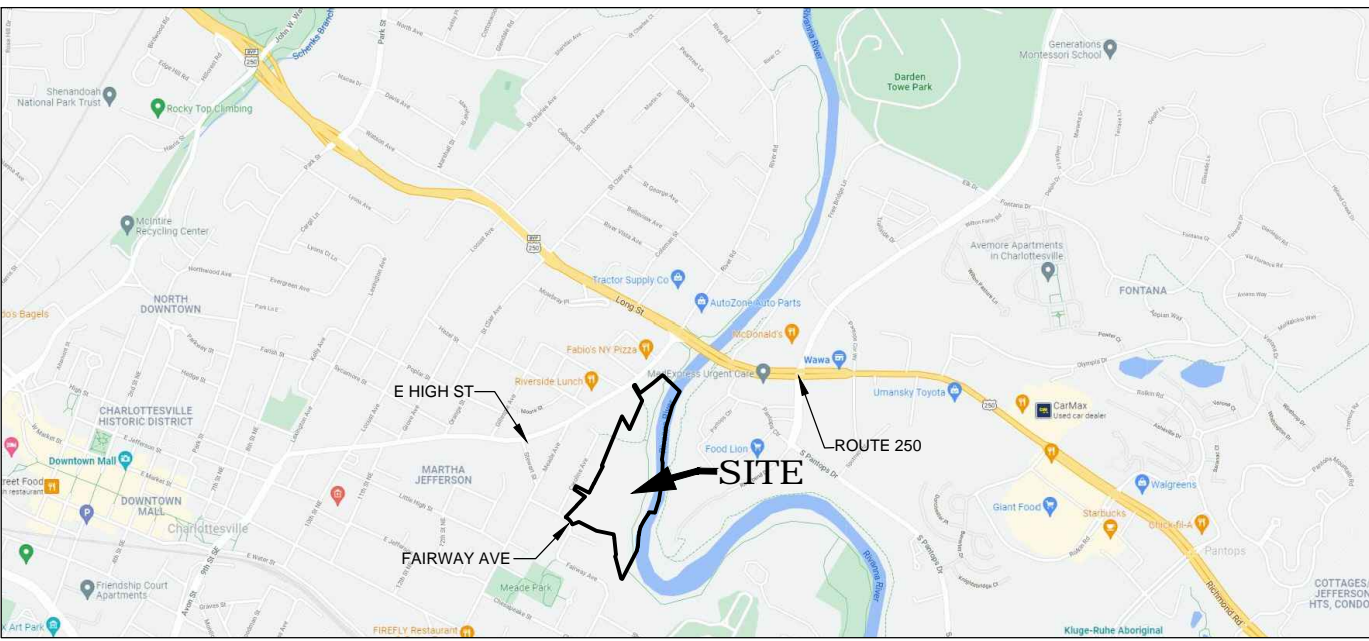
TAX MAP 50 PARCEL 143

& TAX MAP 50 PARCEL 143.1

CITY OF CHARLOTTESVILLE, VIRGINIA

VICINITY MAP

SCALE : 1"=2000'



Map provided by Google Maps

SHEET INDEX: TOTAL 17 SHEETS

- C1 COVER
- C2 EXISTING CONDITIONS & DEMOLITION
- C3 EXISTING CONDITIONS & DEMOLITION
- C4 SITE LAYOUT OVERVIEW
- C5 SITE LAYOUT
- C6 SITE LAYOUT
- C7 GRADING & UTILITY PLAN
- C8 GRADING & UTILITY PLAN
- C9 PRELIMINARY UTILITY PROFILES
- C10 SWM CONCEPT
- C11 VRRM MAPS & CALCULATIONS
- C12 LANDSCAPE PLAN
- C13 LANDSCAPE PLAN
- C14 LIGHTING PLAN
- C15 SITE DETAILS
- C16 SITE EXHIBITS & DETAILS
- C17 WATER & SANITARY DEMAND CALCULATIONS

PRELIMINARY SITE DEVELOPMENT PLAN

0 EAST HIGH STREET

CITY OF CHARLOTTESVILLE, VIRGINIA

SUBMISSION:

2022.08.05

REVISION:

2022.12.07

2023.02.17

2023.06.02

FILE NO.

20.017

COVER SHEET

APPROVALS

DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES Date

C1



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

LINE	BEARING	DISTANCE
L-1	S 19°42'29" W	18.31'
L-2	S 09°48'07" W	30.78'
L-3	S 01°57'41" W	20.45'
L-4	S 15°27'54" W	40.87'
L-5	N 62°58'29" W	15.00'
L-6	N 24°13'32" E	25.45'
L-7	N 63°46'24" W	10.98'
L-8	S 30°39'29" E	100.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"



LEGEND  
CRITICAL SLOPES LOT REGULATIONS GENERAL

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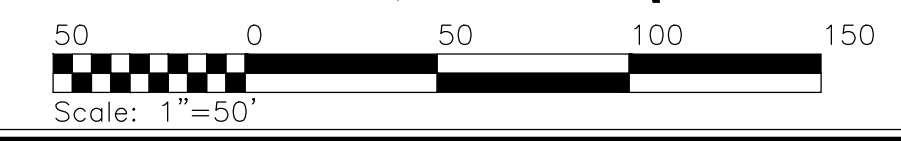
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JUSTIN@SHIMP-ENGINEERING.COM



PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

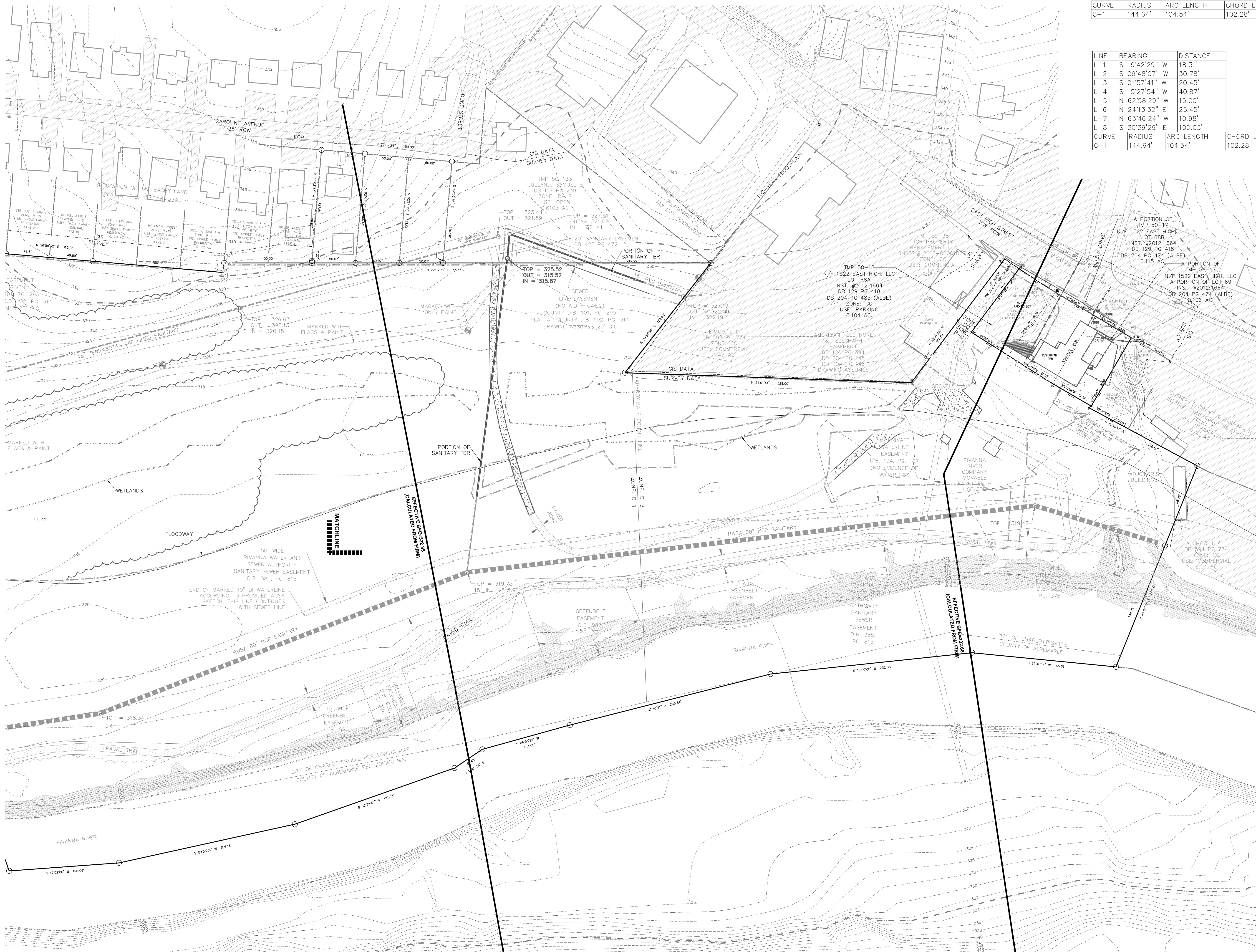
CITY OF CHARLOTTEVILLE, VIRGINIA  
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**EXISTING CONDITIONS & DEMOLITION**



C2



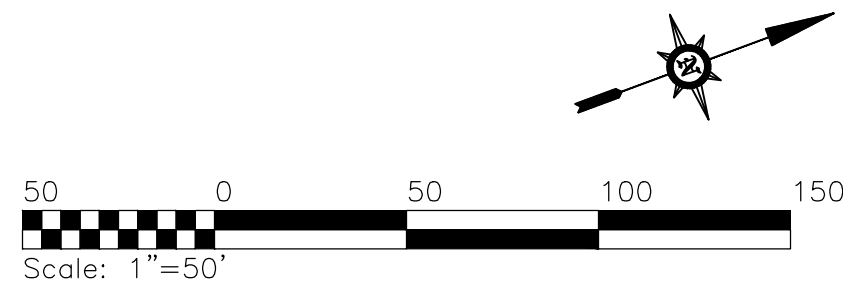


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

LINE	BEARING	DISTANCE
L-1	S 19°42'29" W	18.31'
L-2	S 09°48'07" W	30.78'
L-3	S 01°57'41" W	20.45'
L-4	S 15°27'54" W	40.87'
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L-7	N 63°46'24" W	10.98'
L-8	S 30°39'29" E	100.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

BOUNDARY CURVE TABLE: 50-17 & 50-18						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	49.96'	1456.40'	1°57'56"	24.98'	49.96'	N 55°00'43" E
C2	6.63'	1456.40'	0°15'39"	3.31'	6.63'	N 53°53'56" E



LEGEND	
	CRITICAL SLOPES LOT REGULATIONS GENERAL



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PRELIMINARY SITE DEVELOPMENT PLAN

## 0 EAST HIGH STREET

CITY OF CHARLOTTEVILLE, VIRGINIA

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2023.02.17  
2023.06.02

FILE NO. 20.017

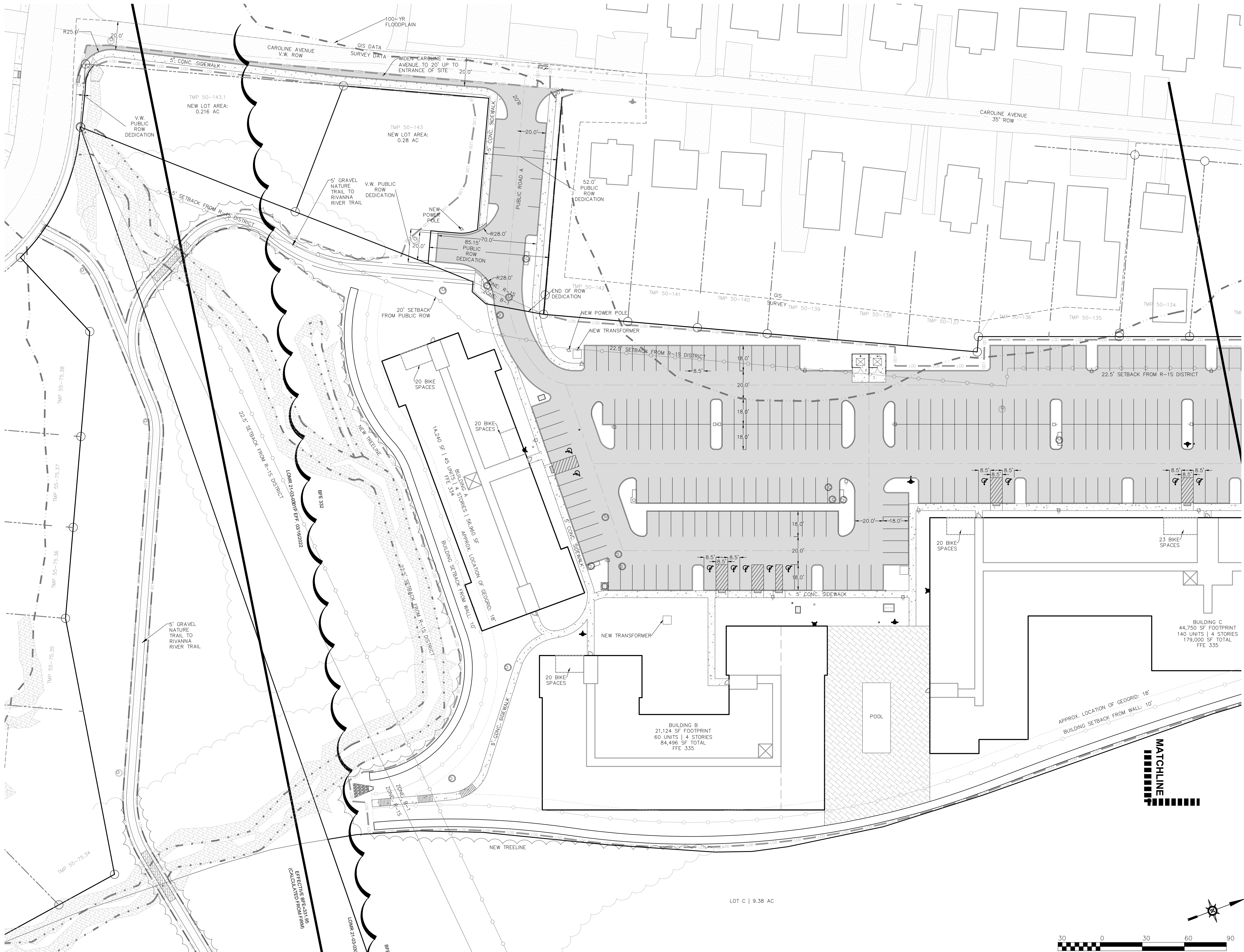
**EXISTING CONDITIONS & DEMOLITION**

C3









**LEGEND**

CRITICAL SLOPES LOT REGULATIONS GENERAL

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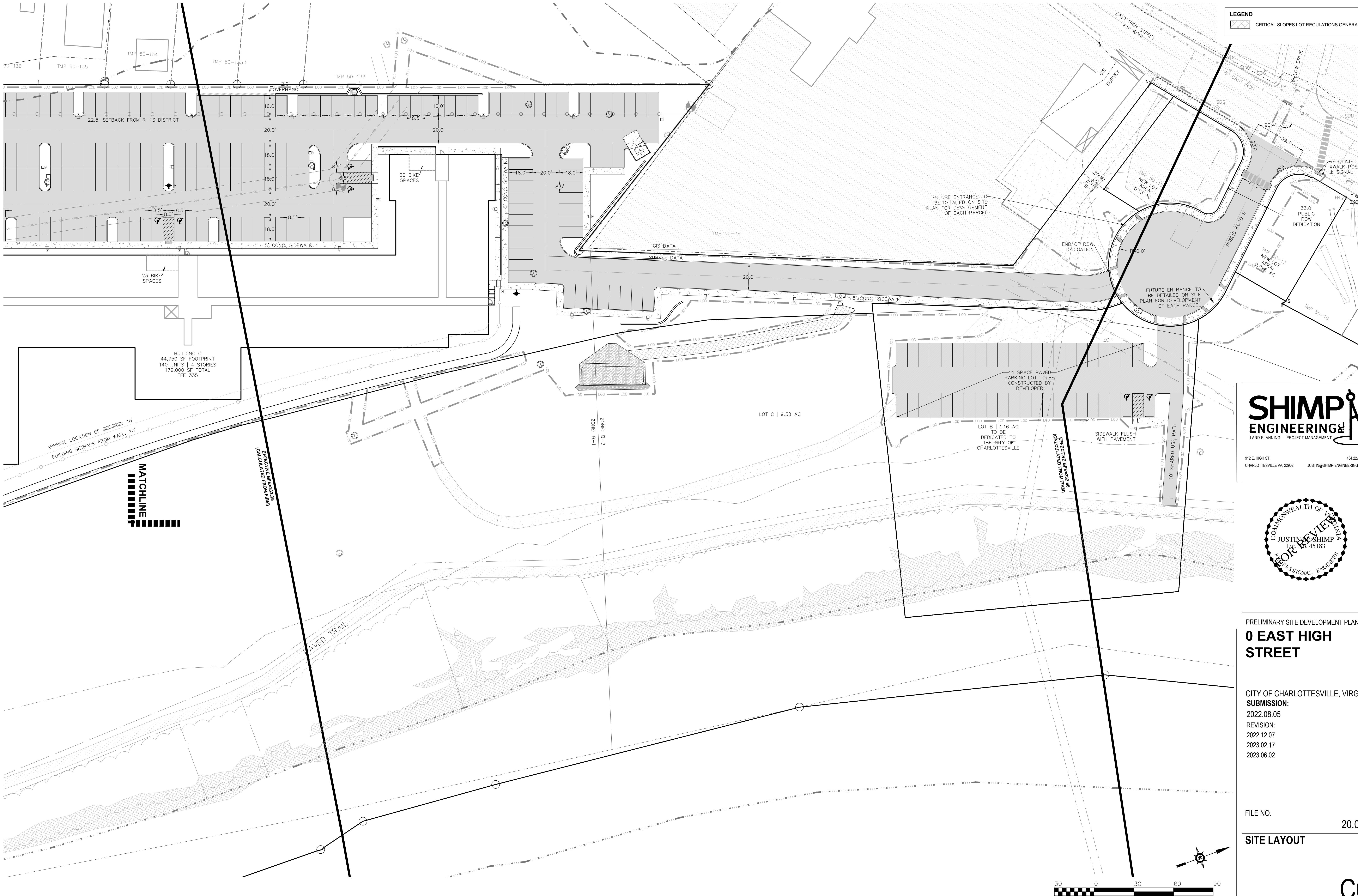
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
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**REVISION:**  
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2023.02.17  
2023.06.02

FILE NO. 20.017  
**SITE LAYOUT**

**C5**





**LEGEND**

CRITICAL SLOPES LOT REGULATIONS GENERAL

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
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FILE NO. 20.017

**SITE LAYOUT**

C6





**LEGEND**  
CRITICAL SLOPES LOT REGULATIONS GENERAL

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
**REVISION:**  
2022.12.07  
2023.02.17  
2023.06.02

FILE NO. 20.017  
**GRADING & UTILITY PLAN**

**C7**





**LEGEND**

CRITICAL SLOPES LOT REGULATIONS GENERAL

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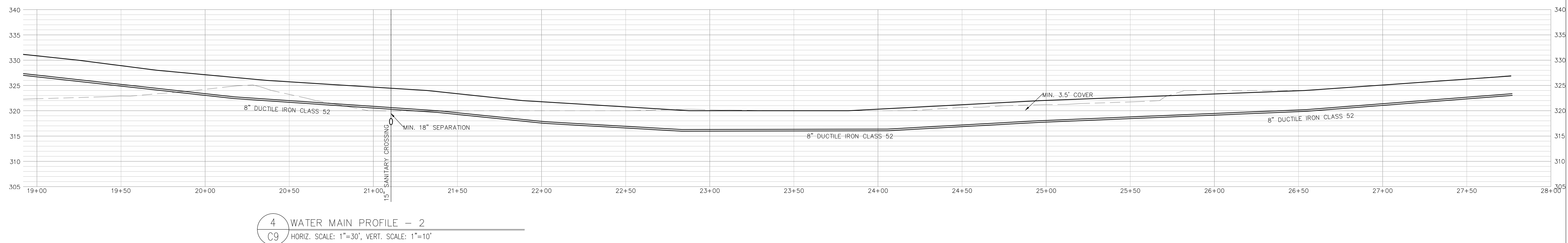
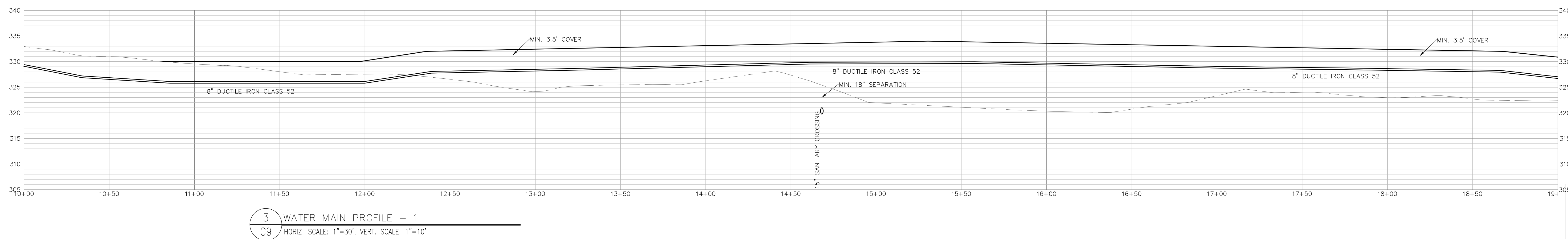
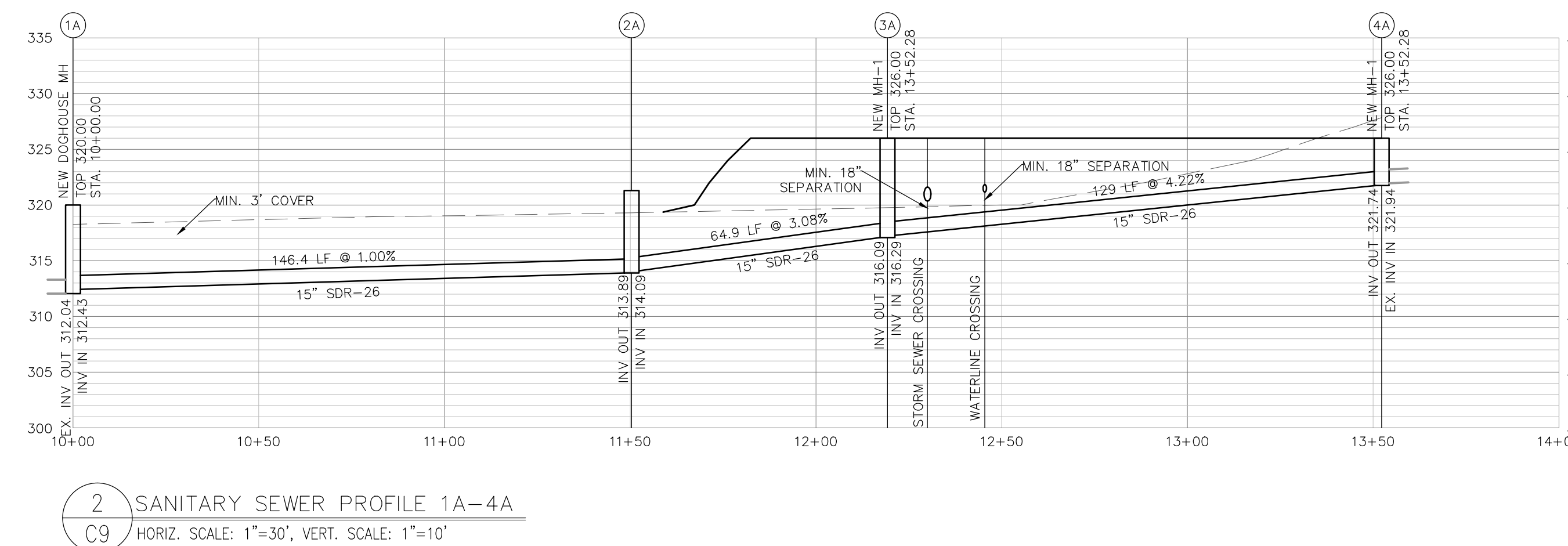
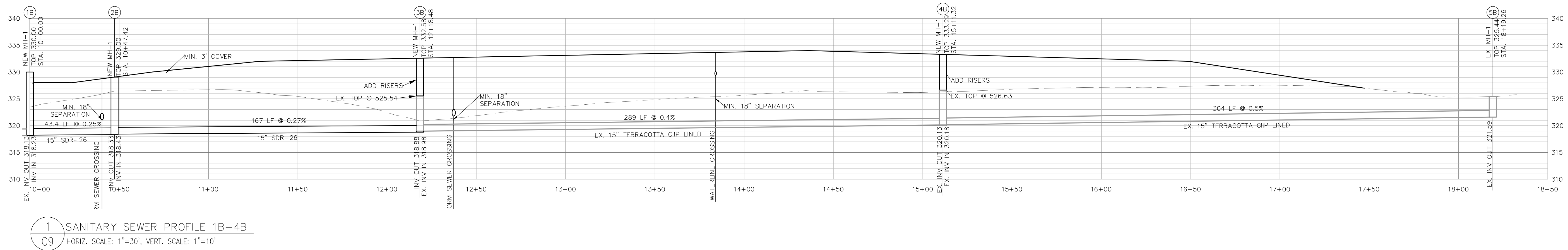
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
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2022.12.07  
2023.02.17  
2023.06.02

FILE NO. 20.017  
**GRADING & UTILITY PLAN**

C8

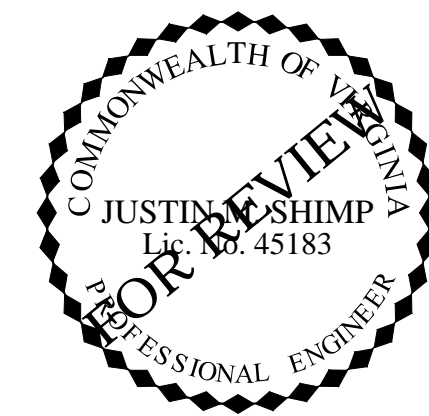




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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
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2022.12.07  
2023.02.17  
2023.06.02

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**PRELIMINARY UTILITY PROFILES**

C9



**Preliminary Quality Calculations**

Preliminary site development plan shows conceptual stormwater management plans. Final site plan shall include all required calculations to demonstrate compliance with the outlined methodologies per each outfall.

**Drainage Areas**

Refer to sheet C11 for water quality analysis. Final plans shall include all drawings and calculations as applicable per the requirements of each outfall.

**Overall SWM Quality Strategy**

The existing site is a mixture of woods and managed turf. The VRRM new development spreadsheet will compute the required nutrient credits required based upon the proposed development and those credits will be purchased from an approved nutrient credit bank.

**LEGEND**  
CRITICAL SLOPES LOT REGULATIONS GENERAL



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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
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FILE NO. 20.017

**STORMWATER  
MANAGEMENT CONCEPT**

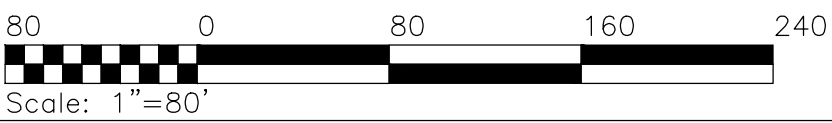
**C10**



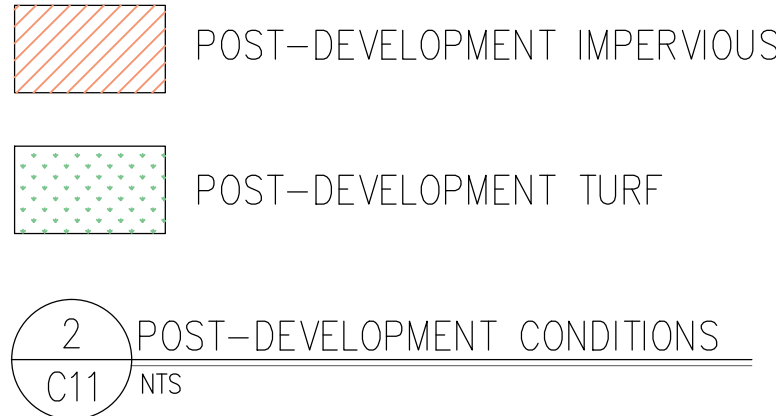
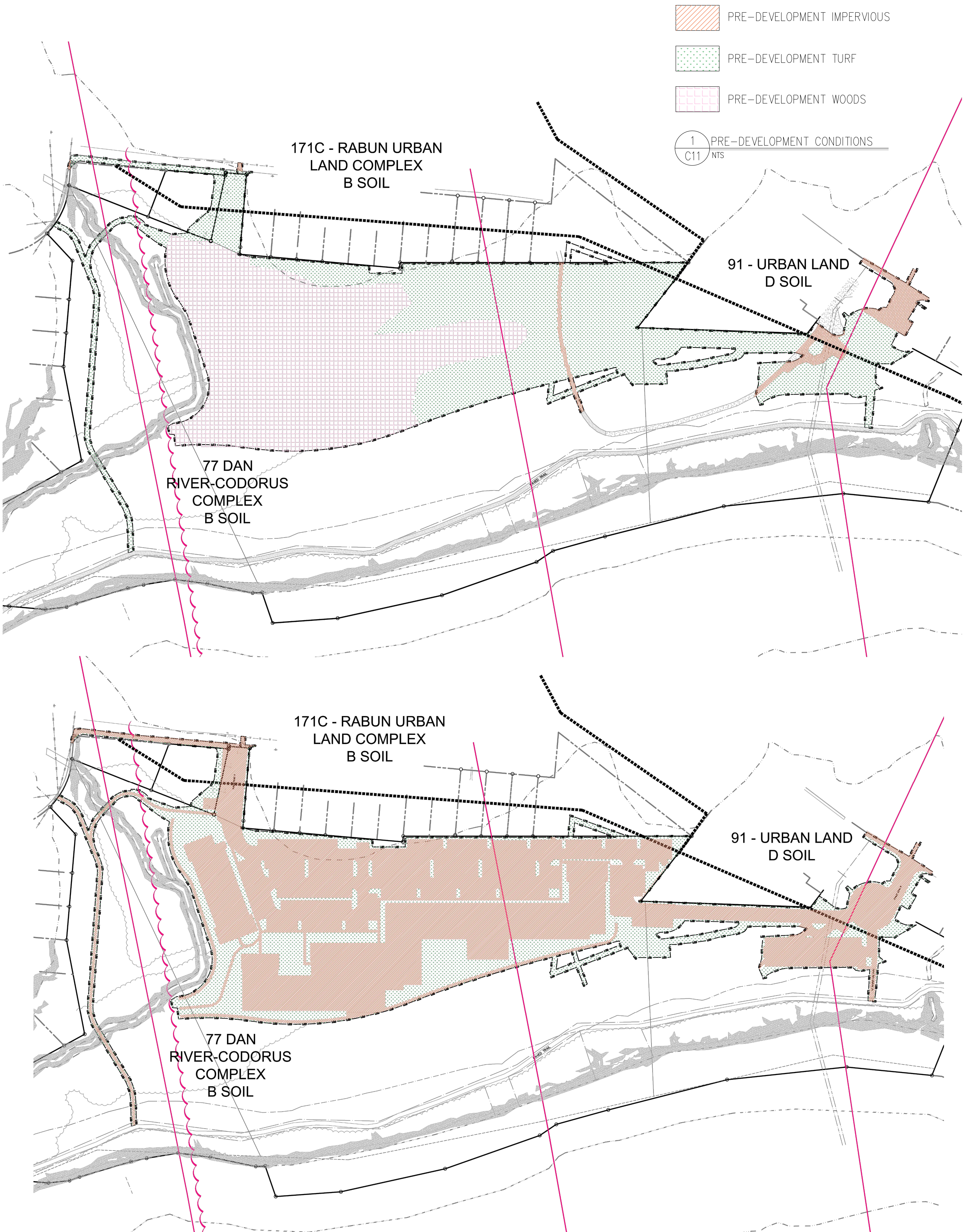
**Proposed Site Outfall #1**  
Onsite development runoff to be routed to underground detention facility. Runoff from site is directed to existing receiving channel. Energy Balance showing compliance with 1 yr flow rate to be provided with final site plan. Site outfall point is within a mapped floodplain, therefore 10 yr capacity requirements for outfall channel are not required. Post Development 10 yr storm capacity for new storm sewer will be provided.

**Proposed Site Outfall #2**  
Discharge to sheet flow to open space using engineered level spreader, BMP spec. 2. Flood protection criteria met by providing adequate stormwater conveyance to point of outfall within 100-yr floodplain.

EFFECTIVE  
BFE=331.65 FW=332.06







Site Results (Water Quality Compliance)						
Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	0.00	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.00	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.00	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	
Site Treatment Volume (ft <sup>3</sup> )	21,572					
Runoff Reduction Volume and TP By Drainage Area						
	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft <sup>3</sup> )	0	0	0	0	0	0
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
TP LOAD REMAINING (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
Total Phosphorus						
FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	13.55					
TP LOAD REDUCTION REQUIRED (lb/yr)	10.23					
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00					
TP LOAD REMAINING (lb/yr)	13.55					
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	10.23					
Total Nitrogen (For Information Purposes)						
POST-DEVELOPMENT LOAD (lb/yr)	96.96					
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00					
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	96.96					

DEQ Virginia Runoff Reduction Method New Development Compliance Spreadsheet - Version 3.0

2011 BMP Standards and Specifications 2013 Draft BMP Standards and Specifications

Project Name: 0 E High Street

Date: 6/2/2023

BMP Design Specifications List:

Site Information

Post-Development Project (Treatment Volume and Loads)

Land Cover (acres)	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) - undisturbed, protected forest/open space or reforested land					0.00
Managed Turf (acres) - disturbed, graded for yards or other turf to be mowed/managed		2.24		0.11	2.35
Impervious Cover (acres)	5.48			0.28	5.76
					8.11

Constants	
Annual Rainfall (inches)	43
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) EMC (mg/L)	0.26
Total Nitrogen (TN) EMC (mg/L)	1.86
Target TP Load (lb/acre/yr)	0.41
g (unitless correction factor)	0.90

Runoff Coefficients (Rv)	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Post-Development Requirement for Site Area

TP Load Reduction Required (lb/yr)	
10.23	

LAND COVER SUMMARY -- POST DEVELOPMENT	
Land Cover Summary	
Forest/Open Space Cover (acres)	0.00
Weighted Rv (Forest)	0.00
% Forest	0%
Managed Turf Cover (acres)	2.35
Weighted Rv (turf)	0.20
% Managed Turf	29%
Impervious Cover (acres)	5.76
Rv (Impervious)	0.95
% Impervious	71%
Site Area (acres)	8.11
Site Rv	0.73

Treatment Volume and Nutrient Loads	
Treatment Volume (acre-ft)	0.4952
Treatment Volume (cubic feet)	21,572
TP Load (lb/yr)	13.55
TN Load (lb/yr) (Informational Purposes Only)	96.96

SHIMP ENGINEERING & LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTESVILLE VA, 22802

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PRELIMINARY SITE DEVELOPMENT PLAN

0 EAST HIGH STREET

CITY OF CHARLOTTESVILLE, VIRGINIA

SUBMISSION: 2022.08.05

REVISION: 2022.12.07, 2023.02.17, 2023.06.02

FILE NO. 20.017

VRRM MAPS & CALCULATIONS



LANDSCAPE SCHEDULE								
Plant Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./Height	Quantity	Total Height(ft) in 10 Yrs	Canopy SF	Total Canopy SF
	Large Deciduous Tree	Quercus phellos	Willow Oak	2" Cal.	20	31	370	7400
	Large Deciduous Tree	Quercus falcata	Southern Red Oak	2" Cal.	35	31	424	14840
	Large Deciduous Tree	Tilia americana	American Linden	2" Cal.	11	26	191	2101
	Large Deciduous Tree	Ulmus americana	American Elm	2" Cal.	30	25	397	11910
	Large Deciduous Tree	Tilia cordata	Littleleaf Linden	2" Cal.	20	27	249	4980
	Medium Deciduous Tree	Carpinus betulus	European Hornbeam	2" Cal.	10	20	177	1770
	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	6-8" Ht.	21	19	130	2730
	Evergreen Shrub	Myrica cerifera	Southern Wax Myrtle	12" Ht.	64	10	44	2816
	Evergreen Shrub	Viburnum awabuki 'Chindo'	Chindo Viburnum	12" Ht.	24	10	22	528
	Evergreen Shrub	Ilex glabra	Inkberry Holly	12" Ht.	51	6	23	1173
	Evergreen Shrub	Photinia x frazeri	Photinia	12" Ht.	18	10	20	360
	Evergreen Shrub	Rhododendron	Azalea	12" Ht.	34	4	10	340
	Evergreen Shrub	Ilex crenata	Soft Touch Holly	12" Ht.	40	5	16	640
	Deciduous Shrub	Cornus amomum	Silky Dogwood	12" Ht.	17	8	72	1224
							TOTAL SF:	52812

LANDSCAPING REQUIRED:

SITE REQUIREMENT (SEC. 34-869(b)): 15% CANOPY REQUIRED FOR RESIDENTIAL DENSITIES BETWEEN 10 AND 20 DUA.  
PROJECT AREA: 7.4 AC (323,756 SF)  
323,756 SF x 15% = 48,563 SF  
CANOPY REQUIRED: 48,563 SF  
CANOPY PROVIDED: 52,812 SF

STREET TREES (SEC. 34-870): 1 LARGE TREE, 40' O.C. ADJ. TO PUBLIC STREET RIGHT-OF-WAY

INTERIOR PARKING AREA (SEC. 24-11.9.7): 5% OF THE PAVED PARKING AREA & 1 MEDIUM SHADE TREE PER 8 PARKING SPACES  
104,027 SF x 5% = 5,202 SF  
REQUIRED: 5,202 SF  
PROVIDED: 8,135 SF

320 SURFACE PARKING SPACES PROVIDED  
REQUIRED: 40 LARGE OR MEDIUM SHADE TREES  
PROVIDED: 16 LARGE SHADE TREE + 24 MEDIUM SHADE TREES

PARKING LOT SCREENING (SEC. 34-873): A CONTINUOUS LANDSCAPE BUFFER OF AT LEAST 5' IN WIDTH SHALL BE ESTABLISHED BETWEEN THE EDGE OF A PARKING LOT AND AN ADJACENT PROPERTY. ONE LARGE TREE AND THREE SHRUBS SHALL BE PLANTED FOR EVERY 15' OF LENGTH OF THE PROPERTY LINE.

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

LEGEND

CRITICAL SLOPES LOT REGULATIONS GENERAL

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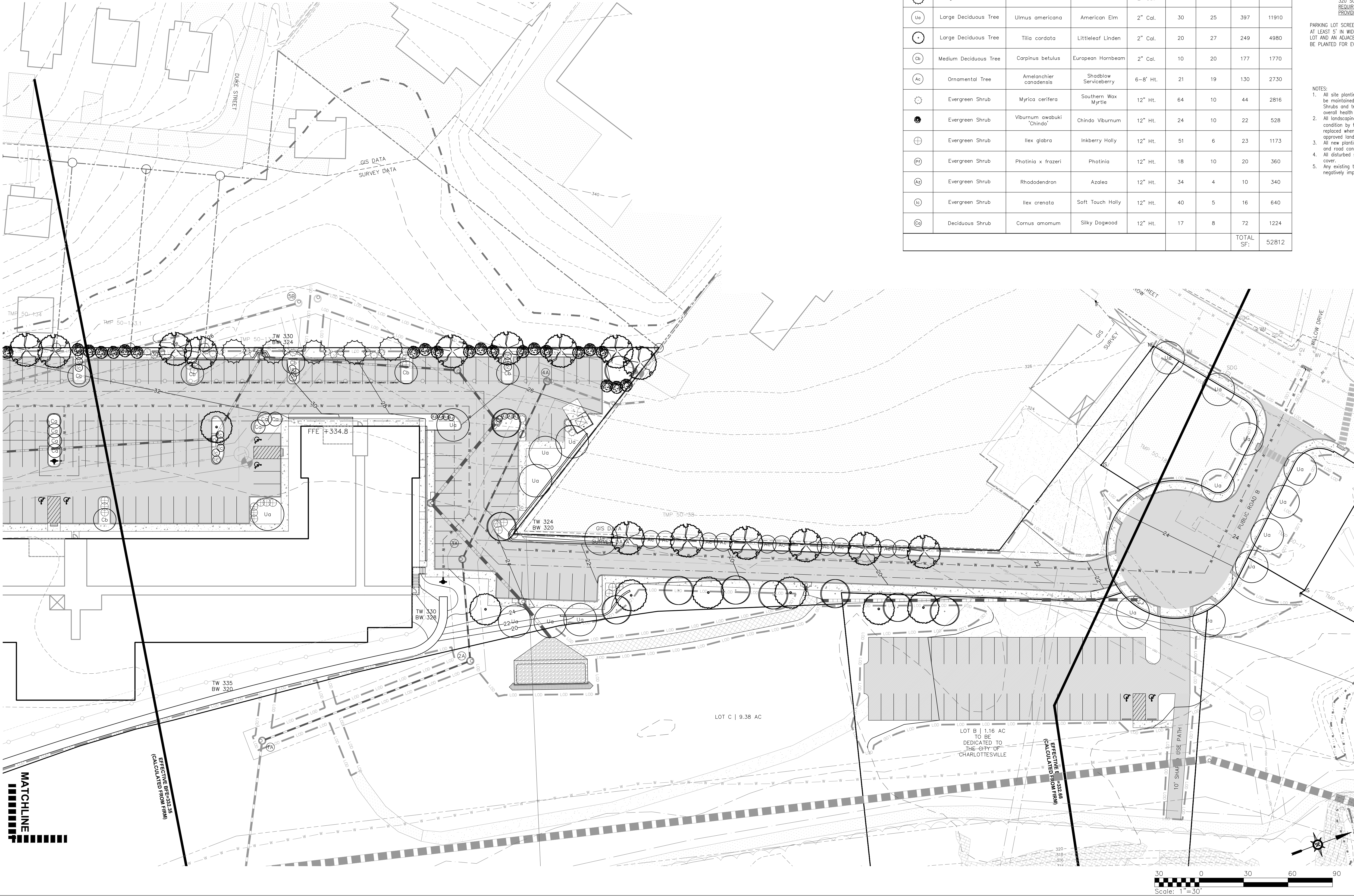
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
**REVISION:**  
2022.12.07  
2023.02.17  
2023.06.02

FILE NO. 20.017  
**LANDSCAPE PLAN**

C12





LANDSCAPE SCHEDULE								
Plant Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./Height	Quantity	Total Height(ft) in 10 Yrs	Canopy SF	Total Canopy SF
	Large Deciduous Tree	Quercus phellos	Willow Oak	2" Cal.	20	31	370	7400
	Large Deciduous Tree	Quercus falcata	Southern Red Oak	2" Cal.	35	31	424	14840
	Large Deciduous Tree	Tilia americana	American Linden	2" Cal.	11	26	191	2101
	Large Deciduous Tree	Ulmus americana	American Elm	2" Cal.	30	25	397	11910
	Large Deciduous Tree	Tilia cordata	Littleleaf Linden	2" Cal.	20	27	249	4980
	Medium Deciduous Tree	Corpinus betulus	European Hornbeam	2" Cal.	10	20	177	1770
	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	6-8' Ht.	21	19	130	2730
	Evergreen Shrub	Myrica cerifera	Southern Wax Myrtle	12" Ht.	64	10	44	2816
	Evergreen Shrub	Viburnum awabuki 'Chindo'	Chindo Viburnum	12" Ht.	24	10	22	528
	Evergreen Shrub	Ilex glabra	Inkberry Holly	12" Ht.	51	6	23	1173
	Evergreen Shrub	Photinia x frazeri	Photinia	12" Ht.	18	10	20	360
	Evergreen Shrub	Rhododendron	Azalea	12" Ht.	34	4	10	340
	Evergreen Shrub	Ilex crenata	Soft Touch Holly	12" Ht.	40	5	16	640
	Deciduous Shrub	Cornus amomum	Silky Dogwood	12" Ht.	17	8	72	1224
TOTAL SF:								52812

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NOTES:

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

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

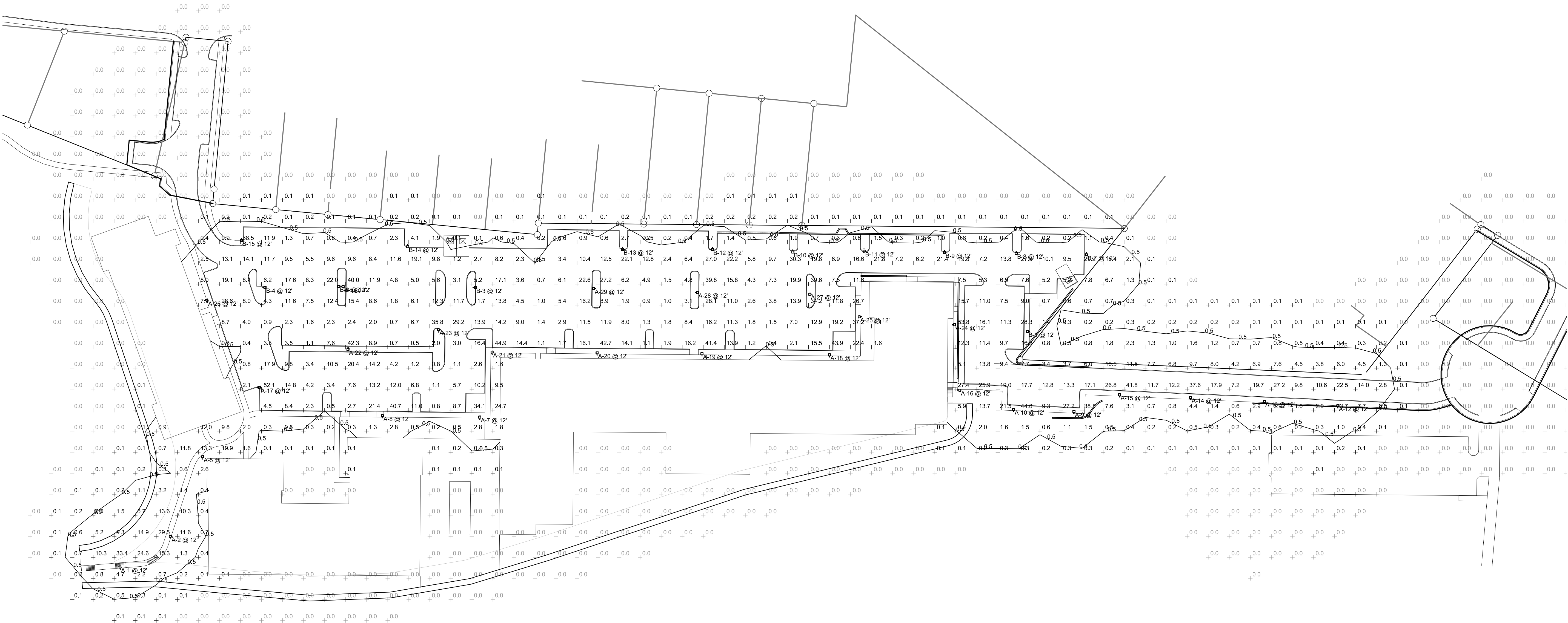
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
**REVISION:**  
2022.12.07  
2023.02.17  
2023.06.02

FILE NO. 20.017  
**LANDSCAPE PLAN**

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Number of Lamps	Filename	Wattage	Light Loss Factor
<div><div></div><div></div></div>	A	25	SIGNIFY GARDCO	ECF-L-96L-1.4A-WW-G2-4	EcoForm Area LED ECF - Large, 96 LED's, 3000K CCT, TYPE 4 OPTIC, No Shield	(6) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1370mA	ecf-l-96l-1-4a-ww-g2-4.ies	422.0	1.00
<div><div></div><div></div></div>	B	14	SIGNIFY GARDCO	ECF-L-96L-1A-WW-G2-4-HIS	EcoForm Area LED ECF - Large, 96 LED's, 3000K CCT, TYPE 4-HIS OPTIC, House-side Internal Shielding	(6) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1050mA	ecf-l-96l-1a-ww-g2-4-his.ies	316.4	1.00

- Lighting Notes:
- Per Sec. 34-1003(c) of the Charlottesville Zoning Ordinance, pole mounted fixtures shall be mounted at a height of 12' from the finished grade which includes the pole base, outside of the public ROW and immediately adjacent to low-density residential districts.
  - Each outdoor luminaire equipped with a lamp that emits 3,000 or more initial lumens shall be a full cutoff luminaire and shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent roads. The spillover of lighting from luminaires onto public roads and property in residential or rural areas zoning districts shall not exceed one half footcandle.



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COMMONWEALTH OF VIRGINIA

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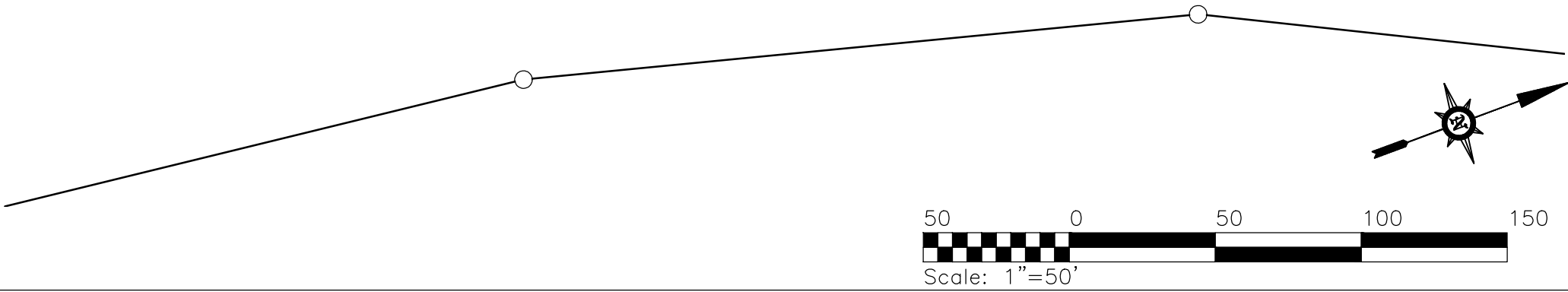
Lic. No. 45183

PROFESSIONAL ENGINEER

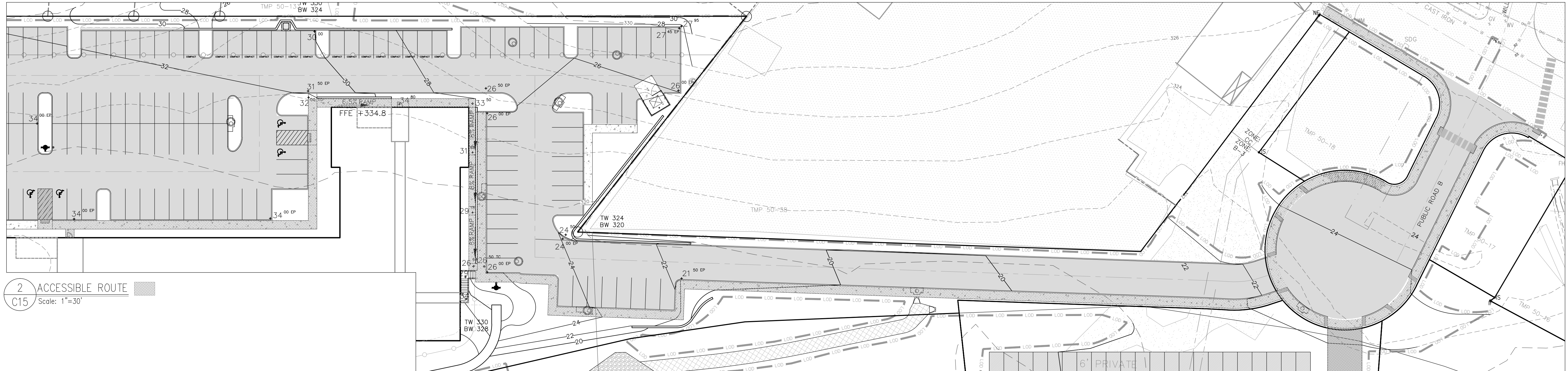
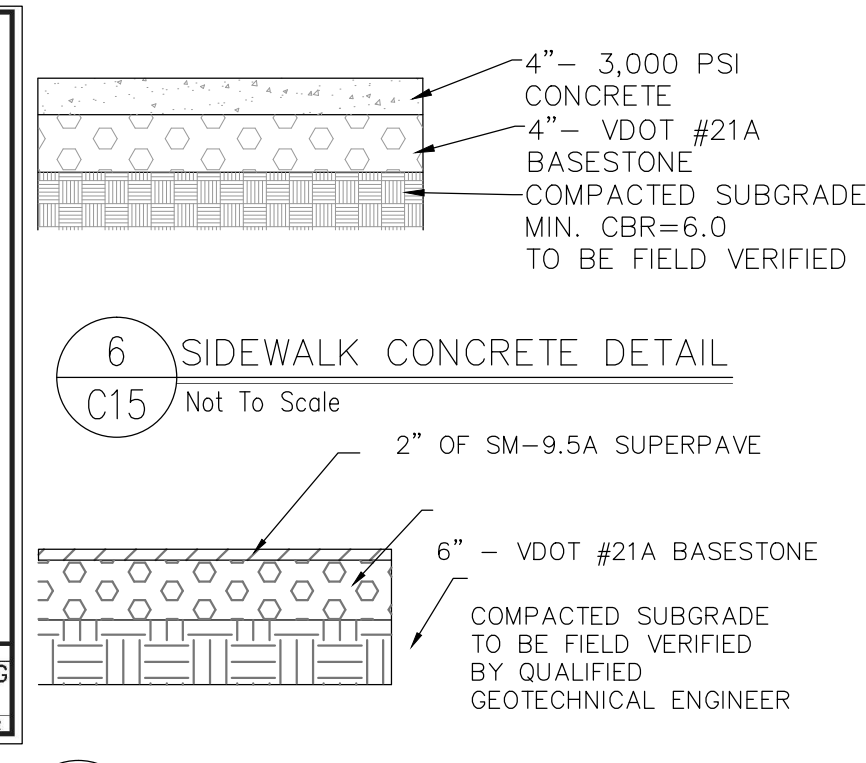
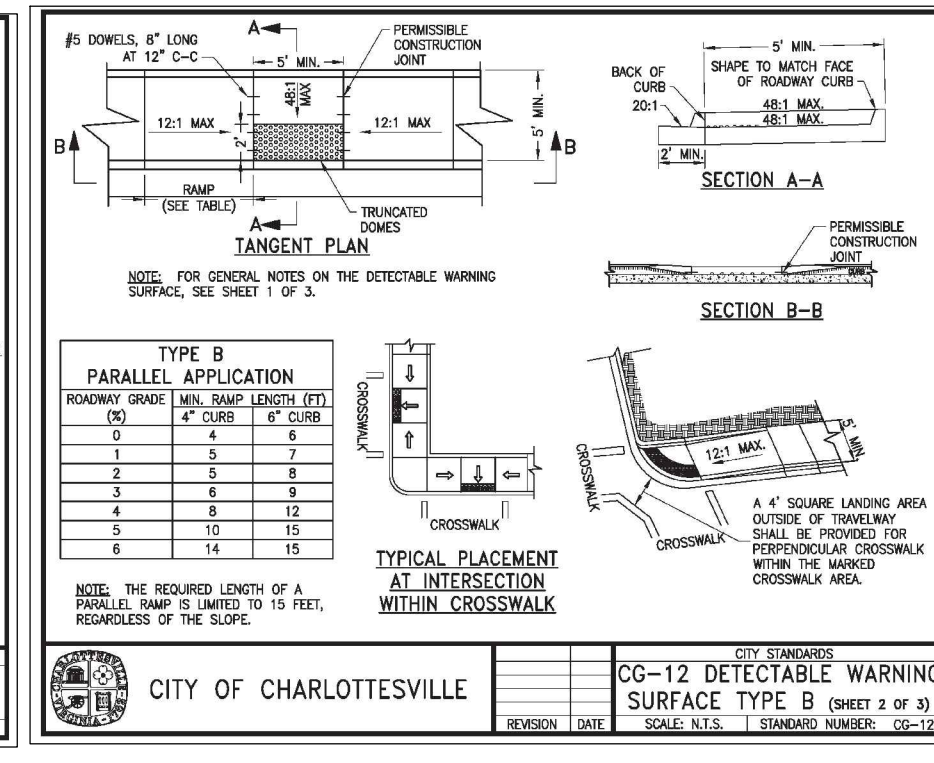
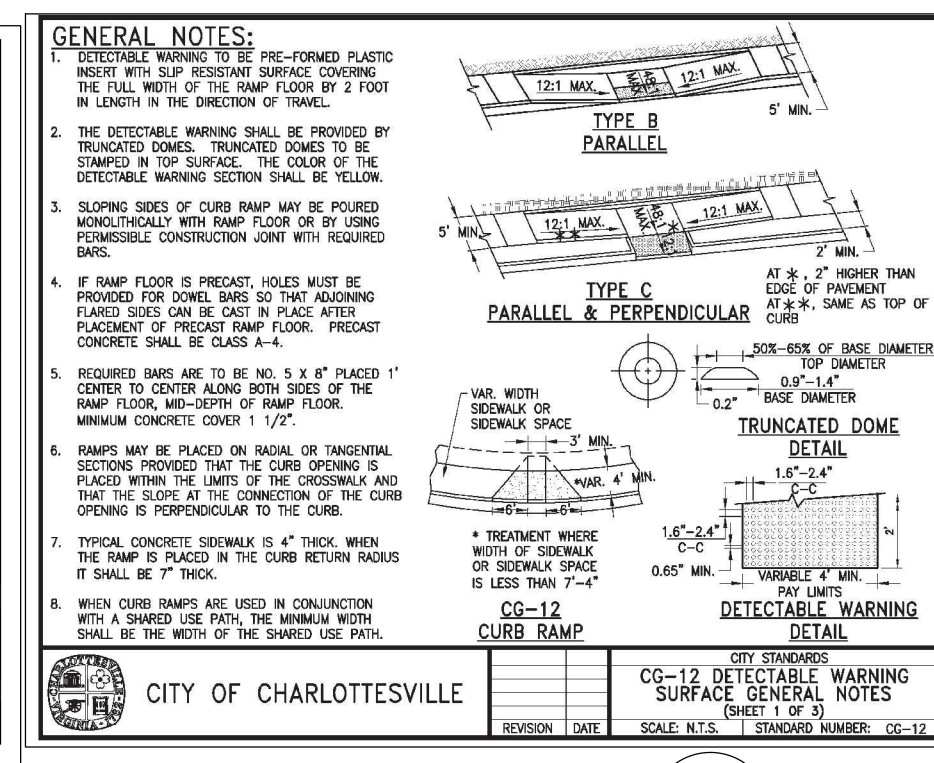
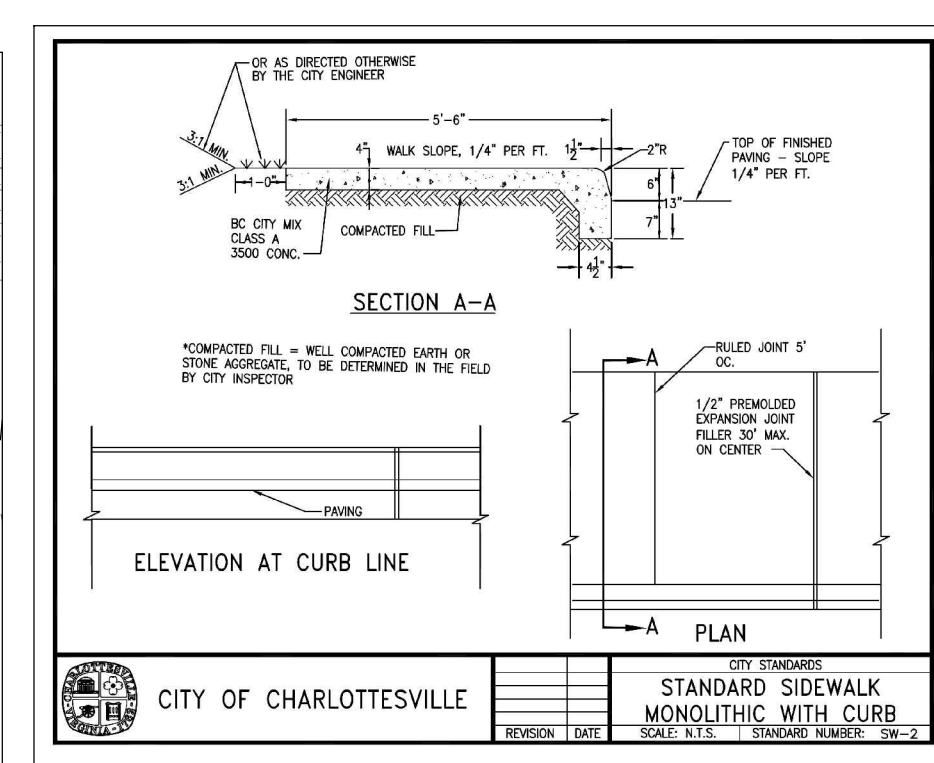
PRELIMINARY SITE DEVELOPMENT PLAN  
0 EAST HIGH STREET

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2022.08.05  
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FILE NO. 20.017  
LIGHTING PLAN







2 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'

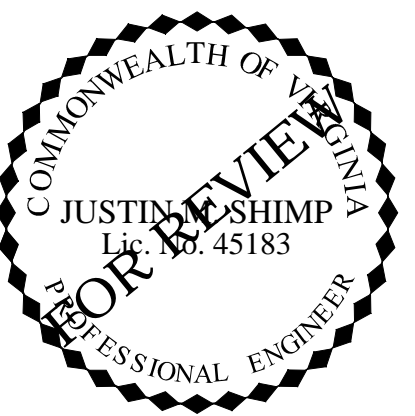
1 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'

3 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'

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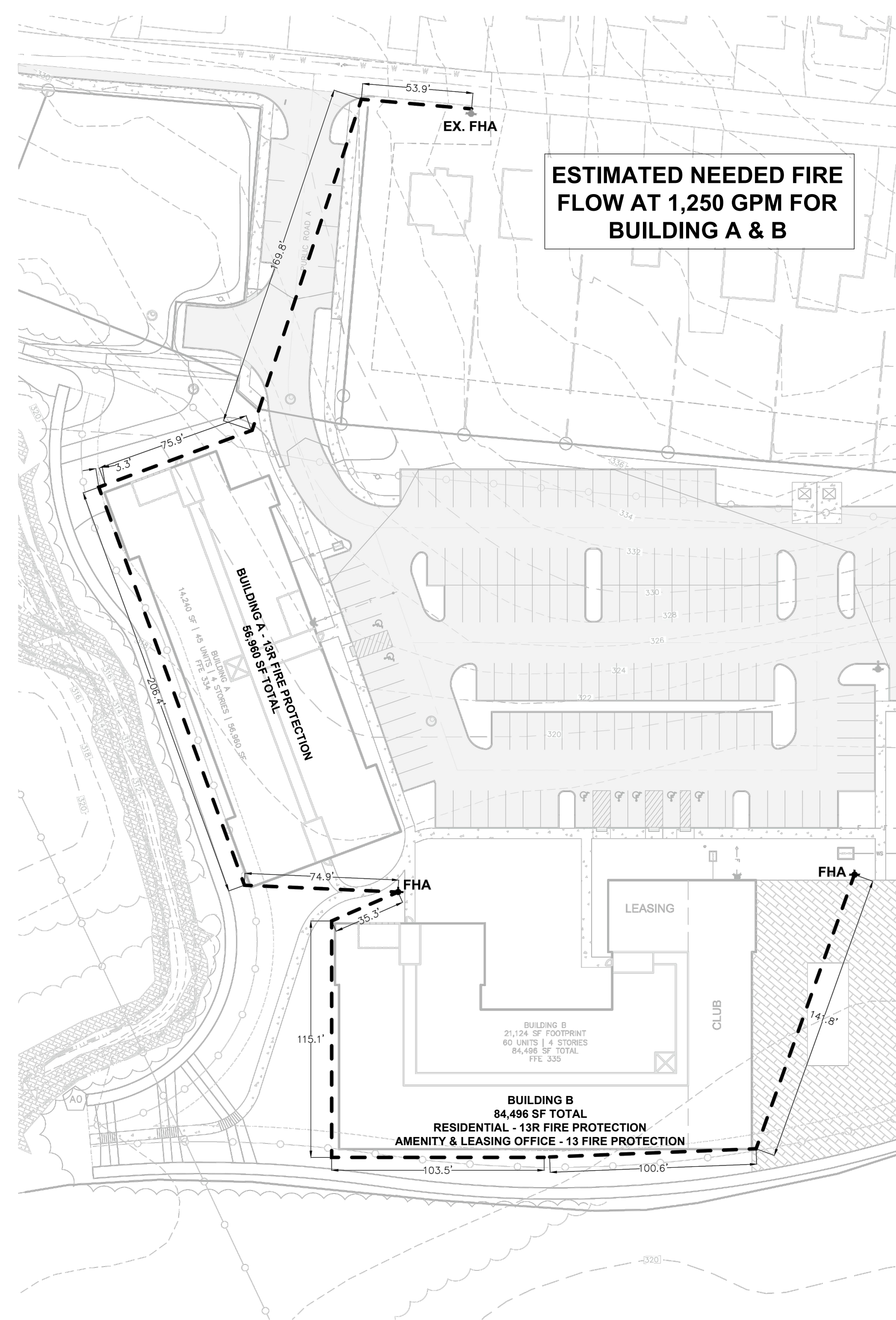


PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

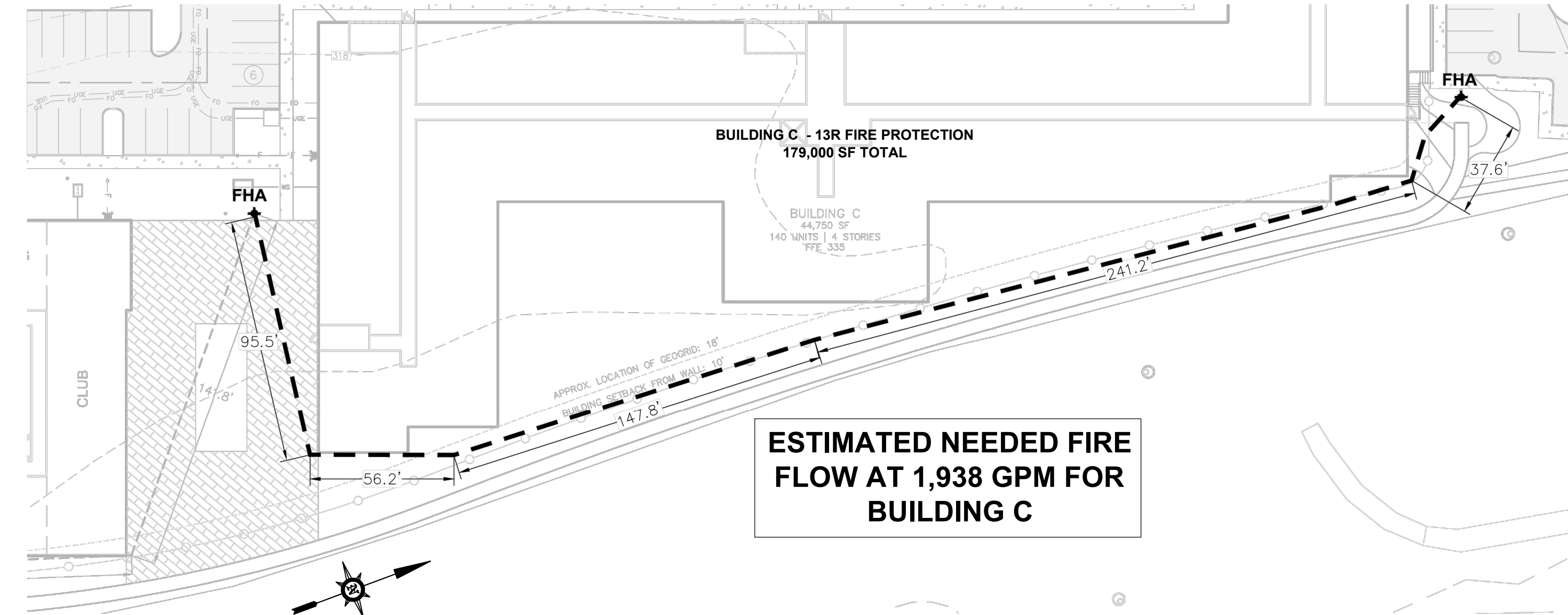
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
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2022.12.07  
2023.02.17  
2023.06.02

FILE NO. 20.017  
**SITE DETAILS**



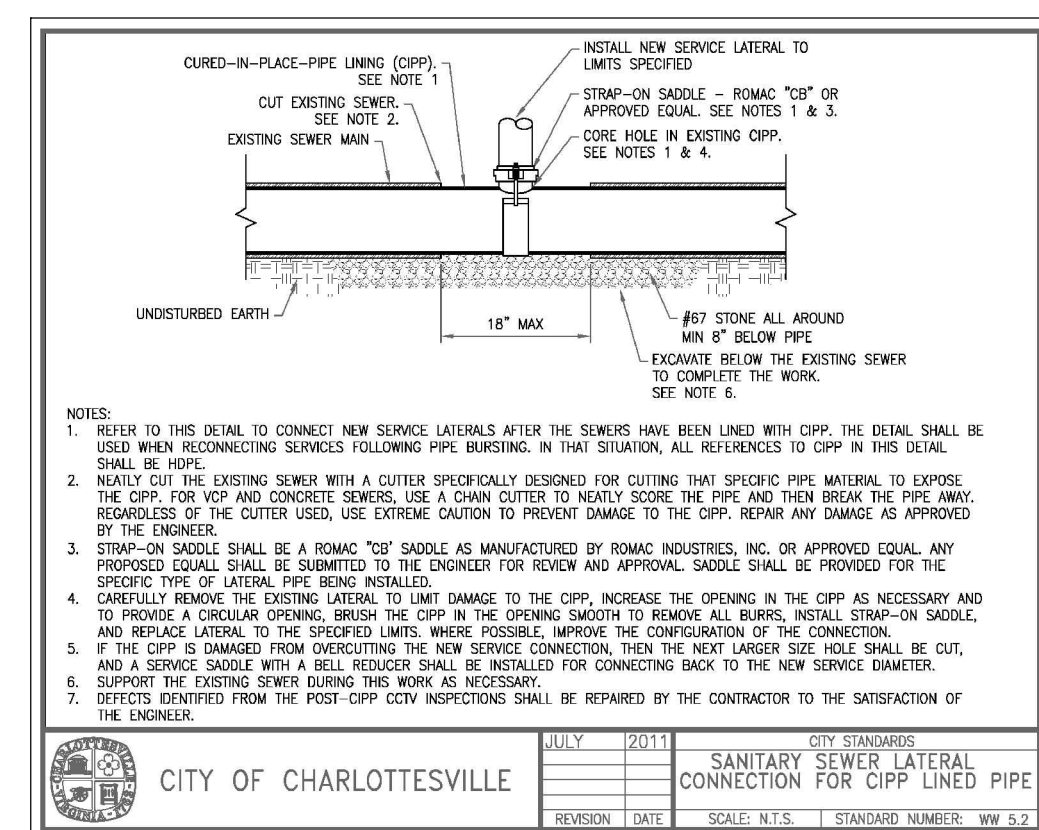


ESTIMATED NEEDED FIRE FLOW AT 1,250 GPM FOR BUILDING A & B

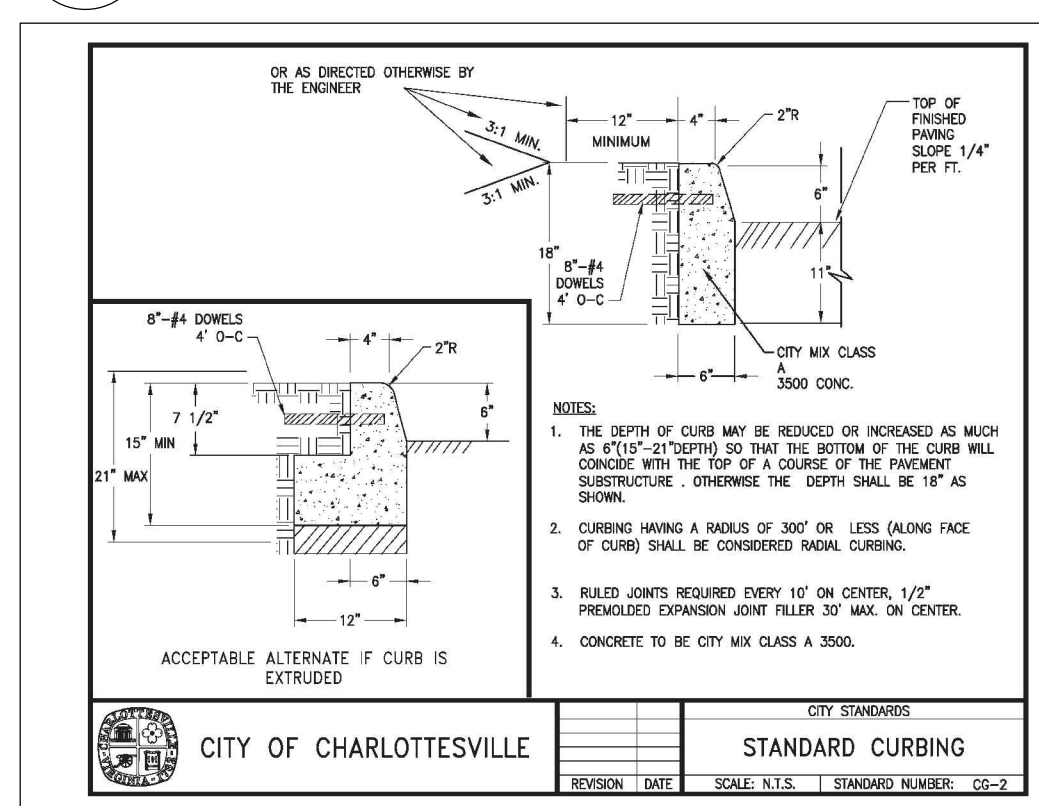


ESTIMATED NEEDED FIRE FLOW AT 1,938 GPM FOR BUILDING C

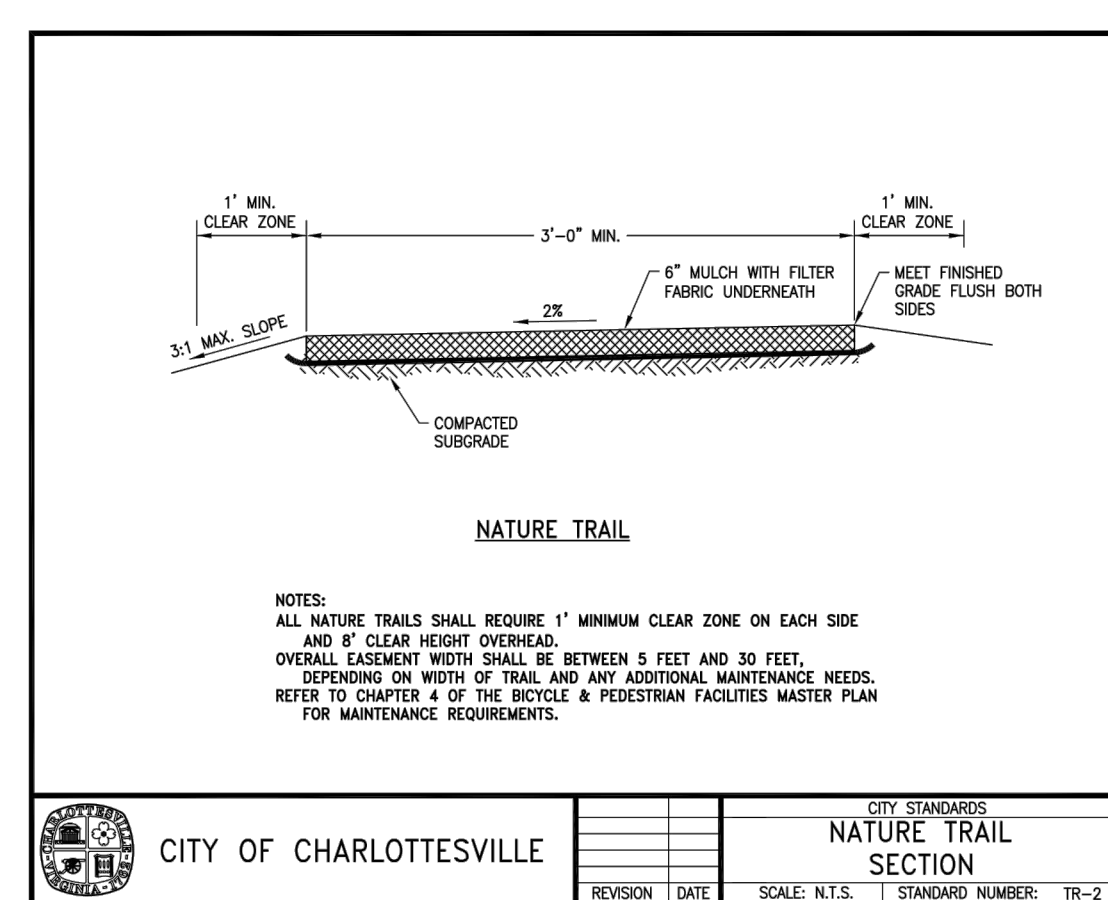
2 DISTANCE BETWEEN FHA & BUILDINGS (MAX 300')  
C16 SCALE: 1"=40'



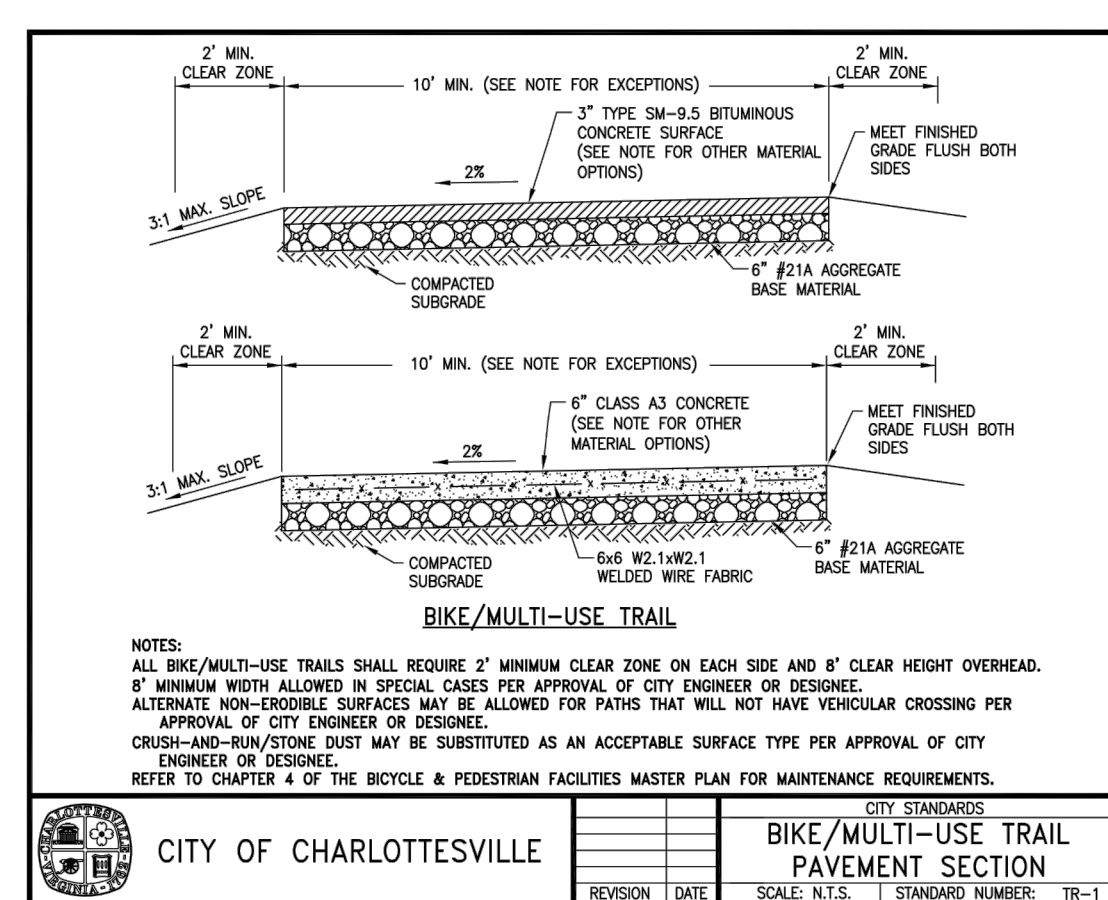
3 CITY OF CHARLOTTEVILLE SANITARY SEWER CONNECTION FOR CIPP LINED PIPE  
C16 Not To Scale



4 CITY OF CHARLOTTEVILLE STD CURBING  
C16 Not To Scale

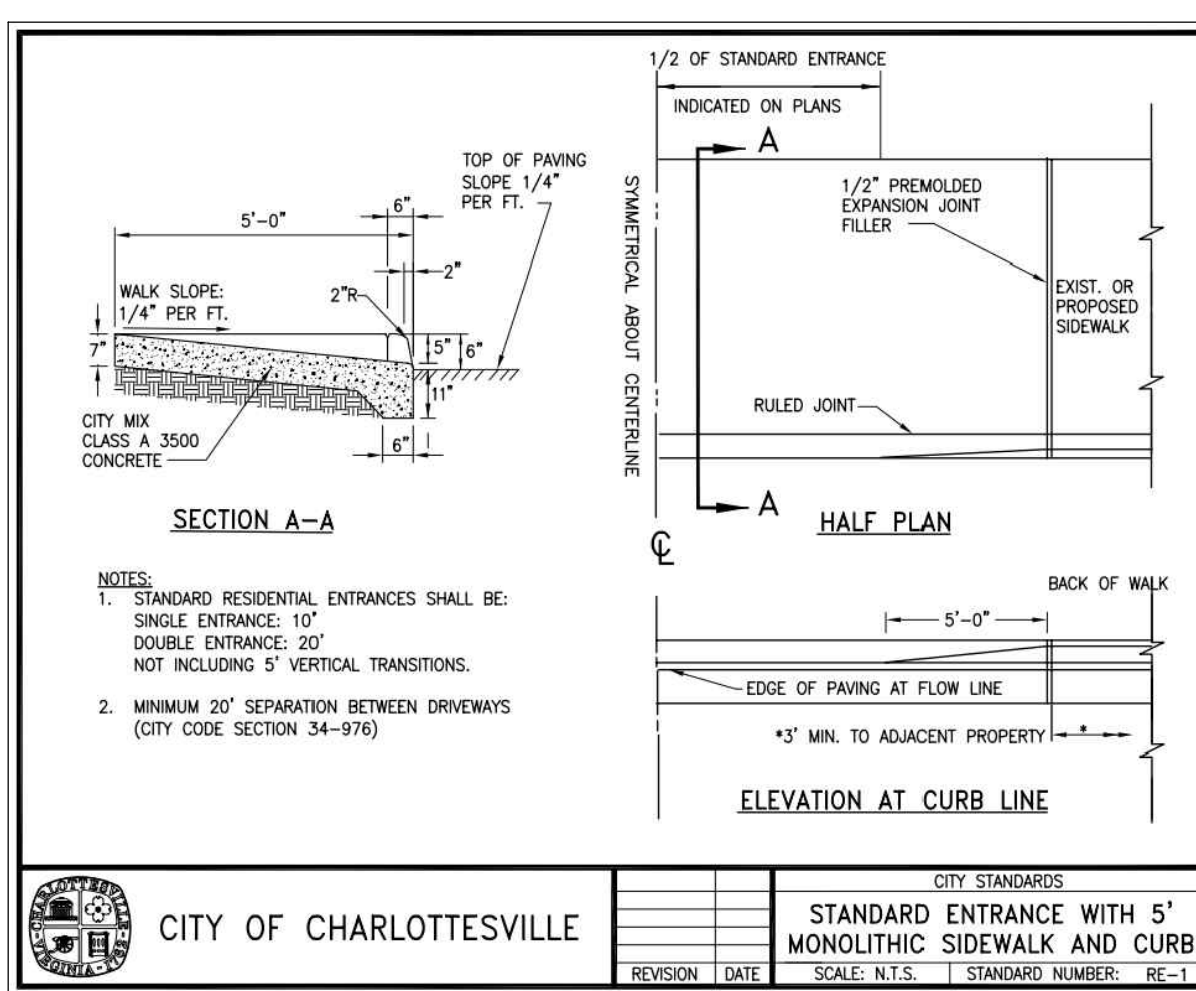


5 CITY OF CHARLOTTEVILLE NATURE TRAIL DETAIL  
C16 Not To Scale

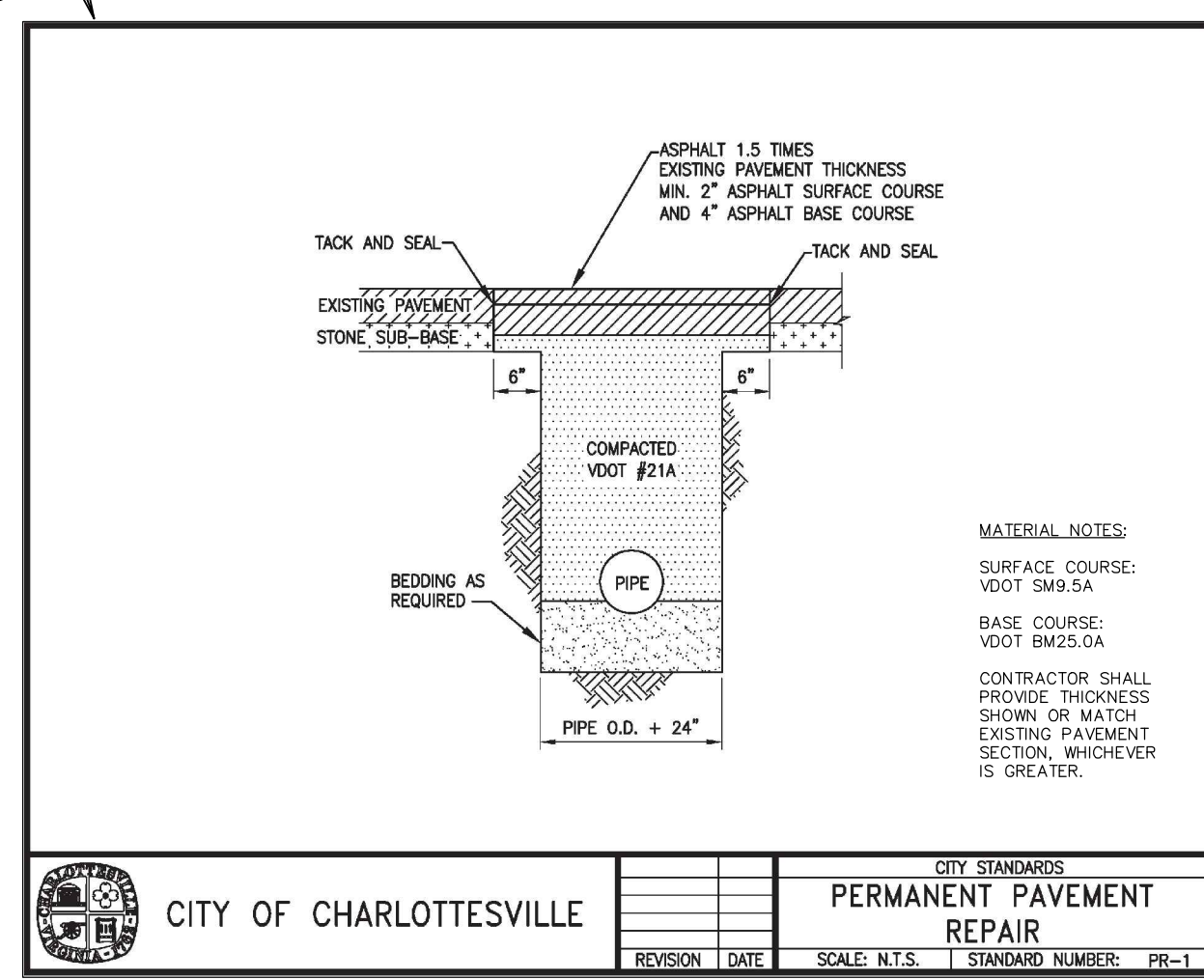


6 CITY OF CHARLOTTEVILLE MULTISE PATH DETAIL  
C16 Not To Scale

1 DISTANCE BETWEEN FHA & BUILDINGS (MAX 300')  
C16 SCALE: 1"=40'



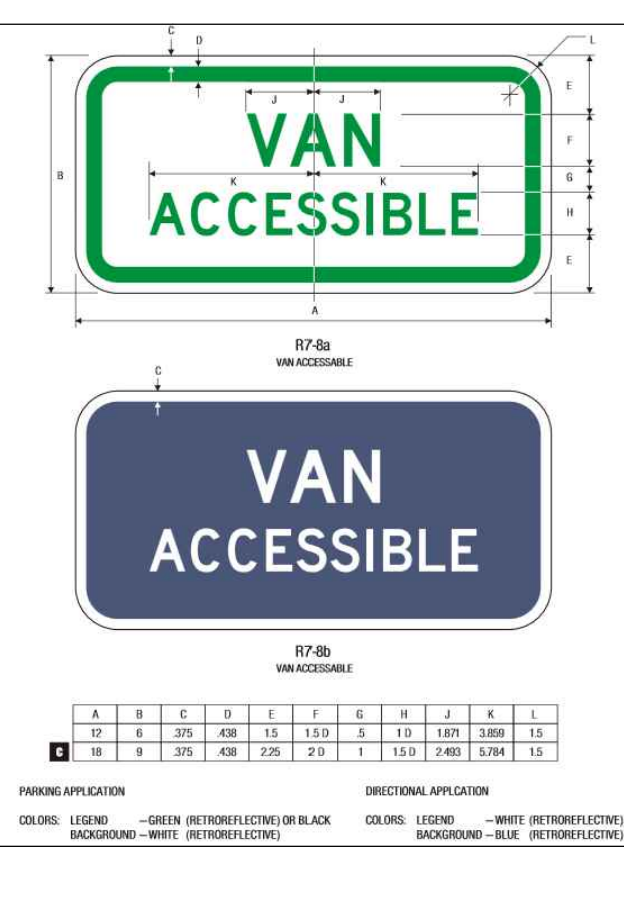
7 CITY OF CHARLOTTEVILLE STD ENTRANCE  
C16 NOT TO SCALE



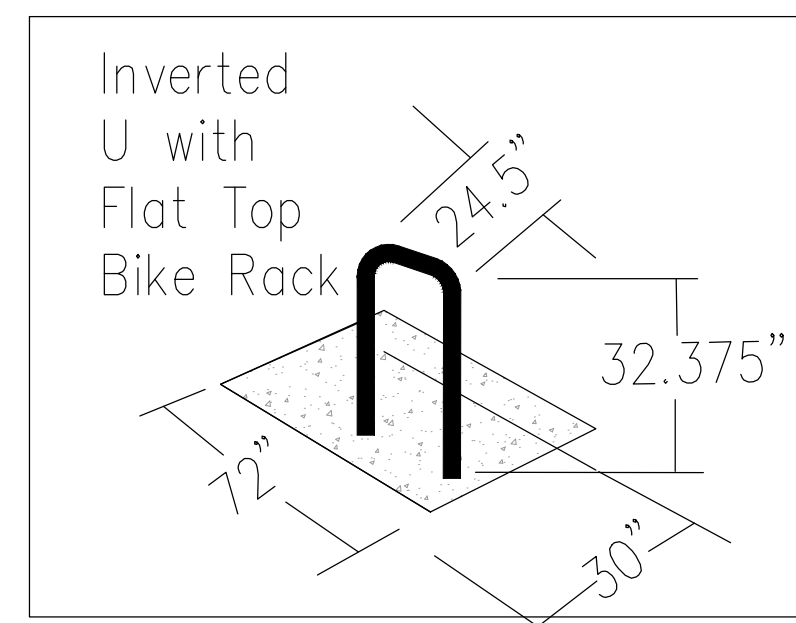
8 CITY OF CHARLOTTEVILLE STD ENTRANCE PERMANENT PAVEMENT REPAIR  
C16 Not To Scale



9 HANDICAP PARKING SIGN  
C16 NOT TO SCALE



10 PENALTY SIGN DETAIL  
C16 NOT TO SCALE

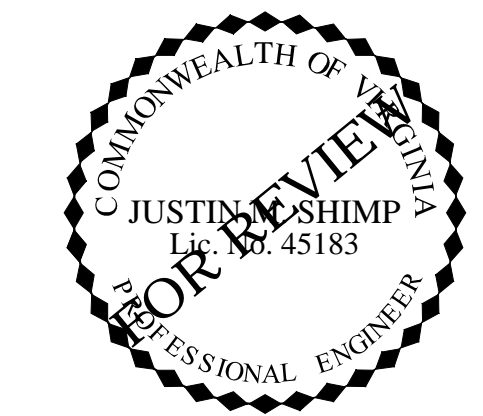


11 INVERTED U BIKE RACK DETAIL  
C16 Not To Scale

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:**  
2022.08.05  
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2022.12.07  
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FILE NO. 20.017  
**SITE EXHIBITS & DETAILS**

**C16**



0 E High Street Sewer Demand Calculation					
Use	Bedrooms		Number of Users	Flow Per User	Total Sewer Demand
				(gpd)	(gpd)
Bedroom Units * 1.9 persons	330	Units	627	Persons 100	62700
		Units		Persons 100	0
		SF		Persons 100	0
Total Estimated Sewer Demand:					62700

Water Demand Calculations					
Residential	245	units			
Max Hour Demand					
Residential:					
2 gpm/unit	=	490	gpm	=	29400 gph
or					
Q=11.4*N*0.544	=	227.306	gpm	=	13638.37 gph (not used)
Commercial:					
Office Space	=	200/1,000	sf	=	Average Daily Flows 0.00 gpd
					0.00 gph
Max Hour	=	11.84 x 300%		=	0.00 gph
Total =	29400	+	0.00	=	29400.00 gph
Peak Hour Demand					
Residential:					
3 gmp Per	=	735	gpm	=	44100 gph
Commercial:					
1.5 Max Hour Demand Commercial	=			=	0.00 gph
Total =	44100	+	0	=	44100.00 gph

**BUILDING A**  
SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No.	50-144	Blk. No.	
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	54 =	432		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	44 =	96.8		
Lavatory	1.5 x	59 =	88.5		
Showerhead (Shower Only)	2.5 x	5 =	12.5		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	59 =	236		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	44 =	88		
Washing Machine	6 x	44 =	264		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
Combined Fixture Value Total			=	1217.8	
Pressure Factor from Table 4-1 = 1.34gpm		110 psi			
Customer Peak Demand From Fig. 4 -2 or 4 -3 x Press. Factor		65 gpm x 1.34 gpm	=	87.1	gpm
Add Irrigation -		Sections* x 1.16 or 0.40+	=		gpm
1 Hose-Bib x 9		Hose Bibs x Fixture Value x Press. Factor	=	12.06	gpm
Added Fixed Load			=		gpm
TOTAL FIXED DEMAND			=	99.16	gpm
* 100 ft² area = 1 section + Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

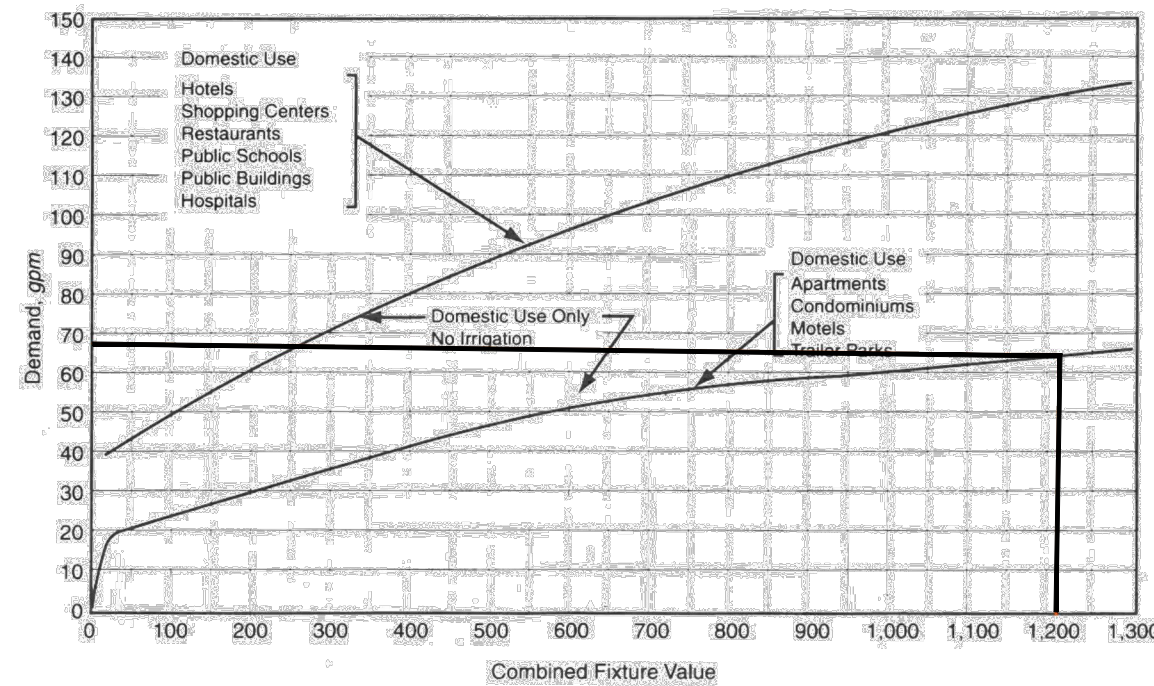


Figure 4-2 Water flow demand per fixture value—low range

**BUILDING B**  
SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No.	50-144	Blk. No.	
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	76 =	608		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	61 =	134.2		
Lavatory	1.5 x	82 =	123		
Showerhead (Shower Only)	2.5 x	6 =	15		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	82 =	328		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	61 =	122		
Washing Machine	6 x	61 =	366		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
Combined Fixture Value Total			=	1696.2	
Pressure Factor from Table 4-1 = 1.34gpm		110 psi			
Customer Peak Demand From Fig. 4 -2 or 4 -3 x Press. Factor		70 gpm x 1.34 gpm	=	93.8	gpm
Add Irrigation -		Sections* x 1.16 or 0.40+	=		gpm
1 Hose-Bib x 9		Hose Bibs x Fixture Value x Press. Factor	=	12.06	gpm
Added Fixed Load			=		gpm
TOTAL FIXED DEMAND			=	105.86	gpm
* 100 ft² area = 1 section + Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

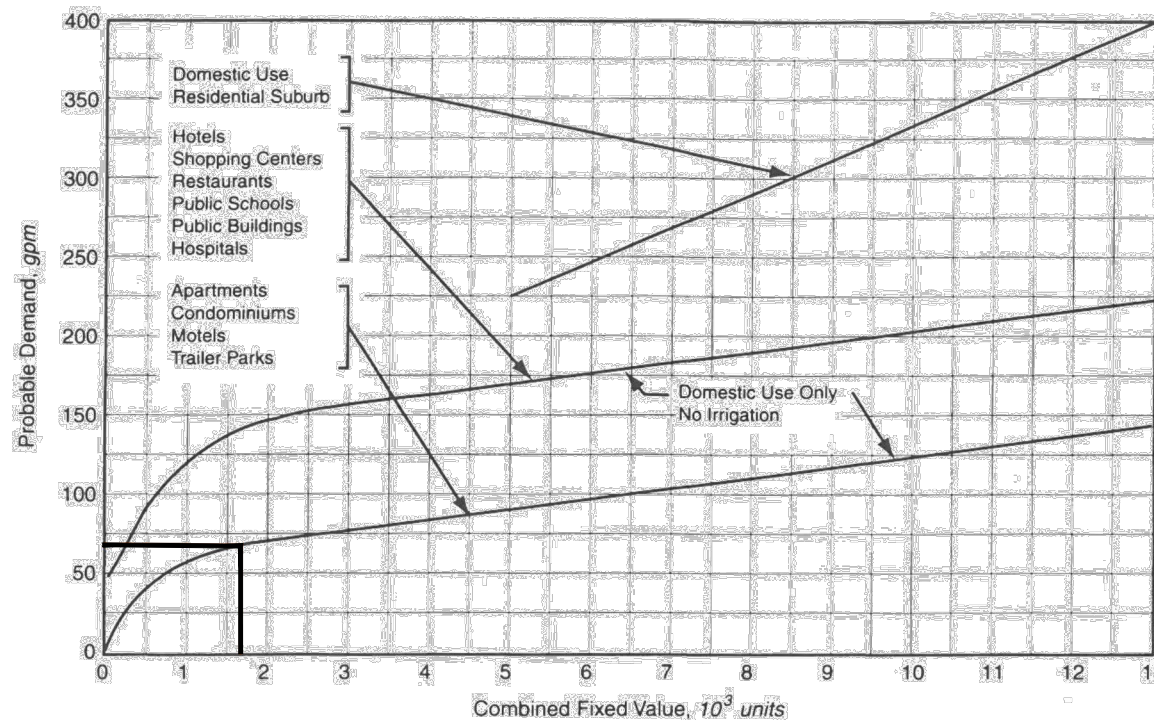


Figure 4-3 Water flow demand per fixture value—high range

**BUILDING C**  
SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No.	50-144	Blk. No.	
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	175 =	1400		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	140 =	308		
Lavatory	1.5 x	175 =	262.5		
Showerhead (Shower Only)	2.5 x	14 =	35		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	175 =	700		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	140 =	280		
Washing Machine	6 x	140 =	840		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
Combined Fixture Value Total			=	3825.5	
Pressure Factor from Table 4-1 = 1.34gpm		110 psi			
Customer Peak Demand From Fig. 4 -2 or 4 -3 x Press. Factor		88 gpm x 1.34 gpm	=	117.92	gpm
Add Irrigation -		Sections* x 1.16 or 0.40+	=		gpm
2 Hose-Bib x 9		Hose Bibs x Fixture Value x Press. Factor	=	24.12	gpm
Added Fixed Load			=		gpm
TOTAL FIXED DEMAND			=	142.04	gpm
* 100 ft² area = 1 section + Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

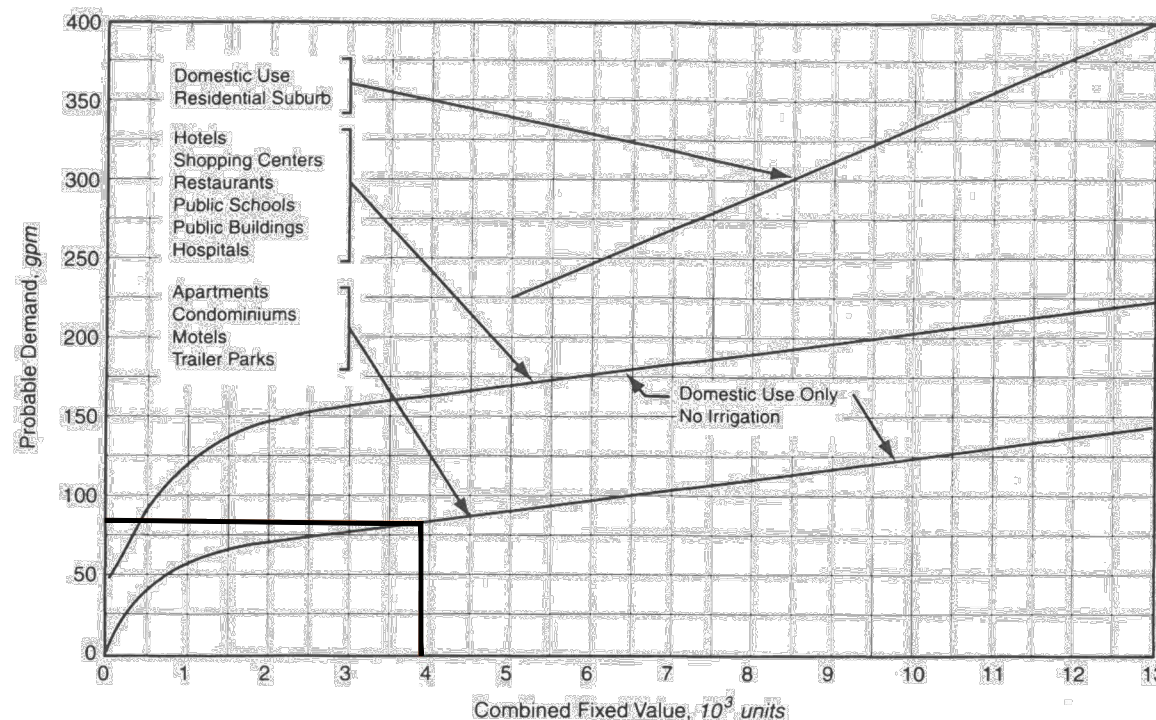
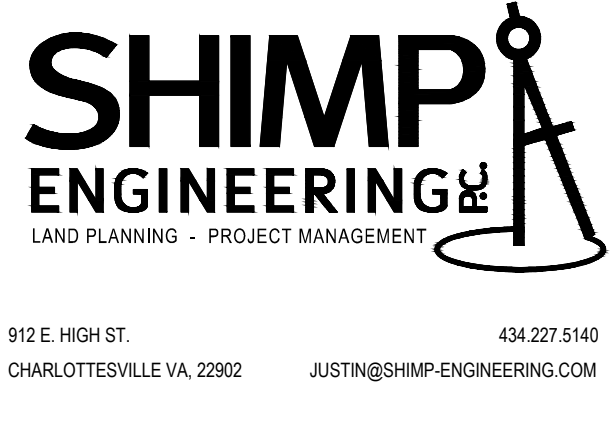


Figure 4-3 Water flow demand per fixture value—high range



PRELIMINARY SITE DEVELOPMENT PLAN

**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA

**SUBMISSION:**

2022.08.05

REVISION:

2022.12.07

2023.02.17

2023.06.02

FILE NO.

20.017

**WATER & SANITARY  
DEMAND CALCULATIONS**

**C17**



**City of Charlottesville**  
*To be One Community Filled with Opportunity*  
Office of Community Solutions



To:	Planning Commission
Agenda Item:	<b>Charlottesville FY 2023-2024 HOME-ARP Action Plan &amp; Funding Recommendations</b> <i><b>DRAFT FOR PUBLIC COMMENT</b></i>
Date:	August 8, 2023
Presenter:	Anthony Warn, Grants Analyst Alex Ikefuna, Director, Office of Community Solutions
Action Requested:	Approval of the HOME-ARP Action Plan & approval to forward Taskforce funding recommendations to City Council for approval & appropriation of funds
Staff Contacts:	Anthony Warn, Grants Analyst <a href="mailto:warna@charlottesville.gov">warna@charlottesville.gov</a>

The City of Charlottesville is designated by the U.S. Department of Housing & Urban Development (HUD) as an 'Entitlement Community' and as such participates in the HOME Investment Partnerships program. Charlottesville is a participating member of the Thomas Jefferson Area HOME Consortium, in partnership with five neighboring counties: Albemarle, Fluvanna, Greene, Louisa & Nelson. This Consortium is managed through a Cooperation Agreement with the Thomas Jefferson Planning District Commission (TJPDC) whose staff coordinate HOME activities across the six Consortium localities.

Charlottesville has recently been notified by HUD of the availability of approximately \$2,452,270 through HUD's implementation of the America Rescue Plan, commonly referred to as HOME-ARP. As per the Consortium's Cooperation Agreement, all six Consortium members receive an equal share of the available funds, less administration & planning funds to TJPDC:

Participating Jurisdictions	HOME-ARP Allocation
City of Charlottesville	\$347,404.92
Albemarle County	\$347,404.92
Fluvanna County	\$347,404.92
Green County	\$347,404.92
Louisa County	\$347,404.92
Nelson County	\$347,404.92
Program Planning/Administration (TJPDC @ 15%)	\$367,840.50

<b>Total HUD Allocated HOME Fund</b>	<b>\$2,452,270.02</b>
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Based on multiple community needs assessments, most recently conducted as part of the Consortium's 5-Year Consolidated Plan, the Consortium decided to devote 100% of their HOME-ARP program funds to support programs that will acquire, rehabilitate, or construct rental housing within the Charlottesville City limits that are affordable to individuals and households with incomes at or below 60% of Charlottesville's Area Median Income (AMI), or \$55,500 for a household of four persons in 2023.

Consistent with past practices for HUD-funded programs, staff planned and implemented a competitive application process. All prospective applicants were required to attend a pre-application workshop, during which HUD and City goals and requirements were discussed in detail. The city's CDBG/HOME Taskforce was convened in July of 2023 to review all received requests for funding in line with established review criteria. Based on a careful review and consideration of each application, and with the goal of maximizing the impact of the limited funds available the Taskforce put forth the funding recommendations detailed below.

### **HOME ARP Taskforce Process & Recommendations**

In 2022, HUD published its Final Implementation Notice for its HOME-ARP program. This Notice established a number of requirements that differentiate HOME-ARP from previous HOME rounds of funding, notably:

- HUD established a set of Qualifying Populations intended to be the primary beneficiaries of funded programs: persons experiencing or at risk of experiencing homelessness; persons fleeing or attempting to flee domestic and/or dating violence, sexual assault, stalking, and/or human trafficking; and/or veterans and families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above
- Lengthy affordability periods including: 15 years for acquisition and/or rehabilitation activities; or 20 years for new construction activities
- Eliminating minimum investments of HUD funds to trigger the required affordability period, meaning that any investment of HOME-ARP funds will trigger the affordability period for covered units

With these goals in mind, staff designated three primary activities to be considered for funding:

- Acquisition of existing units to be maintained as affordable
- Rehabilitation of existing units to be maintained as affordable
- Construction of new units to be maintained as affordable



After a public Request for Funding Proposals period, the city received four (4) HOME-ARP applications were received with a combined funding request of up to \$1,109,575.76. (Note: The majority of the initial registrants for the pre-application workshop were not developers but were instead individuals seeking direct rental assistance and/or other rental supports.)

Taskforce members carefully evaluated each application in light of the anticipated benefits to households at or below 60% of the local AMI. Consistent with the goal of maximizing the impact of the limited funds available during this round, the Taskforce also gave additional consideration in their discussions to applications that were able to demonstrate an ability to leverage their funding award with funds from other sources.

Based on their analysis, the Taskforce proposes the following HOME-ARP FY23-24 funding award(s):

Applicant	Program	Recommended Award
Community Services Housing, Inc.	Continued Rehabilitation Repairs to Preserve CSH Affordable Rental Housing	\$67,361.00
Piedmont Housing Alliance	1025 Park Street Redevelopment	\$280,043.92

#### **Budgetary Impact(s)**

Approval of the HOME-ARP Action Plan will generate a net benefit to the city of approximately \$347,000 for affordable housing activities, funding that would otherwise not be available for investment. In addition, HUD has waived local match requirements for the HOME-ARP program, so no additional impacts to the City budget are anticipated.

#### **Recommendation(s)**

Staff recommends that the Planning Commission express its approval of the FY 2023-2024 HOME-ARP Action Plan as presented to the Commission and that the Action Plan and the included funding recommendations made by the city's CDBG/HOME Taskforce be forwarded to City Council for review, approval and subsequent appropriation of funds.

Suggested motion:

**"I move to APPROVE the FY 2023-2024 HOME-ARP Action Plan as presented before the Planning Commission and recommend forwarding of such for review by City Council."**

### **Alternatives**

Given that the proposed funds to be awarded are from federal sources and that disapproval of the HOME-ARP Action Plan will deny the city the opportunity to invest local HOME-ARP funds to support affordable rental opportunities, no alternatives were considered or are presented.

### **Attachments**

- HOME-ARP FY23 Pre-Application Workshop Presentation Slide Deck
- Funding Breakdown for Taskforce Recommendations
- Received FY23-24 HOME-ARP applications (available online at <https://www.charlottesville.gov/DocumentCenter/Index/790>)



**CDBG/HOME Taskforce FY23-24 Funding Recommendations  
for HOME-ARP Rental Opportunities Program**

<u>Taskforce Funding Recommendations</u>	<u>Funding Recommendations</u>	<u>% of Funds Available</u>
Community Services Housing	\$ 67,361.00	19.39%
CRHA	\$ -	
Growth Mindsets	\$ -	
Piedmont Housing Alliance	\$ 280,043.92	80.61%

Funding Award Calculations

HOME-ARP FY23-24 Funds Available	\$ 347,404.92
Subtotal Funding Awards	\$ 347,404.92
Available Balance to Invest	\$ -

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



**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING**  
**APPLICATION FOR A REZONING OF PROPERTY**  
**APPLICATION NUMBER: ZM23-0001**  
**DATE OF HEARING: August 8, 2023**

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** July 24, 2023

**Applicant:** Woodard Properties

**Applicant's Representative(s):** Chris Virgilio (Woodard Properties)

**Current Property Owner:** WP 501 Cherry LLC

**Application Information**

**Property Street Address:** 501-507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW

**Tax Map & Parcel/Tax Status:** 290178000, 290178100, 290177000, 290178200, and 290179000 (real estate taxes paid current - Sec. 34-10)

**Total Square Footage/ Acreage Site: Approx.** 1.36 acres (59,241 square feet)

**Comprehensive Plan (General Land Use Plan):** Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area)

**Current Zoning Classification:** CH (Cherry Avenue Mixed Use Corridor) and R-1S (Residential Single Family Small Lot)

**Proposed Zoning Classification:** B-3 Business with Proffers

**Overlay District:** None

**Applicant's Request (Summary)**

Woodard Properties (applicant and owner) has submitted a Rezoning application per Code Section 34-41 and a Special Use Application (SUP SP23-00001) per Code Sections 34-480, 34-158, and 34-162 for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW and identified in the City's land records as Tax Map and Parcel (TMP) 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 Business (B-3) with proffers. The proffer statement (**Attachment C**) includes:

(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.

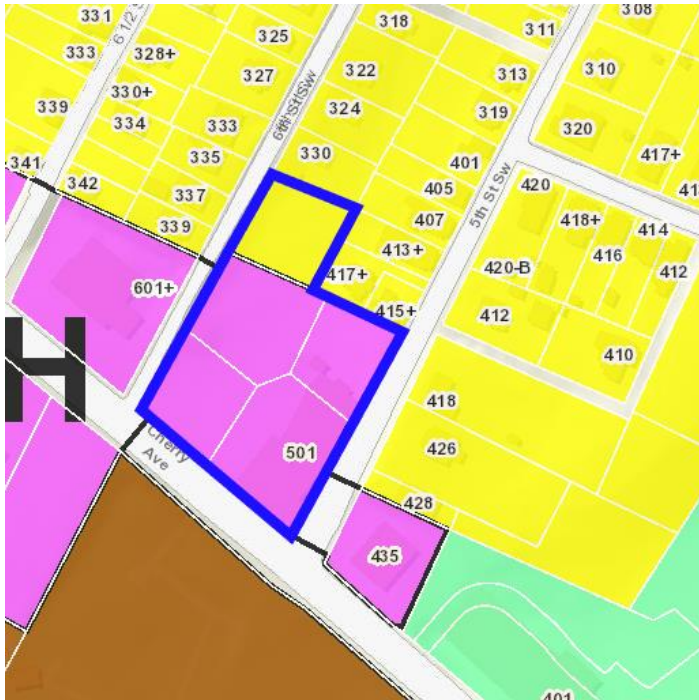
The owner has also submitted an SUP (SP23-00001) application to increase the by-right density from 21 dwelling units per acre (DUA) to 87 DUA along with modifications to the setbacks and parking requirements. The setback modifications include the following: the 5<sup>th</sup> ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); the 6<sup>th</sup> 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, 5<sup>th</sup> St. SW, and 6<sup>th</sup> St. SW. The Comprehensive Land Use Map for this area calls for Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area).



[illegible]



### Context Map 2- Zoning Classifications



KEY - Purple: CH, Brown: MR, Yellow: R-1S, Green: PUD

### Context Map 3- Future Land Use Map, 2021 Comprehensive Plan



KEY – Dark Brown: Higher-Intensity Residential, Light Brown: Medium Intensity Residential, Pink: Neighborhood Mixed Use Corridor, Yellow with Blue Dash: General Residential (Sensitive Community Area), Green: Open Spaces and Parks



### **Standard of Review**

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is and make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning based on the factors listed in Z.O. Sec. 34-42(a):

- (a) All proposed amendments shall be reviewed by the planning commission. 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.

For applicant's analysis of their application per Sec 34-42 & Sec. 34-41(d) see **Attachment A and B**

### **Sec. 34-42(a)(1): Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.**

*Below are specific areas of the Comprehensive Plan for which the request could be in compliance:*

#### **a. Land Use, Urban Form, and Historic & Cultural Preservation**

##### **Goal 2: Future Land Use Vision.**

*Guide implementation of the Future Land Use vision contained in this Comprehensive Plan, including support for existing neighborhoods and preventing displacement.*

##### **Goal 3: Balance Conservation and Preservation with Change.**

*Protect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.*

##### **Goal 4: Small Area Plan Development and Implementation.**

*Utilize Small Area Plans to guide growth and development in more detail*



*and establish design guidelines within areas likely to developed or redeveloped.*

**b. Housing**

**Goal 2: Diverse Housing Throughout the City.**

*Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

**c. Transportation**

**Goal 2: Coordination with Land Use & Community Design**

*Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and convenient travel in conjunction with implementation of the Future Land Use Vision.*

**Goal 4: Parking Supply and Management**

*Provide a balanced approach to parking that supports economic vitality, achieves urban form goals, minimizes environmental impacts, and accommodates pedestrians, bicycles, transit users, and disabled individuals.*

**d. Environment, Climate, and Food Equity**

**Goal 6: Tree Canopy**

*Contribute to the creation, protection, and expansion of robust urban forests.*

**e. Economic Prosperity & Opportunity**

**Goal 2: Sustaining Business**

*Generate, recruit, and retain successful businesses and jobs.*

**Goal 3: Innovation and Growth**

*Create an entrepreneurial environment that fosters the creation and success of businesses.*

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

**a. Transportation**

**Goal 1: Complete Streets**

*Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.*

Comprehensive Plan- Staff Analysis:

The Subject Property is currently zoned R-1S on the rear parcel, and Cherry Avenue Mixed Use Corridor (CH) on the remaining lots (the four southernmost parcels). R-1S lots are one of the most restrictive zoning categories in the City. All by-right, provisional, and special uses allowed within this zoning district are Residential and Related per code Sec. 34-420 and single-family detached is the most common of these uses. Although one parcel is zoned R-1S, that lot has never been developed and has functionally been ancillary parking to the CH parcels, which historically operated as a grocery store. The CH lots are part of the City's Mixed Use districts and allow more land use opportunities for commercial and residential development. Example of uses permitted in the Mixed Use districts include, per code Sec. 34-796, multifamily dwellings, auto service/repair, office space, and small scale commercial/retail. The 2021 Comprehensive Future Land Use Map designates the Subject Property as Neighborhood Mixed Use Corridor and General Residential (Sensitive Community Area). The land use section of the comprehensive plan states the following for General Residential (Sensitive Community Area):

**Description:** Allow for additional housing choice, and tools to mitigate displacement, within existing residential neighborhoods that have high proportions of populations that may be sensitive to displacement pressures.

**Form:** Compatible with existing context, including house-sized structures with similar ground floor footprint area and setbacks as surrounding residential structures.

**Height:** Up to 2.5 stories.

**Use and Affordability:** Allow 1 unit per lot. Allow up to 3-unit dwellings if the first unit meets affordability requirements. Allow up to 4-unit dwellings if the existing structure is maintained and at least one affordable unit is provided.

The land use section of the comprehensive plan states the following for Neighborhood Mixed Use Corridor:

**Description:** Neighborhood-scale mixed use areas arranged along corridors that support existing residential districts.

**Form:** Respond to existing residential, environmental, historic context.

**Height:** Up to 5 stories.

**Use and Affordability:** All support ground floor uses which encourage an active pedestrian environment.

As presented in the application materials and proffer statement, the proposed development would create sixty affordable dwelling units should the owner enter into a



contract with Piedmont Housing Alliance (PHA). Should the owner not enter into a contract with PHA, four to five (depending on the final square footage of the development, see **attachment D**) affordable units would be required per Sec. 34-12. Applicable affordable dwelling units (on or off site) will need to be affordable for a term of thirty years. Per the code, the applicant could contribute to the City's Affordable Housing fund in lieu of building the units. In addition (proffer 1.b), the applicant could provide an additional five affordable dwelling units, for rent, for six years if no agreement is reached with PHA. These units would be "affordable" as defined by the proffer statement, but not affordable as defined by City code. Should other elements of the proposed development not materialized, such as providing space for two local nonprofit organizations (proffer 2), the number of proffered affordable dwellings units could increase by an additional two to four units. Additional information on the affordable housing aspect of the proposed development can be found in Proffer portion below under Section 34-42(a)(4).

Staff finds the proposed rezoning and development plan would conform to portions of the Comprehensive Plan and Future Land Use Map as it relates to the four parcels currently zoned CH. Should these parcels be rezoned to B-3 the proposed uses (based on the application materials and proffer statement) would be consistent with Neighborhood Mixed Use Corridor. The R-1S parcel may contribute to other aspects of the City's Comprehensive Plan but may not be consistent with the Future Land Use Map should it be rezoned to B-3. Many of the uses allowed in the B-3 district are not consistent with General Residential (Sensitive Community Areas), but the use matrix does permit single-family attached and single-family detached dwelling units. The use matrix also allows for multifamily dwelling units in the B-3 which would be consistent with the Future Land Use Map should the maximum number of units not exceed three and one of the dwellings is affordable. As presented in the application materials the current use for the R-1S parcel would not change. The lot has never been developed and has historically been ancillary parking that services the other parcels. The application materials indicate that "use" would continue at this location all-be-it in structured parking as opposed to surface parking. This would be constant with B-3 zoning, but not the Future Land Use Map.

#### Streets that Work Plan

The Streets that Work Plan labels Cherry Avenue (at this location) as *Mixed Use B* typology. *Mixed Use B* streets are characterized as able to support high levels of walking, bicycling, and transit as they connect important destinations within the City and surrounding county. The Streets that Work Plan recommends a minimum clear zone width of seven feet for sidewalks, which are noted along with a curbside buffer zone (the area between the curb and sidewalk) as the highest priority items in the *Mixed Use B* typology. The next level (high) priority items for *Mixed Use B* typology are five to seven foot bike

lanes, turn boxes, ten foot shared use paths, and bicycle parking in curbside buffer zoned or on-street.

The existing conditions for Cherry Avenue include a 4.5-foot wide sidewalk (that increases to 5.5 feet at 6<sup>th</sup> ST SW) with no buffer or streetscape trees. On-street parking is not permitted, and bicycles share the travel lane with automobiles. There are east/west crosswalk markings at 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW along with three north/south crosswalk markings crossing Cherry Avenue and connecting the Subject Property to Tonsler Park. As part of the development, per **Attachment B**, the applicant will remove the existing building and improve the sidewalk network fronting on Cherry. These improvements include a wider sidewalk (no dimensions are given), space for a transit stop, and streetscape trees. No improvements are being proposed to the street.

The Streets that Work Plans labels 5<sup>th</sup> ST SW as *Local*. *Local* streets are found throughout the city and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards.

5<sup>th</sup> ST SW is a one-way street running south with existing conditions that include a five-foot wide sidewalk running along the entirety of the Subject Property with no buffer or streetscape trees (there is a small bump-out buffer at the intersection of 5<sup>th</sup> ST SW on the Subject Property side). No sidewalks are present along the eastern side of 5<sup>th</sup> ST SW. On-street parking is permitted only along the Subject Property side and can accommodate approximately ten vehicles. As part of the development, the applicant plans to replace the existing building with a new building. The new building will be set further back from Cherry Avenue along the 5<sup>th</sup> ST SW side. This will help alleviate current sight distant issues drivers and pedestrians have with this intersection. Other improvements include buffered on-street parking (the number will be reduced from the current +/- ten spaces), an entrance to onsite parking, and streetscape trees (they are not shown on the conceptual drawing but will be required per Sec. 34-870).

The Streets that Work Plans labels 6<sup>th</sup> ST SW as *Local*. *Local* streets are found throughout the city and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards.



6<sup>th</sup> ST SW (just like 5<sup>th</sup> ST SW) is a one-way street running south with existing conditions that include no sidewalk connectivity along the Subject Property (there is a 4.5-foot sidewalk running along the western edge of 6<sup>th</sup> ST SW). On-street parking is not permitted along this section of 6<sup>th</sup> ST SW. In addition, both sides of the street are devoid of streetscape trees. As part of the development, the applicant will be providing sidewalk, on street parking, and streetscape trees. An egress from the development and access to the structured parking deck will also be accessible off 6<sup>th</sup> ST SW.

*Staff Analysis:* Based on the application materials, staff concludes that the pedestrian network will be improved along Cherry Avenue, 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW. Staff also finds that by removing the existing building and setting the new structure back from Cherry Avenue, existing sight distance issues will be resolved.

#### Bike Ped Master Plan

The City's 2015 Bike Ped Master Plan indicates this portion of Cherry Avenue to have *Climbing Lanes*. Climbing Lanes are on-road bicycle facilities that provide a bicycle lane as dedicated space for people to bicycle in an uphill direction. Climbing lanes are often accompanied with shared lane markings in the downhill direction. Climbing lanes can also be used on flat road segments where the roadway is too constrained to build bicycle lanes in each direction. Climbing Lanes require a minimum width of five to six feet and the ability to add shared lane markings in the opposite direction of travel. Due to the limited right-of-way, there are no Climbing Lanes or separated bike lanes, and Cherry Avenue is treated as a Shared Roadway with signs and sharrows markings. Nothing in the application materials indicate improvement to Cherry Avenue.

*Staff Analysis:* Based on the application materials, staff concludes that the proposed development will not have any impact to existing bicycle infrastructure. The applicant is also requesting a reduction in on site parking indicating they believe the residents of the development will use alternative forms of transportation such as biking and walking. This could add to the number of cyclists in this area. The proposed development will improve the City's sidewalk infrastructure.

#### Cherry Avenue Small Area Plan

The Subject Property falls within the Primary Focus Area of the 2021 Cherry Avenue Small Area Plan. Of the 10 *Community Vision Goals outlined in the plan*, goal 3: *ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms*; goal 6: *foster an inclusive and welcoming community through place-keeping, place-making, and beautification*; and goal

10: *increase health and well-being of neighborhood residents might be achieved through the proposed development* may be achieved by the proposed development. As presented in the application materials and proffer statement, the development could achieve recommendation H-2: *identify properties for housing development under the Charlottesville Affordable Housing fund and local non-profit organizations*. Land Use recommendations such as LU-1: *re-examine allowable uses in the zoning code and ensure that allowed use regulations are consistent with the community's preferred uses*; and LU-5: *re-examine massing regulations along Cherry Avenue to support a respectful transition between more intensive development along Cherry Avenue and the existing historic low-density housing*. Re-examine setback and massing and other building form regulations with an aim of enhancing the pedestrian experience along Cherry Avenue could also be accomplished through the proposed development. From the Transportation recommendations T-7: *relocate (improve) the CAT bus stop at the intersection of Cherry Avenue and 6<sup>th</sup> SW farther from the crosswalk on Cherry Avenue* will be achieved through this development. In addition, the development of the Subject Property will fulfill part of Transportation recommendation T-2: *add sidewalks on 6 ½ Street 6<sup>th</sup> ST SW, and 9<sup>th</sup> ST*.

*Staff Analysis:* The Subject Property is in the heart of the Cherry Avenue Small Area Plan (CASAP) planning area (primary focus area) and is a key location for the community. The most recent large scale development along the corridor was the William Taylor Plaza PUD (hotel and residential units at the intersection of Cherry Avenue and Ridge Street). This development was the catalyst for the CASAP as the community expressed disappointment with the development as it did not benefit the residents of Fifeville. With the guidance of the CASAP, 501 Cherry Avenue could turn the tide back to community focused development. Staff is concerned that to achieve development of the Subject Property in a manner that is consistent with the CASAP and meets the needs of the applicant, the property needs to be rezoned, but in general finds the proposed development would achieve many goals and recommendations of the CASAP.

**Sec. 34-42(a)(2): Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.**

Staff finds that changing the zoning from CH to B-3 with proffers would have no negative impact to the general welfare of the entire community. Staff is basing this off the conditions offered in the proffer statement and the by-right density for B-3 being below that of CH (43 DUA is by-right in the CH district for mixed-use developments). Staff also finds that changing the zoning from R-1S to B-3 with proffers could have minimal negative impact. Although the density and allowable uses would change for this parcel, the proffer statement and concept development plan would essentially preserve the current use



(accessory parking). The possible minimal negative impact comes from removing an existing residential lot.

**Sec. 34-42(a)(3): Whether there is a need and justification for the change.**

The 2021 Comprehensive Future Land Use Map designates the Subject Property as Neighborhood Mixed Use Corridor and General Residential (Sensitive Community Area). A rezoning of a portion of the Subject Property (CH to B-3 with proffers) would be consistent with this standard but is not justified per this code section. Rezoning the R-1S parcel to B-3 may not be consistent with this standard and is not justified per this code section.

**Sec. 34-42(a)(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.**

Most development within the CH and B-3 zoning district will require review and approval of a site plan per Sec. 34-802 before land distribution activities can begin. During the review of the site plan staff would determine if existing public services and facilities would be adequate to support the development or if improvements are required. Within the R-1S zoning districts most developments are expected to from site plan requirements per Sec. 34-802(a)(1).

The purposes set forth per Sec. 34-540, Sec. 34-350, and Sec. 34-440 are:

**Mixed-Use Districts:** The purpose of this article is to encourage mixed-use development within appropriate areas of the city, located along or adjacent to streets or highways found by the city council to be significant routes of access to the city. Objectives of these districts include the following: (1) Creation of a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; (2) Encouragement of mixed-use development; (3) Facilitation of development that demonstrates an appropriateness of scale; (4) Encouragement of development that offers creative minimization of the impact of parking facilities and vehicular traffic; (5) Encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree-lined streets and walkways); (6) Encouragement of alternate forms of transportation (e.g., pedestrian travel, bicycle paths, use of public transit); (7) Encouragement of neighborhood-enhancing economic activity; (8) Encouragement of home ownership; and (9) Encouragement of neighborhood participation in the development process.

The districts in which such development is encouraged fall, generally, into two (2) categories: (1) *Commercial/residential mixed use districts*. With little remaining vacant land, the city's continued vitality depends upon its ability to attract and facilitate a harmonious mixture of commercial and residential development and development. Generally, each of these zoning districts seeks to encourage a mixture of residential, commercial, and cultural uses within a single building, or within multiple related buildings and structures. Of particular importance is the creation of corridors to serve as vital centers for economic growth and development while at the same time encouraging development that is friendly to pedestrians and alternate modes of transportation characteristic of an urban setting and (2) *Commercial/industrial mixed use districts*. Each of these zoning districts seeks to provide an area in which important industrial uses, of limited scale, may be located, but in which opportunities for incorporation of related or harmonious commercial uses can be facilitated.

**Cherry Avenue Corridor.** This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages.

**Single-family (R-1).** The single-family residential zoning districts are established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is the single-family dwelling. There are four (4) categories of single-family zoning districts: **R-1(S) ("small lot")**. Consisting of low-density residential areas characterized by small-lot development.

**Commercial Districts:** The purpose of the city's commercial districts is to regulate the use of land, buildings, structures, and other premises for business uses, in order to encourage economic development activities that are both harmonious with surrounding areas and which provide desirable employment, expand the city's tax base, and provide convenient goods, services and amenities to residents of the city. There are five (5) commercial districts, as follows:

**B-3:** The B-3 business district is to provide for major commercial uses, of a type that is likely to generate significant amounts of traffic from points within as well as external to the surrounding neighborhood, and that may generate moderate noise, odors or fumes, smoke, fumes, fire or explosion hazards, lighting glare, heat, or vibration.



From the applicant materials staff finds that should the properties be rezoned; the proposed development would most likely comply with the zoning standards found within the chapter but would not conform to the purposes set forth at the begin of the chapter.

The applicant is proposing to rezone the Subject Property from CH and R-1S to B-3 with proffers and a conceptual development plan. The proffer statement includes:

**1. AFFORDABLE HOUSING:**

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

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

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

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

- d. Owner or PHA shall submit to the City's Office of Community Solutions prior to the certificate of occupancy a marketing plan on how it will market the Required Affordable Dwelling Units. The marketing plan shall provide detailed information on how the Owner will target lower-income residents.
- e. On or before February 1st of each calendar year, or an alternate date mutually agreed upon by the Owner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.
- f. The obligations regarding Required Affordable Dwelling Units referenced above shall be set forth within one or more written declaration of covenants recorded in the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

*Staff Analysis:* In summary the proffer shows an intention to develop 60 affordable units in partnership with PHA (Piedmont Housing Alliance), however, the application lacks tangible commitments in the form of standing agreements between the applicant/developer and PHA. The applicant has expressed a commitment to work with area nonprofits in the development, but there are no provisions or allowances in the current ordinance, affordable housing plan, or other city documents that exempt the applicant from providing the required number of units based on the development's square footage. Staff would like to see:

1. Require Clear Agreements: The applicant/developer must present clear and definitive agreements with PHA and area nonprofits to ensure tangible commitments for the development of affordable units.
2. Obligation to Provide ADUs: The applicant should follow the required number of affordable dwelling units (ADUs) based on the development's square footage, irrespective of their intention to sell or lease space to nonprofits.
3. Compliance and Performance: For clarity and measurement of compliance and project performance in the future, comprehensive agreements and proffers should be presented before any recommendation from staff, planning commission, or city policymakers.

The current application for the housing project at 501 Cherry Avenue, Charlottesville, VA, while showing an intention for affordable units in partnership with PHA and area nonprofits, lacks the necessary clarity and tangible commitments required by the city's zoning ordinance, affordable housing plan, and comprehensive plan. To ensure the success



of this project and its alignment with the city's goals, the applicant/developer should provide clear agreements and fulfill the required number of affordable units based on the development's square footage.

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

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

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

*Staff Analysis:* Should this proffer be achieved, it would offer a benefit to the neighborhood and surround community, but staff is concerned that other non-profit institutions that purchase the commercial condominium space may not provide a benefit to the Fifeville neighborhood. Any proposed uses should comply with the Cherry Avenue Small Area Plan. Based on the above comments, staff finds the proffer not consistent with neither the Charlottesville Affordable Housing Plan, nor the Comprehensive Plan.

## **3. GROCERY USE:**

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

*Staff Analysis:* Staff finds reserving a minimum of 5,000 square feet of commercial space for a small grocery store that sells fresh produce would further the goals of the City Comprehensive Plan and the Cherry Avenue Small Area Plan. Staff is concerned the proffer is only valid up to the point the first certificate of occupancy is issued for the project. Staff would like to see a longer validity period to ensure fresh produce becomes available to the community at this location.

#### **4. PROHIBITED USES:**

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

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

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

*Staff Analysis:* Staff finds excluding these uses will ensure the project is consistent with mixed-use development and the desired land use for the Cherry Avenue Corridor. More information is provided in the tables below.

#### **5. MAXIMUM BUILDING HEIGHT:**

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

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

*Staff Analysis:* Staff finds the "residential height zone" will offer some protection to the surrounding single family homes that abut the property. The 45' height limit is 10' taller than the max height allowed in the R-1S district that abuts the Subject Property, but due to grade change, the single family dwellings that are north of the Subject Property are much higher in elevation. Staff is concerned that the applicant is only offering a five-foot



step back along the Cherry Avenue portion of the development. Under current Cherry Avenue District requirements, a ten-foot step back is required after 35' of height.

**6. MIXTURE OF USES:**

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

*Staff Analysis:* Staff finds the "mixed use" percentage requirements may ensure a vibrant development with different types of uses, but there is no enforcement or reporting requirements.

<b>Current R-1S Zoning</b> The single-family residential zoning districts are established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is the single-family dwelling.		<b>Current CH Zoning</b> The purpose of this article is to encourage mixed-use development within appropriate areas of the city, located along or adjacent to streets or highways found by the city council to be significant routes of access to the city.	<b>Proposed R-3 Zoning with Proffers</b> The purpose of the city's commercial districts is to regulate the use of land, buildings, structures, and other premises for business uses, in order to encourage economic development activities that are both harmonious with surrounding areas and which provide desirable employment, expand the city's tax base, and provide convenient goods, services and amenities to residents of the city. Highlighted section indicates proffered condition or request from the SUP application.	
<b>Physical Characteristics</b>		<b>Physical Characteristics</b>	<b>Physical Characteristics</b>	
<b>Front Setback</b>	25' min	75% of the street wall must be within 15' of the property line. 10' stepback after 35' of height.	<b>Front Setback</b>	Not required.
<b>Side Setback</b>	5' min (Single Family Detached) 50' min (Non-residential) 20' min (Corner Street Side)	Adjacent to low-density residential districts: = 10' Adjacent to any other zoning district: = 5'	<b>Side Setback</b>	5 <sup>th</sup> ST SW: = Build-to-zone of 0 to 9' 6 <sup>th</sup> ST SW: = Build-to-zone of 0 to 9' Adjacent to low-density residential districts: = 10' with S-3 Screening.
<b>Rear Setback</b>	25' min (Residential) 50' min (Non-residential)	Adjacent to low-density residential districts: = 20' Adjacent to any other zoning district: = Not required	<b>Rear Setback</b>	Adjacent to low-density residential districts: = 10' with S-3 Screening.



<b>Land Coverage</b>	No limit outside setbacks	Minimum FAR of 0.5	<b>Land Coverage</b>	No limit outside setbacks
<b>Height</b>	35' max	Minimum: = 35' Maximum: = 50'	<b>Height</b>	65' Within the "Residential Height Zone": = 45'
<b>Min Lot Size</b>	6,000sqft (Single Family Detached) No requirement (non-residential)	No requirements.	<b>Min Lot Size</b>	No requirements.
<b>Road Frontage</b>	50' (Single Family) No requirement (non-residential)	50' (Single Family Detached and Two-family) 20' (Single Family Attached) No requirement (non-residential)	<b>Road Frontage</b>	50' (Single Family Detached and Two-family) 20' (Single Family Attached) No requirement (non-residential)
<b>Parking</b>	1 space per unit	Based on Use per Sec. 34-984 and 34-662(c)	<b>Parking</b>	Sec. 34-984 Residential: Efficiency, 1, and 2 bedroom: = ½ Space per Unit. 3 and 4 bedroom: = 1 Space per Unit. General Retail Sales: = 2.5 spaces per 1,000 SF Grocery and Pharmacies: = 1 space per 500 SF Compact Car Spaces: = Not exceed 40%

<b>Residential Use (by-Right)</b>	<b>R-1S</b>	<b>CH</b>	<b>B-3 (With Proffers)</b>
Accessory buildings, structures and uses	B	B	B
Adult assisted living 1-8 residents	B	B	B
Adult assisted living greater than 8 residents		B	B
Adult day care		B	B
Amateur radio antennas, to a height of 75 ft.	B	B	B
Bed-and-breakfast Homestay	B	B	B
Bed-and breakfast B&B		B	B
Bed-and breakfast Inn		B	B
Boarding: fraternity and sorority house			B
Boarding: rooming house			B
Convent/monastery		B	B
Criminal justice facility		B	
Dwellings Multifamily		B	B
Dwellings Single-family attached		B	B
Dwellings Single-family detached	B	B	B
Townhouse		B	B
Dwellings Two-family		B	B
Family day home 1 – 5 Children	B	B	B
Family day home 6 – 12 Children			B
Nursing homes		B	B
Residential Occupancy 3 unrelated persons	B		B
Residential Occupancy 4 unrelated persons	B	B	B
Residential density 1 – 21 DUA			B
Residential Treatment Facility 1 – 8 residents	B	B	B
Shelter care facility			B
<b>Non-Residential: General and Misc. Commercial</b>	<b>R-1S</b>	<b>CH</b>	<b>B-3 (With Proffers)</b>
Art gallery 4,000 SF or less		B	B
Art gallery up to 10,000 SF			B
Art studio, 4,000 SF or less		B	B
Art workshop		B	B
Assembly (indoor): auditoriums, theaters			B
House of worship	B	B	B
Automobile: gas station			<b>B</b>
Automobile: parts and equipment sales			B



Automobile: rental/leasing			B
Automobile: repair/servicing		B	B
Automobile: sales			B
Automobile: tire sales and recapping		B	B
Bakery, wholesale: 4,000 SF or less		B	B
Bakery, wholesale: up to 10,000 SF			B
Bank/financial institutions		B	B
Bowling alleys			B
Car wash			B
Catering business		B	B
Health clinic up to 4,000 SF		B	B
Health clinic up to 10,000 SF			B
Health clinic over 10, 000 SF			B
Public health clinic		B	B
Veterinary without outside pens/runs			B
Private Clubs			B
Contractor or tradesman's shop, general			B
Crematorium (independent of a funeral home)			B
Data center less than 4,000 SF		B	B
Data center over 4,000 SF		B	B
Daycare facility		B	B
Dry cleaning			B
Education facilities: Elementary		B	B
Education facilities: high school		B	B
Education facilities: college and universities		B	
Education facilities: artistic instruction up to 4,000 SF		B	B
Education facilities: artistic instruction over 4,000 SF		B	B
Education facilities: vocational up to 4,000 SF		B	B
Education facilities: vocational up to 10, 000 SF		B	B
Funeral home without crematory: up to 4,000 SF		B	B
Funeral home without crematory: up to 10,000 SF			B
Funeral homes with crematory: up to 4,000 SF		B	B
Funeral homes with crematory: up to 10,000 SF			B
Hospital		B	B
Hotels/motels: up to 100 guest rooms		B	B
Hotel/motels over 100 guest rooms			B
Laundromats		B	B
Libraries	BB	B	B

Micro-producers			B
Movie theaters		B	B
Government offices		B	B
Museums: up to 4,000 SF		B	B
Museums: over 4,000 SF		B	B
Office: Business and professional		B	B
Office: medical		B	B
Office: philanthropic		B	B
Office: property management			B
Office: non-specified		B	B
Outdoor storage, accessory			B
Parking garage			B
Parking garage: surface lot 19 or less spaces		B	
Photography studio		B	B
Photographic processing; blueprinting			B
Radio/television broadcast stations		B	B
Recreational facilities: indoor up to 4,000 SF		B	B
Recreational facilities: indoor over 4,000 SF			B
Recreational facilities: outdoor		B	
Restaurants: drive-through windows			<b>B</b>
Restaurants: fast food		B	B
Restaurants: full service		B	B
Technology-based business		B	B
Taxi stand		B	<b>B</b>
Towing service, automobile			<b>B</b>
Transit facility		B	B
<b>Non-Residential Uses: Retail</b>	<b>R-1S</b>	<b>CH</b>	<b>B-3 (With Proffers)</b>
Consumer service businesses: up to 4,000 SF		B	
Consumer service businesses: over 4,000 SF			B
Greenhouses/nurseries		B	B
Convenience		B	B
General over 10,000			B
Home improvement center			B
Pharmacies: up to 1,700 SF		B	
Pharmacies: over 1,700 SF			B
Shopping centers			B
Other retail stores (non-specified): up to 4,000 SF		B	



Other retail stores (non-specified): over 4,000 SF		B	
<b>Non-Residential Uses: Industrial</b>	<b>R-1S</b>	<b>CH</b>	<b>B-3 (With Proffers)</b>
Frozen food lockers			B
Greenhouse/nursery wholesale			B
Industrial equipment: service and repair			<b>B</b>
Janitorial service company			B
Laboratory, medical: up to 4,000 SF		B	B
Laboratory, medical: over 4,000 SF		B	B
Laboratory, pharmaceutical: up to 4,000 SF		B	B
Laboratory, pharmaceutical: over 4,000 SF			B
Laundries			B
Moving companies			B
Printing/publishing facility			B
Research and testing laboratories		B	B
Wholesale establishments			<b>B</b>

The Subject Property is currently vacant, but once housed the Estes IGA grocery store (closed in 2002). After the IGA closed the location was occupied by Kim's Market and operated for around fifteen years. There are many overlapping uses between the CH zoning district and B-3 (such as catering business, greenhouses, and multifamily dwellings up to 21 DUA). Staff is concerned that the B-3 zoning district does allow more by-right uses with larger footprints (over 4,000 SF) and intensity (home improvement center, outdoor storage as an accessory use, parking garage as a stand alone use, and automobile sales) than the CH district. The applicant has proffered out some of these uses, but others remain. Site limitations, such as the large stormwater and sanitation lines that bisect the site could also further restrict development of larger more intense uses (over 4,000 SF). Staff finds the R-1S would not be compatible with the CH or B-3 district as it relates to uses, but due to the historic use of the parcel as ancillary parking for the IGA, staff has no concerns with rezoning it as part of the larger plan of development.

### Zoning History of the Subject Property

Year	Zoning District
1949	C Industrial
1958	B-2 Business and R-2 Residential

1976	B-2 Business and R-2 Residential
1991	TZ Business and R-2 Residential
2003	Cherry Avenue Corridor and R-1S Residential

**The Subject Property is bordered by:**

Direction	Use	Zoning
North	Single family and multifamily residential	R-1S
South	Tonsler Park	MR
East	Office Buildings and Single family residential	CH and R-1S
West	Retail and Single family residential	CH and R-1S

Staff finds a rezoning of the Subject Property would be consistent with the patterns of development along Cherry Avenue but could impact the abutting and adjunct residential properties.

**Public Comments Received**

*Community Meeting Required by Sec. 34-41(c)(2)*

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 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW and this project will only make it worse.
- Parking will be an issue and will spill into the surrounding neighborhood.
- 5<sup>th</sup> ST SW and 6<sup>th</sup> 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 (**Attachment B Sheet 4**).

#### *Other Comments*

As of the date of this report staff has not received any comments from the public. Should any comments come in after the report is posted, those comments will be forwarded to Planning Commission and City Council.

#### **Staff Recommendation**

Staff finds the proposed rezoning request is complicated by the mix of existing zoning on the Subject Property, proximity to single family residential dwelling units, and the historic context of the site. Changing the zoning from Cherry Avenue Mixed Use Corridor (CH) and Low Density Residential Small lot (R-1S) to Commercial District (B-3) could contribute to many of the City's Comprehensive Plan goals such as building toward the Future Land Use vision, contributing to diverse housing throughout the City, and local business innovation and growth. The proposed rezoning could also contribute to many of the goals of the Cherry Avenue Small Area Plan, such as goal #3-*to ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms*; #T7-*relocate (improve) the CAT bus stop at the intersection of Cherry Avenue and 6<sup>th</sup> SW farther from the crosswalk on Cherry Avenue*; T2- *add sidewalks on 6 ½ Street 6<sup>th</sup> ST SW*; and the redevelopment of empty lots.

The proffers requiring no one use shall exceed 80% of the gross square footage of the property and building height restrictions also alleviates some of staff's concerns when it comes to unforeseen by-right development of the site should the project being proposed is not realized. Staff is concerned the affordable housing proffer section does not provide the clarity and tangible commitments the City would like to see for a development of this scale. In addition, some of the by-right uses permitted in the B-3 zoning district could be problematic if not developed in a way that is sensitive to the surrounding community.

The rezoning application is being presented in tandem with a Special Use Application (SP23-00001). Additional restrictions and modifications to the Subject Property are contained within the SUP application and staff report.

Staff recommends approval of the rezoning request only if the corresponding Special Use Application (SP23-00001) is also approved.

**Suggested Motions**

1. I move to recommend approval of this application to rezone the Subject Property from CH and R-1S to B-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

**OR,**

2. I move to recommend denial of this application to rezone the Subject Property from CH and R-1S to B-3, on the basis that the proposal would not service the interests of the general public and good zoning practice.

**Attachments**

- A. Rezoning and SUP Application dated February 1, 2023.
- B. 501 Cherry Avenue Narrative, Concept Plan, and Exhibits with a revision date of July 18, 2023.
- C. Signed Proffer Statement dated July 5, 2023.
- D. Affordable Dwelling Unit Ordinance Worksheet.
- E. Memorandum of Understanding between the Fifeville Neighborhood Association and the Woodard Properties-Piedmont Housing Association Partnership.
- F. Community Meeting and Public Comment.



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



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

**APPLICATION FOR A SPECIAL USE PERMIT**

**APPLICATION NUMBER: SP23-00001**

**DATE OF HEARING: August 8, 2023**

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** July 26, 2023

**Applicant:** Woodard Properties

**Applicant's Representative(s):** Chris Virgilio (Woodard Properties)

**Current Property Owner:** WP 501 Cherry LLC

**Application Information**

**Property Street Address:** 501-507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW

**Tax Map & Parcel/Tax Status:** 290178000, 290178100, 290177000, 290178200, and 290179000 (real estate taxes paid current - Sec. 34-10)

**Total Square Footage/ Acreage Site:** 1.36 acres (59,241 square feet)

**Comprehensive Plan (General Land Use Plan):** Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area)

**Current Zoning Classification:** CH (Cherry Avenue Mixed Use Corridor) and R-1S (Residential Single Family Small Lot). See Rezoning Application ZM23-0001 for B-3 request.

**Overlay District:** None

**Applicant's Request (Summary)**

Woodard Properties (applicant and owner) has submitted a Rezoning application (ZM23-0001) per Code Section 34-41 and a Special Use Application per Code Sections 34-480, 34-158, and 34-162 for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW and identified in the City's land records as Tax Map and Parcel (TMP) 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 Business (B-3) with proffers. The proffer statement (**Attachment C**) includes:

(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 request of the SUP application is 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 5<sup>th</sup> ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); the 6<sup>th</sup> 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, 5<sup>th</sup> St. SW, and 6<sup>th</sup> St. SW. The Comprehensive Land Use Map for this area calls for Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area).

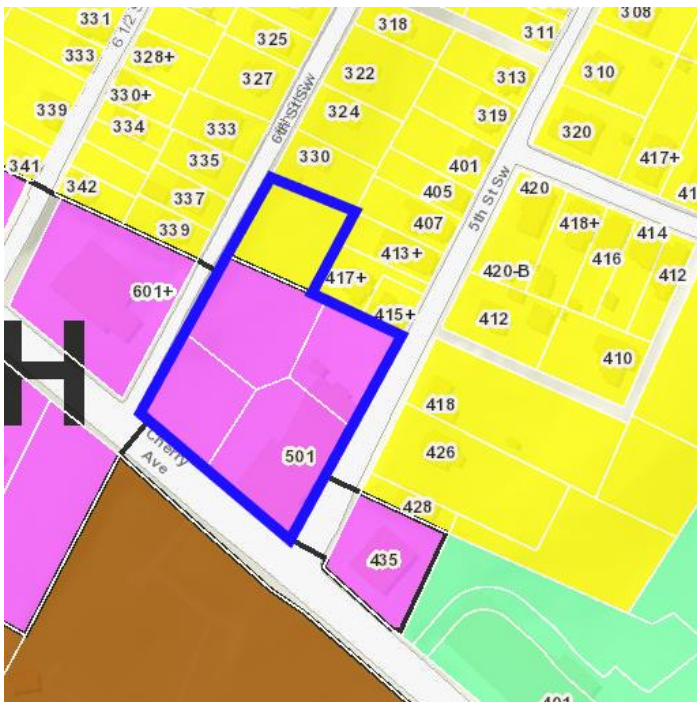


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**Context Map 2- Zoning Classifications**



**KEY - Purple: CH, Brown: MR, Yellow: R-1S, Green: PUD**

**Context Map 3- Future Land Use Map, 2021 Comprehensive Plan**





**KEY – Dark Brown: Higher-Intensity Residential, Light Brown: Medium Intensity Residential, Pink: Neighborhood Mixed Use Corridor, Yellow with Blue Dash: General Residential (Sensitive Community Area), Green: Open Spaces and Parks**

### **Standard of Review**

City Council may grant an applicant a special permit or 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.

For the applicant's analysis of their application per Sec. 34-157 see **Attachment A and B**

### **(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
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North	Single family and multifamily residential	R-1S
South	Tonsler Park	MR
East	Office Buildings and Single family residential	CH and R-1S
West	Retail and Single family residential	CH and R-1S

The Subject Property is currently vacant, but once housed the Estes IGA grocery store (closed in 2002). After the IGA closed the location was occupied by Kim's Market and operated for around fifteen years. Detached single family dwellings are the main structure type and use adjacent to the Subject Property on the northern edge including portions of 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW. These units are on small lots and range from one to two stories in height and are zoned Residential Small Lots (R-1S). Along 5<sup>th</sup> ST SW abutting the property are a few detached single family style buildings that have been converted into multifamily units. Directly to the east of the property, along 5<sup>th</sup> ST SW is the Southern Development Homes Design Center. This is a small one and a half story structure that operates during normal business hours and is zoned Cherry Avenue Mixed Use Corridor (CH). To the west, along 6<sup>th</sup> ST SW is a small commercial shopping center that houses the popular La Flor Michoacana ice cream shop and is zoned (CH). Directly across Cherry Avenue from the Subject Property is Tonsler Park with an underlying zoning of residential McIntire 5<sup>th</sup> Street Corridor (MR).

*Staff Analysis:* The proposed development would be mixed-use with up to 118 residential units and approximately 24,400 square feet of commercial/retail space where no one use would be more than 80% of the gross square footage. The existing building on site (the one-story old Estes IGA) would be demolished and replaced with two new buildings that could have a mix of heights. No building would be over sixty-five feet (or five stories), but portions of the buildings that are within forty feet of the northern property line will have forty-five (or three story) restriction. The proposed layout indicates ground floor commercial/retail with space for the Music Resource Center, Twice Is Nice, and a future grocery store. The residential units are located above the commercial/retail uses in both buildings. Surface and structured parking is also provided with access points off Cherry Avenue, 5<sup>th</sup> ST SW, and 6<sup>th</sup> ST SW. The application materials also indicate a five-foot step back along Cherry Avenue above the 4<sup>th</sup> story.

Staff finds the development would be harmonious and consistent with the existing patterns of uses along Cherry Avenue but may not be harmonious in scale. Most planning documents for the Cherry Avenue Corridor envision smaller scale (three story in height) mixed use development that blends into the residential neighborhood to the north. Additional height might be appropriate so long as the development provides sufficient affordable housing.



Staff does find the restriction on height along the northern edge of the development, along with upgraded screening will create a more harmonious transition to the residential neighborhood. To be more consistent with the vision of Cherry Avenue, staff would like to see a build-to zoning along Cherry Avenue of between zero and twenty feet. In addition, staff would also like to see the stepback lowered to be more consistent with the CH zoning (after thirty-five feet), but the reduction from ten to five feet is acceptable.

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

*Below are specific areas of the Comprehensive Plan for which the request could be in compliance:*

**a. Land Use, Urban Form, and Historic & Cultural Preservation**

**Goal 2: Future Land Use Vision.**

*Guide implementation of the Future Land Use vision contained in this Comprehensive Plan, including support for existing neighborhoods and preventing displacement.*

**Goal 3: Balance Conservation and Preservation with Change.**

*Protect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.*

**Goal 4: Small Area Plan Development and Implementation.**

*Utilize Small Area Plans to guide growth and development in more detail and establish design guidelines within areas likely to be developed or redeveloped.*

**b. Housing**

**Goal 2: Diverse Housing Throughout the City.**

*Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

**c. Transportation**

**Goal 2: Coordination with Land Use & Community Design**

*Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and*

*convenient travel in conjunction with implementation of the Future Land Use Vision.*

**Goal 4: Parking Supply and Management**

*Provide a balanced approach to parking that supports economic vitality, achieves urban form goals, minimizes environmental impacts, and accommodates pedestrians, bicycles, transit users, and disabled individuals.*

**d. Environment, Climate, and Food Equity**

**Goal 6: Tree Canopy**

*Contribute to the creation, protection, and expansion of robust urban forests.*

**e. Economic Prosperity & Opportunity**

**Goal 2: Sustaining Business**

*Generate, recruit, and retain successful businesses and jobs.*

**Goal 3: Innovation and Growth**

*Create an entrepreneurial environment that fosters the creation and success of businesses.*

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

**a. Transportation**

**Goal 1: Complete Streets**

*Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.*

**Comprehensive Plan- Staff Analysis:**

This analysis is based off the Subject Property being rezoned to Commercial District Business 3 (B-3) as requested in application ZM23-0001. B-3 is one of the City's major commercial districts and allows uses that generate a significant amount of traffic and moderate amounts of noise, odors, vibrations, and light glare. In addition to commercial uses, the B-3 zoning district also allows a variety of residential uses. Per Code Sec. 34-480 some of these by-right uses include single-family detached, single-family attached, townhouse, and multifamily dwellings up to twenty-one DUA. Some of the nonresidential by-right uses include large wholesale bakery, private club, large health clinic, and frozen food lockers. As part of the ZM23-0001 the following uses are prohibited by proffer: *gas station, automobile repair/servicing, car wash, crematorium independent of a funeral home, dry cleaning, restaurant drive-through window, towing, tax stand, industrial equipment*



*serves and repair, and wholesale establishments.* The 2021 Comprehensive Future Land Use Map designates the Subject Property as Neighborhood Mixed Use Corridor and General Residential (Sensitive Community Area). The land use section of the comprehensive plan states the following for General Residential (Sensitive Community Area):

**Description:** Allow for additional housing choice, and tools to mitigate displacement, within existing residential neighborhoods that have high proportions of populations that may be sensitive to displacement pressures.

**Form:** Compatible with existing context, including house-sized structures with similar ground floor footprint area and setbacks as surrounding residential structures.

**Height:** Up to 2.5 stories.

**Use and Affordability:** Allow 1 unit per lot. Allow up to 3-unit dwellings if the first unit meets affordability requirements. Allow up to 4-unit dwellings if the existing structure is maintained and at least one affordable unit is provided.

The land use section of the comprehensive plan states the following for Neighborhood Mixed Use Corridor:

**Description:** Neighborhood-scale mixed use areas arranged along corridors that support existing residential districts.

**Form:** Respond to existing residential, environmental, historic context.

**Height:** Up to 5 stories.

**Use and Affordability:** All support ground floor uses which encourage an active pedestrian environment.

As presented in the application materials and proffer statement, the proposed development would create sixty affordable dwelling units should the owner enter into a contract with Piedmont Housing Alliance (PHA). Should the owner not enter into a contract with PHA, four to five (depending on the final square footage of the development, see **attachment D**) affordable units would be required per Sec. 34-12. Applicable affordable dwelling units (on or off site) will need to be affordable for a term of thirty years. Per the code, the applicant could contribute to the City's Affordable Housing fund in lieu of building the units. In addition (proffer 1.b), the applicant could provide an additional five affordable dwelling units, for rent, for six years if no agreement is reached with PHA. These units would be "affordable" as defined by the proffer statement, but not affordable as defined by City code. Should other elements of the proposed development not materialized, such as providing space for two local nonprofit organizations (proffer 2), the number of proffered affordable dwellings units could increase by an additional two to four units. Additional

information on the affordable housing aspect of the proposed development can be found in the staff report for application ZM23-0001 and the applicant's proffer statement.

Staff finds the majority of the proposed development would conform to portions of the Comprehensive Plan and Future Land Use Map; and would be consistent with Neighborhood Mixed Use Corridor. The portion of the development that was originally zoned R-1S may contribute to other aspects of the City's Comprehensive Plan but may not be consistent with the Future Land Use Map. Many of the uses allowed in the B-3 district are not consistent with General Residential (Sensitive Community Areas), but the use matrix does permit single-family attached and single-family detached dwelling units. The use matrix also allows for multifamily dwelling units in B-3 which would be consistent with the Future Land Use Map should the maximum number of units not exceed three and one of the dwellings is affordable. As presented in the application materials the current use for the portion of the development that was originally zoned R-1S would not change. The lot has never been developed and has historically been ancillary parking that services the other parcels. The application materials indicates that "use" would continue at this location all-be-it in structured parking as opposed to surface parking. This would be constant with B-3 zoning, but not the Future Land Use Map.

#### Streets that Work Plan

The Streets that Work Plan labels Cherry Avenue (at this location) as *Mixed Use B* typology. *Mixed Use B* streets are characterized as able to support high levels of walking, bicycling, and transit as they connect important destinations within the City and surrounding county. The Streets that Work Plan recommends a minimum clear zone width of seven feet for sidewalks, which are noted along with a curbside buffer zone (the area between the curb and sidewalk) as the highest priority items in the *Mixed Use B* typology. The next level (high) priority items for Mixed Use B typology are five to seven foot bike lanes, turn boxes, ten foot shared use paths, and bicycle parking in curbside buffer zoned or on-street.

The existing conditions for Cherry Avenue include a 4.5-foot wide sidewalk (that increases to 5.5 feet at 6<sup>th</sup> ST SW) with no buffer or streetscape trees. On-street parking is not permitted, and bicycles share the travel lane with automobiles. There are east/west crosswalk markings at 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW along with three north/south crosswalk markings crossing Cherry Avenue and connecting the Subject Property to Tonsler Park. As part of the development, per **Attachment B**, the applicant will remove the existing building and improve the sidewalk network fronting on Cherry. These improvements include a wider sidewalk (no dimensions are given), space for a transit stop, and streetscape trees. No improvements are being proposed to the street.



The Streets that Work Plans labels 5<sup>th</sup> ST SW as *Local*. *Local* streets are found throughout the city and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards.

5<sup>th</sup> ST SW is a one-way street running south with existing conditions that include a five-foot wide sidewalk running along the entirety of the Subject Property with no buffer or streetscape trees (there is a small bump-out buffer at the intersection of 5<sup>th</sup> ST SW on the Subject Property side). No sidewalks are present along the eastern side of 5<sup>th</sup> ST SW. On-street parking is permitted only along the Subject Property side and can accommodate approximately ten vehicles. As part of the development, the applicant plans to replace the existing building with a new building. The new building will be set further back from Cherry Avenue along the 5<sup>th</sup> ST SW side. This will help alleviate current sight distant issues drivers and pedestrians have with this intersection. Other improvements include buffered on-street parking (the number will be reduced from the current +/- ten spaces), an entrance to onsite parking, and streetscape trees (they are not shown on the conceptual drawing but will be required per Sec. 34-870).

The Streets that Work Plan labels 6<sup>th</sup> ST SW as *Local*. *Local* streets are found throughout the city and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards.

6<sup>th</sup> ST SW (just like 5<sup>th</sup> ST SW) is a one-way street running south with existing conditions that include no sidewalk connectivity along the Subject Property (there is a 4.5-foot sidewalk running along the western edge of 6<sup>th</sup> ST SW). On-street parking is not permitted along this section of 6<sup>th</sup> ST SW. In addition, both sides of the street are devoid of streetscape trees. As part of the development, the applicant will be providing sidewalk, on street parking, and streetscape trees. An egress from the development and access to the structured parking deck will also be accessible off 6<sup>th</sup> ST SW.

*Staff Analysis:* Based on the application materials, staff concludes that the pedestrian network will be improved along Cherry Avenue, 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW. Staff also finds

that by removing the existing building and setting the new structure back from Cherry Avenue, existing sight distance issues will be resolved.

#### Bike Ped Master Plan

The City's 2015 Bike Ped Master Plan indicates this portion of Cherry Avenue to have *Climbing Lanes*. Climbing Lanes are on-road bicycle facilities that provide a bicycle lane as dedicated space for people to bicycle in an uphill direction. Climbing lanes are often accompanied with shared lane markings in the downhill direction. Climbing lanes can also be used on flat road segments where the roadway is too constrained to build bicycle lanes in each direction. Climbing Lanes require a minimum width of five to six feet and the ability to add shared lane markings in the opposite direction of travel. Due to the limited right-of-way, there are no Climbing Lanes or separated bike lanes, and Cherry Avenue is treated as a Shared Roadway with signs and sharrows markings. Nothing in the application materials indicate improvement to Cherry Avenue.

*Staff Analysis:* Based on the application materials, staff concludes that the proposed development will not have any impact to existing bicycle infrastructure. The applicant is also requesting a reduction in on-site parking indicating they believe the residents of the development will use alternative forms of transportation such as biking and walking. This could add to the number of cyclists in this area. The proposed development will improve the City's sidewalk infrastructure.

#### Cherry Avenue Small Area Plan

The Subject Property falls within the Primary Focus Area of the 2021 Cherry Avenue Small Area Plan. Of the 10 *Community Vision Goals outlined in the plan*, goal 3: *ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms*; goal 6: *foster an inclusive and welcoming community through place-keeping, place-making, and beautification*; and goal 10: *increase health and well-being of neighborhood residents might be achieved through the proposed development* may be achieved by the proposed development. As presented in the application materials and proffer statement, the development could achieve recommendation H-2: *identify properties for housing development under the Charlottesville Affordable Housing fund and local non-profit organizations*. Land Use recommendations such as LU-1: *re-examine allowable uses in the zoning code and ensure that allowed use regulations are consistent with the community's preferred uses*; and LU-5: *re-examine massing regulations along Cherry Avenue to support a respectful transition between more intensive development along Cherry Avenue and the existing historic low-density housing*. *Re-examine setback and massing and other building form regulations with an aim of*



*enhancing the pedestrian experience along Cherry Avenue could also be accomplished through the proposed development. From the Transportation recommendations T-7: relocate (improve) the CAT bus stop at the intersection of Cherry Avenue and 6<sup>th</sup> SW from the crosswalk on Cherry Avenue will be achieved through this development. In addition, the development of the Subject Property will fulfill part of Transportation recommendation T-2: add sidewalks on 6 ½ Street 6<sup>th</sup> ST SW, and 9<sup>th</sup> ST.*

*Staff Analysis:* The Subject Property is in the heart of the Cherry Avenue Small Area Plan (CASAP) planning area (primary focus area) and is a key location for the community. The most recent large scale development along the corridor was the William Taylor Plaza PUD (hotel and residential units at the intersection of Cherry Avenue and Ridge Street). This development was the catalyst for the CASAP as the community expressed disappointment with the development as it did not benefit the residents of Fifeville. With the guidance of the CASAP, 501 Cherry Avenue could turn the tide back to community focused development. Staff is concerned that to achieve development of the Subject Property in a manner that is consistent with the CASAP and meets the needs of the applicant, the property needs to be rezoned, but in general finds the proposed development would achieve many goals and recommendations of the CASAP.

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

Based on the information contained within the application, the proposed development would likely comply with applicable building code regulations. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**(4) Potential adverse impacts, including, but not necessarily limited to:**

**a) Traffic or parking congestion**

Traffic

The City Traffic Engineer has reviewed the application and finds the amount of traffic related to this development would have little impact on the surrounding street network if the access points were adjusted. See Vehicular Access.

Vehicular Access

As currently proposed, the project will have vehicular access points off of Cherry Avenue, 5<sup>th</sup> ST SW, and 6<sup>th</sup> ST SW. Staff is concerned with the vehicular access point to the parking garage off 5<sup>th</sup> ST SW as the street is one-way running north to south with no direct access to Cherry Avenue. Anyone wishing to access the parking garage via 5<sup>th</sup> ST

SW will need to travel through the residential neighborhood by way of Oak ST or Dice ST. These streets, as is with most of Fifeville, are narrow and utilized for on-street parking. While the proposed development will only generate a minimal number of trips, it does not seem necessary to force traffic through the neighborhood when a design could be accomplished in which all traffic can ingress/egress from Cherry Avenue.

#### Parking

The applicant is requesting a number of reductions in off-street parking. These include reducing the number of residential spaces from one parking space per efficiency, one and two-bedroom units to just ½ space per unit; reducing three and four-bedroom units from a required two parking spaces per unit down to one space per unit; reducing the general retail sales from 3.5 spaces per 1,000 square feet to 2.5 parking spaces per 1,000 square feet; reducing grocery stores and pharmacies from one required parking space per every 250 square feet to one space per every 500 square feet; and increasing the allowable compact parking spaces from thirty percent to forty percent. Staff finds this location could take advantage of reduced parking along with shared parking (parking spaces are utilized during the day for commercial/retail uses and become residential spaces at night). This area is also well served by mass transit (see Other Modes of Transportation below) and could be a good location to utilize micro transit. The community is concerned with parking as illustrated in the Public Comment section and the Cherry Avenue Small Area Plan. Many of the surrounding streets fill up daily with commuter parking. This puts a stress on residents as many lots in Fifeville are small and do not accommodate off-street parking. Staff believes reduced parking on the Subject Property could work but suggests conditioning it to a more detailed plan that is reviewed and approved by the City Traffic Engineer.

#### Other Modes of Transportation

There are several transit stops located within a quarter (1/4) mile of the Subject Property, including stops on Cherry Avenue at 6<sup>th</sup> ST SW, Cherry Avenue near Roosevelt Brown Blvd, and the intersection of Cherry and Ridge ST. The proposed development will improve the CAT stop at Cherry Avenue and 6<sup>th</sup> ST SW by relocating it from the west side of 6<sup>th</sup> ST SW to east side and providing a concrete pad for a future shelter.

As described above in the Streets That Work and Bike Ped Master Plan section of this report, the incomplete sidewalk network abutting the Subject Property will be improved and completed as part of the development. Removal of the existing building will also alleviate a sight distance issue that has impacted pedestrian, cyclist, and motorists at the intersection of 5<sup>th</sup> ST SW and Cherry Avenue for years.



*Staff Analysis:* Staff believes the applicant's proposed improvements to the pedestrian infrastructure network, sight distance issue, and transit stop to be adequate. Staff believes that the proposed improvements should be ensured through applicable conditions, should the SUP be approved.

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

The most likely adverse impact from a mixed-use development at this location would be added noise. The commercial/retail portion of the development would add an increase in vehicular and pedestrian activity during the day which could add additional sound not currently associated with the site. The same can be said for the residential portion of the development in the evenings and at night depending on the final design of the buildings (if they have balconies or not). Due to the multifamily nature of the development, adequate lighting will need to be provided to ensure safety on site. The lighting plan will be evaluated during final site plan review and will need to conform to Sec. 34-1000 through 34-1005.

*Staff Analysis:* The impacts described above do not expand beyond those that could be created through a by-right development and can be mitigated through existing site plan regulations.

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

The Subject Property is currently vacant, but once housed the Estes IGA grocery store (closed in 2002). After the IGA closed the location was occupied by Kim's Market and operated for around fifteen years. No residents or businesses will be displaced.

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

As noted above, the Subject Property is currently vacant. Any development of the site (by-right or SUP) would promote and not discourage economic development at this location.

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

Community facilities are fire protection, police enforcement, and emergency response services; public utilities and infrastructure; and public parks and recreation opportunities. These departments have reviewed the SUP request and found there would most likely be adequate service to the Subject Property as described in the

application materials. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

*Staff Analysis:* The proposed development will result in some increased demand on physical facilities and services provided (see also paragraph (g, below). Some of these impacts, such as impacts on the City's water and sewer facilities, and public streets/sidewalks, can be adequately evaluated and addressed during the site plan process, and final site plan approval is dependent on confirmation of adequate facilities or improvements provided by the applicant to ensure adequacy. A preliminary review of the proposal indicates the City's existing water and sewer facilities are likely to be adequate to serve the proposed development.

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

The Subject Property is currently vacant. Development of the site by-right or through a SUP will not reduce the availability of affordable housing in the neighborhood.

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

Because housing is open to all, there is a possibility that families with children could take residence here. Therefore, some impact could be created on school population and facilities.

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

The subject property is not within any design control district.

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

Based on the information contained within the application, the proposed development would likely comply with applicable federal and state laws. As to local ordinances (zoning, water protection, etc.), it generally appears that this project, as detailed in the application, can be accommodated on this site in compliance with applicable local ordinances; however, final determinations cannot be made prior to having the details required for final site plan and building permit approvals. Specific zoning requirements reviewed preliminarily at this stage include massing and scale (building height, setbacks, stepbacks, etc.) and general planned uses.

**j) Massing and scale of project**

The application materials depict removal of the existing structure and replacing it with two new buildings of varying height (building A and B). The buildings are placed to the



east and west on the Subject Property running along both 5<sup>th</sup> ST SW, 6<sup>th</sup> ST SW and Cherry Avenue. Surface parking and access to building B's structured parking separates the two buildings. A large stormwater pipe and sanitary line bisect the Subject Property which is one of the design constraints facing the site.

The conceptual renderings and site plan show building A (running along 5<sup>th</sup> ST SW) will house Twice Is Nice and the Music Resource Center on the ground floor with two to three stories of residential units above. Moving north along 5<sup>th</sup> ST SW the grade rises and there is access to a small second story parking garage. The garage is only accessible from 5<sup>th</sup> ST SW and does not provide vehicular access to building B or the internal parking area of the site. The area between buildings A and B is accessible from Cherry Avenue with both ingress and egress. Parking to the lower deck of building B is also accessible from Cherry Avenue. A one-way egress from the center of the development to 6<sup>th</sup> ST SW is also provided. Access to the center of the site from 6<sup>th</sup> ST SW is prohibited. Building B (running along 6<sup>th</sup> ST SW) could contain a small grocery (or other use) on the ground floor with three to four stories of residential units above. The back of the building will be a two story parking garage that is not interconnected. Access to the first floor of the garage will be from Cherry Avenue and access to the second floor will be from 6<sup>th</sup> ST SW.

The information above is based on the conceptual materials found in the application (**Attachment B and C**) and will not necessarily represent what the design will look like at the final site plan and building permit stage. Based on the request within the SUP application and proffer statement, the applicant will need to produce a final design that adheres to the following physical characteristics.

- Height: Maximum building height = 65' or five stories.
  - Height is reduced to 45' or three stories within forty feet of the rear property line that abuts the residential zoned district. See attachment B sheet 4 for a visual representation.
- Setbacks: 5<sup>th</sup> ST SW side = 0' minimum and 9' maximum. This will create a 9' build-to zone where 100% of the building facade must be within 9' of the property line.
- Setback: 6<sup>th</sup> ST SW side = 0' minimum and 9' maximum. This will create a 9' build-to zone where 100% of the building facade must be within 9' of the property line.
- Setback: Adjacent to low density residential districts = 10' minimum with S-3 screening.
- Setback: Cherry Avenue = No setback required. The facade of the building can be right on the property line to an undermined depth.

- Stepback: Along Cherry Avenue the building must stepback 5' after the 4<sup>th</sup> story.
- Buildings will need to be a minimum 5' (to each side) off the existing stormwater line and a minimum 10' (to each side) off the existing sanitary line. Alternatively, the lines can be relocated.

*Staff Analysis:* These design characteristics minimize the effect of the size of the proposed buildings on the northern portion of the development and will help transition to the residential neighborhood as the grade rises. As stated in *(1: Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.)* above, most planning documents for the Cherry Avenue Corridor envision smaller scale (three story in height) mixed use development that blend into the residential neighborhood. Additional height might be appropriate so long as the development provides sufficient affordable housing. To be more consistent with the vision of Cherry Avenue, staff would like to see a build-to zoning along Cherry Avenue of between zero and twenty feet with a percentage range set around of 50% to 75%. This would create a build-to zone but allow flexibility/articulation and insure streetscape trees. In addition, staff would also like to see the stepback lowered to be more consistent with the CH zoning district (after thirty-five feet), but the reduction from ten to five feet is acceptable. Although the stepback does concern staff, it is tied to the proffer statement and not the SUP (along with maximum height). If the proffer statement from ZM23-0001 is accepted, in whole, staff finds reasonable conditions placed on the SUP will insure appropriate massing and scale of the project.

**(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;**

Most development within the CH and B-3 zoning district will require review and approval of a site plan per Sec. 34-802 before land distribution activities can begin. The description for Commercial Districts and B-3 states the purpose of the city's commercial districts is to regulate the use of land, buildings, structures, and other premises for business uses, in order to encourage economic development activities that are both harmonious with surrounding areas and which provide desirable employment, expand the city's tax base, and provide convenient goods, services and amenities to residents of the city. There are five (5) commercial districts and B-3 is the most commercial/retail intense. The B-3 business district is intended to provide for major commercial uses, of a type that is likely to generate significant amounts of traffic from points within as well as external to the surrounding neighborhood, and that may generate moderate noise, odors or fumes, smoke, fumes, fire or explosion hazards, lighting glare, heat, or vibration.



The B-3 zone allows for single-family, two-family, and multi-family residential development up to 21 DUA by-right. The proposed project is a mixed-use project with multi-family residential and commercial uses. As presented, the proposed development would be harmonious with the purposed zoning district. For more information on the B-3 zoning district you can refer to the corresponding rezoning (ZM23-0001) application and staff report.

**(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**

Based on the information contained within the application, the proposed development would likely comply with applicable local ordinances. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**(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.**

The Subject Property is not within a design control district.

### **Public Comments Received**

#### *Community Meeting Required by Sec. 34-41(c)(2)*

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 5<sup>th</sup> ST SW and 6<sup>th</sup> ST SW and this project will only make it worse.

- Parking will be an issue and will spill into the surrounding neighborhood.
- 5<sup>th</sup> ST SW and 6<sup>th</sup> 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 (**Attachment B Sheet 4**).

#### *Other Comments*

As of the date of this report staff has not received any comments from the public. Should any comments come in after the report is posted, those comments will be forwarded to Planning Commission and City Council.

### **Staff Recommendation**

Staff finds the application meets the general standards for a Special Use Permit and recommends approval with the below conditions:

#### **Recommended Conditions**

Should Planning Commission recommend approval to City Council, Staff recommends the following conditions be included:

1. Per Section 34-480: Permitted Residential density up to 87 Dwellings Units per Acre (DUA) on the Subject Property.
2. Per Section 34-162: Alter the 5<sup>th</sup> ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
3. Per Section 34-162: Alter the 6<sup>th</sup> ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
4. Per Section 34-162: Alter the Cherry Avenue side yard setback requirements to zero (0) feet minimum and twenty (20) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.



5. Per Section 34-162: Alter the yard setback abutting any Low Density Residential zoned district to ten (10) feet minimum.
6. Per Section 34-157(b): Any yard abutting a Low Density Residential zoned district shall provide S-3 Screening as defined in Section 34-871.
7. Per Section 34-162: Off-Street Parking shall be required at the following ratios:
  - a. Multifamily Dwelling Units:
    - i. For efficiencies, 1-bedroom units, and 2-bedroom units = one-half (1/2) parking space per unit.
    - ii. For 3-bedroom units and 4-bedroom units = one (1) parking space per unit.
  - b. General Retail and Sales:
    - i. Two point five (2.5) spaces per 1,000 square feet of gross floor area.  
Storage space may be deducted from the square footage requirement.
  - c. Grocery Stores and Pharmacies:
    - i. One (1) space per 500 square feet of gross floor area.

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

8. Per Section 34-162: Up to forty (40) percent of the off-street parking spaces may be designated to the dimensions for compact cars as defined in Section 34-977.
9. Per Section 34-157(b): The exterior of any parking garage (structured parking, parking deck...) shall be screened such that automobiles and the interior of the garage are not visible from Cherry Avenue, 5<sup>th</sup> ST SW, 6<sup>th</sup> ST SW, or abutting Low Density Residential zoned districts.
10. Per Section 34-157(b): The applicant will provide a five (5) feet by fifteen (15) feet concrete pad that is ADA accessible behind the sidewalk near the intersection of Cherry Avenue and 6<sup>th</sup> ST SW for a future transit stop.
11. ...
12. ...

### **Suggested Motions**

1. I move to recommend approval of this application for a Special Use Permit in the B-3 zone at 501-507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW to permit residential development with additional density with the following listed conditions.

- a. The ten (10) conditions recommended by staff
- b. [alternative conditions, or additional condition(s)....list here]

**OR,**

2. I move to recommend denial of this application for a Special Use Permit in the B-3 zone at 501-507 Cherry Avenue, 0 5<sup>th</sup> ST SW, and 0 6<sup>th</sup> ST SW.

### **Attachments**

**(Note: Attachments may be found under application ZM23-0001)**

- A. Rezoning and SUP Application dated February 1, 2023.
- B. 501 Cherry Avenue Narrative, Concept Plan, and Exhibits with a revision date of July 18, 2023.
- C. Signed Proffer Statement dated July 5, 2023.
- D. Affordable Dwelling Unit Ordinance Worksheet.
- E. Memorandum of Understanding between the Fifeville Neighborhood Association and the Woodard Properties-Piedmont Housing Association Partnership.
- F. Community Meeting and Public Comment.





# City of Charlottesville

## Application for Rezoning

Project Name: 501 Cherry Ave. Development

Address of Property: 501 Cherry Avenue

Tax Map and Parcel Number(s): 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Current Zoning: CH & R1-S

Proposed Zoning: B-3

Comprehensive Plan Land Use Designation: Neighborhood Mixed Use Corridor & General Residential - Sensitive Areas

Applicant: Chris Virgilio

Address: 224 14th Street NW, Charlottesville, VA 22903

Phone: 434-989-03672

Email: cvirgilio@woodardproperties.com

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

Owner

Owner's Agent

Contract Purchaser

Owner of Record: WP 501 Cherry LLC

Address: 224 14th Street NW, Charlottesville, VA 22903

Phone: 434-971-8860

Email: cvirgilio@woodardproperties.com

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

(1) Signature [Signature] Print Chris Virgilio Date 2/1/2023

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

Other (specify): Director of Development

(2) Signature [Signature] Print Anthony Woodard Date 2/1/2023

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

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



# City of Charlottesville

## Pre-Application Meeting Verification

**Project Name:** 501 Cherry Avenue

**Pre-Application Meeting Date:** 11/17/2022

**Applicant's Representative:** Kelsey Schlein, Anthony and Keith Woodard, Chris Virgilio

**Planner:** Matt Alfele

**Other City Officials in Attendance:**

City Traffic Engineer Brennen Duncan

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

1. Massing and Elevations (focus on how the building related to the surrounding low-density neighborhood)

2. Traffic Trips generated per entry points  
Trash and deliveries

3. An exhibit showing improvements to ROW of Cherry, 5th, and 6th that are being proposed  
Affordable Housing Worksheet.  
Resolution on the stormwater pipe and easement.

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

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

**Planner Signature:** \_\_\_\_\_





# City of Charlottesville

## Application Checklist

Project Name: 501 Cherry Ave

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

- ☒ 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- ☒ 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.)
- ☒ Completed proffer statement
- ☒ All items noted on the Pre-Application Meeting Verification.

### Applicant

Signature Chris Virgilio Print Chris Virgilio Date 2/1/2023

By Its: Director of Development

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



# City of Charlottesville

## Community Meeting

**Project Name:** 501 Cherry Ave. Development

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:** \_\_\_\_\_

**By:**

**Signature**  **Print** Chris Virgilio **Date** 2/1/2023

**Its:** Director of Development (Officer, Member, Trustee, etc.)





# City of Charlottesville

## Personal Interest Statement

Project Name: 501 Cherry Ave. Development

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): \_\_\_\_\_

Or

No member of the City of Charlottesville City Council, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Applicant: \_\_\_\_\_

By:

Signature *Chris Virgilio* Print Chris Virgilio Date 2/1/2023

Its: Director of Development (Officer, Member, Trustee, etc.)

Commonwealth of Virginia

City of Charlottesville

Annette Marie Staples  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 352375  
My Commission Expires 7/31/2025

The foregoing instrument was subscribed and sworn before me this 1<sup>st</sup>  
day of February, 2023 by Chris Virgilio.

Notary Signature *Annette Marie Staples*

Registration #: 352375 Expires 7/31/2025



# City of Charlottesville

## Owner's Authorizations

(Not Required)

Project Name: 501 Cherry Ave. Development

### 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 rezoning application.

Owner: WP 501 Cherry LLC Date: 2/1/2023

By (sign name): *AKL* Print Name: Anthony Woodard

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

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 rezoning, 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: Chris Virgilio

Name of Corporate or other legal entity authorized to serve as agent: \_\_\_\_\_

Owner: WP 501 Cherry LLC Date: 2/1/2023

By (sign name): *AKL* Print Name: Anthony Woodard

Circle one:

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

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





# City of Charlottesville

## Disclosure of Equitable Ownership

**Project Name:** 501 Cherry Ave. Development

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** Keith O. Woodard **Address** 224 14th Street NW, Charlottesville, VA 22903

**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:** \_\_\_\_\_

**By:**

**Signature** AKW **Print** Anthony Woodard **Date** 2/1/2023

**Its:** CEO (Officer, Member, Trustee, etc.)

Attachment A



# City of Charlottesville

## Fee Schedule

Application Type	Quantity	Fee	Subtotal
Rezoning Application Fee		\$2000	\$2000
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			<b>\$2000</b>

### Office Use Only

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





# City of Charlottesville

## Application for Special Use Permit

Project Name: 501 Cherry Ave. Development

Address of Property: 501 Cherry Avenue

Tax Map and Parcel Number(s): 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Current Zoning District Classification: CH and R1-S. Note: applicant is requesting a re-zoning to B-3 along with the SUP.

Comprehensive Plan Land Use Designation: Neighborhood Mixed Use Corridor & General Residential - Sensitive Areas

Is this an amendment to an existing SUP? No

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

Applicant: Chris Virgilio

Address: 224 14th Street NW, Charlottesville, VA 22903

Phone: 434-989-0372

Email: cvirgilio@woodardproperties.com

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

Owner

Owner's Agent

Designer

Contract Purchaser

Owner of Record: WP 501 Cherry LLC

Address: 224 14th Street NW, Charlottesville, VA 22903

Phone: 434-971-8860

Email: cvirgilio@woodardproperties.com

### Reason for Special Use Permit:

☐

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

☒

Additional residential density: \_\_\_\_\_ units, or 87 units per acre

☐

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

☐

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

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

(1) Signature Chris Virgilio Print Chris Virgilio Date 2/1/2023

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

Other (specify): Director of Development

(2) Signature Anthony Woodard Print Anthony Woodard Date 2/1/2023

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

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



# City of Charlottesville

## Pre-Application Meeting Verification

**Project Name:** 501 Cherry Avenue

**Pre-Application Meeting Date:** 11/17/2022

**Applicant's Representative:** Kelsey Schlein, Anthony and Keith Woodard, Chris Virgilio

**Planner:** Matt Afele

**Other City Officials in Attendance:**

City Traffic Engineer Brennen Duncan

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

1. Massing and Elevations (focus on how the building related to the surrounding low-density neighborhood)
2. Traffic Trips generated per entry points  
Trash and deliveries
3. An exhibit showing improvements to ROW of Cherry, 5th, and 6th that are being proposed  
Affordable Housing Worksheet.  
Resolution on the stormwater pipe and easement.

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

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

**Planner Signature:**





# City of Charlottesville

## Application Checklist

Project Name: 501 Cherry Ave. Development

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

Signature  Print Chris Virgilio Date 2/1/2023

By Its: Director of Development

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



# City of Charlottesville

## Community Meeting

Project Name: 501 Cherry Ave. Development

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: \_\_\_\_\_

By:

Signature  Print Chris Virgilio Date 2/1/2023

Its: Director of Development (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: WP 501 Cherry LLC Date: 2/1/2023

By (sign name): [Signature] Print Name: Anthony Woodard

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): CEO  
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: Chris Virgilio

Name of Corporate or other legal entity authorized to serve as agent: \_\_\_\_\_

Owner: WP 501 Cherry LLC Date: 2/1/2023

By (sign name): [Signature] Print Name: Anthony Woodard

Circle one:

Owner's: LLC Member      LLC Manager      Corporate Officer (specify): CEO  
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 Keith O. Woodard Address 224 14th Street NW, Charlottesville, VA 22903

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:** \_\_\_\_\_

**By:**

Signature  Print Anthony Woodard Date 2/1/2023

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



## Attachment A



# City of Charlottesville

## Fee Schedule

Project Name: 501 Cherry Ave. Development

Application Type	Quantity	Fee	Subtotal
Special Use Permit		\$1800	\$1800
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>			<b>\$1800</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: \_\_\_\_\_





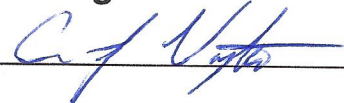
# City of Charlottesville

## LID Checklist

Project Name: 501 Cherry Ave. Development

LID Measure	LID Checklist Points	Points
<b>Compensatory Plantings</b> (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	0
<b>Pervious pavers</b> 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.	0
<b>Shared parking</b> (must have legally binding agreement) that eliminates $>30\%$ of on-site parking required. <u>site may utilize formalized shared parking agreement at site plan</u>	5 points or 1 point for each 6% of parking surface eliminated.	0
<b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	0
<b>Bioretention.</b> 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.	0
<b>Rain gardens.</b> 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.	0
<b>Designed/constructed swales.</b> 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.	0
<b>Manufactured sand filters, filter vaults</b> (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.	0
<b>Green rooftop</b> to treat $\geq 50\%$ of roof area	8 points	0
<b>Other LID practices</b> as approved by NDS Engineer.	TBD, not to exceed 8 points	0
<b>Off-site contribution</b> 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	0
<b>Total Points</b>		0

### Applicant's Signature

Signature  Print CITRUS VIRGILIO Date 2/1/2023



**501 CHERRY AVENUE**

TMP(s) 29-177, 29-178, 29-178.1, 29-178.2, 29-179

project ID: 22.045

Submitted 1 February 2023

Revised 15 May 2023

Revised 18 July 2023

Sheet 1 of 25

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- 17 - Trip Generation & Distribution Analysis
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501 CHERRY AVENUE  
SITE, REZONING + SPECIAL USE  
PERMIT DETAILS

Sheet 2 of 25

OWNER/DEVELOPER

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

SUMMARY OF LAND USE REQUESTS

- 1. Rezoning to B-3, subject to proffered conditions
- 2. Special use permit for residential density, up to 87 DUA with affiliated parking and setback modifications

PARCEL ID

29-177, 29-178, 29-178.1, 29-178.2, 29-179

ACREAGE

TMP 29-177	0.211 AC
TMP 29-178	0.35 AC
TMP 29-178.1	0.195 AC
TMP 29-178.2	0.346 AC
TMP 29-179	0.259 AC
Total	1.361 AC

NEIGHBORHOOD

Fifeville

CRITICAL SLOPES

No critical slopes are present on the property.

FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0288D), this property does not lie within a floodplain.

BUILDING HEIGHT

Building height is restricted to a maximum of 65’, except for in the “residential height zone” building height is further restricted to a maximum of 45’ (see proffer statement for specific height limitations).

SETBACKS

Front	Provided in accordance with Sec. 34-457
Street side	See requested modifications
Side	
Rear	

DENSITY

PROPOSED: Special use permit request for up to 87 DUA (Maximum 118 units)

USE

EXISTING: Vacant commercial space  
PROPOSED: Mixed-use development

ZONING

	Existing Zoning	Proposed Zoning	Comprehensive Plan Designation
TMP 29-177	Cherry Avenue Corridor	B-3 Business	Neighborhood Mixed Use Corridor
TMP 29-178			
TMP 29-178.1			
TMP 29-178.2			
TMP 29-179	R-1S		General Residential - Sensitive Areas

SUMMARY OF REQUESTED MODIFICATIONS

Setbacks	Required Per Sec. 34-457	Requested Modification
Street side setback (5th Street SW)	5’  One (1) foot for every two (2) feet of building height of the tallest building on the lot, minimum of ten (10) feet, <b>except that on a corner lot where the adjoining residential district is across the street, the required street side yard shall be five (5) feet</b>	0’ Min – 9’ Max
Street side setback (6th Street SW)	None required (portion) 5’ (portion)	0’ Min - 9’ Max
Side setback, adjacent to low density residential	One (1) foot for every two (2) feet of building height of the tallest building on the lot, minimum of ten (10) feet, except that on a corner lot where the adjoining residential district is across the street, the required street side yard shall be five (5) feet	10’
Rear setback, adjacent to low density residential	20’	10’

SUMMARY OF REQUESTED MODIFICATIONS (CONT.)

Use	Off-Street Parking Spaces Required Per Sec. 34-984	Requested Modification
Multifamily dwellings	Efficiency, 1-bedroom unit, 2-bedroom unit: 1 space per unit	½ space per unit
	3-bedroom unit, 4 bedroom unit: 2 spaces per unit	1 space per unit
General, retail sales	3.5 spaces per 1,000 SF of gross floor area. Storage space may be deducted from square footage	2.5 spaces per 1,000 SF of gross floor area, Storage space may be deducted from square footage.
Grocery stores and pharmacies	1 space per 250 SF of gross floor area	1 space per 500 SF of gross floor area

Parking Space Dimensions	Required Per Sec. 34-977(b)(2)	Requested Modification
Compact Car	When located within parking lots with ten (10) or more parking spaces, the director or the planning commission may allow up to thirty (30) percent of the required off-street parking spaces to be designed to the dimensions indicated in paragraph (a), above, for compact cars.	When located within parking lots with ten (10) or more parking spaces, the director or the planning commission may allow up to <b>forty (40) percent</b> of the required off-street parking spaces to be designed to the dimensions indicated in paragraph (a), above, for compact cars.

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045



501 CHERRY AVENUE  
PROJECT NARRATIVE

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LOCATION

Along Cherry Avenue, directly west of its intersection with 5th St. SW. The parcels are located immediately across Cherry Avenue from Tonsler Park.

SURROUNDING USES

The property is surrounded by commercial uses along the Cherry Avenue frontage, with single-family detached homes north of the property.

PROJECT PROPOSAL

WP 501 Cherry LLC is the owner (the “owner”) of tax parcels 29-177, 29-178, 29-178.1, 29-178.2, and 179 in the City of Charlottesville (collectively, the “property”). The property is the site of a former grocery store and has been vacant since that business closed several years ago. On behalf of the owner, we request a rezoning and special use permit (together, the “land use requests”) that would permit a mixed-use development within a built form that is harmonious with the property’s context along Cherry Avenue and within the Fifeville Neighborhood. We request a rezoning from Cherry Avenue Corridor and R-1S to B-3 Business, with a special use permit for additional residential density of up to 87 DUA. In accordance with Sec. 34-162, the owner requests the following modifications and reductions to parking standards and setback regulations with this special use permit request.

Use	Off-Street Parking Spaces Required Per Sec. 34-984	Requested Modification
Multifamily dwellings <sup>1</sup>	Efficiency, 1-bedroom unit, 2-bedroom unit: 1 space per unit	½ space per unit
	3-bedroom unit, 4 bedroom unit: 2 spaces per unit	1 space per unit
General, retail sales	3.5 spaces per 1,000 SF of gross floor area. Storage space may be deducted from square footage	2.5 spaces per 1,000 SF of gross floor area, Storage space may be deducted from square footage.
Grocery stores and pharmacies	1 space per 250 SF of gross floor area	1 space per 500 SF of gross floor area

1. (Residential parking to be provided consistent with Cherry Avenue Corridor requirements – Sec. 34-662 would permit residential units in mixed use projects to provide one-half (1/2) of the number required by Article IX, section 34-984)

Parking Space Dimensions	Required Per Sec. 34-977(b)(2)	Requested Modification
Compact Car	When located within parking lots with ten (10) or more parking spaces, the director or the planning commission may allow up to thirty (30) percent of the required off-street parking spaces to be designed to the dimensions indicated in paragraph (a), above, for compact cars.	When located within parking lots with ten (10) or more parking spaces, the director or the planning commission may allow up to <b>forty (40) percent</b> of the required off-street parking spaces to be designed to the dimensions indicated in paragraph (a), above, for compact cars.

Due to the mixed-use nature of the proposed development, parking needs between the residential and commercial portions of the site will be complementary throughout the day, with residents utilizing the majority of parking during the evenings and weekends and the commercial uses occupying the majority of the parking during the weekday.

Setbacks	Required Per Sec. 34-457	Requested Modification
Street side setback (5th Street SW)	5’  One (1) foot for every two (2) feet of building height of the tallest building on the lot, minimum of ten (10) feet, <b>except that on a corner lot where the adjoining residential district is across the street, the required street side yard shall be five (5) feet</b>	0’ Min – 9’ Max
Street side setback (6th Street SW)	None required (portion) 5’ (portion)	0’ Min - 9’ Max
Side setback, adjacent to low density residential	One (1) foot for every two (2) feet of building height of the tallest building on the lot, minimum of ten (10) feet, except that on a corner lot where the adjoining residential district is across the street, the required street side yard shall be five (5) feet	10’
Rear setback, adjacent to low density residential	20’	10’

See sheet 14 demonstrating proposed setbacks

The owner proposes to limit the by-right use allowance in the B-3 district by proffering to prohibit certain uses from being realized on the property, as part of the rezoning request. The following uses are prohibited on the property:

- Gas station
- Repair/servicing business (automobile)
- Car wash
- Crematorium (independent of funeral home)
- Dry cleaning establishments
- Drive-through windows
- Towing service, automobile
- Taxi stand
- Industrial equipment: service and repair
- Wholesale establishments

To establish a mixed-use development on the property, we propose the construction of two new mixed-use buildings with a mixture of structured and surface parking.

- The project design will establish:
1. An urban mixed-use development with the potential to create housing units in close proximity to major regional employers, such as the University of Virginia and the Medical System at the University of Virginia, and a 10-acre City park.
  2. Revitalization of a key area of the Cherry Avenue Corridor that aims to provide neighborhood-scale services to the existing and new residents, with these services being focused on desired uses such as a grocery store and spaces for community non-profit organizations
  3. A development project that has been responsive to community feedback specifically in regards to massing and form, desired uses, and traffic circulation

PUBLIC BENEFIT & NEED

According to Charlottesville’s Affordable Housing Plan (2021), Charlottesville has grown in population and total employment over the past decade, however, “this increase in [housing] demand has not been matched by the level of housing development” (38). The reduction in housing supply and availability has increased competition and housing costs, and with the increasing University of Virginia student population, home prices have consistently risen in the City of Charlottesville. In addition to the rising cost of housing, current zoning presents another challenge in contributing to the limited housing supply, where “only 30% of the city’s residential-zoned land can be used for higher-density development” (37). Although the by-right density of the existing Cherry Avenue Corridor zoning is 43 DUA within a mixed-use project, a B-3 rezoning and a concurrent special use permit would permit double the density, for up to 87 DUA. Under the Cherry Avenue Small Area Plan (2021), the redevelopment of a vacant lot and parking area to create an active mixed-use space not only aligns with the vision set forth by residents of the Cherry Avenue Corridor, but could create new opportunities for services and employment within the Fifeville walking shed. Moreover, established areas

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# 501 CHERRY AVENUE

## PROJECT NARRATIVE

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of employment are within close proximity of the proposed development. The strategic location of the property is along an existing CAT bus route, within a 10-minute walking shed of the Downtown Mall and Buford Middle School, and within a 15-minute walking shed of the University of Virginia Hospital.

The owner has been actively working with Piedmont Housing Alliance (PHA) to make this project one that is comprised of at least 60 affordable to deeply affordable units. The owner will engage in good faith negotiations with PHA to co-develop these units. As an affordable housing project, this proposal is deeply aligned with the residents’ and the neighborhood association’s visions as outlined in the Small Area Plan.

In addition to new housing, this project would provide commercial tenant spaces that could serve a variety of users that would benefit local businesses by allowing them to locate within the communities they serve and that would benefit residences by having services they utilize nearby. The owner has actively engaged with area non-profits about the potential to relocate to this property and there is interest from local businesses in doing so. Twice is Nice and the Music Resource Center are two local non-profits that have expressed an interest in relocating to 501 Cherry Avenue.

For more than 35 years, Twice is Nice (TIN) has sought to encourage recycling and reducing waste in the City of Charlottesville. The resale retail shop works to extend the life-cycle of gently used items, that includes secondhand clothing, household appliances, and furniture. With the earnings received from their retail sales, TIN works to benefit seniors in need and has distributed over \$1 million in grants to local groups since 2010. Music Resource Center (MRC) is a community organization, focused on providing access to after school music programs for middle and high schoolers. MRC offers practice and studio recording spaces, access to instruments and equipment, summer camps, and participation in performance events. Students are able to engage in mentorship and musical instruction, such as voice, instrument, or dance lessons. With their mission in providing musical access to all students, MRC’s membership operates on a needs-based sliding scale.

If the rezoning and special use permit were approved, both TIN and MRC would have a strong interest in relocating to 501 Cherry Avenue. In fact, MRC had originally hoped to purchase the 501 Cherry property, due to its location near Buford Middle School, but was unable to complete the sale of their current building and could not move forward with the 501 Cherry purchase. Especially as Fifeville residents would like to “see more business variety in the corridor...locally-owned businesses,”<sup>1</sup> such as more retail spaces, the Cherry

Avenue Corridor would be the ideal place to locate two established Charlottesville organizations like TIN and MRC. The property is sited within a well-connected pedestrian and public transportation network and Fifeville residents, as well as Buford Middle School students, would be able to easily access the property. Furthermore, the development specifically incorporates the goal of TIN and MRC to purchase and own their commercial space to encourage organizational stability and long-term success as they continue to serve our community.

### COMMUNITY ENGAGEMENT AND RESPONSIVENESS TO FEEDBACK

The owner has been actively engaged with the Fifeville Neighborhood Association (FNA) about the redevelopment of this site largely since acquiring the property. Throughout the development of this application, FNA and the owner have worked together to communicate goals for the redevelopment of this site and that communication has resulted in a shared vision that at this point in time has resulted in a Community Benefits Memorandum of Understanding (MOU) between the owner, FNA, and PHA. This MOU specifically commits to:

- building a mix of affordable and deeply affordable housing
- proactively managing the housing units in alignment with Fifeville’s vision for anti-displacement and place-keeping
- build commercial space for neighborhood-oriented goods and services
- proactively manage or sell the commercial spaces in alignment with Fifeville’s vision for financial accessibility, cultural relevance and operators who are engaged with the Fifeville community
- Invest in environmentally-friendly and neighborly site design features that benefit on site and nearby residents
- Incorporate cultural memory and place-keeping into the site design, including opportunities for input from Fifeville residents
- Maintain regular communication with the Fifeville Neighborhood Association and with neighborhood residents during the development process.

This application was before the Planning Commission for a work session on March 14, 2023 and a community meeting for this project was held on June 3, 2023. In response to feedback received at the Planning Commission work session and the community meeting, the following revisions have been incorporated into this application:

#### CONCEPT PLAN

- Revised concept plan in response to transportation concerns
  - Removed exit only from 5th St. SW, reducing proposed entrances on 5th St. SW from two to one
  - Proposed new building where the IGA is currently

located which allowed the front facade to be shifted further back from Cherry Avenue, opening up sight lines along the Cherry Avenue entrance and enabling it to be a two-way entrance with increased sight lines

- Increased spacing between entrances along 6th Street SW and incorporated egress only from surface parking to 6th St. SW; this egress only will enable garbage trucks and small delivery trucks to service the property and the future residents and businesses on the sight without having to make three point turns, small trucks will enter the site from Cherry Avenue and circulate through the site to exit on 6th St.
- Revised massing of building to further break up the form and make the mass more compatible with its context

#### PROFFER STATEMENT

- Revised affordable housing proffer to include the owner’s commitment to co-developing an affordable and deeply affordable housing project with PHA
- Restricted maximum building height in rear portion of the property to a maximum of 45’ or 3 stories to be more consistent with the neighborhood form north of the property; this height restriction applies to 40’ from the rear of the property, which is consistent with the area shown in magenta below:



### B-3 JUSTIFICATION

To realize a mixed-use development aligned with the community vision for this site, a rezoning to B-3 and special use permit for increased residential density is requested. While the Cherry Avenue Corridor (“CH”) zone advocates for mixed-use development as well, certain restrictions within the CH zone would prohibit the concept plan as proposed. Where the pressing housing demand is present in the City of Charlottesville, building within CH requirements would restrict maximum housing on the property to 58 units. This major city corridor is an ideal location for the consideration of additional density, due to its location relative to the University, the Downtown Mall, and access to public transportation and pedestrian infrastructure. Moreover, the CH zone has specific regulations limiting (1) Retail sales and consumer service businesses; (2) Health clinics; and (3) Educational

facilities to no more than 4,000 sq. ft and the CH zone does not permit grocery stores by-right, despite a grocery store being a well-documented desire of the Fifeville community. The B-3 zoning district would create the opportunity for the various aforementioned users to take shape on the property that otherwise would be prohibited under the CH zoning designation. To allow for additional flexibility in commercial development, a rezoning to B-3 would remove such constraints and would permit a wide variety of commercial tenants that may relocate to the Fifeville neighborhood and that would permit a residential density that is more appropriate for an urban mixed-use setting.

A portion of the property, parcel 29-179, is currently zoned R-1S however that property has historically served as a parking lot for the former grocery store, functioning as an ancillary use to the grocery business located on the adjacent parcel. Parcel 29-179 has long functioned to serve a business user and so a change in zoning from R-1S to B-3 is aligned with the long standing character of that parcel.

B-3 is one of Charlottesville’s commercial zoning districts and the City Code states that “the purpose of the city’s commercial districts is to regulate the use of land, buildings, structures and other premises for business uses, in order to encourage economic development activities that are both harmonious with surrounding areas and which provide desirable employment, expand the city’s tax base, and provide convenient goods, services and amenities to residents of the city.” The B-3 district provides for the flexibility to realize a dense mixed-use development while the proffered development conditions limit the impact of the development on nearby residential properties by regulating the building form and excluding certain B-3 by-right uses from taking shape on the property.

The Cherry Avenue SAP describes key priorities identified by Fifeville residents for the neighborhood moving forward. For

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land use development, residents encouraged development that would enhance sense of place that has been bolstered by its rich history, increased business activity, and increased multimodal connections. Notably, residents advocated for development within vacant lots as a prime opportunity that would improve the Cherry Avenue streetscape without resident displacement. The proposed application seeks to redevelop a deteriorating site and underutilized parking area to create new housing, neighborhood-serving commercial square footage, and establish an urban form along the Cherry Avenue Corridor, encouraging pedestrian-oriented development.

With building enclosures at the Cherry Avenue right-of-way and increased multimodal activity from new residences and ground-floor commercial area, there would be a new expectation for vehicles entering the corridor to slow down in anticipation of pedestrians and cyclists around the 501 Cherry Avenue and Tonsler Park block. A B-3 rezoning and special use permit is necessary to achieve this mixed-use plan along a primary City thoroughfare. The rezoning and special use permit would meet several goals envisioned in the Cherry Avenue SAP while incorporating flexible development standards provided for in the B-3 zoning district that enable long-desired users to take shape on the property.

CONSISTENCY WITH THE  
COMPREHENSIVE PLAN

The property is located on Cherry Avenue, approximately 500’ northwest from its intersection with Ridge Street. The Comprehensive Plan designates this area as Neighborhood Mixed Use Corridor and General Residential – Sensitive Areas. Neighborhood Mixed Use Corridors are positioned along significant City corridors, that provide supporting uses to surrounding residential areas. General Residential – Sensitive Areas should allow for additional housing opportunities, set in the context of the existing neighborhood. The property is additionally a part of the Cherry Avenue Small Area Plan and is centrally located within the ‘Primary Focus Area,’ where most of the outlined goals and recommendations of the plan are applicable. Many goals of the Comprehensive Plan and the Small Area Plan overlap, and this rezoning and special use permit would achieve various objectives as identified in the Cherry Avenue Small Area Plan as well as overall City goals identified in the Comprehensive Plan. The development is consistent with the Comprehensive Plan in the following ways:

Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation  
*Goal 3. Balance conservation and preservation with change:*  
The development seeks a rezoning and special use permit to revitalize an underutilized property that has been largely

vacant for many years. The nearby single-family residential area is located up-grade of the property and so although the proposed buildings will be taller than the 35’ permitted maximum building height in the R-1S district, where the single family homes are located, the scale of the proposed buildings will be diminished due to the grade change and thoughtful building design. The finished floor of the existing and proposed building on the property is proposed to be at approximately 437’ whereas the finished floors of the single family homes in closest context to the site range from 446’ to 458’.

The owner understands that the proposed project should mediate between the commercial thoroughfare on Cherry Avenue and the fine-grained residential neighborhood towards the interior of the site. The design approach will be compatible with the surrounding context, and will mitigate the apparent scale of the massing by using some of the following strategies:

- Introducing changes in the facade plane or material based on the interior program.
- Varying the mass of the building to create different building expressions in response to the context.
- Differentiating the residential upper stories from the commercial lower stories.
- Introducing upper story step-backs where appropriate.
- Providing base plantings and landscaped streetscape to provide visual interest.
- Coordinating building openings to create visual interest and change the perception of scale.
- Detail the building facade to provide visual variety at key moments.

This proposed integration between the established residential neighborhoods, an evolving transportation corridor along Cherry Avenue, and the proposed mixed use development at 501 Cherry will be most successful through thoughtful design and the applicant intends to apply thoughtful design to every detail of this project including the parking decks where the applicant proposes to incorporate screening features on the exterior of the garage. Similar garage screening techniques have been successfully implemented in several projects throughout Charlottesville such as Stonefield and UVA’s Architecture School where detailed metal screens, wood accents, and climbing vegetation has been installed to soften structured parking that can so often be blank and impassive.

Chapter 5: Housing  
*Goal 2. Diverse housing throughout the city:*  
This proposal would create multifamily housing along a primary corridor through the Fifeville neighborhood, that is surrounded by predominately single-family residential uses. Establishing an urban transect along the Cherry

Avenue Corridor which leads into the low-density residential area would benefit new and existing residents by creating multifamily housing near major employment centers and opportunities for employment, new commercial retail and service areas within the neighborhood. The redevelopment of a vacant site would promote compact, infill development that is central to the neighborhood and accessible to a variety of City destinations, without displacement of any current residents.

Chapter 6: Transportation  
*Goal 2. Coordination with land use & community design:*  
Development of a neighborhood center in close proximity to major employment centers serves to encourage multimodal transportation along the Cherry Avenue Corridor. The new structures on the property will establish an urban form along Cherry Avenue that will contribute to building enclosure along the street frontage, creating a ‘side friction’ for drivers. Ground-floor commercial and new residences near other destinations, such as Tonsler Park and the Downtown Mall, would generate multimodal activity and shift the environment towards a pedestrian-oriented street. Vehicles would anticipate increased multimodal presence and would slow down through this area of Cherry Avenue.

*Goal 4. Parking supply and management:*  
This proposal requests to implement modified parking standards. The requested parking modifications set a more balanced approach to parking, that would support an urban development that encourages active transportation in and around the new mixed-use center. For the multifamily portion of the development, parking modifications are requested to follow the Cherry Avenue Corridor requirements for residential use. The CH zone establishes that residential units in mixed use projects would require one-half of the required number of spaces determined by Article IX, section 34-984 of City Code. Reductions in parking required for general retail, and grocery stores and pharmacies, are also requested, from 3.5 spaces per 1,000 square feet of gross floor area, excluding storage space to 2.5 spaces per 1,000 square feet of gross floor area, excluding storage space; and 1 space per 250 square feet of gross floor area to 1 space per 500 square feet of gross floor area, respectively. Additionally, a modification to increase the permitted ratio of compact car spaces from 30% to 40% is requested.

The complementary nature of the proposed uses will also contribute to parking management where the residents will primarily utilize the parking area during the evening while the businesses are closed and the businesses will primarily utilize most of the parking area during the day while residents are away at school and work.

Chapter 8: Economic Prosperity & Opportunity  
*Goal 4: Build partnerships with private sector groups in order to maximize strategic capital investment in targeted areas of Charlottesville, including higher-intensity nodes and corridors identified on the Future Land Use Map:*  
As described, the property is centrally located within the Priority Focus Area of the Cherry Avenue Small Area Plan. In addition to the Small Area Plan, the Comprehensive Plan identifies the property predominately as Neighborhood Mixed Use Corridor for future land use. The vacant lot is a prime opportunity for mixed-use development that is desired by City Staff and residents as noted in neighborhood plans, providing commercial square footage and employment within an existing neighborhood. The owners have been in conversations with area non-profits about re-locating to this property once it is redeveloped. This early engagement with non-profit organizations has confirmed that local businesses want to be located along this corridor in a strategic location in close proximity to residents they serve. Furthermore, the project would provide new multifamily housing that may access other areas of employment by walking, biking, or public transportation.

IMPACTS ON PUBLIC FACILITIES & PUBLIC  
INFRASTRUCTURE  
New multifamily units and neighborhood-scale commercial uses would generate new trips on Cherry Avenue, however, trips would be limited by the provided parking. Due to the strategic location of the property along a primary transportation corridor and its proximity to a significant number of residences and other destinations, we anticipate that vehicular trips would be offset by increased pedestrian activity. A mixed-use scenario was analyzed to understand the traffic impact of potential commercial development on-site; the traffic generated by approximately 26,400 SF of commercial area and 65 multifamily units was analyzed in this scenario. This scenario would take the assumption that

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commercial square footage would occupy the ground floor of each new structure. It is anticipated that the commercial users would utilize surface parking on-site, as well as on-street parallel parking and multifamily units would utilize the garage parking; approximately 65 parking spaces could be utilized by the residential users within the garage structures and 65 multifamily units were analyzed in this mixed-use traffic scenario.

Currently, there are four points of vehicular access into 501 Cherry. The redevelopment of the property would maintain four entrances to the site. Due to incorporating the existing grade on Cherry Avenue, 5th Street, and 6th Street, entrances and garage access vary for specific users, affecting the trip distribution to the site. **See sheets 15-17 for further details on trip generation and trip distribution.**

Ground Floor Access: Cherry Avenue Entrance (Full Access) & 6th Street SW Entrance (Out Only)  
The Cherry Avenue entrance is a full access entrance that would provide access to surface parking and the ground floor parking area of the 6th St SW garage structure; there is no vehicular access to the upper garage decks from the ground floor. The majority of trips entering the Cherry Avenue entrance would similarly leave the site directly onto Cherry Avenue; it is anticipated that only 10% of the ground floor trips would exit through the 6th Street egress-only entrance. 6th Street SW is a one-way street and all trips leaving the site would turn left onto 6th Street SW.

The Cherry Avenue entrance would be utilized by the trips generated by the retail spaces occupying the ground floor area of the new structures and a portion of residential trips that would utilize the ground floor parking of the 6th St. garage. An internal capture rate of 15% was applied to account for the mixed-use nature; internal trip captures encompass trips that would begin and end within the development, as trips entering the site for one use may take advantage of the other uses at the same time. The 15% capture rate is applied to the lesser of residential or non-residential trips; in this scenario, fewer trips are generated by the portion of residential traffic. For the Cherry Avenue entrance, the 15% capture rate would apply to the generated residential trips.

First Floor Access: 5th Street SW Garage Entrance  
The upper deck of the 5th Street SW garage is expected to be wholly utilized by the residents of 501 Cherry. This garage is expected to be of smaller scale and the anticipated trips through this entrance reflect the number of parking spaces provided. Ingress and egress into the garage would be from 5th Street SW which is a one-way street; residents would travel south on 5th St. to enter into the site and would leave the site

by turning right, towards the 5th and Cherry intersection.

First Floor Access: 6th Street SW Garage Entrance  
The upper deck of the 6th Street SW garage would similarly be utilized by the multifamily units. Trips entering through the 6th St. garage would need to travel south on this one-way street; most trips would likely utilize the full-access entrance on Cherry Avenue, leave through the 6th St egress-only entrance, and turn left into the garage. Vehicles would then exit the site by turning left, towards the 6th and Cherry intersection.

IMPACT ON SCHOOLS

The property is located within the Clark Elementary School district. Following attendance at Clark Elementary, students living in the development would attend Walker Upper Elementary School, Buford Middle School, and Charlottesville High School.

IMPACT ON ENVIRONMENTAL FEATURES

The proposed rezoning and special use permit application is a redevelopment of a vacant commercial property. There is currently one existing structure and any remaining area is nearly wholly encompassed by pavement, which had served as parking for the previous use. There are no known environmentally sensitive features on or near the site that may be impacted by the redevelopment of this parcel.

COMPLIANCE WITH USBC REGULATIONS

Proposed buildings and structures will comply with applicable USBC regulations.

PROFFERS

If this rezoning request is approved, this project will be subject to proffered conditions that have been presented by the owner with this request. The owner has been working with PHA on development plans for affordable units on the property and has committed to entering into good faith negotiations with PHA to develop a minimum of 60 affordable and deeply affordable units on the property. In addition to affordable housing, the owner has agreed to sell commercial condominium space at the Property to Twice Is Nice and the Music Resource Center prior to offering the space for sale to any third parties. The owner has been working with Twice Is Nice and the Music Resource Center, largely since the beginning of creating development plans for this property and is committed to working with those non-profits to establish a permanent home for them on the property. In addition to committing to work with the aforementioned non-profits to develop space for them, the owner has also committed to reserving space in the development for a grocery store tenant for a period of time.

In addition to committing to work to realize certain uses and users that are desired by the community to take shape on the property, the owner has limited the height of proposed buildings on the property in direct response to feedback from the community. Along the northern portion of the property, which is adjacent to low density residential structures, the owner has committed to restricting the height to no greater than 3 stories or 45’ and has further defined the elevation from which portions of buildings in this area must be measured from so that there is certainty in the maximum height of the buildings as they relate to their context in this area.

To ensure the development is compatible with its context, the owner has prohibited certain uses from taking shape on the property that might have greater impacts on the surrounding areas, such as car washes, towing services, and wholesale establishments. Further, to ensure the development is consistent with the Small Area Plan vision for the Cherry Avenue corridor, the owner has committed to providing a mixture of uses within the development so that much needed housing and space for desired commercial activity can take shape on the property.

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045



## who we are

Woodard Properties, a Charlottesville property management and development company, has served local businesses, students, and the community for over 40 years. We provide affordable housing for over 200 households, and work closely with housing authorities and non-profit organizations to house low-income families.



The Woodard Properties team building a bee garden for United Way Day of Caring

### important facts

- 55 affordable housing units in Fifeville, 75% of our portfolio in that area
- Top CRHA voucher participant
- House 1 in 3 IRC families
- \$85,000 donated in 2022 to local organizations
- 50 non-profits supported
- 500 hours of community service to local charities every year
- 200 small businesses supported with affordable commercial space allowing growth and employment opportunities.

Giving has always been at the heart of the Woodard Properties family. Whether it be time, space, resources, manpower, or funding, Woodard Properties is committed to the Charlottesville community and is constantly seeking ways to help this community thrive. Many of the organizations that we assist strive to get those who are struggling back on their feet, which contributes to the overall well-being of our community.



Painting a Habitat for Humanity home

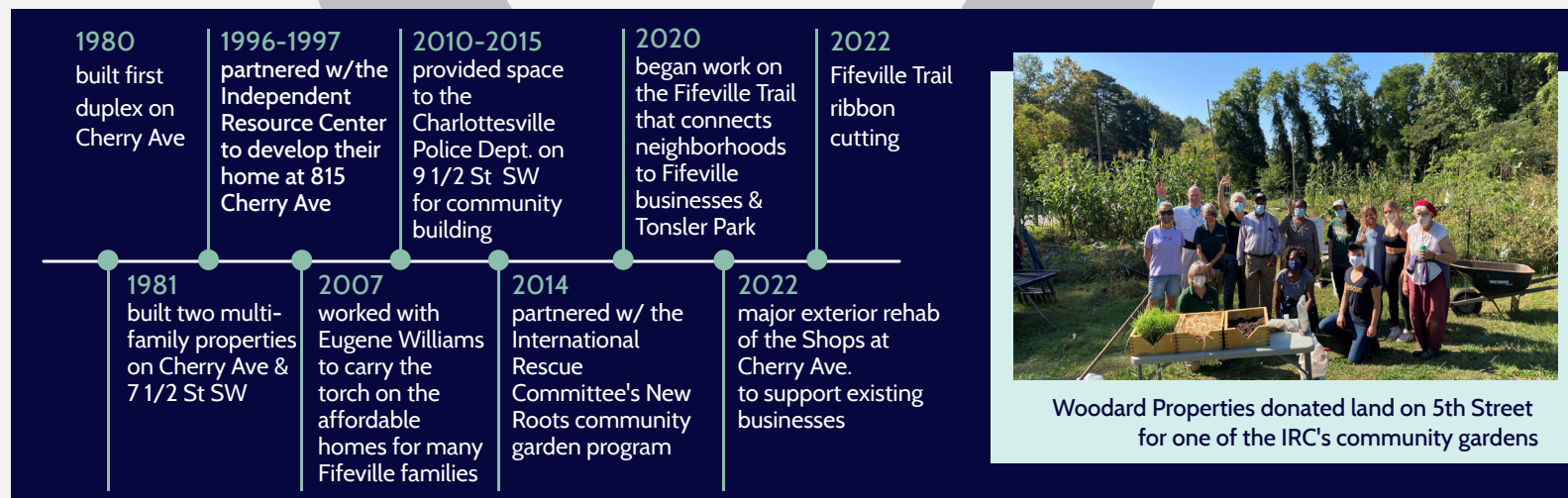
"The International Rescue Committee in Charlottesville is incredibly fortunate to have had Woodard Properties as a key partner in our resettlement efforts for over a decade. In the past year alone, more than 12 families and 48 individuals have been resettled with Woodard, enjoying a tenancy that provides an essential foothold for future self-sufficiency and community integration. IRC clients, particularly Woodard tenants, have become core members of the Charlottesville community; going on to study at UVA and PVCC, serving the country as Peace Corps volunteers, establishing successful businesses, and finding work as healthcare workers, teachers, and even IRC staff members. As we work through the resettlement of over 300 clients displaced by the Afghan Refugee Crisis, the IRC continues to turn to Woodard Properties as reliable and supportive partners in securing our clients' most important need" – The IRC. Woodard Properties not only provides affordable housing for the IRC, but we also work with their New Roots program by donating land for one of their community gardens.

Scan to view the  
organizations we support!



## history in fifeville

Not only has Woodard Properties worked with community stakeholders across the city for over 40 years, but we also have a long history of investment specifically into the Fifeville neighborhood. We currently have 55 affordable housing units in Fifeville for low-income families, which represents 75% of our portfolio in that neighborhood.



Woodard Properties donated land on 5th Street for one of the IRC's community gardens

## 501 cherry ave | community focused development



The Fifeville Trail Ribbon Cutting



The Shops at Cherry Ave Before



The Shops at Cherry Ave After

Woodard Properties is excited to continue working with the Fifeville neighborhood, the City of Charlottesville, and local non-profit organizations towards establishing a community focused mixed-use development at 501 Cherry Avenue.

The current concept plan has dedicated a significant portion of the commercial space to community-based non-profits. Twice is Nice (TIN), which focuses on underserved seniors, and the Music Resource Center (MRC), which focuses on underserved children, have expressed strong interest in working with Woodard Properties to relocate to 501 Cherry Ave.

A top priority of the Cherry Avenue Small Area Plan is a healthy, affordable grocery store. Woodard Properties has been meeting with City staff, local businesses, non-profit organizations, and individuals on possible ways the development at 501 Cherry Avenue can be a part of the solution. These groups include several local and state-wide grocery store operators, the Fifeville Neighborhood Association, City Councilors, Planning Commissioners, City staff from the Office of Economic Development, Office of Community Solutions, Transit, UVA Health, Cultivate Charlottesville, The Local Food Hub, Piedmont Environmental Council, Cville Community Food Co-op, and Piedmont Housing Alliance. On December 13, 2022, Woodard Properties convened these food-focused groups to generate ideas and create momentum towards food access solutions in Fifeville.

Woodard Properties is close to an agreement with Piedmont Housing Alliance (PHA) in an effort to maximize affordable housing in this project. This partnership with PHA will require an investment from the City of Charlottesville.

Woodard Properties has and will continue to focus on community needs as plans are developed for this mixed-use development at 501 Cherry Avenue.



letters of interest



Executive Director  
Alice Fox

Governing Board

Lester Jackson  
Chair  
Hobby Cole  
Vice-Chair  
Colin Frankenfield  
Treasurer  
Paul Zmick  
Secretary  
A.D. Carson  
Pablo DeLaLoza  
Shelby Edwards  
Mike Moore  
Nicole Snyder

November 8, 2022

To Whom It May Concern,

I am writing to you on behalf of the Music Resource Center (MRC). The MRC was founded in 1995 and is a safe, diverse, creative community where teens learn, grow, and make music together. As a non-profit after-school program, the MRC is dedicated to serving the youth in grades 6 through 12, helping foster musical creativity and expression. Members have access to 3 rehearsal spaces, 5 digital music and beat production rooms, traditional rock instruments, a dance studio, lessons, and a state-of-the-art professional recording and production studio.

In 2004 the MRC was fortunate enough to purchase 105 Ridge Street, the old Mt Zion Church building. About a year and a half ago we became interested in the 501 Cherry Ave property as a potential new location for the MRC given its proximity to Buford Middle School. Buford is where many of our members come from, and they often walk to the MRC after school. These numbers will only increase when Buford also begins serving 6<sup>th</sup> graders. In addition to being close to Buford, there is a bus line on the corner but perhaps the most important part is that this location would also allow us to have parking, something we do not currently have.

We had hoped to purchase 501 Cherry ourselves but had to terminate our contract when the sale of our current building fell through. Shortly thereafter we were approached by Anthony Woodard, of Woodard Properties, to see if we were interested in working with them on still finding a way for the MRC to relocate to 501 Cherry. While there is still a lot to figure out, we have appreciated how upfront Woodard has been with us. They seem to have the interest of the Fifeville Neighborhood in mind as they work on the development plans for the site.

Sincerely,

Alice Fox  
Executive Director

Vibrant Teens. Vibrant Community.  
105 Ridge Street, Charlottesville, VA 22902 • 434.979.5478  
www.musicresourcecenter.org  
The Music Resource Center is a non-profit, tax exempt 501(c)3 organization.  
MRC's identification number is 54-1678386.  
MRC's financial statements are available to the public upon request.



What is TIN? What does the organization do?

For more than three decades Twice is Nice has been a vibrant part of our community, as both a retail thrift shop offering curated and affordable clothing, furniture and household items, and as a successful nonprofit. Since 2011, Twice is Nice has given more than \$1.2 million to 25 different local nonprofits dedicated to promoting and improving the quality of life for seniors in need. With 100 active volunteers helping to manage two Preston Avenue locations, TIN offers rewarding opportunities for area residents to give back to their community. Our stated mission, **“to raise revenue to benefit seniors in need, while promoting sustainability through the resale of donated clothing, furniture and household items.”** The TIN team makes every effort to find an appropriate home for all donations. Items we feel we cannot sell are passed on to other community organizations such as All Blessings Flow, Life4Real, Jefferson Madison Regional Library and Scrappy Elephant. The landfill is our last option. We find new homes for old stuff.

Twice is Nice is proud to have distributed \$235,000 in 2022 grants to 18 area nonprofits benefiting community seniors in need many of which reside in the neighborhoods adjoining 501 Cherry Ave

Why is the 501 Cherry Avenue location great for TIN?

Envisioning Twice is Nice consolidating and conducting business at 501 Cherry Avenue is forward thinking and a collaborative win/win situation for the Twice is Nice operation, the surrounding neighborhoods and the city of Charlottesville itself. Nicely tucked between Barracks Road/29 corridor and the thriving downtown/Belmont/Carrolton Ave tract, 501 Cherry Ave is accessible by foot for residents in many historic city neighborhoods as well as UVA students and staff, particularly medical workers. The property is also readily accessible by car and public transportation for city and surrounding county residents. As a longstanding nonprofit that offers a variety of affordable resale clothing and household items, our shoppers, donors and volunteers are diverse in age, ethnicity, socioeconomic status and are pulled in from a large geographical area, in addition to the many core city neighborhoods. We are not a “big box” operation. The historic, more intimate, neighborhood feel of the Cherry Ave. location would be a great fit for our patrons and our established reputation.

Partnering with Woodard Properties

The Board of Twice is Nice (TIN) is quite confident Woodard Properties can deliver a building that is in the best interest of our growing non profit enterprise. The Woodard family has been a most reliable, long-term supporter of our operations, buttressing our expansion into an organization that directly improves the quality of life for hundreds of Charlottesville inhabitants. Our annual grants to more than a dozen non profit, City based entities provide vulnerable seniors and their family caregivers with timely and essential services. As TIN's net income grows, so do the fortunes of City residents. This year, 2022, TIN will allocate \$235,000 in grants!

By partnering with Woodard Properties, the opportunity will exist for TIN to roll our two current rental retail outlets into an ownership position, wherein one larger and more functional location will have a long-term, beneficial result. To date, Woodard Properties is providing TIN with the means to preserve and advance its marketing niche, while securing a stronger future. As noted above, when TIN does well, many other organizations also succeed, as does the well-being of their clients. In our opinion, the City's approval of the rezoning and special use permit application from Woodard Properties will be a win-win for TIN and for the Cherry Avenue neighborhood.



# 501 CHERRY AVENUE

## SITE CONTEXT

Sheet 9 of 25



TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023

Revised 15 May 2023

Revised 18 July 2023

project: 22.045

**SHIMP ENGINEERING, P.C.**



# 501 CHERRY AVENUE

## SITE OVERVIEW

Sheet 10 of 25



TMD 29-177, 29-178, 29-178-1, 29-178-2, 29-179

Submitted 01 February 2023

Revised 15 May 2023

Revised 1 July 2023

Project 22,045

**SHIMP ENGINEERING, P.C.**



**501 CHERRY AVENUE**  
**ZONING MAP**  
Sheet 11 of 25

**WME**

**CH**

**R-1S**

**R-2**

**R-3**

**R-2**

**PUD**

**McIntire  
5th Street  
Corridor**

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045

**SHIMP ENGINEERING, P.C.**

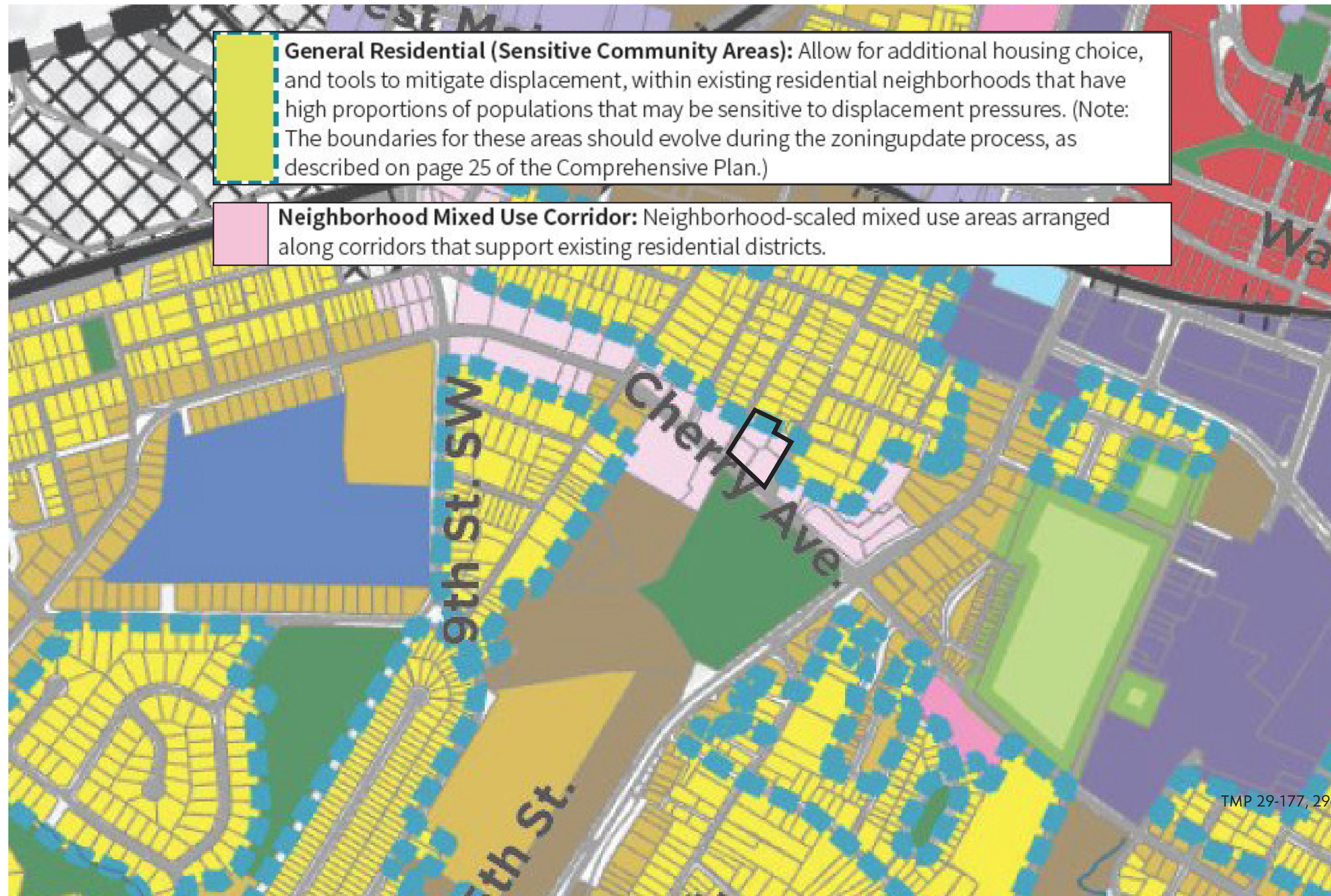


Tonsler  
Park



**501 CHERRY AVENUE**  
**FUTURE LAND USE MAP**

Sheet 12 of 25

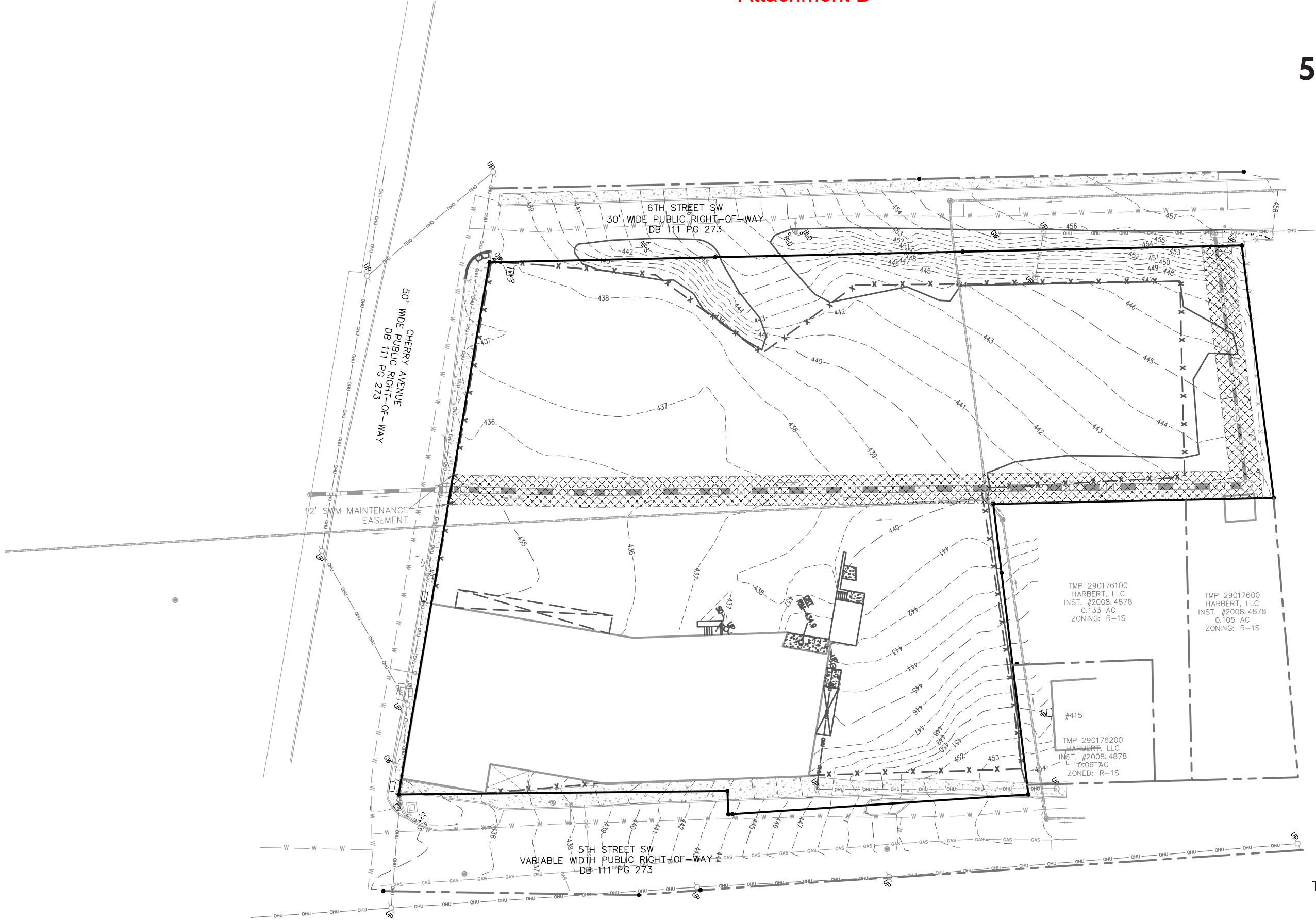


project: 22.045



501 CHERRY AVENUE  
EXISTING CONDITIONS

Sheet 13 of 25



TMP 290180000  
JENNIEVE JONES  
DB 451 PG 163  
ZONED: R-1S

TMP 290176100  
HARBERT, LLC  
INST. #2008:4878  
0.133 AC  
ZONING: R-1S

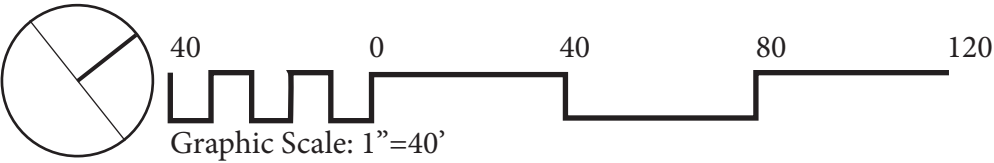
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INST. #2008:4878  
0.105 AC  
ZONING: R-1S

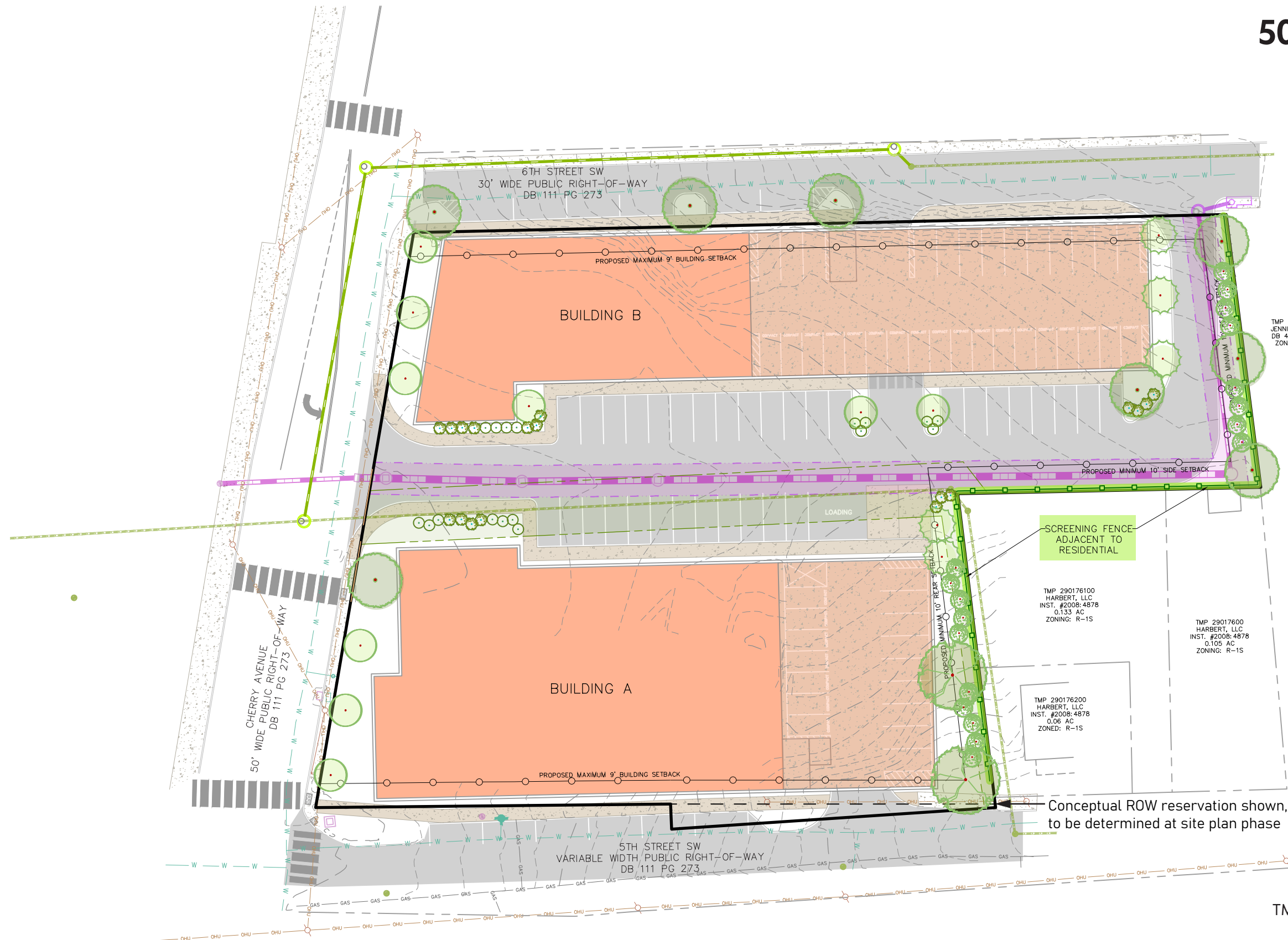
#415  
TMP 290176200  
HARBERT, LLC  
INST. #2008:4878  
0.06 AC  
ZONED: R-1S

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045



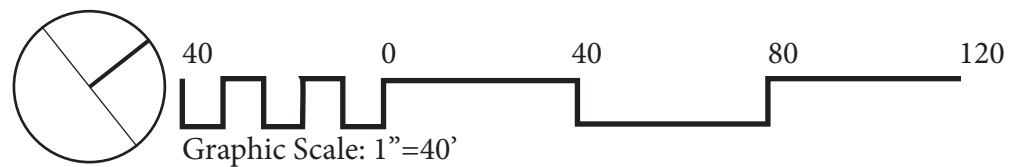
**501 CHERRY AVENUE**  
**CONCEPT PLAN**  
Sheet 14 of 25

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045

This plan is conceptual in nature and representative of the general development plan for this site.





# 501 CHERRY AVENUE TRIP GENERATION AND DISTRIBUTION ANALYSIS

Sheet 15 of 25

501 Cherry proposes a mixed-use development that will feature a redevelopment of the site, with two new structures to be constructed; in total this redevelopment will create approximately 26,400 SF of commercial square footage. Both structures will feature ground floor commercial space with multifamily units in the floors above. The site currently has frontage on three City streets, approximately 225' of frontage along Cherry Avenue, 254' of frontage along 5th St. SW, and 280' of frontage along 6th St. SW. There is an existing left turn lane on Cherry Avenue that serves the site's only existing entrance along Cherry Avenue; there are three additional existing access points to the site, two on 6th St. SW and one on 5th St. SW.

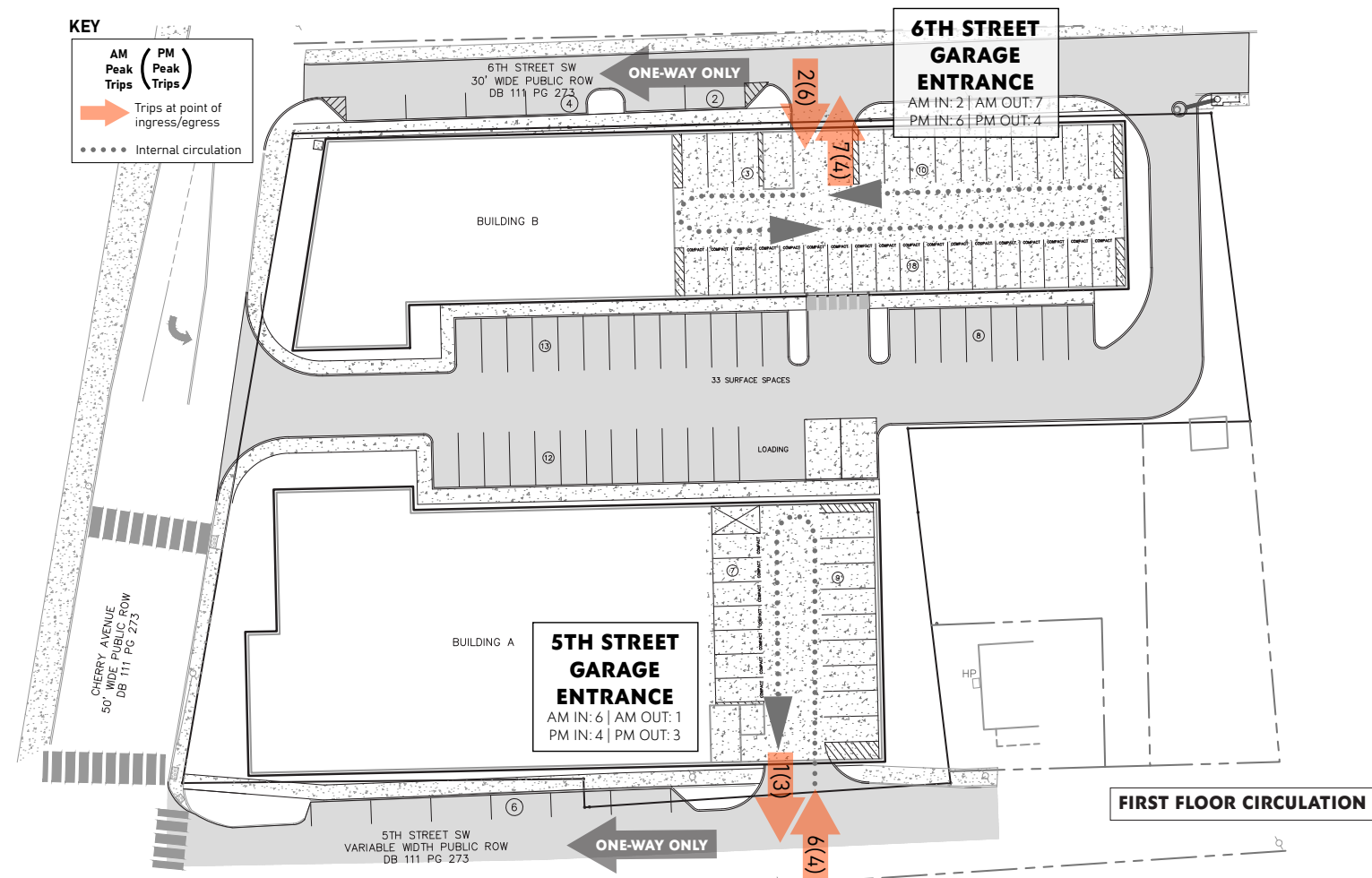
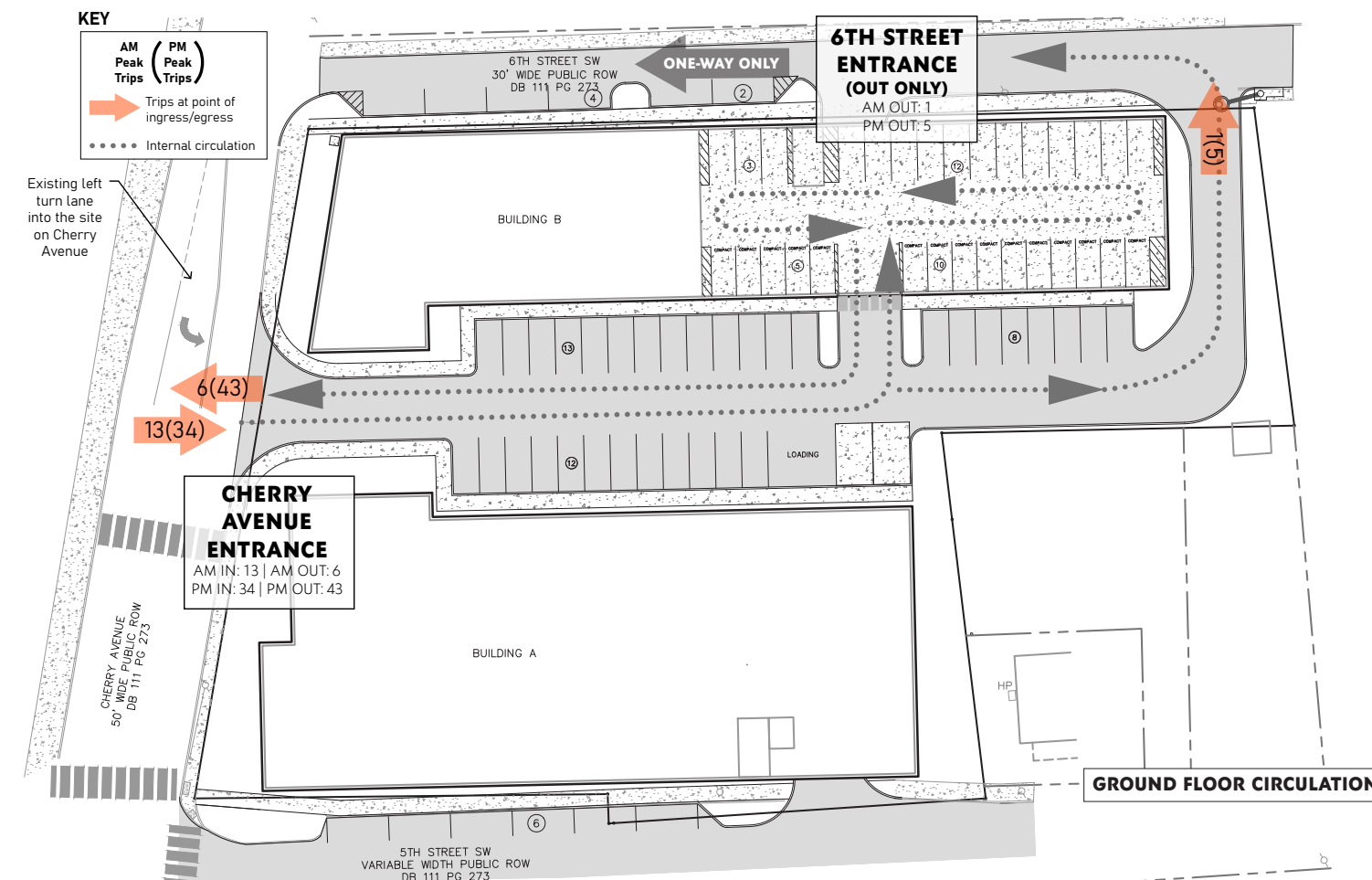
The redevelopment of the site proposes a total of four points of ingress/egress, which is consistent with the existing number of entrances on-site. The entrances are to smaller parking areas that are not interconnected to one another, resulting in the number of trips at each entrance being limited with this concept layout. The grade change across the property encourages ground floor parking on the site that is accessed from the Cherry Avenue entrance and parking on one story garages that are accessed at higher elevations from the entrances along 5th St. SW and 6th St SW.

TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

project: 22.045

**SHIMP ENGINEERING, P.C.**



501 CHERRY AVENUE  
TRIP DISTRIBUTION -  
GROUND FLOOR

Sheet 16 of 25

**KEY**

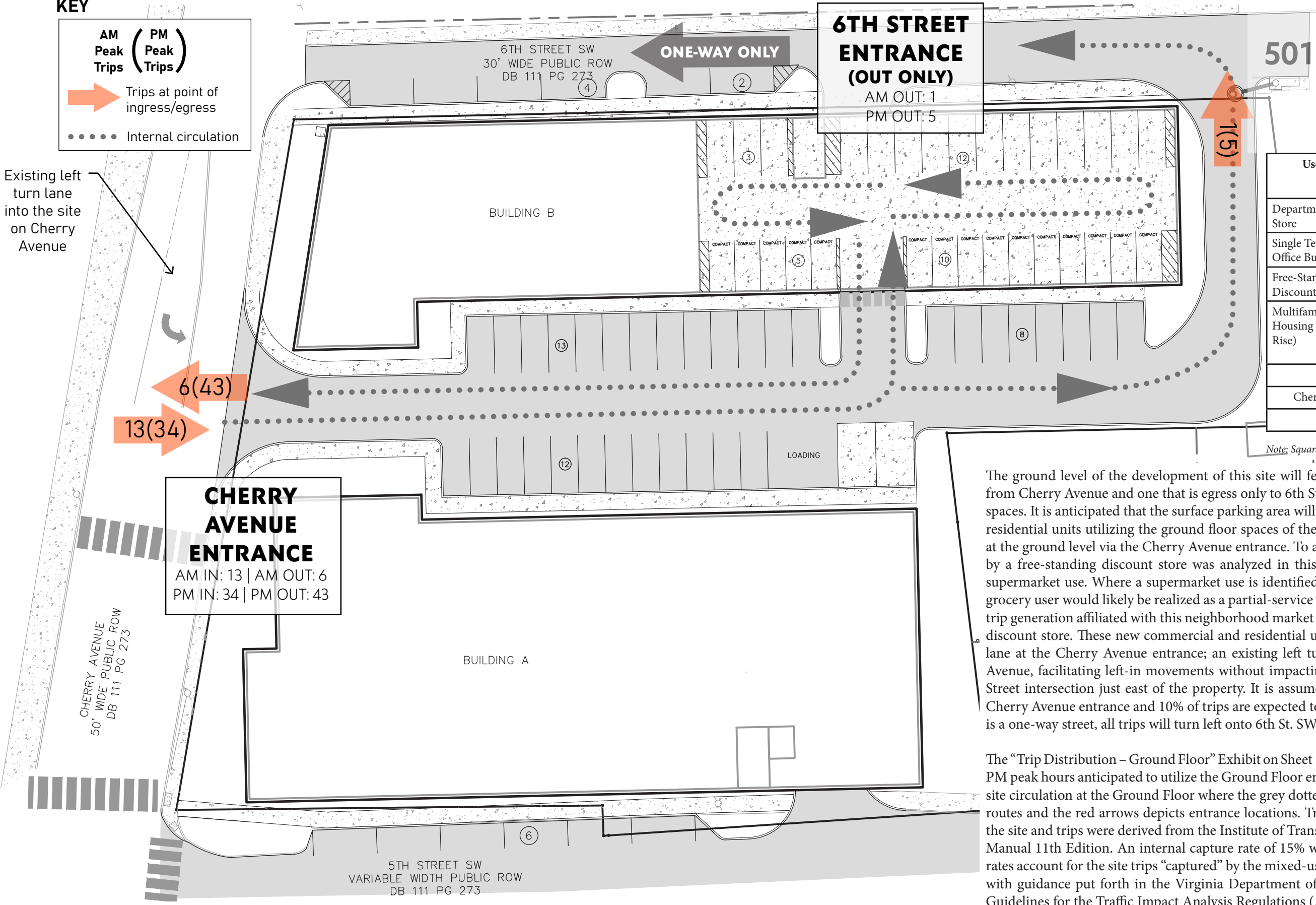
AM Peak Trips

PM Peak Trips

Trips at point of ingress/egress

Internal circulation

Existing left turn lane into the site on Cherry Avenue

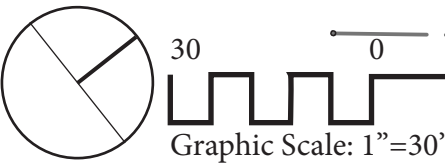


Use	ITE Code	IV	AM		PM	
			In	Out	In	Out
Department Store	875	13,837 SF	5	3	13	14
Single Tenant Office Building	715	4,966 SF	2	0	2	14
Free-Standing Discount Store	815	7,594 SF	6	3	18	19
Multifamily Housing (Mid-Rise)	221	24 units	2	7	6	4
	15% internal capture		0.3	1.05	0.9	0.6
Total			13	7	34	48
Cherry Avenue Entrance (90%)				6		43
Sixth St. Entrance (10%)				1		5

Note: Square footages evaluated are approximate

The ground level of the development of this site will feature two entrances, one that is full access from Cherry Avenue and one that is egress only to 6th St. SW. These entrances will serve 63 parking spaces. It is anticipated that the surface parking area will be utilized by commercial tenants, with the residential units utilizing the ground floor spaces of the 6th St. garage. All traffic will enter the site at the ground level via the Cherry Avenue entrance. To account for the small grocer, trips generated by a free-standing discount store was analyzed in this scenario, rather than that generated by a supermarket use. Where a supermarket use is identified as a full-service grocery store, this on-site grocery user would likely be realized as a partial-service neighborhood-scale market and as such the trip generation affiliated with this neighborhood market would be more aligned with a free-standing discount store. These new commercial and residential uses would not warrant a left nor right turn lane at the Cherry Avenue entrance; an existing left turn lane into the site is present on Cherry Avenue, facilitating left-in movements without impacting the queue for the Cherry Avenue/Ridge Street intersection just east of the property. It is assumed that 90% of exiting trips will utilize the Cherry Avenue entrance and 10% of trips are expected to exit the site at 6th St. SW. Since 6th St. SW is a one-way street, all trips will turn left onto 6th St. SW when leaving the site.

The "Trip Distribution - Ground Floor" Exhibit on Sheet 16 depicts the number of trips in the AM and PM peak hours anticipated to utilize the Ground Floor entrances; the exhibit also depicts the internal site circulation at the Ground Floor where the grey dotted line and arrows show internal circulation routes and the red arrows depicts entrance locations. Trips were evaluated for anticipated users on the site and trips were derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition. An internal capture rate of 15% was applied to certain trips, internal capture rates account for the site trips "captured" by the mixed-use nature of the development. In accordance with guidance put forth in the Virginia Department of Transportation's "Updated Administrative Guidelines for the Traffic Impact Analysis Regulations (August 2022)," for residential developments with a mix of non-residential components, the lesser of 15% of residential or 15% non-residential trips generated was applied as an internal capture rate. This exhibit demonstrates trips at the ground floor point of ingress/egress at Cherry Avenue and egress at 6th St. SW.





501 CHERRY AVENUE  
TRIP DISTRIBUTION -  
FIRST FLOOR  
Sheet 17 of 25

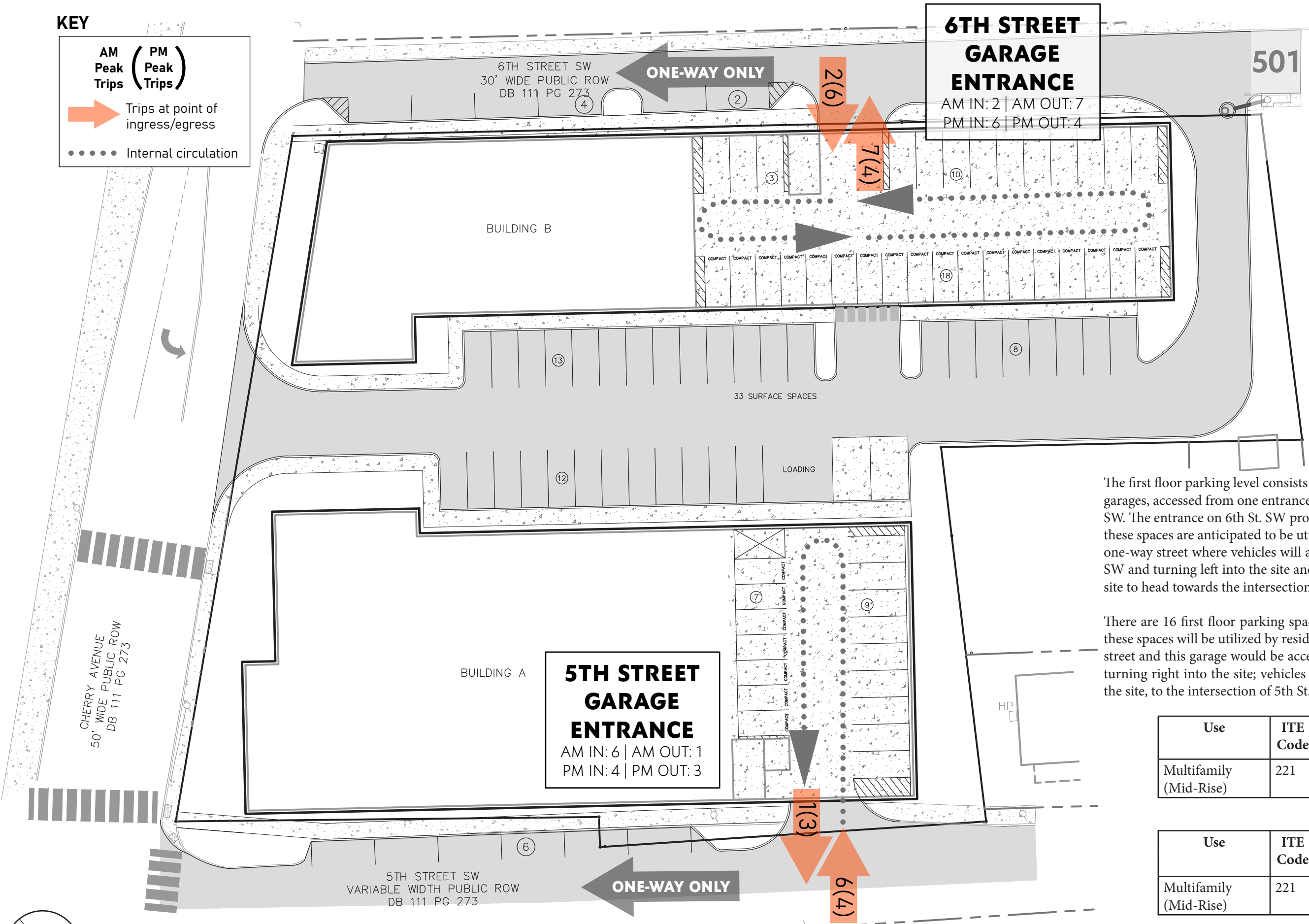
KEY

AM  
Peak  
Trips

PM  
Peak  
Trips

Trips at point of  
ingress/egress

Internal circulation

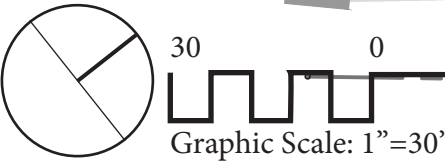


The first floor parking level consists of 47 parking spaces total between the two garages, accessed from one entrance on 6th St. SW and one entrance on 5th St. SW. The entrance on 6th St. SW provides access to 31 parking spaces and all of these spaces are anticipated to be utilized by residential tenants. 6th St. SW is a one-way street where vehicles will access the site by traveling south on 6th St. SW and turning left into the site and will exit the site by turning left out of the site to head towards the intersection of 6th St. and Cherry.

There are 16 first floor parking spaces that are accessed from 5th St. SW and these spaces will be utilized by residential tenants. 5th St. SW is also a one-way street and this garage would be accessed by traveling south on 5th St. SW and turning right into the site; vehicles exiting the garage would turn right out of the site, to the intersection of 5th St. and Cherry.

Use	ITE Code	IV	AM		PM	
			In	Out	In	Out
Multifamily (Mid-Rise)	221	25 units	2	7	6	4

Use	ITE Code	IV	AM		PM	
			In	Out	In	Out
Multifamily (Mid-Rise)	221	16 units	1	5	4	3

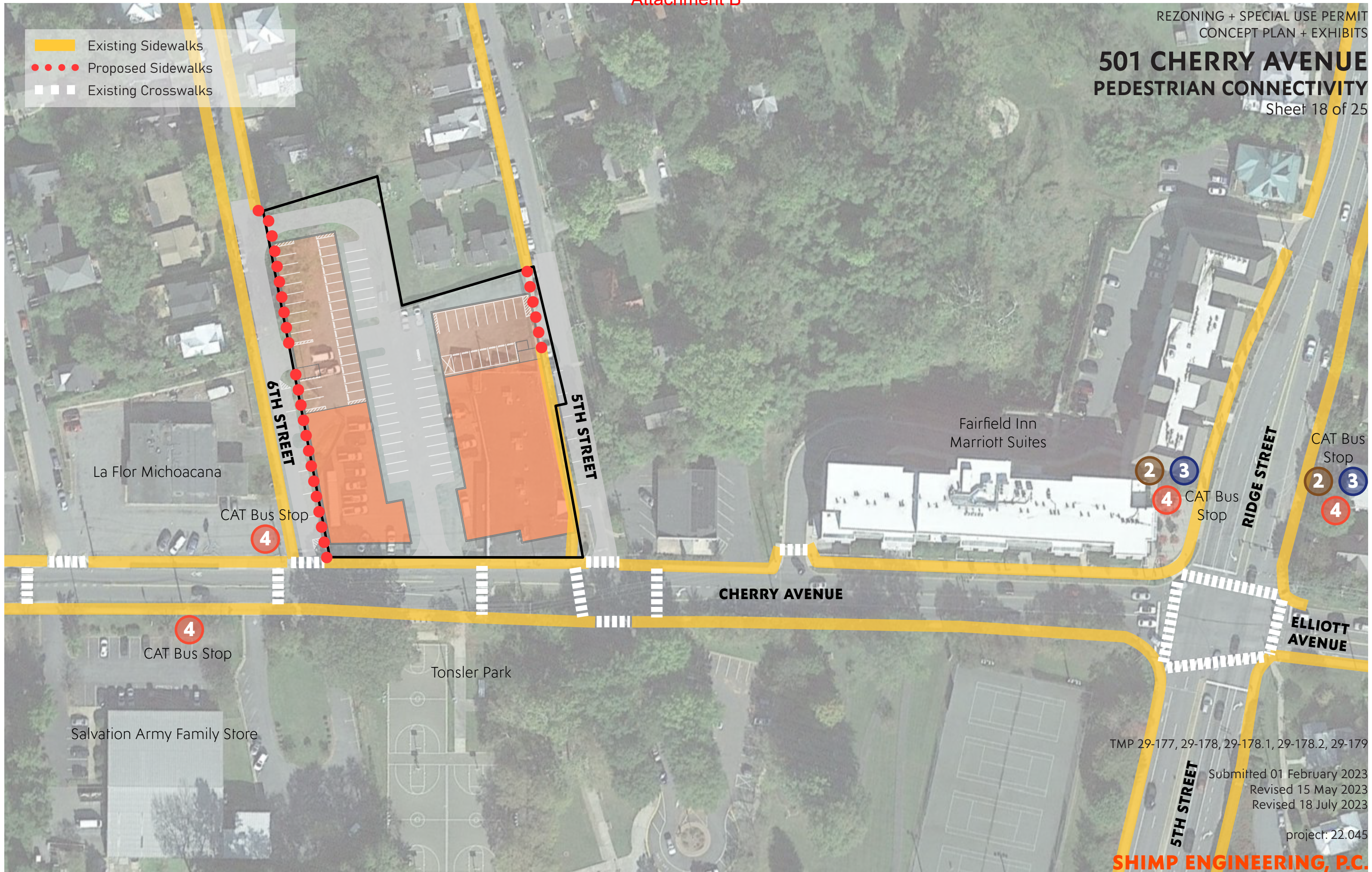




# 501 CHERRY AVENUE PEDESTRIAN CONNECTIVITY

Sheet 18 of 25

- Existing Sidewalks
- Proposed Sidewalks
- Existing Crosswalks



TMP 29-177, 29-178, 29-178.1, 29-178.2, 29-179

Submitted 01 February 2023  
Revised 15 May 2023  
Revised 18 July 2023

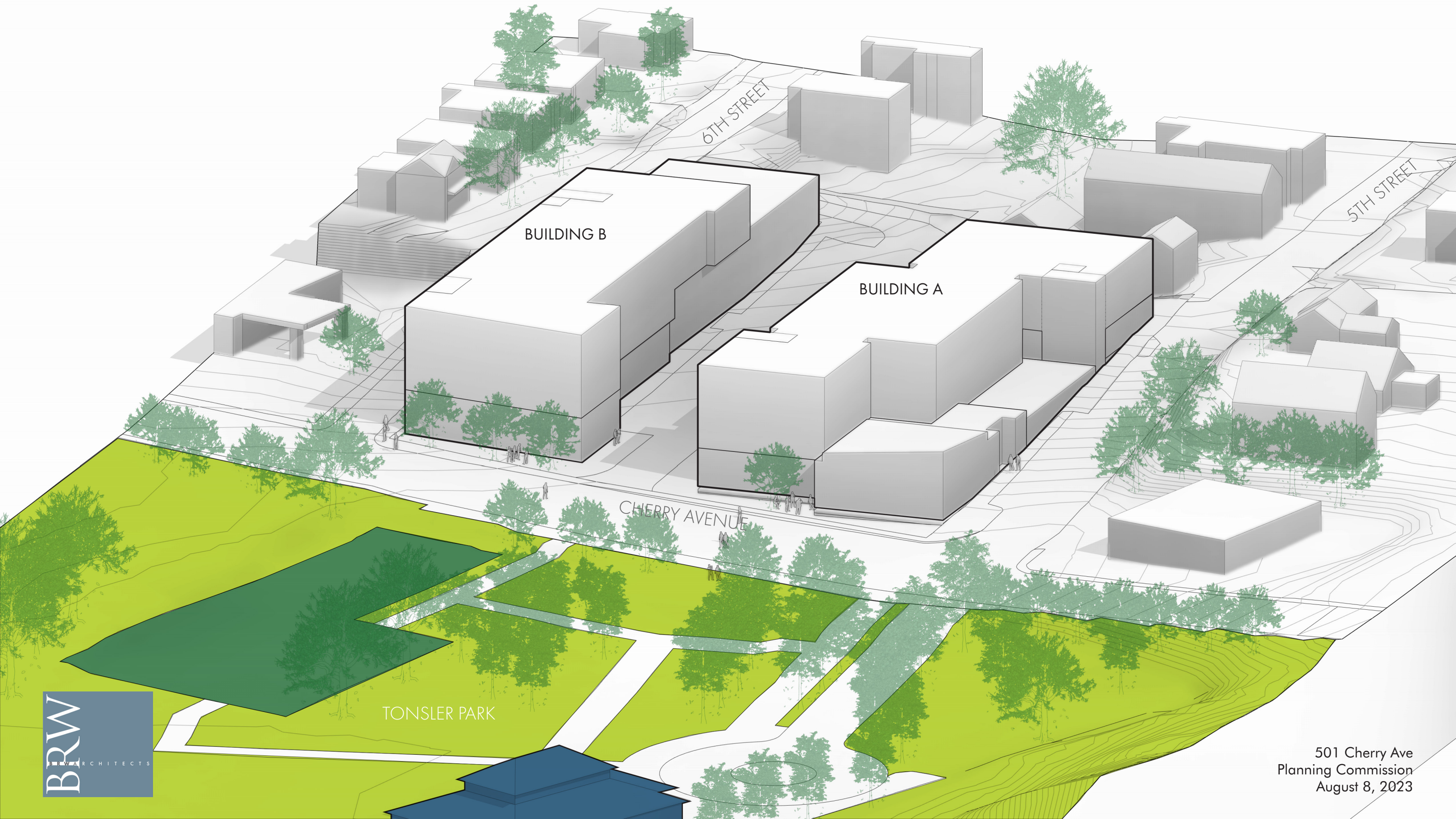
project: 22.045

**SHIMP ENGINEERING, P.C.**



PROJECT CONTEXT

This plan is conceptual in nature and representative of the general development plan for this site.





This plan is conceptual in nature and representative of the general development plan for this site.



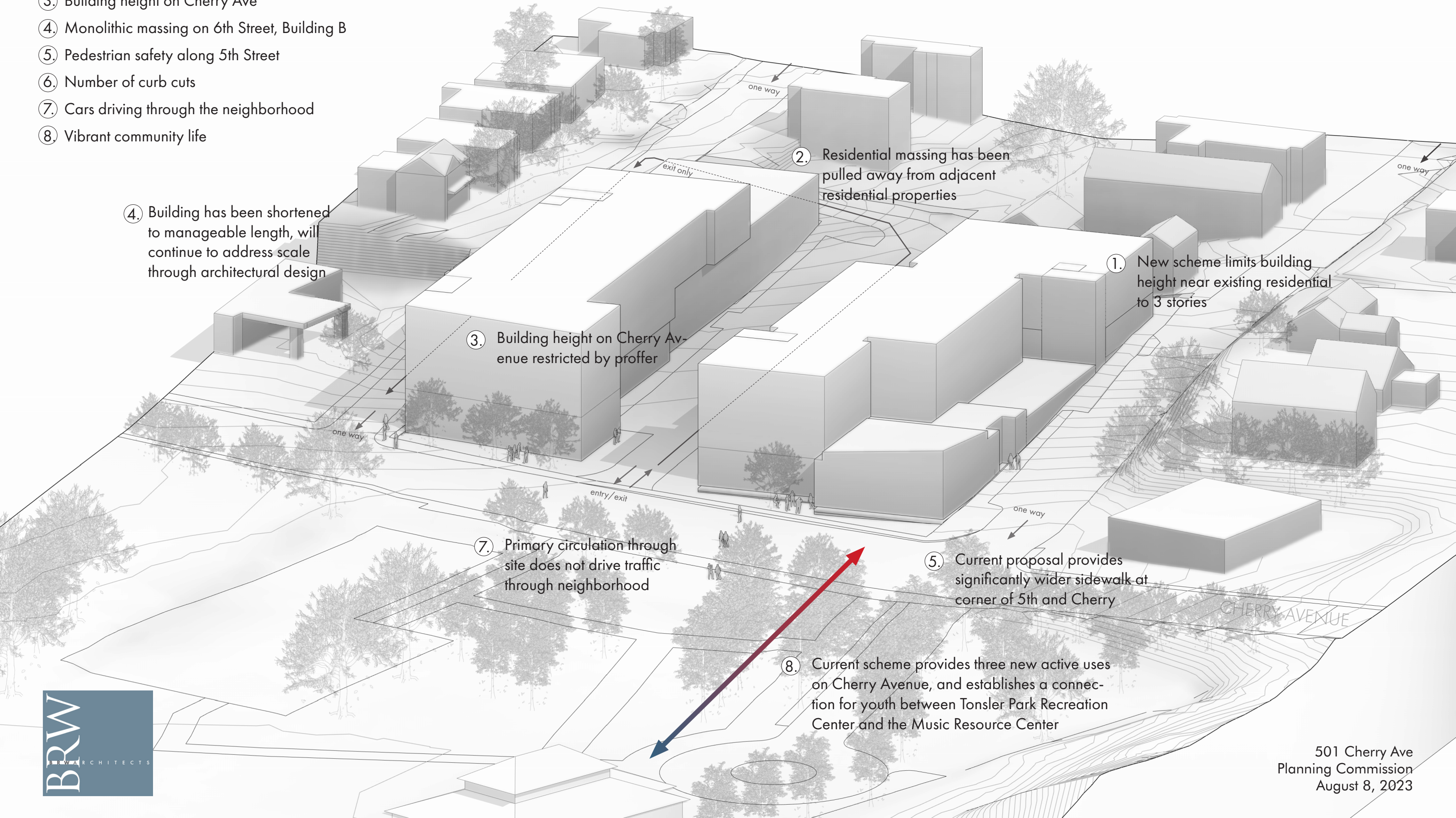
This plan is conceptual in nature and representative of the general development plan for this site.



## WHAT WE HEARD

- ①. Building height near neighborhood on 5th Street
- ②. Building height near neighborhood on 6th Street
- ③. Building height on Cherry Ave
- ④. Monolithic massing on 6th Street, Building B
- ⑤. Pedestrian safety along 5th Street
- ⑥. Number of curb cuts
- ⑦. Cars driving through the neighborhood
- ⑧. Vibrant community life

This plan is conceptual in nature and representative of the general development plan for this site.

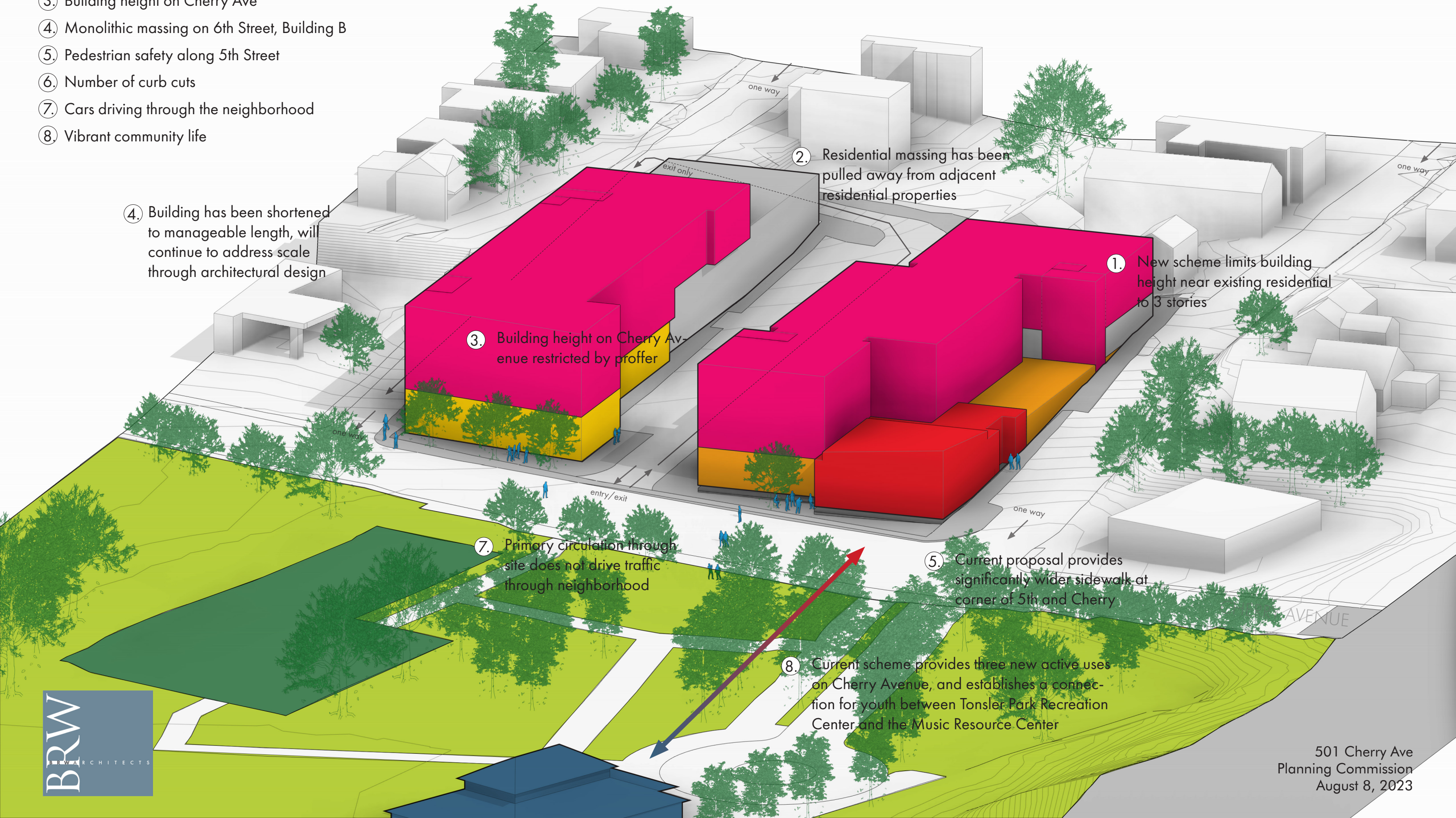




## WHAT WE HEARD

- ①. Building height near neighborhood on 5th Street
- ②. Building height near neighborhood on 6th Street
- ③. Building height on Cherry Ave
- ④. Monolithic massing on 6th Street, Building B
- ⑤. Pedestrian safety along 5th Street
- ⑥. Number of curb cuts
- ⑦. Cars driving through the neighborhood
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This plan is conceptual in nature and representative of the general development plan for this site.





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This plan is conceptual in nature and representative of the general development plan for this site.





This plan is conceptual in nature and representative of the general development plan for this site.





# Attachment C

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZMA23-000XX)  
STATEMENT OF PROFFER CONDITIONS  
For 501 CHERRY AVENUE

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

WP 501 Cherry LLC (“Owner”) is the owner of Tax Parcels 290177000, 290178000, 290178100, 290178200, and 290179000 (collectively, the “Property”) which are the subject parcels of the rezoning application ZM23-0000XX, for a project known as “501 Cherry Avenue” (the “Project”). Owner seeks to amend the current zoning of the Property, subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

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

**1. AFFORDABLE HOUSING:**

City of Charlottesville Zoning Ordinance Section 34 -12 governs the requirement for affordable dwelling units in the event that a rezoning such as ZMA 23-0000XX is approved. Ordinance Section 34-12 would require the Owner to provide five (5) affordable dwelling units to households with an income less than 80% of the area median income.

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

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

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



## Attachment C

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

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

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

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

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

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

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

## Attachment C

### **3. GROCERY USE:**

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

### **4. PROHIBITED USES:**

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

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

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

### **5. MAXIMUM BUILDING HEIGHT:**

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


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

### **6. MIXTURE OF USES:**

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

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

WP 501 Cherry LLC

By:   
Anthony Woodard (Jul 5, 2023 14:58 EDT)  
\_\_\_\_\_  
Manager

Print Name: Anthony K. Woodard

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



## Attachment C

# Attachment D

## Affordable Dwelling Unit Ordinance Worksheet

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

- A. Total size of development site: 1.36 acres
- B. Total square footage of site:  $\frac{1.36}{(\# \text{ of acres})} \times 43,560.00 = \underline{59,241.60}$  square feet (sf)
- C. 1.0 Floor Area Ratio (FAR): 59,241.60 (total sf of site)
- D. Gross Floor Area (GFA) of **ALL** buildings/uses: 92,219.00 sf
- E. Total site FAR:  $\frac{92,219.00}{(\text{total GFA of site})} \div \frac{59,241.60}{(1.0 \text{ FAR})} = \underline{1.56}$
- 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:  $\frac{92,219.00}{(D: \text{total site GFA})} - \frac{59,241.60}{(B: \text{total SF of site})} = \underline{32,977.40}$
- H. Total GFA of ADUs required:  $\frac{32,977.40}{(G: \text{GFA in excess of 1.0 FAR})} \times 0.05 = \underline{1,648.87}$
- I. Equivalent density based on Units Per Acre:
- i. Dwelling Units per Acre (DUA) approved by SUP: 87.00
  - ii. SF needed for ADUs:  $\frac{1,648.87}{(H: \text{Total GFA of ADUs})} \div \frac{43,560.00}{\text{acres}} = \underline{0.0378528}$  acres
  - iii. Total number of ADUs required:  $\frac{0.0378528}{(ii: \text{ADU acreage})} \times 87.00 = \underline{3.29}$  (i: DUA approved)





## Attachment D

*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.

i. Households earning up to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Fair Market Rents	\$1,024.00	\$1,063.00	\$1,264.00	\$1,562.00	\$1,959.00	\$2,253.00	\$2,547.00
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.**

Source: HUD FY2022 Fair Market Rents

Version 4/19/22



# Attachment E

## **Memorandum of Understanding between the Fifeville Neighborhood Association and the Woodard Properties-Piedmont Housing Association Partnership Regarding the Redevelopment of 501 Cherry Avenue**

### **I. Memorandum of Understanding**

This memorandum of understanding (MOU) sets out the shared understanding, vision, and commitments regarding redevelopment of the former Estes IGA Foodliner property at 501 Cherry Avenue between the Fifeville Neighborhood Association (FNA) and the Woodard Properties-Piedmont Housing Alliance Partnership (WP-PHA Partnership). The WP-PHA Partnership includes Woodard Properties/WP 501 Cherry LLC (Woodard Properties) and the Piedmont Housing Alliance (PHA).

This MOU is organized in the following sections:

I.	Memorandum of Understanding .....	1
II.	The Fifeville Neighborhood and the Estes IGA Property .....	2
III.	Relationship between Parties .....	5
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### II. The Fifeville Neighborhood and the Estes IGA Property

Fifeville is a cultural gem for the City of Charlottesville. A historically Black neighborhood, it includes places of deep significance to the Black community and to Charlottesville as a whole.

The Estes IGA grocery store, located at 501 Cherry Avenue, was an important cultural and economic hub in Fifeville for decades. The store was owned by the Estes family, who demonstrated a commitment to investing in Fifeville's Black community through donations for community events and extending credit to residents through the "green book" system. Many employees of Estes IGA also lived in the neighborhood. During a time when many other places in Charlottesville were not welcoming for Black residents, Estes IGA represented a point of pride, self-sufficiency and belonging for Charlottesville's Black community.



*Figure 1. The image of 501 Cherry Avenue on the Charlottesville GIS Viewer depicts an earlier time when the Estes IGA store served the community's food access needs.*

Today, Fifeville is one of Charlottesville's most economically and culturally diverse neighborhoods. The [Cherry Avenue Small Area Plan](#) (March 2021) lays out the development and displacement pressures faced by the neighborhood and a vision and goals for its future (see Exhibit A). Key points of note include:

- Fifeville residents have clearly stated that redevelopment along Cherry Avenue should meet the quality of life needs and priorities of current residents, including attracting an affordable grocery store back to the former Estes IGA property.
- A number of properties along Cherry Avenue are poised for redevelopment, and redevelopment of the Estes IGA property has the potential to set the tone for the future of this neighborhood mixed-use corridor.



## Attachment E

- Rising land values and housing costs mean that residents at the lower ends of the socioeconomic scale are facing serious risk of displacement.
- Fifeville contains a Low-Income Housing Tax Credit Qualified Census Tract (census tract 5.01).<sup>1</sup>
- Significant portions of the neighborhood have been designated “Sensitive Community Areas” in the Comprehensive Plan.<sup>2</sup>

The former Estes IGA property exists currently as a vacant building and a parking lot, both in poor condition and in need of repair. There are no residents living on the property and only one business currently utilizing the property on a temporary basis. Woodard Properties purchased the property in 2022.

Under current City parameters, by right, any property owner would be allowed to develop 47 luxury residential units, which would not align with the priorities expressed in the Cherry Avenue Small Area Plan. Additionally, certain desirable uses such as a grocery store are not allowable under the existing zoning. Under the forthcoming zoning code rewrite, it is possible that there will be (1) an affordability requirement that any residential units built on the property include 10% of units at 60% area median income and (2) realignment of the zoning of the property to allow uses desired by the neighborhood such as the grocery store.

Woodard Properties desires to be a community partner and to help meet some of the needs and priorities of the Fifeville neighborhood, as outlined in the Cherry Avenue Small Area Plan. PHA desires to improve financial outcomes for individuals and families in our region by offering innovative affordable housing solutions. FNA desires to see timely development at the former Estes IGA property and to develop

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<sup>1</sup> “Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.” Quoted from <https://www.huduser.gov/portal/datasets/qct.html> (U.S. Department of Housing and Urban Development, 2023).

For a map of Low-Income Housing Tax Credit Qualified Census Tracts in Charlottesville, see: [https://www.huduser.gov/portal/sadda/sadda\\_qct.html?locate=51540000501](https://www.huduser.gov/portal/sadda/sadda_qct.html?locate=51540000501) (U.S. Department of Housing and Urban Development, 2023).

<sup>2</sup> Sensitive Community Areas are defined as residential areas where the Future Land Use Map will “Allow for additional housing choice, and tools to mitigate displacement, within existing residential neighborhoods that have high proportions of populations that may be sensitive to displacement pressures.” (City of Charlottesville’s Future Land Use Map, adopted November 15, 2021).

For a map of Sensitive Community Areas in Charlottesville, see: [https://widget.charlottesville.org/gis/map\\_gallery/FutureLandUseMap\\_Adopted\\_2021.pdf](https://widget.charlottesville.org/gis/map_gallery/FutureLandUseMap_Adopted_2021.pdf) (City of Charlottesville, 2021).

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collaborative partnerships that help any development at the site achieve its highest potential for community benefits.

With this spirit, the WP-PHA Partnership and FNA voluntarily engage in this MOU to work towards achieving timely development that aligns with Fifeville residents needs and priorities, as expressed in the Cherry Avenue Small Area Plan.

FNA and the WP-PHA Partnership believe that, with thoughtful redevelopment that considers the surrounding neighborhood, the Estes IGA property has the potential to reestablish its central cultural and economic role in the neighborhood, help counter displacement pressures, and once again serve Fifeville and the Charlottesville community's needs for many years to come. We envision redevelopment that restores the Estes IGA property's role as point of pride, self-sufficiency and belonging in Fifeville. Section IV of this MOU lays out our shared vision for how we believe this can happen.



## III. Relationship between Parties

### *A. Fifeville Neighborhood Association and Woodard Properties*

FNA and Woodard Properties each have a long history of community development activities in Charlottesville. Together, FNA and Woodard Properties have a strong record of successful partnership and a relationship grounded in shared values regarding creating community benefits, advancing racial/ social equity, and place-keeping rooted in community history and culture.

Our organizations recently collaborated on a complex, multi-stakeholder partnership that restored the Fifeville Community Trail. This inclusive, resident-driven process reestablished greenspace access and neighborhood connectivity, with a focus on improving racial equity for the Fifeville neighborhood and advancing place-keeping via historical signage and resident-oriented activities at the site. It also led to shared understanding that walkable connections will be maintained for community residents if or when future development occurs at that site.

Additionally, FNA and Woodard Properties have built a relationship of mutual trust and respect through:

- Transparency about Woodard Properties' land ownership and purchases and Woodard Properties' development plans, opportunities and constraints,
- Transparency about FNA's neighborhood development vision and goals via the Cherry Avenue Small Area Plan and FNA's responsibility to represent resident interests,
- Acknowledging and respecting the unique roles each organization plays in community development in Charlottesville, and
- Looking for alignment, shared interests and opportunities for win-win outcomes.

Values that will continue to guide our relationship moving forward include:

- Promote community-building and collaboration.
- Find win-win partnerships and work strength-to-strength.
- Stay true to the residents' vision for community benefits, racial/ social equity and place-keeping.
- Be accountable to our commitments to each other in this MOU.

### *B. Fifeville Neighborhood Association and Piedmont Housing Alliance*

FNA and PHA have a shared commitment to investments that advance affordable and deeply affordable housing for renters and homeowners. We also share a commitment to wealth-creation, upward mobility, anti-displacement, and advancing racial and social

## Attachment E

equity via housing opportunities for all. The FNA whole-heartedly agrees with PHA's statement on racial equity:

"Piedmont Housing Alliance is dedicated to improving financial outcomes for individuals and families by offering innovative affordable housing solutions. In doing this, we acknowledge the role real estate practices and laws have played in preventing Black Americans and others from building wealth in our service area and country. We stand ready to make intentional change to right these wrongs.

[...]We take a holistic approach to community management, housing counseling and financial services and development looking at the many ways that a family or individuals can benefit from our services. All of this is done with acknowledgment that the housing space locally – as well as nationally – suffered for decades from unfair and unjust lending practices, discriminatory zoning laws and other practices at the systematic level that hindered progress.

Our approach and focus on equitable practices speak to our core values of home, opportunity, community, respect, and equity. These values guide our interactions with our clients, our partners and the greater community."

For the last several years, FNA and PHA have been in conversation about a wide variety of opportunities to advance affordable housing in Fifeville. The FNA has actively supported PHA and the Piedmont Community Land Trust's (PCLT) efforts to bring new homeownership opportunities to Fifeville. FNA has worked closely with PHA and PCLT to identify potential buyers for the five PCLT properties on Prospect Avenue, with the shared goal of ensuring that those homes go to first-time homebuyers who have been a part of the Fifeville community. We look forward to continuing this relationship and working towards new affordable opportunities for renters through the redevelopment project at 501 Cherry Avenue.

### ***C. Woodard Properties and Piedmont Housing Alliance***

Woodard Properties' stated core purpose is to improve the quality of working and living in our community, and they have a 40+ year history of delivering community-based solutions in Charlottesville related to affordable housing and other community needs. Piedmont Housing Alliance's stated mission is to create affordable housing opportunities and foster community through education, lending, and equitable development. Together, WP and PHA create a robust team for the 501 Cherry Avenue project to bring high quality affordable housing to the community. With the goal of delivering as much affordable housing as the overall 501 Cherry Avenue project will allow, Woodard Properties and Piedmont Housing Alliance are pursuing a residential development partnership which is groundbreaking and unique for Charlottesville.

Woodard Properties will engage in good faith negotiations with PHA to co-develop a minimum of 60 residential units at 501 Cherry Avenue with a goal to sell all such units to



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PHA under terms mutually agreed upon between Woodard Properties and PHA. Under such a sale, the unit mix and affordability rates will be solely determined by PHA, in accordance with financing requirements. It is expected that PHA will finance its portion of the Project through Low-Income Housing Tax Credits and investment from the City of Charlottesville, or a combination thereof.

#### IV. Shared Vision for Future of the Estes IGA Property

FNA and the WP-PHA Partnership have agreed to work together to realize the Estes IGA property's potential to serve once again as a cultural and economic hub for Fifeville.

##### *A. Shared Vision for Redevelopment of the Estes IGA Property*

Our shared vision for redevelopment at the former Estes IGA property includes:

- Redevelopment that aligns with and advances the vision and goals of the [Cherry Avenue Small Area Plan](#). See Exhibit A.
- Mixed use development, contingent upon a special use permit (SUP) and rezoning, that supports:
  - Design that respects neighborhood scale while maximizing residential and commercial space at the site.
  - Commercial spaces for nonprofits and businesses that directly serve Fifeville residents, prioritizing an affordable grocery store and facilities that promote activities for young people.<sup>3</sup>
  - A 4-5 story residential building that increases the supply of affordable housing in Fifeville, including deeply affordable homes.
- FNA and the WP-PHA Partnership will work together to identify specific opportunities for Fifeville resident input related to the exterior treatment of the project (e.g., murals, public art, paint colors, landscaping, etc), with an eye towards celebrating the history and culture of Fifeville.
- When redevelopment is complete, Fifeville residents will experience a feeling of welcome and belonging and know that these new spaces will provide services and retail shopping opportunities that are accessible to and intended for use by Fifeville residents.

Specific commitments that FNA and the WP-PHA Partnership are making to each other in support of this shared vision are outlined in Sections V and VI of this document. For a copy of the rezoning and SUP application package, see Exhibit B.

##### *B. Shared Vision for Realizing the Redevelopment's Full Potential*

Furthermore, FNA and the WP-PHA Partnership recognize that there are additional complementary community benefits - both on-site and in the surrounding neighborhood - that would advance our vision and help the former Estes IGA property once again serve as a point of pride and self-sufficiency in Fifeville.

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<sup>3</sup> As of the date of this MOU, potential tenants include the Music Resource Center, Twice is Nice, and an affordable grocery store.



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Creation of these benefits goes beyond the scope of our organizations' roles, and achieving them will require our intentional collaboration with additional community partners. Our organizations have a successful track record of convening multi-stakeholder partnerships, and we look forward to expanding our partnership circle to pursue these benefits and help realize the redevelopment's full potential.

These benefits include:

- Supporting development of collaborative, multi-stakeholder partnerships that advance community benefits at the redeveloped site (e.g., creation of affordable housing and employment pipelines for residents, productive engagement and planning conversations between a potential grocery store operator and residents, ongoing arts and cultural activities for residents of all ages).
- Exploring the feasibility of building additional housing (including missing middle, workforce, affordable and deeply affordable units) at other sites in Fifeville to help (1) stabilize the neighborhood's housing mix, (2) counter displacement pressures and ensure continued housing access for residents at the lower ends of the socioeconomic scale, and (3) support the commercial and nonprofit tenants at the redeveloped Estes IGA property.
- Exploring the feasibility of building additional commercial spaces at other sites in Fifeville for rent or purchase by commercial and non-profit entities that bring goods and services prioritized by residents in the Small Area Plan back to the community.

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### V. Community Benefits Commitments from the WP-PHA Partnership

To advance our shared vision for redevelopment of the Estes IGA property, Woodard Properties and PHA commit to:

- A. Build a mix of affordable and deeply affordable housing.
- B. Proactively manage the housing units in alignment with Fifeville's vision for anti-displacement and place-keeping.
- C. Build commercial space for neighborhood-oriented goods and services.
- D. Proactively manage or sell the commercial spaces in alignment with Fifeville's vision for financial accessibility, cultural relevance and operators who are engaged with the Fifeville community.
- E. Invest in environmentally-friendly and neighborly site design features that benefit on site and nearby residents.
- F. Incorporate cultural memory and place-keeping into the site design, including opportunities for input from Fifeville residents.
- G. Maintain regular communication with the Fifeville Neighborhood Association and with neighborhood residents during the development process.

For additional details, see the descriptions below.

#### ***A. Build a mix of affordable and deeply affordable housing.***

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

While number of units, type of units, term of affordability and proposed mix of affordability will be finalized relative to the project financing, PHA expects a minimum of 60 units with an initial affordability term of 99 years. PHA hopes to maintain affordability in all units even beyond the 99 year extended compliance period. The range of affordability rates is expected to be similar to the the standard mix for LIHTC developments:

- 10% of homes at 30% AMI
- 50% of homes at 50% AMI
- 30-40% of homes at 60% AMI
- 0-10% of homes at 80% AMI



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### ***B. Proactively manage the housing units in alignment with Fifeville's vision for anti-displacement and place-keeping.***

- a. Subject to requirements outlined in the Fair Housing Act, Piedmont Housing Alliance will work with FNA and other community-based organizations to cultivate a "pipeline" of residents for the housing units at 501 Cherry Avenue. (e.g., residents who are rooted in the Fifeville neighborhood or other predominantly Black communities, communities of color or low-income areas of Cville; residents with housing vouchers; residents at the most vulnerable ends of the socioeconomic scale)
- b. Piedmont Housing Alliance will engage in discussions with FNA and other community-based organizations involved in the "pipeline" to explore common barriers to housing accessibility in the rental market (e.g., barriers to use of housing vouchers), explore opportunities to make rental housing at 501 Cherry Avenue more accessible, and identify next steps for implementation of action items resulting from these discussions.
- c. FNA will provide a list of neighborhood residents with applicable trades skills and related business (e.g., masonry, electrical, plumbing, carpentry, painting, general labor, housekeeping, maintenance, etc) for PHA and Woodard Properties to add into their respective lists of local business partners. When possible, PHA and/WP will hire Fifeville-based services to conduct maintenance activities at the site.

### ***C. Build commercial space for neighborhood-oriented goods and services.***

Woodard Properties agrees to offer to sell commercial condominium space to two local non-profit organizations, namely, Twice Is Nice and the Music Resource Center, prior to offering for sale the space to anyone else. If Twice Is Nice or the Music Resource Center do not purchase the commercial condominium space, then Woodard Properties will endeavor to sell these commercial spaces to a non-profit organization that aligns with the goals of the Cherry Avenue Small Area Plan.

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

### ***D. Proactively manage the commercial spaces in alignment with Fifeville's vision for financial accessibility, cultural relevance and operators who are engaged with the Fifeville community.***

Woodard Properties will assist FNA in creating a culture of collaboration and positive relationships between commercial operators and the surrounding

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neighborhood with the hopes of realizing the redevelopment's full potential as the commercial spaces become active. This assistance includes:

- a. Introduce potential tenants and prospective purchasers to FNA leadership and encourage them to participate in collaborative discussions about community benefits with the FNA, before and after committing to operating at the site, including:
    - i. Opportunities to ensure goods, services and programming are financially accessible and culturally relevant to Fifeville residents at the most vulnerable end of the socio-economic scale.
    - ii. Opportunities to participate in the design and implementation of a hiring pipeline for near-by low-income residents, individuals with barriers to employment, and/or Fifeville residents at-large.
    - iii. Discussions about providing a living wage for employees.
    - iv. Discussions about how to be a good neighbor and actively engage with the community after committing to operate at 501 Cherry Avenue.
  - b. Facilitate meaningful engagement about operations and affordability between the primary tenant (e.g., affordable grocery store operator) and the neighborhood residents before signing a lease with that tenant, including on issues such as:
    - i. Grocery store model (e.g., neighborhood-scale for-profit grocer, cooperative grocer, nonprofit grocer, etc.)
    - ii. Cultural relevance of the space and of products for sale
    - iii. Healthy, affordable food offerings
    - iv. Opportunities for co-locating services that are commonly aligned with groceries, such as healthcare (e.g., clinic, pharmacy, space for health screenings, etc.) and financial wellbeing (e.g., a credit union ATM or office).
  - c. Work with FNA to develop a list of neighborhood residents with applicable trades skills and related business (e.g., masonry, electrical, plumbing, carpentry, painting, general labor, housekeeping, maintenance, etc) and add them into Woodard Properties' list of local business partners. When possible, hire Fifeville-based services to conduct maintenance activities at the site.
- E. Invest in environmentally-friendly and neighborly site design features that benefit on site and nearby residents.***
- a. If a fifth story is incorporated into the residential building, use a stepback in the design to minimize shadows, keep a human-scale feel from the street level, and ensure privacy for neighbors directly next to the site via suggested strategies including:



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- i. Placement of HVAC features towards the back of the roof.
    - ii. Placement of the fifth story towards the Cherry Avenue side of the structure.
    - iii. Inclusion of a rooftop socializing area with trees/ greenery.
    - iv. Maintaining sufficient distance between buildings and sidewalk/ street.
    - v. Placement of trees on the sidewalk and around the site.
  - b. Incorporate multimodal transit infrastructure into the site for pedestrians, cyclists and transit riders, including the following features:
    - i. Bike parking for retail and residential use
    - ii. Pedestrian friendly site that neighborhood residents can use to pass through
    - iii. Appropriate street trees and ADA compliant sidewalk along site frontage
  - c. Explore the provision of a bus shelter for the CAT stop that is currently on the other side of 6th Street in the La Flor shopping area.
  - d. Use environmentally-friendly design standards and construction practices, via suggested strategies including:
    - i. Attempt to source renewable energy
    - ii. Feature all LED lighting
    - iii. No gas appliances
    - iv. Low flow water fixtures
    - v. As much tree canopy as possible
    - vi. Electric vehicle charging stations
    - vii. Energy-star appliances
    - viii. Potential for solar panels
- F. Incorporate cultural memory and place-keeping into the site design, including opportunities for input from Fifeville residents.***

Woodard Properties and Piedmont Housing Alliance will work with FNA to identify specific opportunities for Fifeville resident input related to site design and the exterior treatment of the buildings and outdoor spaces (e.g., murals, public art, paint colors, landscaping, etc), with an eye towards celebrating the history and culture of Fifeville and integrating the new development appropriately into the neighborhood context. This includes:

- a. Partner with FNA to host at least three design meetings with Fifeville residents to:

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- i. Review site plan and building design options based on financial and physical constraints and gather resident preferences regarding site plan and building design,
    - ii. Gather residents' input on how to celebrate the history and culture of Fifeville through site design, and
    - iii. Respond to and capture this input in the final plans.
  - b. Woodard Properties and Piedmont Housing Alliance will retain final decision-making control over ideas for exterior treatment that move forward to implementation, and will do their best to implement resident recommendations and priorities. To that end, they will provide clear and transparent guidance on what design options are possible at the site, how resident input can influence outcomes, and any constraints where resident input will not be able to influence outcomes so that design meetings are grounded in what is feasible.
  - c. Woodard Properties and Piedmont Housing Alliance will implement the selected design features and, where possible, collaborate with Fifeville residents and local artists to develop these design features.
- G. Maintain regular communication with the Fifeville Neighborhood Association and with neighborhood residents during the development process.***

Woodard Properties and Piedmont Housing Alliance will work with FNA to maintain regular communication during the development process. All parties will work towards making the meetings purposeful, focused, and productive. Communication commitments include:

- a. Provide representatives from both Woodard Properties and Piedmont Housing Alliance for a Joint Implementation Committee (tasked to review plans and progress, provide advising that supports project implementation, and implement MOU commitments) that will meet at least every other month.
- b. Partner with FNA to host at least four design meetings with Fifeville residents (see Section V.F for additional details).
- c. During redevelopment planning and construction, partner with FNA and other community-based organizations to host or attend at least two community meetings and/or site tours each year that provide residents with updates and opportunities for meaningful engagement with decision-makers from Woodard Properties and Piedmont Housing Alliance about how the development and construction processes are going from the residents' perspectives.



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### VI. **Redevelopment Support Commitments from the Fifeville Neighborhood Association**

To advance our shared vision for redevelopment of the Estes IGA property, FNA commits to:

- A. Provide proactive, public support of redevelopment at 501 Cherry Avenue and assist with related community engagement activities with residents.
- B. Provide support for proactive management of the housing units in alignment with Fifeville's vision for anti-displacement and place-keeping.
- C. Provide support for proactive management of the commercial spaces in alignment with Fifeville's vision for financial accessibility, cultural relevance and operators who are engaged with the Fifeville community.
- D. Provide support for incorporation of cultural memory and place-keeping into the site design, including opportunities for input from Fifeville residents.
- E. Maintain regular communication with Woodard Properties and Piedmont Housing Alliance, and support their engagement with neighborhood residents during the development process.
- F. Coordinate with Fifeville residents, other partners, and grocery operators, with support from Woodard Properties, to advance discussions about identifying a prospective grocery tenant that is best fit for the neighborhood's needs.

For additional details, see the descriptions below.

#### ***A. Provide proactive, public support of redevelopment at 501 Cherry Avenue and assist with related community engagement activities with residents.***

- a. Provide proactive, public support of redevelopment at 501 Cherry Avenue to support the development approval process, including:
  - i. Provide a formal letter of support for the rezoning application to the Planning Commission and the City Council that references this MOU.
  - ii. Make FNA representatives available to City Council/Planning Commission/staff prior to formal hearings to advocate for this project.
  - iii. With 2 weeks of notice, provide an FNA representative to speak in support of redevelopment at public hearings or provide a written letter of support, if a representative is unavailable.
  - iv. Collaborate with Woodard Properties and Piedmont Housing Alliance on design and implementation of the required Community Meeting.
- b. Work to create an informed and meaningful flow of information between residents and the redevelopment team, including:

## Attachment E

- i. Collaborate with Woodard Properties and Piedmont Housing Alliance to provide residents with regular updates about redevelopment activities during monthly FNA meetings.
  - ii. Convey resident feedback candidly to Woodard Properties and Piedmont Housing Alliance.
  - iii. Develop FNA materials to educate residents about (1) tradeoffs the site constraints present and (2) opportunities for input to inform decision-making about the redevelopment, so that residents have clear understanding about opportunities to share their priorities and help inform decision-making (e.g., at the required Community Meeting and at the Planning Commission and City Council meetings about the rezoning & Special Use Permit application).
- c. Socialize this redevelopment project with other community-based organizations in Fifeville, and work with them to identify potential ways they could support the redevelopment process and long-term benefits at the redeveloped site (e.g., letters of support for rezoning, providing public comment in support of redevelopment, participation in development of pipelines for housing and hiring, support for community engagement during the design process).
  - d. With two weeks of notice, provide an FNA representative to speak in support of redevelopment to the press.

***B. Provide support for proactive management of the housing units in alignment with Fifeville's vision for anti-displacement and place-keeping.***

FNA will partner with Piedmont Housing Alliance to engage community-based organizations and residents in support of commitments articulated in Section V.B.

***C. Provide support for proactive management of the commercial spaces in alignment with Fifeville's vision for financial accessibility, cultural relevance and operators who are engaged with the Fifeville community.***

FNA will partner with Woodard Properties to engage community-based organizations and residents in support of commitments articulated in Section V.D.

***D. Provide support for incorporation of cultural memory and place-keeping into the site design, including opportunities for input from Fifeville residents.***

FNA will work with Woodard Properties and Piedmont Housing Alliance to identify specific opportunities for Fifeville resident input related to the exterior treatment of the project (e.g., murals, public art, paint colors, landscaping, etc), with an eye towards celebrating the history and culture of Fifeville. This includes:



## Attachment E

- a. Partner with Woodard Properties and Piedmont Housing Alliance to host at least 4 design meetings with Fifeville residents to get their input on how to celebrate the history and culture of Fifeville in site design.
  - b. Partner with Woodard Properties and Piedmont Housing Alliance to identify Fifeville residents and local artists who could help develop these design features.
- E. Maintain regular communication with Woodard Properties and Piedmont Housing Alliance, and support their engagement with neighborhood residents during the development process.***

FNA will work with Woodard Properties and Piedmont Housing Alliance to maintain regular communication during the development process. All parties will work towards making the meetings purposeful, focused, and productive.

Communication commitments include:

- a. Provide FNA representatives for a Joint Implementation Committee (tasked to review plans and progress, provide advising that supports project implementation, and implement MOU commitments) that will meet at least every other month.
  - b. Partner with Woodard Properties and Piedmont Housing Alliance to host at least three design meetings with Fifeville residents (see Section V.F for additional details).
  - c. During redevelopment planning and construction, partner with Woodard Properties, Piedmont Housing Alliance and other community-based organizations to host or attend at least two community meetings and/or site tours each year that provide residents with updates and opportunities for meaningful engagement with decision-makers from Woodard Properties and Piedmont Housing Alliance about how the development and construction processes are going from the residents' perspectives.
- F. Coordinate with Fifeville residents, other partners, and grocery operators, with support from Woodard Properties, to advance discussions about identifying a prospective grocery tenant that is best fit for the neighborhood's needs.***

FNA is working closely with multiple partners to explore formation of a workgroup that will advance discussions about identifying a prospective grocery tenant that is best fit for the neighborhood's needs. These discussions are expected to lead to activities such as (a) providing additional engagement, education and conversation with neighborhood residents about the possibilities for grocery store types and tenants and (b) conducting a market feasibility study. FNA will ensure that the progress and outcomes of these discussions are clearly communicated to Woodard Properties.

## VII. Agreement

This MOU constitutes the entire agreement of the parties with respect to the subject matter hereof. Once this agreement is signed, it will be submitted to the City as part of the 501 Cherry Ave Rezoning Application Package. This agreement is contingent on a successful rezoning and SUP for the 501 Cherry Ave project, as well as LIHTC funding for the development, and it can be rescinded by any of the parties if the project is not completed.

Notwithstanding any other provision of this MOU, the parties agree that this MOU is the explicit agreement of FNA, WP, and PHA, intended to enumerate mutual expectations and assumed responsibilities (Sections V & VI) and capture the spirit of the partnership and mutual cooperation between the parties (Sections I-IV).

This MOU may be modified, altered, supplemented or amended pursuant to a written agreement jointly executed and delivered by all parties.

## VIII. Contact Information

Partner name: Fifeville Neighborhood Association  
Partner representative: Carmelita Wood  
Position: President  
Address: 825 Orangedale Avenue, Charlottesville VA 22903  
Telephone: 434-202-9246  
E-mail: clw81h@gmail.com

Partner name: Woodard Properties  
Partner representative: Anthony Woodard  
Position: Chief Executive Officer  
Address: 224 14th St NW, Charlottesville, VA 22903  
Telephone: 434-971-8860  
E-mail: anthony@woodardproperties.com

Partner name: Piedmont Housing Alliance  
Partner representative: Sunshine Mathon  
Position: Executive Director  
Address: 682 Berkmar Circle, Charlottesville VA 22901  
Telephone: 434-817-0661  
E-mail: smathon@piedmonthousing.org



## Attachment E

### IX. Signatories



Carmelita Wood (Jul 17, 2023 16:46 EDT)

Partner signature

Partner name, organization, position

Carmelita Wood, Fifeville Neighborhood Association, President

Jul 17, 2023

Date



Anthony Woodard (Jul 17, 2023 18:16 EDT)

Partner signature

Partner name, organization, position

Anthony Woodard, Woodard Properties, Chief Executive Officer

Jul 17, 2023

Date



Sunshine Mathon  
Partner signature

Partner name, organization, position

Sunshine Mathon, Piedmont Housing Alliance, Executive Director

Jul 17, 2023

Date

## Exhibit A - Neighborhood Vision and Goals

The figure below is page 3 from the [Cherry Avenue Small Area Plan Executive Summary](#).

### Neighborhood Vision

*Cherry Avenue will be a vibrant mixed-use area that supports a diverse, thriving Fifeville Community. Development on Cherry Avenue will respect and preserve the history and culture of the Fifeville neighborhood. New development and investment on Cherry Avenue and throughout the neighborhood will build a sense of community between long-time and newer residents and be accessible and welcoming to residents at the most vulnerable end of the socio-economic scale.*



### GOALS

- 1 Rebuild and strengthen the sense of belonging, inclusion, and community in Fifeville.
- 2 Lift up and preserve Fifeville's legacy of African American leadership, and highlight Fifeville's unique sense of place as a culturally diverse neighborhood.
- 3 Ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms.
- 4 Ensure low-income residents, people of color, and generational residents are able to remain in Fifeville and benefit from neighborhood investments
- 5 Invest in empowerment and upward mobility for neighborhood residents at the most vulnerable end of the socio-economic scale.
- 6 Foster an inclusive and welcoming community through place-keeping, place-making, and beautification.
- 7 Encourage new development that advances equity, is financially and socially accessible to residents, and represents Fifeville.
- 8 Provide a safe and more connected community that creates access and opportunities for residents.
- 9 Provide a transportation network that prioritizes safety and mobility for residents.
- 10 Increase health and well-being for all neighborhood residents.



## Attachment E

### **Exhibit B - 501 Cherry Ave Rezoning Application Package**

This MOU has been included as part of the 501 Cherry Ave Rezoning Application Package. Once available, a link to the full package will be added to this exhibit.

# Attachment F

## AFFIDAVIT

The within named person (Affiant), CHRIS J. VIRGILIO, who is a resident of CITY OF CHARLOTTESVILLE County, State of VIRGINIA, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

A letter notifying neighbors about the time, location, and general purpose of the 501 Cherry Avenue Project Community Meeting was sent out 14 days in advance of the meeting. A copy of the letter is attached. The letter was sent out to a list of people, provided by the City, within 500ft. of the proposed project site. The meeting will be held in person at Living Hope Outreach Church at 824 Cherry Ave., Charlottesville, VA 22902. The meeting is scheduled for Saturday June 3<sup>rd</sup> at 11:30am.



Signature of Affiant

5/17/2023

Date

## ACKNOWLEDGEMENT OF NOTARY

STATE OF Virginia

City  
COUNTY OF Charlottesville

Subscribed and sworn to, or affirmed, before me on this 17<sup>th</sup> day of May, 2023 by Affiant

Christopher Virgilio.

Signature of Notary Public: Annette Marie Staples

My Commission Expires: 7/31/2025

Annette Marie Staples  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 352375  
My Commission Expires 7/31/2025



WOODARD PROPERTIES  
224 14th St. NW  
Charlottesville, VA 22903



Phone: (434) 971-8860  
Fax: (434) 293-2280  
info@woodardproperties.com

WP 501 Cherry LLC  
Chris Virgilio  
224 14th Street NW  
Charlottesville, VA 22903  
cvirgilio@woodardproperties.com  
434-989-0372

**RE: Community Meeting June 3rd at 11:30am**

**501 Cherry Avenue | Mixed Use Development**

Dear Neighbor,

You are invited to attend a Community Meeting on Saturday, 6/3/2023, at 11:30am, regarding our proposed mixed-use development at 501 Cherry Avenue. The proposed development includes parking, ground floor commercial use, and anywhere from 65 to 110 residential apartments.

A re-zoning and special use permit (SUP) are required from the City of Charlottesville for this development. The SUP and re-zoning together would allow the project to build up to 110 residential units. The re-zoning would also allow business uses, not currently allowed under the CH zoning, such as a grocery store/market, and a 10,000sf to 15,000sf store for Twice Is Nice, a local non-profit benefiting underserved seniors. We are also dedicating commercial space in this project for the Music Resource Center which is a local non-profit after-school program for area youth. Woodard Properties is close to an agreement with Piedmont Housing Alliance (PHA) in an effort to maximize affordable housing.



Additional information about the project can be downloaded from....  
<https://tinyurl.com/akcxx3wj>

The meeting will provide an opportunity for neighbors to receive information and ask questions about the proposed project, City review procedures, and relevant regulations and policies of the City applicable to the proposed project. The applicant and City Staff will be available at the meeting to answer questions about the project and the review process.

This is an in-person meeting that will start promptly at 11:30am with an introduction and presentation of the proposed project, followed by a question-and-answer period. The event will be held in person at Living Hope Outreach Church in The Shops at Cherry Ave. We look forward to seeing you there.

Meeting Location  
Living Hope Outreach Church  
824 Cherry Avenue  
Charlottesville, VA 22902

Parking Location  
Parking Lot at 801 Cherry Ave.

Sincerely,

*Chris Virgilio*

Chris Virgilio  
Director of Development, Woodard Properties



*Serving Charlottesville Businesses, Students, and the Community Since 1981.*



## **Planning Commission/ City Council Work Session**

**May 23, 2023 5:00 PM to 8:00 PM**

### **Hybrid Meeting – City Space**

**Commissioners Present:** Chairman Solla-Yates, Commissioner Mitchell, Commissioner D’Oronzio, Commissioner Stolzenberg, Commissioner Schwarz, Commissioner Russell, Commissioner Palmer

**Commissioners Absent:** Commissioner Habbab

**Councilors Present:** Councilor Puryear, Mayor Snook, Councilor Payne, Councilor Pinkston

**Councilors Absent:** Vice-Mayor Wade

**Staff Present:** Patrick Cory, Remy Trail, Matt Alfele, Carrie Rainey, James Freas, Kyna Thomas, Sam Sanders

Work Session was called to order at 5:00 PM by Chairman Solla-Yates.

1. Topics of Review in Association with Zoning Ordinance Update
  - a. Module Three (Discussion) – Staff announced that Module 3 will be released Wednesday, May 24, 2023. This will be reflected on the website.
  - b. Module Two Discussion

**James Freas, NDS Director –**

### **Transition Issues in the Map**

This was recognizing, on our part, as we looked at a lot of the comments that we were receiving around mapping issues, we were dealing with transitions between higher intensity areas and lower intensity areas. This is an issue that we had committed to addressing early on. Our existing transition language really is intended to address where lot lines meet and wasn’t really addressing across streets, for example. We got comments on that issue. Some of the comments we received spoke to the issue of elevations. Right now, our consultant team is doing a ‘deeper dive’ into addressing transitions across streets. We’re going to look at that in two ways. One is potentially looking at it from the perspective of rules, similar to the rules that we have already proposed in the second module. Do we actually make changes to these zoning districts to lessen the degree of difference between districts facing each other across the street? On the north end of the Greenbrier Neighborhood on Rio Road, there is an example of CX-5 that is really intended to orient towards Rio. You have a transition across Tarleton on the backside to a residential district. We’re looking at making a zoning district change on the Tarleton side of those lots. The other example is looking at very steep slopes where we might have a scenario where a CX-5 is appropriate on the street below the grade but at the top of the grade you have a different adjacent zoning district. You necessarily wouldn’t want a CX-5 building at the top of the grade because of the houses/neighborhood across the street but also the scale of building you’re now putting at the top of a high grade. In those scenarios, we’re actually looking at the potential of doing split zoning, which typically we would avoid. It might be appropriate in these scenarios. Those are the strategies that we’re looking at and doing a review of the entire zoning map on those ideas.

**Councilor Payne –** From my own understanding, can you explain the concept of split zoning?



**Mr. Freas** – Generally, you want one lot to have the same zoning district. You don't want a single lot to be subject to a different set of rules. This steep slope scenario might be a place where we consider, from a policy perspective, split zoning makes sense. On the lower end, you would have a zoning district. On the higher end, a different zoning district.

**Chairman Solla-Yates** – It makes sense for a street focused approach, which has been consistent with what we have been talking about.

### **Zoning Map Inconsistencies with Other Adopted Policies**

**Mr. Freas** – In this category, there were two things that we were looking at. Both of these are responses to comments we received. The more expansive one was looking at our historic districts. Because the BAR has review responsibilities over those districts, with the support of the guidelines that they have. In implementing the guidelines for each historic district, they can specify a lower height or other design or massing characteristic relative to new construction to make it consistent with the historic context. We also recognize that it didn't strike us as good policy to have extreme differentiation between that historic context that we have identified by policy, by adopted ordinance that we want to preserve, and the proposed zoning ordinance, having that be a substantially greater height and/or density. We did a review to see how many of those places exist. We only identified the Downtown and the North Downtown as places where that might exist. With the North Downtown, we're suggesting in the area along High Street that is CX-5, it might be more appropriate to zone that for CX-3. In Downtown, we think there are text changes that we should be considering that are like the text changes we have in the existing zoning ordinance requiring step-backs. That's where the building at a certain height steps back away from the street, using those tools plus the existing BAR review to regulate that historic context.

**Commissioner Mitchell** – I was hoping that we could get some input from Commissioners Russell and Schwarz.

**Commissioner Russell** – We glossed over the specific inconsistencies around the BAR. This is one of the concerns Commissioner Schwarz raised weeks ago.

**Commissioner Schwarz** – You identified North Downtown. You're specifically referring to the north side of High Street. The south side is still CX-8. My opinion is to let the BAR do their thing. We have no problem telling people that they can't put a 5 story building on a site if there is a historic house on it. On the Downtown, we have had more problems with a regimented step-back requirement. It makes for funny building structures. In most cases, the BAR has actually reversed that if someone asks for an SUP to change that. The BAR could determine the historic choke of the building that we want to preserve extends so far back. If you give us (BAR) a regimented step-back, it negates our process. The Landmark is what could be a good example of a natural place form for the building to become a high-rise. I think we can do similar things across The Mall.

**Commissioner Stolzenberg** – What you're saying about historic districts and the BAR seems reasonable. My qualms are more about the High Street proposal. Are you talking about all of the CX-5 on High Street?

**Mr. Freas** – All within the ADC District on the north side of High Street.

**Commissioner Stolzenberg** – If you're going to change it, I would say that this area of CX-5 on the west side of High Street makes more sense to reduce to CX-3.

**Chairman Solla-Yates** – I did walk around High Street to get a sense of it. I am concerned. We're allowing some very tall buildings on the south side of High Street.

**Mr. Freas** – I think it is still controlled by the BAR. On the south side, there are several institutional buildings on that side. We were less concerned. What we really were thinking about were the lower scale, largely single-family structures on the north side of High Street.

**Councilor Payne** – It is hard for me to provide feedback. I am unsure about what specific text changes would result in accomplishing this. At a higher level, policy goal, it would make sense to me to be thinking about the context of historic districts in terms of the scaling of it. I don't know what exactly to make of it. There are some instances around the Downtown Mall that step-backs could be useful. There are other instances that if you had a taller structure like the Altamont Circle Apartment, no setbacks make it look more in character with the area.

**Mr. Freas** – You're reinforcing Mr. Schwarz's point. The BAR can handle this issue.

**Councilor Payne** – At a very high-level policy, I am OK with leaving discretion to the BAR. It makes sense to be thinking about the context of historic districts in terms of massing, scale, and building material. I don't know what specific text changes best accomplishes that.

**Councilor Puryear** – I agree with what Councilor Payne and Commissioner Schwarz said.

**Mayor Snook** – I am not quite sure what you were talking about when you were talking about south side versus north side of High Street. Are we talking about going down the hill? Are we talking about up by Court Square?

**Mr. Freas** – It is by Court Square. It is down on the left side of High Street. My impression is that it is Park Street east for the length of High Street.

**Chairman Solla-Yates** – Further west are churches and further east are courthouses, mixed use, and Queen Charlotte.

**Commissioner Schwarz** – The ones to the east are already surrounded by CX-3.

**Mr. Freas** – At the corner of High Street and Park Street is a row of single-family style houses that are now occupied by offices.

The Planning Commission and Council looked at, reviewed, and discussed the intersection of High Street and Park Street.

**Councilor Payne** – One of the things that we have gotten a lot of feedback is, even outside some of the areas that you identified, the concern that the experience of being on the Downtown Mall, the size of structures being a different visual impression when you're on the Downtown Mall directly clouding things out: What is the approach of evaluating that with anything particularly with the pedestrian viewshed of being on the Downtown Mall? Is the BAR the body that is primarily evaluating what impact it might have?

**Mr. Freas** – The BAR is charged with enforcing their guidelines. Their guidelines are speaking to consistency and compatibility with the historic context. One of the charges that we have is that we need



to update the BAR guidelines. In doing so, we need to make stronger policy statements about things like protecting the view-shed down The Mall.

**Councilor Payne** – A question for Commissioner Schwarz. Do you feel the BAR has the tools and the guidelines that are sufficient to accomplish that goal for areas adjacent to the Downtown Mall within the view-shed of a pedestrian there?

**Commissioner Schwarz** – I am confused when you say adjacent areas. Are you talking about between the Downtown Mall and High Street?

**Councilor Payne** – I don't know the best way to clearly define it; any area that if you're on the Downtown Mall, a development within that world could impact you when you're on the Downtown Mall as a pedestrian.

**Commissioner Schwarz** – I believe that we do. There is always that pressure. If somebody can put a 10-story building up, they're going to make a really strong argument to be able to do that. We're going to hope that if we deny them, we're going to have your support. If that is working, the BAR has the tools that it needs.

**Councilor Payne** – One of the things I have heard from people is that the step-back requirements, as well as the requirements for different building materials, result in buildings that almost look even more out of character with the historic district than if you had simpler brick building material. Do you feel that is something the BAR is mandated to always look at? Or has that just been the policy preference of the body?

**Commissioner Schwarz** – With the different materials, I think you're talking about The Standard. Is that an example?

**Councilor Payne** – That could be one. The building on Garrett that Maguire Woods will move into sticks out.

**Commissioner Schwarz** – Garrett is not in our purview. With the 'stripey' building aspect, we know that is not a good idea. With step-backs, it is all dependent on the location. An example is the Artful Lodger site. I believe that we just saw an SUP that should be coming to the Planning Commission for a reduced step-back because it didn't make sense for that building.

**Mr. Freas** – That is a unique example because the way the zoning is built for Downtown right now. It gave that lot two fronts and forced it into having two step-backs that put it into a pyramid shape. It doesn't work.

**Commissioner Stolzenberg** – Separate from what the BAR does, in the current zoning, we have step-back requirements on Main Street, Old Preston, and Market Street. That's where that comes from. Main Street makes sense. The BAR might have a better ability to do that because of discretion. It could look better without it.

**Commissioner Schwarz** – It is an arbitrary number. It would be better to relate it to the context and decide on a case-by-case basis.

**Mayor Snook** – One of the concerns that I have had about the Downtown Mall is that I don't want a whole lot of additional height on the south side of the Downtown Mall because the sun will never hit the

Downtown Mall. I don't know how you regulate that. I don't know what the regulation needs to say. I am almost prepared to say: Five stories on the north side is fine, three stories on the south side of the Mall would make more sense. We're not going to get any sun out of the north. I don't want to have a sense that the Mall is being surrounded by height on both sides where it becomes like the Grand Canyon and the sun never hits.

**Commissioner Schwarz** – Water Street seems to be a very good place for height. That is a conflict.

**Commissioner Russell** – What was the recommendation with regards to East High?

**Mr. Freas** – Shift the CX-5 to CX-3 to the west of Park Street.

**Commissioner Russell** – Is the policy conflicting with the BAR? I really don't understand why we would make such a disparity and put the BAR in the position of wasting people's time if a developer is thinking that they can do something, and they're frustrated by the BAR process.

**Mr. Freas** – Part of the reason we want to make sure the BAR guidelines are also very clear so we are broadcasting what you can expect in terms of the design of the building.

**Commissioner Schwarz** – You can lower it down to CX-3. To be honest, I don't think we (BAR) would allow demolition of any of these buildings. There might be one or two in there. I can't imagine any of the buildings north of High Street that we would allow demolition of.

**Mr. Freas** – I am interested in hearing more about the Downtown Mall. Right now, the zoning is allowing for substantial height only to be moderated by the BAR. We have adjusted. We are looking at text changes. Our conversation has been primarily around maintaining some version of the step-back requirement on Main Street. I am curious as to the general thoughts or concerns around height particularly relative to Main Street.

**Commissioner Mitchell** – We may need to give some thought to the point Mayor Snook made about cavernous effect on the mall. You may want to limit the height.

**Commissioner Stolzenberg** – It is useful to talk about/think about the Downtown Mall mostly in a historic resource way. With most of the Downtown Mall, I wouldn't like to see something demolished and built into a new building because we don't know how to build buildings like that anymore? If this building were torn down and built into a 100-story tower, I couldn't care less. Downtown is where we want people to be and live. It is where you can live without a car. There is a tension between wanting people Downtown and we also don't want to demolish the historic buildings downtown because we can't make any new ones. That makes sense to me for it to be in the BAR purview.

**Chairman Solla-Yates** – I have conflicting ideas on this topic. One idea is step-backs are terribly expensive, probably the most burdensome regulatory tool that we can use. The BAR can be judicious. The other idea is that if we're going to use it, Downtown is the place to use it. Something more context sensitive, not just a flat cap across the entire area, but a regulatory tool that sees what is happening around it and possibly treats corners differently from interior parcels.

**Councilor Payne** – In some of these areas where you have these particularly difficult tensions, could it make any sense to have a more limited discretionary process like an SUP process in the new zoning? In this case, you have this unique tension that is going to be extremely building site specific. Halpern's original intention was for it to be where people live. Most of it was going to be housing. It is also true



that it is an enormous historic resource that you don't want to make a mistake where, without discretion, you get something that blocks sunlight or completely changes your view as a pedestrian in the area.

**Commissioner D'Oronzio** – It is very hard to put together a regulatory framework that can apply to every parcel in a consistent way. At some point, it is people staring at it and making practical aesthetic and economic judgments at the same time. It is not neat and clean. I don't think we can clean it up so far. Somebody must make those discretionary calls.

**Mr. Freas** – You do have a BAR discretionary review in this space.

**Commissioner D'Oronzio** – I don't know if we 'juice' that somehow. If we try to write to this, we're going to end up with something that is either incomprehensible or not applicable or so complicated that everyone is going to be afraid to do anything. Nobody understands it on the regulatory side of it. You're going to be open to discretion anyway. The complexity is going to get out of control. I am not sure that we have a simple solution for that either.

**Councilor Payne** – That is what I am getting at. I haven't given much thought to what that specific process would be or what it would look like.

**Mayor Snook** – I have been struck in the past couple of months when we have had some BAR reviews come before Council that have really been based on the idea that the ordinance seems to limit the BAR discretion, or the factor that is there to consider. People are appealing to Council so we can basically give relief from what seemed to be inappropriate regulations or not universally applicable regulations. In a sense, we're like the BZA for the BAR. It isn't what Council ought to be doing. If we find a way to make sure that the ordinance gives the BAR the authority to do the things that it needs to do rather than to leave areas, what they can say is 'we can't do it, but you guys can.'

**Commissioner Schwarz** – Is it possible in this zoning rewrite to do a quick insert into the BAR guidelines?

**Mr. Freas** – That was one of the tensions that I have been thinking about. It is the need to rewrite our BAR and ERB guidelines. Is there an amendment that could be a quick hit of things that we know now? That might be something that we come back and talk with the BAR about specifically.

**Commissioner Schwarz** – It seems like a really good idea. If there are a couple of quick fixes, we should do it sooner rather than later. We have been waiting to do our guidelines.

**Commissioner Russell** – Is it better to have base zoning that the BAR must look at? Their discretion is to not allow that height versus a base zoning where the BAR can look at it at the discretion to allow for extra height in certain cases. I am asking if it is zoned too high. Therefore, somebody is always going to be pushing that height limit.

**Commissioner D'Oronzio** – Does that turn the BAR more into 'Dr. No?' There is more to be said for going for lower height universally.

**Mr. Freas** – One of the things that we're wrestling with is that the BAR may not have the authority to expand the envelope. They clearly have the authority to reduce the envelope consistent with their guidelines, consistent with protecting a historic resource, but not necessarily the opposite direction.

**Commissioner D’Oronzio** – The idea also would be to infuse what that process is with the notion that the BAR should not be the default ‘no’ position. It really should be the default ‘maybe’ position for all of those.

**Commissioner Schwarz** – How do people feel about the idea of another 10-story building being somewhere downtown? If there are people who think there should never be another 10-story building that makes it easy. If the idea is that we can see another 10-story building depending on where it is located, then these discussions should probably continue.

**Councilor Payne** – In my mind, it is very site context specific, including the building materials and design. Could I ever envision it? The answer is yes. I also think the default is a lot of skepticism and ability to have very strong review that includes a discretionary element.

**Commissioner Stolzenberg** – We’re talking about directly on the Downtown Mall. The Downtown District here is a lot more than the Mall.

**Commissioner Schwarz** – On the Downtown Mall, I am thinking that we have the Bank Building. That is 10 stories on the Downtown Mall. We have the Dewberry, which is 10 or 11 stories. The parcel extends to the mall.

**Councilor Payne** – If talking directly on the Downtown Mall, the other factors are very hard to see an existing building demolition even being approved.

**Mr. Freas** – Since there aren’t any vacant parcels on the mall, anything that is going to happen is going to be behind the façade. There will be a preservation of the façade and something rising behind it.

## **Friendship Court**

**Mr. Freas** – Friendship Court is a different kind of policy and consistency. It is one where we can recognize that the city now has made a significant investment in the idea of there being affordable housing in this location. There was an inconsistency at the time we were looking at it from the perspective of the land use map. We got zoning and really put some definition into what the node zoning means. The node zoning calls for buildings that are ground floor commercial ready; 14-foot ground floor, higher transparency requirement. Those two requirements would seem relatively simple on their face. They are inconsistent basically with the existing design for this project and the cost associated with the changes that they would need to make. It might lead to a reduction in the number of units. It could lead to a variety of challenges for that project if it would have to go forward in its final two phases with that node zoning requirement. Having reviewed the project, we’re suggesting that the appropriate zoning is CX-8. It is currently proposed at the node mixed use 10.

**Commissioner Stolzenberg** – Is that for all the Friendship Court parcels?

**Mr. Freas** – For simplicity, we were going with all recognizing the fourth phase does have the notion of a ground floor commercial element. That is not precluded by the proposed CX-8. CX-8 does allow for that. All of that can be done in CX-8. It’s just not mandated.

**Commissioner Mitchell** – I am grateful for the revision. Thank you, guys.

**Commissioner Schwarz** – That is fine. It does make me question if maybe the NX zones are too regimented in that sense.



**Chairman Solla-Yates** – I posted about this issue online. I got some interesting feedback from an attorney. His point was: If affordable housing is the only thing to have problems with this, why not just exempt affordable housing from this requirement in all node zones?

**Mr. Freas** – I get a little concerned about how we write that up, how we define it? I don't think it is necessarily a universal issue. One of the things we're dealing with is that we have a project that is already partially designed. That seems to be the larger issue.

**Councilor Payne** – One of the other tricky policy questions is the Friendship Court resident steering committee. One of their big concerns has always been with the immediate transition in terms of the scale and design of their neighborhood versus everything around it and not wanting to feel like sitting in a bowl. I just want to highlight, for the resident steering committee from the beginning that has been a constant topic of conversation that they have brought up. I will admit that I don't know what the exact policy solution is.

### **Zoning Map Errors**

**Mr. Freas** – In some respects, I contemplated that we would go item by item through this. For context, these are the items where we're identifying an error in the sense of the mapping logic document, which governs basically how we applied the zoning districts on the zoning map. It was basically a set of rules that took us from the starting point of the land use map to a zoning map with a set of districts. One of our primary tasks was to review the zoning map to make sure that there weren't any errors made in transcribing that set of rules into a zoning map. This was one of the sites that came up. The rules, strictly speaking, would have said that the Wright Scrapyard should have been an NX-3 rather than the NX-5 that it was designated on the zoning map. We believe that NX-5 is probably an appropriate district to apply here.

**Commissioner Mitchell** – An example of NX-5 would be Downtown Belmont.

**Mr. Freas** – I went ahead and identified this one. This was the site that was also recommended for a land use map change into one of the higher intensity districts. It was proposed as NX-8. When I look at the land use map, I see that those higher intensity, urban districts were directed towards basically our large job areas: Downtown, 29 north, adjacent to the University for that Higher Intensity, urban context. This one in terms of the pattern presented by the Land Use Map is more appropriate towards that neighborhood center scale. The higher intensity level of the neighborhoods.

**Commissioner Mitchell** – We talked about this a little bit earlier today. I would like to get your input as well. This is like a valley and could be some sort of industrial park in that little valley. I would like for us to talk about maybe making this an urban center; giving it some thought to whether this should be an urban center so it could have a little more intensive development, some light industrial. How do you feel about that?

**Commissioner Stolzenberg** – That makes sense.

**Mr. Freas** – Right now on the Future Land Use Map, this is a neighborhood mixed use node. What is being contemplated is an urban mixed-use node. That would be the FLUM change aspect of this.

**Commissioner Mitchell** – You expressed two months ago the possibility of some industrial park. What do you think about using that area for that sort of thing?

**Mayor Snook** – In the abstract, sure. There are several things about it. There are the grade differences, some challenges and opportunities. It is certainly not a flat green field site. If people wanted to find a way to use that space productively, it is certainly the largest expanse of any developable size within an easy walk of the Downtown Mall.

**Commissioner Mitchell** – What do people think about the height? If we do urban center, then we go from 8 stories up to 10 stories. If we go with NX-5, we are limited to 5 stories.

**Commissioner D’Oronzio** – I don’t have any problem with height there, particularly considering the surrounding. You have that grade going up to the railroad tracks. Across the street, you’re still way below grade on Meade. The geometry doesn’t present problems.

**Commissioner Russell** – We’re not just talking about the scrapyard. It is all the parcels around it too all the way up to East Market.

**Commissioner Stolzenberg** – It doesn’t have to be. What the consultant team said in response to my suggestion was that you maybe just do these parcels against the railroad track.

**Mayor Snook** – You might want to say that we would make it 3 stories by Beer Run but potentially 10 stories at the bottom of the hill.

**Councilor Payne** – I agree with that. Work with the topography. We do have to be very mindful of that frontage on East Market and the single-family homes on Burgess.

**Commissioner Mitchell** – Are we generally comfortable with intensifying the use? Do we want to back up to NX-5, which is less intense? It is intensity to the degree of the Downtown Mall versus intensity to the degree of downtown Belmont. Are we comfortable with more intensity here?

**Commissioner Schwarz** – When did downtown Belmont become more than anything that is 3 stories? Everything there is CX-3 and NX-3.

**Mr. Freas** – If you look at the land use map, it identifies a set of neighborhood centers. While this parcel that we are talking about is effectively vacant, I saw it as more akin to a neighborhood center than as an urban center. The inference is that it should be treated more like an urban center within the context of our land use map.

**Commissioner Schwarz** – It makes complete sense. It shouldn’t be an NX-3, at least an NX-5 if it wants to be something else. I don’t see problem with height here. My opinion is that we have transitions in the code. I don’t see an issue with height next to low height. I have been in enough cities where that exists. It is perfectly fine. It works well. I am not sure that I understand the fear of that. Maximize it. It makes a lot of sense.

**Chairman Solla-Yates** – I think that CX-5 makes more sense than CX-3 with the transitions, especially to Market and Burgess.

**Commissioner Russell** – I think that is high for that area. I don’t think 10 stories, except in that hole, would be appropriate. I am not comfortable with a broad ‘brushstroke.’

**Commissioner Mitchell** – I think we’re suggesting some transitions away from the hole. The hole can be 10 stories as we transition to 5 stories and then 3 stories.



**Commissioner Russell** – I don't understand how module 2 accomplishes that. We're trusting that it does. I have not comprehended how that works.

**Mr. Freas** – In the context that they are describing, we would use differentiated zoning districts to accomplish what is being described. We would put an 8-story zoning district close to the railroad tracks and a set of zoning districts to accomplish what is being described.

**Commissioner Russell** – I would be sensitive to the surrounding residential, however that is accomplished.

**Commissioner Stolzenberg** – Even the required transition, if it was to be NX-8 that tight transition seems like a pretty substantial step back to me that seems probably about a 60-foot step-back after 3 stories and another 40-foot step-back after 7 stories.

### **Barracks Road**

**Mr. Freas** – Barracks Road is an example of mis-designation on the zoning map. The property shows up on the land use map as an urban mixed-use node. If we follow the logic rules, it should have been zoned NX-8, which was the notion that was presented.

**Commissioner Stolzenberg** – Why not make it NX-10, which is consistent with the Future Land Use Map?

**Mr. Freas** – The rules say that NX-10 is reserved for downtown streets identified in Streets That Work as a downtown street. We basically said 10 stories is a downtown feature. All other urban districts identified in the city are NX-8.

**Commissioner Stolzenberg** – The other suggested change I would make to the mapping logic there is fronting a downtown street or a giant road like 29 and maybe 5<sup>th</sup> south of Harris. Why are we restricting that to discourage development of these strip malls that are less than ideal urban forms?

**Chairman Solla-Yates** – It is currently designated 5 story. The guidelines say it should be 8 stories.

**Mr. Freas** – The mapping logic suggested that 10 stories is really reserved for Downtown Charlottesville. Are you guys suggesting that we shouldn't reserve 10 stories for Downtown Charlottesville? Other areas should go higher?

**Commissioner Stolzenberg** – I would say Downtown, Rt. 29 north, and 5<sup>th</sup> south of Harris.

**Commissioner Russell** – I don't have a ton of 'appetite' for making changes to our mapping logic at this point in the process. I feel like what we need to do is focus on what is in front of us and not constantly be pushing, particularly height and density. I think that is going to undermine public confidence regarding some of the concerns that the public has around height and drastic change. We just seem to constantly be pushing and pushing. I want to make sure we're coming up with a plan that Council can pass.

**Commissioner Schwarz** – I am afraid of missed opportunities in areas where nobody is going to complain.

**Commissioner Stolzenberg** – I think the Rt. 29 areas are areas of rare public consensus that I heard. A lot of this list is those changes that I made in November. It came from Citizens for Responsible Planning. They put out a list of vacant parcels that they said we should utilize more. Almost everyone agrees that 29, Seminole Square, the old Kmart, and Barracks Road should be more. Ideally, we should have more housing there to take the pressure off everywhere else. With that in particular (29 north), it seems to be very consistent with our whole 2021 process.

**Councilor Payne** – I see the logic for NX-8. I don't know if there is anything that we can do about it. A thought that comes to mind is that UVA has transformed the Ivy/Emmet corridor. Does that expand over time down into Barracks?

**Councilor Pinkston** – The notion is to go up to NX-8. It has been suggested to go up to NX-10?

**Mr. Freas** – The basic land use map and the set of rules that we used to translate that into zoning would suggest that NX-8 is the zoning district that should be applied to Barracks Road. That is the starting point. In this body of rules, we pose the idea that 10 story buildings are really reserved for areas close to downtown. All other outlying areas are maxing at 8 stories. The conversations are: Should we be considering 10 stories in areas like Route 29? That is the follow up question. It is not a change to the land use map. The land use map did contemplate 8 or 10 stories. It is a question of whether we want to be considering 10 stories. It would not be inconsistent with the land use map. This document was put together by our team. It is not an adopted document.

**Councilor Pinkston** – There would be some concern in the community that we're continuing to push the envelope. Is that the concern about trying to take it to 10 stories?

**Councilor Payne** – I think it is that combined with the fact that if you went to 10 stories, you're not even consistent with the land use map.

**Mr. Freas** – Ten is consistent with the land use map. It is inconsistent with this body of rules. These are the rules that we followed to take that land use map and turn it into a zoning map. One of the things that we said was that 10 stories is reserved for areas adjacent to downtown. This was put out with Module 1.

**Councilor Payne** – It is inconsistent with public guidelines.

**Councilor Pinkston** – If it is consistent with the Future Land Use Map, I am Ok with ten.

**Councilor Puryear** – The land use map said 8 to 10. Your document says 8?

**Mr. Freas** – That's correct.

**Councilor Puryear** – How many more people do you get from 8 to 10 since you're talking about density? What does that mean?

**Commissioner Schwarz** – It is possible you can make a project more viable. Getting the extra height makes the change in building type from something that is combustible to non-combustible more feasible. The higher you get past that point the more economical it is.

**Commissioner Stolzenberg** – You're probably never going to get 8. Five stories could be wood. With 8, everything must be concrete and steel. It is a huge increase in cost for all your units for just a few more units. To really make that worthwhile, you must have more stories.



**Councilor Puryear** – If it catches on fire, how are you going to put the fire out? I hear density and easier to build. You also must think about infrastructure too. Do you have fire trucks with 12 to 15 foot ladders?

**Mayor Snook** – I don't know how high the ladder trucks will go.

**Commissioner Stolzenberg** – Any of that would have to be discussed during site plan reviews.

**Commissioner Schwarz** – In a lot of cities, you don't expect the ladder won't make it all the way up. You have sprinklers and a building type that is much harder to burn. The fire code is trying to resolve all those potential problems.

**Commissioner Stolzenberg** – We're also saying that we're going to allow it somewhere else. The question is whether to also do it on 29.

We do have the Hillsdale shared use path. We have the whole hydraulic reconstruction that is happening. The county is putting a few hundred units right over the city/county line.

**Commissioner Russell** – I hear all your points about those parts on 29. I am more frustrated with what I see as the sense that we're not getting to a place where we're finding what we're going to get in resolution. This is based off Mayor Snook's comments a few months ago around all the concerns he is hearing from the public. I am worried about this going to a public hearing and it being a very difficult thing to pass.

**Councilor Puryear** – I am appreciating Commissioner Russell's concerns and what this means when you get to the final stage. You need consensus or passing from this body to move forward.

**Commissioner Russell** – I am not objecting to the height. I am objecting to the process. Why are we changing our mapping logic? I am understanding the arguments now. Why are we always pushing for more? Why are we already changing a lot in this plan? We're going to be out ahead of a lot of other cities. That's great in a lot of ways. That is going to bring a lot of good things. We're giving it all away.

**Councilor Pinkston** – Didn't we address some of that with the a, b, and c a few weeks ago walking it back from 12 in the Future Land Use Map?

**Mr. Freas** – Mr. Pinkston is referring to the double density provision.

**Councilor Pinkston** – We walked that back. I respect your point and agree with it. We need to be careful. The piece about this specific one is if it was agreed in the Future Land Use Map that you could go up to 11, I am not quite sure how these mapping logic rules worked. You did a lot of work to pull that across the line. I feel more comfortable with that. If that wasn't the case, I would say 'no.' Given those locations, I would think more height would be fine there.

**Commissioner D'Oronzio** – I am having difficulty finding somebody who is going to say, "I'm completely happy with 8 stories, by God don't go to 9 stories." I agree with your general view.

**Mayor Snook** – I have not heard anybody who has expressed horror about the notion that Barracks Road Shopping Center might be too developed. Most of the comments that I have gotten from people are basically along the lines of "Go ahead and put as many people as you want in Seminole Square,

Barracks Road, just don't put them in my neighborhood." If you're concerned about where the public comment is going to come, it is going to come in that direction, not the other way. My concern is a little different. I am looking at the designation of NX-5. It does not include North Barracks Road but also Cedar Court. It's not that I would say that's an area that we ought to be saying 'let's make that NX-8 or NX-10. I am a little less concerned about the main body of the Barracks Road Shopping Center. It is an expensive enough property at this point that I have a hard time figuring out how it is likely to get redeveloped any time soon. NX-8 is fine with me. I suspect that NX-10 would be just fine with me also. I don't feel strongly either way. I understand Commissioner Russell's point about the appearances of shortchanging the rules at the end.

### **Allied Street**

**Mr. Freas** – This is an interesting one. The land use map identified this area as neighborhood mixed use node. We suggested a zoning district of NX-3. The mapping logic said that where you have 4 story buildings, you should consider NX-5. This is one of those places where they're interspersed. I don't know how many 4 story buildings are interspersed in that space. We're not going to go down that street, parcel by parcel in NX-3/NX-5. We went with NX-3. I am looking to you guys if you believe that we should have gone in the other direction.

**Commissioner Russell** – You don't want two zoning districts?

**Mr. Freas** – There are two parcels that are 4 and 7 stories. We wouldn't want to necessarily just zone those to NX-5 and the rest is NX-3. We would want to have one consistent zoning district for this area. Since the preponderance of the area is lower in height, we suggested NX-3. It was raised as a possibility to consider for NX-5. The rule in our mapping logic was that where you have 4 story buildings, you go NX-5, otherwise the base zoning is NX-3. In each one of these cases, our starting point was always the lowest density district and there were reasons to go to the higher intensity.

**Commissioner Russell** – This is an example where your step backs worked appropriately, I could support the extra height.

**Mr. Freas** – Property owners are always going to have the opportunity to come forward and seek rezoning.

**Commissioner Schwarz** – I would like to see NX-5.

**Commissioner Stolzenberg** – NX-5

**Chairman Solla-Yates** – NX-5 makes sense with transitions to Birdwood.

**Councilor Payne** – I lean to NX-3. This is one of the things that we have talked about. These mixed-use corridors, where you have commercial use with some apartments, the scale of the experience, in terms of what people are looking for matters a lot. In terms of what people are looking for in area like this, imagining it like downtown Belmont of a smaller scale, makes me lean to NX-3.

**Councilor Pinkston** – I am good with NX-5

**Mayor Snook** – I am good with NX-5, except for two parcels at the top that stick out into the Birdwood Court neighborhood. I haven't walked those parcels. I don't know what the logic is for that. What is the lay of the land there?



**Commissioner Schwarz** – The one with the parking lot does seem to slope all the way up.

**Commissioner Stolzenberg** – Those would all be pretty ‘squirly’ in the transition step back area.

**Mr. Freas** – The way they go up into that area where the transition would hem the building in.

**Mayor Snook** – That parking lot is already part of Allied Street. It’s not part of Birdwood. If that is at the level of Birdwood, I don’t want that to be an NX-5 for that parcel.

**Commissioner Stolzenberg** – That’s where transitions would come in. There actually wouldn’t be a transition if it was NX-3 but under NX-5, there is a type E transition.

**Mr. Freas** – The step backs are expensive. Often, the result, when you have a mandated step back, they bring the whole building farther away.

**Commissioner Schwarz** – It could be five, but it wouldn’t really make a difference.

**Commissioner Stolzenberg** – The building must be 20 feet from the lot line. After 3 stories, it must step back another 30 feet.

**Mr. Freas** – You would likely end up being 50 feet back; either 3 stories or 50 feet back.

#### **Preston Avenue**

**Mr. Freas** – In these corridors, we have CX-5 as the base zoning. At key intersections, it goes up to eight. The question being raised here was whether, at this westernmost intersection, not going up to eight and only going up to five.

**Commissioner Stolzenberg** – All of this is already redeveloped into Dairy Market. It is this big parking lot where I think you would want to put anything if you can make the transition across West Street good with your new cross street transition rules. For these specific parcels, I think that is fine to reduce.

**Commissioner Schwarz** – I really think Preston is a missed opportunity if we don’t try to take advantage of more density along it. I see the logic in five. I would like to see more eight around there and just deal with transitions. It’s going to be a missed opportunity if we don’t develop it, too much easy access to downtown and elsewhere.

**Commissioner Stolzenberg** – Are we doing a small area plan? I think it is fine to kick it to that and drop it to five. These parcels really don’t matter. The ones next to them are the ones that are going to get developed. When we redo that intersection, there is going to be an acre of land created out of thin air that is going to be city owned that should probably be intensely developed into as much housing as we can fit on it.

**Chairman Solla-Yates** – I agree with Commissioner Stolzenberg and Mr. Freas points. This is an important intersection. I want to see intensity and thought in this area. A lot of the development opportunities are east of this area. I am OK with five for now. This is an important issue that should be taken up in the small area plan.

**Councilor Payne** – I would support it going down. I have a bigger question around these mixed-use corridors. If you're giving away all the height and intensity and if we're looking to do small area plans in these areas, do you lose all your leverage to guide it?

**Councilor Pinkston** – I am fine with five.

**Councilor Puryear** – Five

**Mayor Snook** – I am thinking five. If this is going to be the introduction to a corridor, it shouldn't be tall. It is a residential neighborhood right next to it.

### **West Main Street**

**Mr. Freas** – When we were producing the draft map, it was intended for CX-8 to the west of the bridge and CX-5 to the east of the bridge. It was consistent with prior zoning decisions. There was a miscommunication there. There was an error on the map that was miscommunicated how to fix it and it would have been shown in the entirety at CX-8. Our proposal, on the east side, it should come back to CX-5.

There is an argument to be made that the train station site itself could accommodate a CX-8 designation similar to the other side of the bridge. These are all zoning changes that do not require a change to the Future Land Use Map.

**Commissioner Mitchell** – West 8, East 5.

**Commissioners D'Oronzio, Russell, agreed with Commissioner Mitchell**

**Commissioner Schwarz** – Keep at 8 and let the BAR do its job.

**Commissioner Stolzenberg was fine with both options.**

**Chairman Solla-Yates agreed with Commissioner Schwarz.**

**Councilor Payne** – I would remove the CX-8 designation.

**Councilor Pinkston, Mayor Snook, and Councilor Puryear agreed with Commissioner Mitchell.**

### **East High Street and Meade**

**Mr. Freas** – This is the same issue as with Preston. We have an intersection that identified as a key intersection and popped up to the 8-story height. We received a comment that suggested that it should be 5 stories like the remainder of the corridor. Staff doesn't really have a perspective one way or the other. The argument was concern about displacement of the smaller homes in that area and the adjacent scale of development.

**Commissioner Stolzenberg** – I don't see that 5 or 8 changes. Another point I heard is that whole intersection is weird and terrible. Is there any thought about how reconfiguring it would work and whether that would be easier if it didn't develop, or it did develop?



**Mr. Freas** – I hate to speculate on the question. That assumption would assume a big assembly needing to happen to generate a project with enough scale.

**Commissioner Stolzenberg** – Could we have them reserve the right of way in the future or via the site plan review process?

**Mr. Freas** – You're making a presumption around land assembly.

**Commissioner Mitchell** – This is hard. I like the idea of those little houses in there. I am concerned about with the highest use of that area. I am concerned about those little houses disappearing. I would like to hear other opinions.

**Commissioner D'Oronzio** – I am of Commissioner Mitchell's thinking. That intersection is so awful. It is like I had this old Mercedes Benz once and I never flushed the radiator because it was composed of rust. It worked perfectly but it should have been broken. With this, I believe I am scared to touch it because it seems to be so precarious. Any change that we make there, the chances that things are going to be bloody awful no matter how we address it because of that intersection. I would say CX-5 for that. I am also confused to see what an 8 story could get.

**Mr. Freas** – We are proposing to change it to the CX-5. The mapping logic took it to 8. The comment we received said it should be 5 based on the factors.

**Commissioner Mitchell** – How does that change the character of that intersection that allows them to build up to 5 stories?

**Commissioner Stolzenberg** – I don't see building that tall without doing significant land assembly. If you did that, we could realign the intersection.

**Commissioner Russell** – Is there no logic around key intersections? It is not key in that it is functioning like a key intersection. It is problematic and would exacerbate the problem. I don't think that it makes sense to be an 8 node there.

**Commissioner Mitchell** – The more house/dense we make that the worse that intersection is going to be.

**Commissioner Stolzenberg** – On the other hand, inside site plan review, they might say 'this is going to make this intersection fail. You need to put in all this money improve it.' The only thing that might incentivize enough land assembly to fix it without a bunch of city money.

**Commissioner D'Oronzio** – How much worse could the traffic study be than the present circumstances on the ground?

**Mayor Snook** – I assume that at some point, they're going to say that 'we're going to make Meade turn and come in at a 90-degree angle at East High Street. Take out the camera store and get that intersection regularized so people can see where they are going.

**Commissioner Schwarz** – I am ambivalent. I don't think 8 or 5 would make a difference with the traffic or whether the houses are preserved. If somebody can make an 8-story building work there, go for it. I don't think it matters.

**Commissioner Stolzenberg** – It doesn't matter.

**Commissioner Palmer** – It seems that Stewart Street seems like the natural node.

**Commissioner Schwarz** – That makes sense to me.

**Commissioner Stolzenberg** – That's the place that makes sense.

**Chairman Solla-Yates** – Stewart makes the most sense and that should be basically closed off on one end.

**Councilor Payne** – CX-5. I don't see the infrastructure there. It stuck out to me as something that doesn't seem to make much sense. This isn't the displacement question. It is not unique to here. It's not the number one factor as I saw it. I don't see the infrastructure making sense there. I don't know the answers. On these mixed-use corridors, the question of land assembly and acquisition and the type of investment you bring in in displacing businesses that are accessible and, in some cases, owned by more working class families in the city is a very important question. I know it was blantly dismissed. These are things that people care deeply about. Working class people who feel shut out from the city when we talk like that feel it even more.

**Commissioner D'Oronzio** – We have another that is even more on point example on Cedar Hill and Hydraulic. It speaks exactly to that point.

**Councilor Pinkston, Councilor Puryear, Mayor Snook** – Five

**Chairman Solla-Yates** – I think five and Stewart makes more sense.

## **Gallery Court**

**Mr. Freas** – This was a proposal. The mapping logic suggests this site should be CX-5. It was noted that a previous decision approved a 7-story building at this site.

**Commissioner Stolzenberg** – With the shared use path, we will eventually have the Emmet Streetscape. It will be an amazing bike and pedestrian experience all the way Emmet to Barracks Road, including in front of Gallery Court. I was saying CX-8 instead of CX-5. It is adjacent to Lambeth.

**Councilor Payne** – The other relevant context, as others have mentioned, is that this is the only parcel not owned by UVA. I think the owner of this parcel is very serious and intent on developing it as a non-UVA owned entity.

**Commissioner Russell** – What is the recommendation being made?

**Commissioner Stolzenberg** – It is five right now. If they build under the SUP, it is basically going to be a CX-8 building, anyway. It matches. It feels like it would match and not be a non-conforming building.

**Commissioner Schwarz** – Eight sounds great.

**Chairman Solla-Yates** – Given that is already approved, eight is more reflective of what will happen.



**Councilor Payne** – The SUP is already approved. CX-8 to match that makes sense to me. There is going to be the massive data science center there. I think it would be good to have something that is not UVA there. At least we'll know that we're getting tax revenue.

**Mayor Snook** – Eight.

**Old Martha Jefferson**

**Mr. Freas** – This one shows up on the map as NX-8. This is one where it was suggested that it should be NX-10. With mapping logic, this is not a downtown street in our Streets That Work Plan. It takes you to eight.

**Commissioner Mitchell, Commissioner D'Oronzio** – Ten

**Commissioner Russell** – Our mapping logic has expanded from downtown to 29. We're now saying that this should also abandon that mapping logic, I do not support that.

**Commissioner Schwarz** – We have NX-10 almost caddy corner to it. It is not really extending it out that far. It does make me wonder if those other parcels that are between Maple and Lexington should also be NX-10 if we make this NX-10. I have no problem with NX-10 in this location.

**Commissioner Stolzenberg** – I proposed it. I would also make a mapping logic argument that our Streets That Work Plan is 10 years old. We have the East High streetscape project if it can ever get out to bid. That's going to make this section of East High up to 10<sup>th</sup> what I would consider much more of a downtown street according to Streets That Work rules. It would probably make sense at that point to update The Streets That Work Plan. At that point, the mapping logic will have all made sense for this.

**Commissioner Russell** – I think that is too high moving away from our core downtown.

**Commissioner Stolzenberg** – I can see making the CFA parcel high.

**Mayor Snook** – Thinking about what is likely to happen, I don't think they're likely to tear down the CFA. They're likely to build on the parking lot. My initial thought was: Why would we want to make it NX-10 for the neighbors up to the north. They're not the ones who are going to see it. They're not going to tear down.

**Commissioner Stolzenberg** – This is also a service parking lot and a two-story garage. This is a parcel split down here.

**Councilor Payne** – Would that be split zoning?

**Commissioner Stolzenberg** – No. They're different parcels.

**Chairman Solla-Yates** – There are some excellent points here. I agree with Commissioner Schwarz's points about consistency in the intersection. I agree with Commissioner Stolzenberg's point that the two parcels have different dynamics. It makes more sense with 10 (lower) and 8 (upper).

**Councilor Payne** – I don't have particularly strong feelings. My first thought is sticking with the consistency of what our logic was in maintaining NX-8.

**Councilor Pinkston** – What does the FLUM call it?

**Mr. Freas** – Either of these options is consistent with the land use map.

**Councilor Pinkston** – I am good with what Commissioner Stolzenberg suggested in terms of the split.

**Mayor Snook** – I am good with the split.

### **Downtown Streets**

**Mr. Freas** – These are streets down here (Beck Cohen). It is the same issue. The logic rules designated these parcels as eight. The suggestion has been made that they should be ten like everything that is adjacent to them.

**Mayor Snook** – The only thing that is not adjacent is the railroad tracks.

**Mr. Freas** – This was Commissioner Stolzenberg's suggestion. The strict application of the rules because it doesn't front on these downtown streets. There is an intervening street and strict application of the rules put it at 8. It has been suggested to be 10.

**Commissioner D'Oronzio, Commissioner Schwarz, Chairman Solla-Yate** – Ten

**Commissioner Russell** – I am not going to vote for the demise of Beck Cohen. I think it is an iconic, historic Charlottesville building. If anything, we should consider protecting it.

**Commissioner Stolzenberg** – I changed my argument from it is a weird island to there is no more Old Avon. It does fit the mapping logic to change it as of last year.

**Commissioner Schwarz** – People can always request a demolition. There is a process for that. It is a two-year process. If they can't sell it at a market rate, they can tear things down. That's something we risk in every historic district.

**Councilor Payne** – I really don't have strong thoughts. The most relevant policy question is if that level of intensity means that kind of business, the writing is on the wall of that never existing again. For this, I really don't have a strong feeling on it one way or the other.

**Councilor Pinkston** – No strong feelings. If it makes it more consistent to have it as ten, then I am fine with that.

**Councilor Puryear** – Leave it as is.

**Mayor Snook** – Slight preference for ten.

### **Intersection of Stadium, JPA, and Emmet**

**Mr. Freas** – It was identified as CX-8. CX-8 was designated between Stadium and Emmet and Woodrow. Woodrow Street doesn't exist. The argument being made by the individual making this request is basically suggesting that because all these parcels are in common ownership and have been for quite some time, the entirety of this area should go into the CX-8 designation.



**Commissioner Stolzenberg** – You have a 60-foot grade drop from Montebello?

**Mr. Freas** – You do. It is a very dramatic grade drop there from Montebello Circle down to the parcel in question.

**Commissioner Mitchell** – CX-8 for both.

**Commissioner D’Oronzio** – Eight for consistency.

**Commissioner Russell** – I don’t feel that I know enough about this. It seems like if it is not a street, zoning should be continuous. Is that the appropriate zoning?

**Commissioner Mitchell** – It goes back to the point that you made here if the street did exist, Mr. Freas.

**Mr. Freas** – I don’t know if that is the case here.

**Mr. Schwarz** – I had brought this one up as well. I think CX-8 across Woodrow Street makes sense. It also makes sense extending down JPA. My question/concern is that I feel like the drawings we have gotten recently for buildings along JPA work in the sense that you have a very tall building on JPA. It ends up being 2 or 3 stories when it reaches Montebello. If CX-8 creates that, that makes sense to me. What I don’t know if it is appropriate having 8 stories on Montebello and having the building step down and it is 8 stories on JPA. That doesn’t make any sense to me.

**Mr. Freas** – This area is the one that took us to this question of doing split zones.

**Mr. Schwarz** – That makes sense if we can do that along JPA.

**Mr. Freas** – We’re looking to see if there are other places where that same rule might need to apply. JPA is where we’re looking at that issue.

**Commissioner Russell** – Is what you’re saying is that because it is all in ownership, a developer could abandon Woodrow Street and have more flexibility to build something that does work in that corridor by not having the split zoning between the two?

**Commissioner Schwarz** – I am in favor of split zoning on the parcel itself. I think the CX-8 should happen. When you get close to that hillside, I think we need to do something so there isn’t an 8-story building on Montebello. You can ‘fuss’ with the code in a way that it lets you step the building with the topography. You can get an 8-story building at Montebello, and it is 8 stories on JPA. I don’t think that is good. If we can do split zoning that makes it CX-8 but CX-5 for a strip along Montebello.

**Mayor Snook** – We were looking at something like that. There is a building that we’re looking at. The proposal was to have 5 stories on JPA and two stories on Montebello.

**Mr. Freas** – You’re exactly right. That project is one that we’ve spent a lot of time understanding how this zoning would apply to that. That was one of the ones that architects brought forward for us to look at. It is leading to this conversation around this transition issue.

**Mayor Snook** – It seems to me that ought to be of a de facto for everybody.

**Commissioner Stolzenberg** – I agree with that. You don't want to have an 8-story building fronting on Montebello. All of this, given the topography change, makes sense for a lot of height. If you did something like that, with RX-3 here and that much more intense zoning facing JPA, that is a good idea. It does matter in terms of where homeowners live versus where students live. All the other parcels along there are occupied by student renters presumably, except for these two next to the one that we're talking about. Over here, it makes plenty of sense to have all that height as well. We want to fit the students in there so that they stop sprawling out into all the other neighborhoods. It is a great place to do it given the topography change along there.

**Commissioner Palmer** – I agree with Mr. Schwarz. We want height there.

**Chairman Solla-Yate** – I agree with what is being said. Eight stories make a lot of sense fronting on JPA. I agree that we need to be smart with how we address Montebello. I agree with what Commissioner Stolzenberg is saying.

**Councilor Payne, Councilor Pinkston, Councilor Puryear, Mayor Snook** – I agree with what Commissioner Schwarz had said.

### **Zoning Map Changes Requiring an Amendment to the Future Land Use Map**

**Mr. Freas** – Broadly, these came to us in two types. There are several requests around reducing the zoning designations that are the medium intensities zoning designations (RB and RC) being reduced to RA. When we were creating the map, we investigated this issue. What is the recommendation of Medium Intensity? The Future Land Use Map said that Medium Intensity should allow up to 12 units on a lot. Part of our conversation was really looking at this question. With our objective of incorporating into these districts and these land use areas, you can do a house scaled building in 12 units. It is not a question of whether you can or cannot do that. You can do that. It is certainly much more of a design challenge. With the feedback of what we heard from the community, we made the call to establish the zoning districts at the RB and RC to implement the medium intensity at 6 units in the RB and 8 units in the RC. We felt that was a reasonable compromise. We went through and looked at that issue and had our conversations with our various colleagues around infrastructure. We didn't arrive at any areas that were identified for medium intensity that necessarily needed to be walked back from that Medium Intensity designation to a General Residential. That's our conclusion on that point. Are there remaining concerns about the RB or RC designations in the city that we should be addressing in some way?

**Commissioner Mitchell** – It is fine with me.

**Commissioner D'Oronzio** – Any impact on the affordability bonus?

**Commissioner Mitchell** – Both of them would be factored in.

**Mr. Freas** – I am thinking about that in terms of the base zoning district, not the bonuses attributable to affordable housing. Bonuses are going to be still very rare occurrences. We talked about reducing that from where it was before to a maximum of 12 units.

**Commissioner D'Oronzio** – That's fine.

**Commissioner Russell** – This makes me remember a comment from the public Jean Hiatt. She is with Preservation Piedmont. She was specifically concerned with some RX-3 zoning. On the upper part of



Preston Avenue, historically African American community with very small affordable homes on the east further along the west. I haven't looked at this. I would be interested in looking at that.

**Commissioner Schwarz** – I am fine with how we're defining RB and RC. As far as mapping questions, I do have other areas. We have RB extending up Park Street. It stops and becomes RA. We hit the 250 bypass. It goes up to RB again. I don't understand the logic for the break there and why we're pushing density north of the bypass versus south. Similarly, we have RB extending along Lexington, which doesn't go anywhere. It goes into RA neighborhoods. Why are we not putting RB on Locust? North of the bypass, we have RB starting up again. I am not sure that I understand the logic that is going on there.

**Mr. Freas** – All of this is based on the land use maps. I would be going back to what the designations were and why they were designated the way they were on the land use map itself. Part of what is driving the designations, the medium intensity was to establish areas within every neighborhood of the city where there was this opportunity for these types of houses to happen.

**Commissioner Schwarz** – That feels a little bit more arbitrary than designating a core that goes out to another corridor.

**Mr. Freas** – You're referring to the gap in Park Street. It is less that there is a concern about north of the bypass being designated.

**Commissioner Schwarz** – Why is there a gap on Park Street? Why have we not looked at Locust south of the bypass? It seems very odd. Similarly, I don't understand what we're getting out of Lexington.

**Commissioner Stolzenberg** – I am still confused about how within the mapping logic that we ended up with this and maybe the one by CHS that we have intersecting framework streets and we didn't follow the x hundred feet from the intersection rule. Those are the only things that I have within FLUM. On the question: Where would you put the medium intensity zoning districts? I might have a couple tweaks. I am very sympathetic to the points that staff made in the memo about how we had a whole thing in 2017 through 2021. Had this whole public process with community engagement, I don't know that reopening 'that can of worms' is the right move. If you want to reopen 'that can of worms,' I would be happy to make some suggestions.

**Mayor Snook** – When the Future Land Use Map was adopted two years ago, Council spent maybe 30 seconds discussing it. We were told that we were not going to discuss it. We were going to talk about it now.

**Councilor Payne** – I think the understanding of passing it was that the Future Land Use Map was a long-term maximum build out. It did not mean that the Future Land Use Map would be the zoning designation in the zoning rewrite, which is another piece of context for it.

**Mayor Snook** – I don't even know if you 'sweated bullets' over it two years ago. I don't remember being at any meetings where you all spent more than a little bit of time on it. I don't think anybody in city government, two years ago, at any public meeting spent any significant amount of time deciding 'these lots and not those lots' get the designation for medium intensity residential.

**Commissioner D'Oronzio** – There is a parcel by parcel run that needs to be done on a lot of this. I can give an example of this. There was a comment for #4, which is the first or second one listed for changing the FLUM that is on target. This is an entry corridor that isn't an entry corridor anymore. (Stonefield). This is designated to be a neighborhood primary road. It isn't. Twenty years ago, at North

Berkshire, it wasn't even a through street. It was a dead end here. You could not get through. When the shops went in, at this point here, we have a triangular island. That was done very sensibly because there is a light here to stop people from going shopping at Stonefield, driving down Cedar Hill Road and to avoid getting to Hydraulic. This was blocked. You can get out of Cedar Hill, and you can turn right. If you want to get onto Cedar Hill, you must be coming from the west to get in. This is no longer a through street. All these parcels are single family affordable residences. They are single family residences that were zoned B-1. People do live in them. These are houses and duplexes. This is all in the sensitive area here. The Streets That Work is outdated for this. If we put these as CX-5, what we're going to essentially do is turn this street into a high traffic area through a sensitive area. The initial logic used for this was to follow the prior land use map. The prior land use map was wrong about what was happening here. The Streets That Work is wrong about what was happening here.

**Councilor Pinkston** – Twelve had been mentioned. You are now saying 8 and 6. With the whole notion about the bonus density, we're setting that aside. The question is how I feel about the 8 and the 6. I feel that those are good numbers. I am glad that we're coming down from 12. In terms of where they are throughout the city, I would be interested in knowing what the bases were when you did the Future Land Use Map.

**Councilor Puryear** – I also saw something that Ms. Hiatt had written regarding the area on Rose Hill Drive, Amherst, and Concord. I am also concerned about how designations from A to B to C and the impact on these homeowners. Whatever must be done to protect them, we need to do.

**Mayor Snook** – I will go back to what I said a few years ago where I thought it would be a good idea for us acknowledge that there could be, an RB or RC. Without having done any sort of individualized look at lots, it was foolish for us to designate anything. If this is the first opportunity that we have had to discuss any of this, my initial thought is that what we are already doing in RA by tripling the number of units that are possible to be built there, it is already going to put us in one of the most liberal, growth oriented, highest density zoning plans in the country. Personally, I want to go very slowly in deciding where we would put RBs, RCs at all. I say that for a couple of reasons. We have people who are 'freaking out' over the fact that their street is now designated RB. They're thinking that they are going to have 6 units on each one of these places on my street. They're going from 10 units to 80 units on their street. Although we can tell them until we're 'blue in the face,' that it is not going to happen all that fast. That's not a very reassuring thought to many people. If there was some way to ration the number of places that would have a higher density per block, street, that would be something to think about. I am not sure that Arlington's answer of saying we're only going to allow a certain number per year; I don't think it is legal. I would hate to rely on that as our way of doing that. My thought was that we could say that we would have higher density available on corner lots. That has a self-rationing effect. You only have so many corners. It means that there would be some spacing out of some of these places with higher density. I think there will be more than enough density created simply by the new definition we're giving to RA. My overall thought is that almost every place designated for RB is that with most of those places, we wouldn't want every house developed in RB. If we don't want it, why are we putting it there? I want to figure out some way to have this growth be more gradual. I want to see it be better spaced out. I don't want to see everything on some of these streets suddenly become available for apartment buildings of 6 or 8 units. I also think that we need to go back to what we said 2 years ago. What I told people because I was told by the Planning Commission, the consultants that RA was going to be house sized developments. RB was going to be large house sized developments. The only way I can think of to accomplish that and to give people some certainty that's what is really going to happen is to do what people have basically eschewed in this process. That is to have some sort of maximum size for the building. For example, on an RA lot, you can do whatever you want to do within a 4000 square foot building. That might be a way to allow for the neighbors to think that my neighborhood, when I



walk down street, is not going to look significantly different from the way that it looks right now, and we can potentially have 3 times as many people there. One of the questions that I wanted to ask: What can we do that would give the people in these neighborhoods what we promised them two years ago? Is there any limit? I don't know of anything in this current draft that allows for any limits on the size of the building.

**Mr. Freas** – There are 3 factors that limit the size of the building. One is obviously the height, the building footprint (percentage of lot coverage), and the building width provision, which is under the building massing category. Those 3 factors together basically define your height, your width, and your overall footprint. Those factors together limit your size.

**Mayor Snook** – Let's say you have 60 percent of coverage. I will use my house as an example. We have a 13,000 square foot lot. That means I have 7800 square feet that I can build on top of.

**Mr. Freas** – You are limited in the width to no more than a 40-foot-wide house. That lot coverage that you're defining must be no more than 40 feet wide and back from there under the maximum building footprint.

**Mayor Snook** – Supposing you add a 40-foot-wide building and took it back, you can probably build at least another 40 feet back. You're talking about 6000 square feet. I think a 6000 square foot house on my lot would probably look strange. I don't think the neighbors would think that looked like the neighborhood that they moved into. This is the sort of thing that I asked that we do. As I look at things and try to figure out, I keep coming up with a lot of potential for an awful lot of ugly kinds of buildings. My overall concern is you all are going much farther, much faster than any of us on Council has ever had an opportunity to do. You're assuming a lot of things that we have never talked about. If you want to look at specific places that are funky, one of the places is the CX-5 on Rio Road by Tarleton. I would really like to know a lot more about how that would work out in terms of transitions. If you want to look at a thing that has gotten a lot of comments, where Meadowbrook Heights Road goes up to Kenwood. Unless the city wants to spend a lot of money reconfiguring an intersection there, that's not a place we want more people going through. I don't think that I understand the concept for why there would be RC at either end of Grove Road. I am not sure what that adds to have 8 units in places like that. There are a lot of other places like that. When you look at the buildout potential, it gets ridiculous. If we're not going to have that kind of buildout potential, why are we fooling everybody by saying that we're going to call this RB? We don't want it. We shouldn't be writing it into the ordinance. I don't know how we ration it.

**Councilor Puryear** – That's why we will have an overlay map. We will know what could potentially go what, when, whereas it relates to size. Take my lot. It is a corner lot. What could you put on that lot if somebody tore that house down. I don't know how many square feet my house is wide. I can tell you the square footage. I don't know how wide it is. I don't know how far it sits back from one corner to the next corner. I can't tell you that lot size would accommodate anything after other than a single-family home. If there was an overlay map, this is what it would look like. This is what potentially these things would look like. This is what potential density would mean. Forget about all the subsidies. I am not going to come in and bulldoze my house down and build something else on it. I am going to take it down to the studs and fix it and sell it to somebody else. There are some lots where you don't have that option. You would have to do a teardown. What would that mean? What does that look like?

**Mayor Snook** – The best answer from this body is that the economics are not going to justify a lot of teardowns. Why are we going there?

**Commissioner Russell** – The idea is that we’re trying to intersperse density in neighborhoods. The only way to do that is to zone it all for that with the understanding that it all doesn’t become that. In addition to that, knowing that in 5 years, you look at it again.

**Mayor Snook** – It is always harder to take back rights you have given. It is damn near impossible to take back development rights that you have given. It is easy to extend development rights. It is very hard to take them back. You get one house on a street and that ‘jumps’ immediately. It suddenly changes the character of the street. Everyone else asks why they can’t do that? Why are you taking away that same thing from me? It really is a ratchet. It is not a two-way thing.

**Councilor Payne** – When the city downzoned in the 90s, was that subject to a substantial number of legal challenges?

**Mayor Snook** – I am not aware of any.

**Commissioner Stolzenberg** – The city has downzoned in every major rezoning starting in 1929?

**Chairman Solla-Yate** – 2003 was debatable. There was downzoning and upzoning in that one. The other rezonings have been downzoning.

**Commissioner Schwarz** – The idea of going in 5-year increments does make sense. What are we thinking about what we want the city to be in 20 years? Do we still want all our single-family neighborhoods to continue to be single family neighborhoods? At some point, as the county continues to grow around us, as people continue to want to move to Charlottesville and the surrounding area, the logical thing is that some of these neighborhoods will not be single-family neighborhoods. We get a lot of people upset about Rugby Avenue. Maybe in 20 years, that should not be a bunch of single-family houses. Personally, I don’t think that it should. There is a lot of the city that we need to densify. The future is a lot denser for us, so we continue to preserve these little neighborhoods now or do we set up a process that we get what we want 20 years from now?

**Mayor Snook** – Is tripling the density not enough?

**Commissioner Stolzenberg** – No. It is not going to happen. It is not going to do anything. It is not tripling the density either. You can have two units on every one of these parcels right now.

**Commissioner Russell** – I can’t look at the Module 2 height and width percentage and understand how that would apply and feel that I can be confident that it will really result in house sized buildings like we say that it is going to. I want to trust in that. A lot of work has gone into it. It is a very complex, well-articulated set of concepts. It is hard to talk about how that would play out.

**Councilor Puryear** – What does it look like? I asked if I could put an ADU on my property. I don’t know. Maybe I can’t/maybe I can. I don’t know. Unless you know that you can do this, are you going to do it?

**Commissioner Russell** – I was reading about what has happened in LA with ADUs. There are a lot of people that have decided to address affordable housing by building ADUs on their property. It’s maybe a way of also being able to afford to live in LA, a very expensive area by having supplemental income. Another thing that happens is that developers come in, buy single-family housing, convert them into apartments. I worry about potentially losing (East High) naturally affordable, smaller, older units. You



start to see a flip. We do have less single-family housing potentially but we're not getting at the affordability.

**Mr. Freas** – What is keeping that from happening today? Right now, those smaller, single-family houses are targets to be flipped into very expensive single-family houses. What we need to compare is not the existing condition to what could happen under the new zoning ordinance but what could happen under the new zoning versus what can happen under the existing zoning ordinance. What can happen under the existing ordinance is that someone can buy many of these houses and turn them into much larger houses. We're introducing restrictions on the size of single-family houses that don't exist today. People can buy them and turn them into large single-family houses. What we're introducing is the notion that you can still do that but with more limitations. Or you can turn it into 2,3,4, 6, 8 units, which are inherently going to be less expensive than that single-family house. That's the comparison that we need to make. We can't take away the option of people flipping the existing houses. We know that the incomes are coming for people to buy those because it's happening today.

**Councilor Puryear** – You're presuming that if you take the single-family home and it is 4000 square feet and you're going to get four 1000 square foot units, that gives you four units versus the one unit. There is nothing to say that you're going to be able to do anything with those four once you convert it. Where is your density? You have the density based on the number, but you may not have the density based on the people. Are you hoping that they will go hand in hand? I am assuming that 4 of you are going to come in. Suppose only 2 come in. I still have 2 units.

**Commissioner D'Oronzio** – If you own a rental property and you said that you are going to rent out a unit and change tenants. By the time you got down from Cityspace, you would have four people texting you about wanting to rent your place.

**Councilor Pinkston** – I get where Mayor Snook is coming from. This is creating a lot of angst in our community that is not going to turn out to be what people fear. People fear what they fear. It is not that people are irrational. It is the unknown. I do feel we have some sort of responsibility to give some framework about how this might evolve. One thing that we can say is that these areas have been designated as RB and RC. In five years, we will evaluate where things stand with all these other changes that we have made and consider then ratcheting up at that point. Another thing that we might consider for these spaces is that maybe we do something for these areas, maybe something like an SUP process. The idea is that we want to spread these throughout the neighborhood. These become connecting nodes. Given the fact that these are interlaced throughout the neighborhoods in that way, I wonder if we can set up with staff where we evaluate potential projects on a case-by-case basis. I know that what we're wanting to do is make this easy enough so people don't have to do that. I do wonder with this medium intensity; I just don't think we're ever going to be able to put parameters on this that are actionable enough for developers to know what to do and for people to not be terrified.

**Commissioner Stolzenberg** – The problem with that is who is going to buy a house, sit on it for 2 years, going through a special use permit process asking Council. All the neighbors are going to object to the project. Council denies it and nothing ever gets built. Nothing significant is going to get built in RA. It is not a significant allowance over what is allowed now. The economics of tearing down a house to make 3 units work is not going to happen. You must set rules. Some of Mayor Snook's points about the volume and envelope to the building are reasonable. You need to set rules in advance. For a big mid-rise building on a big corridor, it is worth going through a multiyear process. We don't have people building sixplexes/eightplexes now. That's why they call it the missing middle. We have forgotten how to build them in part because they're effectively illegal. They're way too small scale to go through that kind of one-off. We are in a housing crisis. We have a severe housing shortage. If you care about the

climate, the carbon footprint per capita in the county is 50 percent higher than for the city. That is primarily driven by transportation. If you care about climate, you want people to live in the city. If you care about walkability, making your transit survive and support itself, you must have people living in the city.

**Councilor Pinkston** – I am absolutely committed, which is why we’re approving these projects. I am onboard with all of that, onboard with density, and onboard with everything that you’re saying. This is a special linchpin. The way these are distributed throughout, maybe we need to just narrow their geographic area, so people aren’t ‘freaking out’ about them or reduce the amount of housing in there.

**Commissioner Stolzenberg** – If you reduce the area that they’re in, you’re going to focus them even more and create more change in whatever you leave.

**Commissioner D’Oronzio** – Mr. Freas, we have estimates on turn rates and absorption. Can you give us the rate of change analysis?

**Mr. Freas** – The rate of change analysis, which was a limited look at the situation, which is one of the reasons we’re revisiting that along with the inclusionary zoning analysis. We’re gearing up to revisit those things. That analysis looked across the city at the parcels, at the zoning. On an annual basis, there were basically 40 lot projects that were eligible to be used for this. The key to the housing production was in the RB and RC. That’s where you could do townhouses. You can’t do townhouses in the RA. Townhouses are a very desirable building type. With many of the developments that are happening, they’re interspersing townhouses into those single-family neighborhoods. Townhouses are going to be a lower cost product that is accessible for middle income. I am not going to call that low income. That’s a middle-income unit. One of the things that we’re seeing is a missing middle in terms of our spread of who is finding an opportunity to live within the city.

**Commissioner Stolzenberg** – Another important point is that you can build all the mid-rises or high-rises in Seminole Square as you want. The apartments that are in those are either one- or two-bedroom units or they’re 4 beds, 4 baths built for roommates. If you want homes for families to live in, they’re going to have to be effectively 12-plexes or less under the building code. Any more than 4 units per story, you get into a type of construction where you have way fewer bedrooms, a lot more interior space, you must fill with bathrooms or giant walk-in closets or things that cater to roommates and not families.

**Mr. Freas** – I want to make one more comment that came in this rate of change report. Those numbers basically tell us how many lots could be used on an annual basis. It is a supply side analysis. It is not a demand side analysis. I am working on the comparison between our proposal and what Arlington recently passed. I got the opportunity to read their rate of change analysis that they came back with. They came back with up to 21 projects a year. Their analysis was more demand based. Arlington is a more sizable community than ours. Their original proposal was up to 8. This was done with up to 6 units. What they passed allows up to 6 units on every single-family lot across the entire county. They came back with 21 projects a year being this conclusion.

**Councilor Pinkston** – Commissioner Stolzenberg, your point is if we don’t do something like this, the “missing middle” we’re going to be missing.

**Commissioner Russell** – There is one other element that goes back to what we set out to accomplish in the Affordable Housing Plan and in the Comprehensive Plan. It was to break down barriers of historically segregated single-family neighborhoods by allowing more housing types and housing



options. If we just built apartments at Barracks Road and put everybody there, we haven't done what we really set out to do, which was to break these patterns.

**Councilor Puryear** – There is no middle class. What you just said makes perfect sense. You're also assuming that there will be people like me that can afford these units. Forget about all the formulas for moderate income and low income. How many that look like me could afford the market rate of the townhouse that you're building on this lot. After that, you must consider: Well, you built 6 townhouses. How many of those are going to be affordable so I can buy one or rent one? If you look at the income disparities in the city, there is no middle class. You're at \$90,000 or you're at \$40,000.

**Commissioner D'Oronzio** – In the current environment, if you make \$90,000 a year, HUD says that you're housing burdened if you buy any house in the city of Charlottesville.

**Councilor Puryear** – I am just saying to look at the average income disparity between people that look like me and people look like Commissioner Stolzenberg and Commissioner Schwarz.

**Councilor Pinkston** – The goal of this is to help create a middle class. By creating more supply, it would help lower the cost. Mayor Snook, where do you stand on this?

**Mayor Snook** – My understanding is that it is not going to be reasonable to think that it is simply having RA lots will get turned into 3 units is going to result in any affordable units for 60 percent AMI or lower?

**Mr. Freas** – It is simply the notion that those would be more affordable to someone.

**Mayor Snook** – It doesn't get us affordable housing as we know that. What we're talking about in the whole affordable housing discussion is what we must do to get 60 percent AMI or lower. The goal was supposed to be that by building these units and allowing for an 8-plex or something like that, you would have cross subsidization between the market rate units and the affordable units. We know from the analysis that was done that you have to get to 9 market rate units before you begin to be able to subsidize the affordable units. None of the discussions in RA or RB or RC gets us to that kind of cross subsidization. None of the RA, RB, or RC stuff is likely to get us perhaps more than a handful if that of affordable units of under 60 percent AMI units. If we're expecting that the double density thing is somehow going to create additional affordable units, that is going to require the city to put in about \$1 million per project. I just don't see that happening.

**Mr. Freas** – The Affordable Housing Plan made several statements about affordable housing. It said that we need to commit to a degree of subsidy in order to subsidize and create affordable housing. All affordable housing at 60 percent AMI or less is going to require some form of subsidy. It identified the inclusionary zoning principle as one of an internal cross subsidy within projects. We identified that at 9 units and greater. The point it is making that led us to the General Residential and the Medium Intensity Residential was primarily looking at why we are in the bind of needing to subsidize affordable housing in the first place. There has been an imbalance in housing production here and across the country. This is what everyone is dealing with. It said: Let's stop that practice and start allowing the market to provide something closer to what the demand is for units in the city. Everything we're doing on the affordable housing to subsidize the creation of affordable housing is attacking the symptom. That part is meant to be attacking the problem.

**Mayor Snook** – The only point that I want to make is that we're not really expecting to get under 60 percent AMI units built in RA, RB, or RC.

**Commissioner D’Oronzio** – That is probably true. I think OK with that.

**Mayor Snook** – You must understand when we’re going to get affordable units, we’re going to get them in other ways. We’re not going to get them through those processes.

**Councilor Pinkston** – There is such an imbalance in terms of the supply that we would have to supply so much supply to the system before you even see the equilibrium begin.

**Mayor Snook** – The primary difficulty is that at this point, construction costs exceed the rent we would get on an affordable housing voucher. Your operating loss is even before you build the structure.

**Councilor Pinkston** – That is assuming we’re talking about 60 percent AMI. I am just thinking about a house at 100 percent AMI that a person might have a chance of getting into; I am assuming that the sort of housing we’re talking about being produced these spaces would be primarily for them and not primarily for. That is a laudable goal even it does bring more people in our community. What do we owe the existing residents in terms of some level of comfort. People might say that this is privilege. It is a reality. People that live here and have bought homes feel worried understandably. We can lay out all the economics of why it is not rational to feel that way. They’re concerned. Is there a way for us to put some parameters around this whole conversation to where we can ration it to ‘meter’ the supply or have some level of control over the process so that people don’t feel it is just going to take off?

**Chairman Solla-Yates** – What we did with West Main in 2003 is that we up zoned West Main quite a bit in trying to encourage development. We got development on West Main. We ‘freaked out’ and we downzoned West Main. We could do that if we get too much development on any specific street. We could change the zoning like we did with West Main.

**Councilor Payne** – Mr. Freas, you mentioned the discussion of demand analysis as opposed to supply side analysis. Do you see any room where that creates a different framework for thinking about it or crafting policy?

**Mr. Freas** – That’s just trying to analyze how the market is going to respond to the change in zoning. That’s all that is doing. It is not necessarily going to help us craft a solution that does this phasing or rationing thing. That’s just trying to get a realistic estimate of what the actual rate of change is going to look like. Every indication is that that it is low. The RA is basically an infill district. Where there is a vacant lot or a backyard that can accommodate an ADU, it opens the opportunity for additional housing to be built. RB and RC are where you might see townhouses.

**Councilor Pinkston** – It sounds like RB and RC are conceptually important. They give this special kind of housing that you’re talking about you can’t get anywhere else. I see that. We say that is a value. All of us would be on board with that as an important type of housing to produce. Is there a way with the areas that we have identified as RB and RC that we say that is our aspiration for 10 years from now? We will set a plan of every two years we expand the geographic reach based on a certain set of criteria. Is that a way to give us the flexibility to let this get started and proving to people that it is not going to ruin their lives.

**Commissioner D’Oronzio** – I don’t think you can plan in 2-year chunks. It is not how our zoning tools are set up. If something has gone seriously wrong, you can look at this and stop further development of this type and take action to correct it. I am under no illusions that we’re going to craft a zoning



ordinance that is going to be impervious to error and perfect. I expect three years from now, there is going to be a revision. I have no idea what we're going to revise, but we will fix it.

**Councilor Pinkston** – The people in this room can agree that we would do that and be comfortable with it. The people that are listening and writing us don't believe it.

**Commissioner Stolzenberg** – How far must you go to modify with every person who has concerns?

**Councilor Pinkston** – I am talking about a significant cross-section of our populace.

**Commissioner Stolzenberg** – I am talking about the people who are getting priced out of our city or who can't find a place to live or are paying too much in rent. If you have a city where you only have houses that start at \$500,000 and the median is \$450,000 and a handful of units that you subsidized at 60 percent AMI, you don't have a middle class. There is nowhere for them to live. That's why this is important and why it needs to stay in or we're going to have alternately some so-called protected neighborhoods because a vocal minority has said they don't want to see any change.

**Commissioner D'Oronzio** – I am confused about one of your points about the number of people. If you measure that by emails and conversations, it is a miniscule fraction of the population. They're loud.

**Councilor Pinkston** – I am not in the position of trying to defend why I feel like that it is reasonable to say that there is a large subset of people that are concerned about this. There is a class or a privilege that got it from one set of perspectives. They are bringing legitimate concerns that we must engage with. The mayor's point is still a good one. At some point as elected officials, we will have to 'bite whatever bullet' we decide that we need to bite. I can understand the mayor's anxiety about RB and RC. Maybe where you all landed two years ago is just where we are, and we need to forge ahead. We do have the option a couple of years from now. It is a democracy and people could have a different perspective.

**Mayor Snook** – When you talk about protecting our neighborhood from change, I have said 'no.' That is not going to happen. Nobody is taking Greenbrier off the list. Nobody is going to protect Greenbrier and push all the development elsewhere. This is a city. It is one city. You are part of it, and we are all going to share in the solution. I believe that. I also believe that when we are tripling potentially the number of units that can be built, we are providing an opportunity for a fair amount of that kind of growth to happen. We really don't know what is going to happen when that happens. We don't know whether we're going to see the flood that people are concerned about or whether we're going to see a trickle or whether we're going to know if we will have to do something different in 5 years. Using the metaphor given to us by the consultants, it was the notion of the dials that we can turn as needed. I don't think that is as easily done as some people would think. I am looking at the area that is at the intersection of Rugby and Rose Hill Drive. There are about 40 houses there that have been designated in this draft to be RC, surrounded by RB, further surrounded by RA. There are these 40 that are RC. If we assume that there is a reason why those would be designated RC, we can reasonably assume that some of those 40 are likely to get more development. It is a concentrated area. We would be getting concentration within a quarter mile of that intersection. For the people who live in that area right now or the people who live next door to that area; they are concerned. Do we care? Does it bother us if everybody in that area says I'm going to go ahead and build out my 8-plex. Or is that something we don't want to have happen? If we want to ration it in some way, why would we want to create the permission for that to happen? I just want to figure out if there is a way that we can slow that down. Maybe in 30 years from now, that is the ultimate best course for that neighborhood. Certainly, the people living there right now wouldn't think so. If we took some steps in that direction, 5 or 10 years from now, the people there might say "that wasn't the end of the world. Let's try a little more." I have lived in several cities where the notion of

density is significantly a lot denser than Charlottesville. Charlottesville is already the third densest place in Virginia behind only Alexandria and Arlington. We already have a fair amount of density. In some of these areas like Rugby Avenue, the density is not high enough to provide for a lot of commercial opportunities. We're thinking about what the city is going to look like in 30 years if we're envisioning this notion that there will be neighborhoods that have some neighborhood commercial opportunities, as would be permitted in RC. In talking to people right now, every place in Rugby Avenue is going to have a pizza parlor on the ground floor. We're not there yet.

**Councilor Payne** – I am thinking about how to possibly figure out where we move from here. You referenced Arlington. They did that demand side analysis. It was 19 to 21 projects a year for a locality of 26 square miles and 240,000 people. Presumably, Charlottesville's would be less or certainly not dramatically more than that. Mr. Snook, would you agree that for Charlottesville, a number like 15 to 20 would be a reasonable rate of change to address the concerns that you're hearing from communities? If you have a policy focus, I don't know what it would be or if it is even possible. It may address some of the concerns as well as make it clear to the community, the scale of the rate of change that will happen and will be allowed to happen.

**Mr. Freas** – Arlington did set a cap on the number of permits that they grant under this new missing middle zoning. They came up with that because 58 is one-third of the number of single-family permits that they issue in the same zoning districts last year. 58 is precisely one-third of the number of single-family apartments. Their decision was to build no more than one-third of the new projects. Most of these are teardowns in Arlington. It is largely a built-out community. We build no more than one-third of the teardowns in the county to be the missing middle up to 6 units. That was their approach. The big question is the legality of it. They didn't have an answer when I spoke with them on it. We're relying on the fact that we did this before. When they adopted an ADU ordinance, they put a cap on that on an annual basis. After a couple of years, they dismissed the cap because they never got to it.

**Commissioner Stolzenberg** – No one is going to challenge it unless we hit the cap. At which point, there will be litigation. If we are hitting these targets that we don't think we're going to hit, at that point, we could change what is allowed before the cap gets overturned.

**Mr. Freas** – There would be a separability clause.

**Commissioner Stolzenberg** – It still seems like it serves the purpose? If you hit the cap, you stop issuing permits, somebody sues. While that is happening, you have the time to revisit the rules that we're hitting the cap. Nobody really thinks that we're going to be hitting 59 per year.

**Councilor Payne** – As a locality that is less than half the geographic area and one-fourth the population, we're certainly going to be meaningful lower than Arlington's estimates.

**Councilor Pinkston** – If that was legal, is that something or if you felt it was enforceable, is that something that would you a little more comfort?

**Mayor Snook** – The issue that neighbors feel 'that it doesn't help if four of those are on my street.'

**Councilor Pinkston** – I have less tolerance for that. We're trying to meet you halfway here by giving a cap.

**Mr. Freas** – With Arlington, their cap was by zoning district. I don't know exactly their zoning districts dispersed across the city. They dispersed their cap.



**Commissioner D’Oronzio** – A lot of what I am hearing here is that I don’t want my neighborhood to change. Dramatic changes are frightening. People do move. The neighborhood that I live in, without any zoning changes, has transformed completely in the last 20 years. Neighborhoods are going to change. The question is: How do we want them to change? The people who live there are going to change. There are relatively few, despite the aging population and aging in place, people who have lived in their house. This is where they moved 30 years ago, and they’ve been there for all 30 years. I know there are plenty of them. Most people are not in houses or anything like that long. The neighborhood and the population dynamics change over time. Over a 10-year period, the people in the neighborhood are different people.

**Commissioner Schwarz** – I think we have a more fundamental problem in that we’re considering, if someone puts a townhouse development next to them, we’re talking about it like it is a bad thing. I believe that the form-based code that we have been given, which I think is far too regimented, will result in what should be nice development. If someone takes Rugby and 50 percent of the lots in that area get redeveloped in 5 years to max out R-3 zoning. If we’re looking at that as a bad thing, we have a problem. We need to be comfortable with this code. If next year, after we pass it, if every one of these lots gets redone, we still have a good city. I think that is what we’re doing. I know there is going to be some mistakes. There are going to be some things that are going to be changed in the zoning code. You put townhouses next to someone’s single-family house, it is supposed to work.

**Mayor Snook** – I would be delighted in my neighborhood to have more neighbors. That’s not a problem. I don’t want to be scornful of people who have settled expectation. People have a right to have settled expectations. We don’t have to defer to every one of them. We must acknowledge them and not kick them in the face as we go by.

**Commissioner Stolzenberg** – To your earlier point about massing and house-size structures, a lot of people have concerns. A lot of peoples’ concerns are about the scale of buildings. We do need to keep hammering down on exactly what those look like in RC. To that conversation that you and Mr. Freas had earlier, we have these 3 axes of control of that now. I’m not entirely convinced that they’re totally enough. Rugby Avenue is the perfect point. It is the concern that they are raising applies to Greenbrier as well and not really to Belmont. When you have these big lots and you’re doing things based on setbacks, you’re still left with this giant buildable area. The one thing that we have restricting that is width. If you have a deep lot, it can still be a very large footprint building. You have a lot of coverage to restrict the footprint of the building, but these are very big lots. They’re not overly restricted. In theory, you could have eight enormous units and build a building nearly that big because it is such a big lot. You could do that now. You could build to the setback lines of three stories and a giant single-family house. People don’t because it is almost nonsensical. You would have a ridiculous amount of interior space. We could maybe add something like a maximum footprint rule in square feet in additional lot coverage. If you reduce lot coverage, you start having Belmont lots that are too tiny and end up with no buildable footprint that is useful. The way you take these concerns seriously is by taking them seriously at its face value and addressing what the concerns are, which is that the scale of buildings could potentially, based on some of these rules, create outcomes that we don’t like. Make sure the rules are set up so the outcomes that could happen are ones that we would like.

**Councilor Puryear** – You’re making the presumption that, with the density, you’re going to build more like they’re building in Albemarle County. Instead of me moving to Albemarle County, I am going to move to Charlottesville. Since you have more people and the city grows, things are going to get better for a certain group of people. What are you going to do with the other people that don’t fit into that middle income? What you’re saying is that when people come to work at the University versus going to

Waynesboro or other localities, they're going to come to Charlottesville because we have built so that there are places for those individuals to live.

**Commissioner Stolzenberg** – What you find is people who move here, move into the region for high-paying jobs tend to live in the city or urban ring because they have the money for it. It is the people already here that end up getting priced out and pushed out. You create that space for more people to stay to have these lower priced homes for people to live in. You have subsidies that are going to people at 40 percent below median and less in income. You go back 5 or 6 years, Council is talking about subsidizing people at 80, 100, 120 percent AMI. That is ridiculous. People at that level should be able to afford housing on their own here. We should be spending our money towards people who need it.

**Councilor Puryear** – We should be spending money.

**Commissioner Russell** – We must understand that the zoning will address the density problem that affects our affordability of housing but does not solve the affordable housing.

**Councilor Puryear** – I am not saying that it will solve the affordable housing. What I am saying is that the conversation needs to be able to show how this is all an integral part. I have never lived in a community until I moved to Charlottesville where there was no middle class. I grew up in a city in the Commonwealth of Virginia where there was a college in that town. We had a middle class. We had an upper middle class. We had people that were low income and subsidized. I am saying that if we're doing all that we're doing in zoning for density to help develop the middle class that we don't have, there must be conversations held so that people understand that we're doing this to get to that. This isn't some trickledown nonsense. We are doing this intentionally so that others may live here. I am saying that the intent is not out there. You're being disingenuous to the people that live out there regardless of where they live. I have lived in townhouses, condos, and apartments. There's nothing wrong with them. If you're saying that these are the things that are going to bring more people to the city and by bringing more people to the city, we are intentionally doing that because this is going to protect another group of people, then we have to say that. We must be intentional about that. Change is hard. You know why it is because nobody knows what it means. If you're intentional about what you mean, what you're trying to do, you can get some buy-in.

**Councilor Payne** – In my mind, this is bigger than RB and RC, is the importance of tying this whole conversation to the strategies of land acquisition and community land trust, which I really think is going to be the transformative thing for working class people more than anything and being able to connect those things closely.

One of the other conversations connected to that is a concern with RB and RC. The concern is that you're going to get investors that come in and build Air BNB/short term rental units. You're not going to get housing supply. Just thinking about what specific policy questions can we answer. What are we doing now? What else can we do to try to limit any of wherever our new supply is from being Air BNB? We all know that neighborhoods around UVA is very extreme.

**Commissioner Russell** – We need to enforce our existing policy.

**Mr. Freas** – We're gearing up for a court case. We're doing piles of enforcement

**Commissioner Russell** – I happen to know a person, professionally.



**Mr. Freas** – The rules are that it must be owner occupied. In the residential districts, it must be owner occupied in order to do an Air BNB. We're looking at different rules. There is a challenge with enforcing our rules because it is based on owner occupancy and how you define owner occupancy. We are looking at other models of defining that limitation that are easier to enforce. That's one tract. There is also the notion of outright not allowing Air BNB as a use in the residential districts.

**Councilor Payne** – We should absolutely do that, given our tourism economy and UVA. We error on the side as being as strict about short-term rentals as we can.

**Commissioner Schwarz** – Would that be retroactive?

**Mr. Freas** – There are legal non-conformities that exist within the zoning.

**Commissioner Stolzenberg** – Don't we issue licenses every year?

**Mr. Freas** – Licenses are issued every year. There are some right now within the city that are grandfathered relative to our existing set of rules. I am not going to say that they can be retroactive. The existing ones would have to stay under the existing body of rules.

**Commissioner D'Oronzio** – There is non-significant amount of outright fraud in the acquisition of property.

**Councilor Payne** – This is a very important topic, but it sounds like there is at least potential areas for one of these concerns. Mayor Snook, do you feel like we have moved in any direction in terms of addressing the concern you had if you were able to theoretically get to limit permits like Arlington? Councilor Puryear, do you feel like we have really addressed those in any meaningful way? I am trying to figure out what the concrete things are that we can get to.

**Councilor Pinkston** – We have said a lot. This has been a productive conversation. I just wonder if we should schedule a specific work session to talk about this topic.

**Chairman Solla-Yates** – We have not addressed any of the most complicated topics.

**Mr. Freas** – This was a very important conversation.

**Chairman Solla-Yates** – Could we follow up on the items that we have not addressed this evening at a future work session?

**Commissioner Russell** – Are we mainly talking about the idea of permitted intensity like in Arlington? Are we talking about exploring that?

**Mr. Freas** – The notion that was on the table was exploring the notion that Arlington did, which was a cap on the number of projects under their missing middle.

**Commissioner Russell** – Are they far enough along? Will we be able to track them as we go?

**Mr. Freas** – They don't anticipate ever hitting their cap. Their ordinance doesn't even go into effect until July 1<sup>st</sup>.

**Councilor Payne** – These are all extremely important. We don't need to get into it tonight. The other one I would throw out there is the question of what if anything systematically in terms of zoning designations on the map around areas with a high percentage of low-income renters not under sensitive area communities? I know I have already 'beat that drum to death.' I will continue to do it. There is a real risk of investors buying and consolidating lots and renters with no existing protections will get screwed.

**Commissioner Stolzenberg** – The one that stood out was the Cynthiana area with a high percentage of renter occupancy that aren't students.

**Councilor Puryear** – You answered the questions that I had. I just wanted to make sure that what I needed to say was put out there. For those of you that have done the work, to consider. I am very fortunate to have been afforded to live in the city of Charlottesville. I don't take that for granted. There are a lot of people that can't. Those are the people that I am concerned about. Whether they're middle class, they're getting pushed out, they're working class, it doesn't matter to me. If you're saying that you're responsible, you're saying that you care, you can't be selling a 'pig and poke.' This is 2023. You must be intentional about what you're doing. You all have spent time developing this zoning plan. You were intentional about doing it. You did it for a reason. Everybody out there needs to understand the reason. They need to understand the intentionality. All they see is words, picture, and graphs. We don't need another search firm or study.

## **Adjournment**

The meeting was adjourned at 8:45 PM.

## **Public Comments**

Public Comments were provided through notecards (in person) or via email (Zoom attendees). The public comments submitted are attached below.

There was one member of the public that attended the meeting in City Space. The one member of the public in attendance provided no public comment.

The comments below were submitted via email during the work session.



## Minutes

**PLANNING COMMISSION REGULAR MEETING**  
**January 11, 2022 – 5:30 P.M.**  
**Virtual Meeting**

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

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

***Location:*** Virtual/Electronic

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

**Staff Present:** Patrick Cory, Missy Creasy, James Freas, Remy Trail, James Freas

Chair Solla-Yates called the meeting to order at 5:00pm. Ms. Creasy introduced Mr. Javier Gomez-Jacome from the Attorney's office and noted that Mr. Gomez-Jacome and Mr. Robinson Hubbard will be alternating attendance at Planning Commission meetings in the future.

Commissioners had no comments on the minutes. Chair Solla-Yates asked commissioners for any questions on agenda items. Commissioner Russell asked about the last section where it notes that a Master Plan would be the next step. What does that mean? Ms. Creasy provided background on the project noting that a third phase could take place next if there was support. In the meantime, there are several recommendations provided from this phase that can move forward regardless of a future phase. Commissioner Russell asked if this plan will be considered as part of the zoning rewrite, and it was noted that materials were already provided to the consultant.

Commissioner Habbab asked if Code Studio was consulted in review of this plan. It was noted that they were not, but the plan is in harmony with the Comprehensive Plan as it was considered during that review.

Commissioner Dowell asked if we have information on the water quality of the Rivanna. Ms. Shackelford noted that there are reports including those from the Rivanna Conservation Association. Ms. Riddervold provided additional detail on water sampling points and noted the goal is continuing to improve water quality.

Commissioner Mitchell noted that he would like to talk about natural gas hookups. He thanked those who had provided some comments and he would like to organize a session for further discussion. He noted that he provided a meeting request in December and is following up. He would like this session to be scheduled within the next month. Mr. Freas noted that since that message there had been two interdepartmental meetings and that a meeting can be scheduled soon.

Commissioner Stolzenberg noted a change needed in the Rivanna River Corridor plan on page 68 of the document.

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

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

*Location:* Virtual/Electronic

## **A. COMMISSIONER'S REPORT**

**Commissioner Mitchell** – I attended the LUPEC meeting. The LUPEC committee includes the Rivanna Sewer, Charlottesville, Albemarle County, and the University. The administrative responsibility in moderating the meetings has been transferred to Charlottesville. Lauren Hildebrandt will now be the chair of the LUPEC committee. James Freas (Director of NDS) did an incredible job of walking the committee through all the things that we have done with the Comprehensive Plan. The UVA Foundation talked about the North Fork project. That is Rt. 29 north across from the NGIC facility. They talked about what they're doing there. They are asking for a rezoning. The rezoning is to allow for residential to be included in the industrial developments that they're doing there. The residential could be between 200 and 1400 units. At least 15 percent of these units will be affordable. The Rivanna Foundation talked about their plans for bringing water and sewage to that area. It looks like the city, county, and UVA have a good plan for developing that area.

**Commissioner Habbab** – The Rivanna River Bike Ped Crossing Stakeholder Advisory Committee met on the 16<sup>th</sup> of December. We looked at 3 options for a connection between one side of the Rivanna River to the other side. We eliminated one of the options. The two other options that we're looking at are a connection near Riverview Park on Chesapeake. The other would be the Wool Factory. One would span between the county and city. The other would basically be county land. Our next meeting is scheduled for January 20<sup>th</sup>. We're meeting this Friday to walk the site and look at the two potential landing areas.

**Commissioner Dowell** – No Report. The CDBG and Home Task Force application review process is underway. Hopefully, next month, I will have a date for when we will be meeting.

**Commissioner Lahendro** – I attended two committee meetings since the last Planning Commission meeting. The first was the Board of Architectural Review that met December 21<sup>st</sup>. We approved 3 Certificate of Appropriateness Applications. We had one preliminary discussion for additions and alterations to 540 Park Street. We also approved the 6 Preservation Awards for this past year. I did want to mention one. Mary Joy Scala received the preservation award for past service as the city's historic preservation planner and her current volunteer work with Preservation Piedmont and other preservation organizations. The Tree Commission met last week. The Tree Commission asked me to convey their thanks to the Planning Commission for recommending the restoration of the CIP funding levels that were originally requested by the Tree Commission. Parks and Recreation staff reported a successful bid for planting this year's allotment of new trees. It is about \$5000 under the \$75,000 budget. I think it is about 180 trees. RELEAF Cville, which is a component of the education and advocacy subcommittee is working with the Charlottesville High School teachers to create an environmental awareness day. The component that RELEAF Cville will play will be providing tree education. The Tree Commission elected new officers for this next calendar year. Peggy Van Yahres will be the Chair and Jeff Aten will be the Vice-Chair.

**Commissioner Russell** – No Report

**Commissioner Stolzenberg** – No Report



## B. UNIVERSITY REPORT

**Commissioner Palmer** – Classes start next week. The Spring Semester will begin. There is a master council planning meeting next week on the 18<sup>th</sup> of January.

## C. CHAIR'S REPORT

**Chairman Solla-Yates** – The Housing Advisory Committee met December 15<sup>th</sup> to discuss the Capital Improvement Plan. There was concern about funding, taxes, and how the housing plan will work with FY27. There were two desires expressed out of that. One was for a joint meeting between the Planning Commission and the Housing Advisory Committee to discuss the CIP long term and the Housing Plan to see if we can continue the housing plan. There were considerations about funding, which were referred to the policy subcommittee.

## D. DEPARTMENT OF NDS

**Missy Creasy, NDS Assistant Director** – The Clerk of Council has sent you the disclosure of real estate form. I know that a few of you have already processed that. Make sure to do that as soon as possible. If you did not receive any paperwork on that, let me know and I will coordinate with the Clerk on that.

**James Freas, NDS Director** – I wanted to provide an update on where we are in getting ready for the zoning rewrite project. We are aiming to formally kick off that process at the end of the month. There will be a press release at that time as well as an update of the website where we will detail the schedule over the course of the next year and clearly identify those opportunities for engagement in this process for the community. As we were wrapping up the Comprehensive Plan, there was some discussion of what the phases of this project will look like. It is largely a three-phase process. The first phase is the diagnostic and approach phase. The diagnostic part of that is where we're looking at the existing zoning ordinance, our newly adopted Comprehensive Plan, and the small area plans. We will be looking to see where our zoning ordinance does not support implementation of those plans. Where are the inconsistencies and flagging those for change or potential change? Most significantly is going to be the land use map. The approach part of that report is how we propose to make changes to the ordinance to address those necessary changes for consistency with the Comp Plan. It will also talk about the best practices in formatting and layout of a zoning ordinance. What we are looking at is a complete rewrite. This is going to take the existing zoning ordinance and redline it and make changes. There are going to be sections of the existing ordinance that we do effectively bring over into the new ordinance unchanged except for the formatting. From a policy perspective, there are some aspects of the existing ordinance we anticipate bringing over 'wholesale.' It will be a new document, new formatting, new appearance. The diagnostic and approach will be in a report. There will be community engagement around that. There will be a steering committee meeting around that report. That report is going to come to the Planning Commission and City Council, where we're going to be looking for a 'nod' essentially from the Planning Commission and Council that says 'yes, that's the approach.' After that will be phase two, which is drafting the zoning ordinance. That first phase will take us up to the end of May. We will be drafting over the summer. Sometime in the Fall, we will start sharing the actual draft zoning document. That will be subject to public discussion over the course of the Fall until we get to a point where we're prepared to start the adoption process. I have already spoken with Chairman Solla-Yates about how we might approach that on the Commission side. We're anticipating that adoption process taking us into 2023 and culminating in a

vote by Council in the Spring of 2023. In terms of community engagement, there are going to be many opportunities. We're going to be holding large public meetings at key milestones in this process. We are going to be doing neighborhood and small group meetings. Both of those are going to be virtual or in person depending on where we are in the pandemic as we move forward. There is also going to be a significant online component to all this work, including places where you can call or email to share your input. Once we get a draft map and a draft document, there will be online versions of that that people can comment on directly. We're also talking about doing popups. We have some work to do on what the logistics might be of those types of activities. I will be presenting this to Council as well at the meeting on the 18<sup>th</sup>. We're aiming for a kickoff at the end of the month.

**Commissioner Lahendro** – Between now and a year from now, how many Planning Commissioners will be rotating off the Commission?

**Ms. Creasy** – At least three.

**Commissioner Lahendro** – I would just ask the staff and Commission leadership to think about how to update new commissioners and how to bring them into this process as they come in over the next year. We certainly don't want to be 'going backwards.' I don't want to see the turnover of Commissioners to be slowing down the process. We need to think about how we incorporate new Commissioners and get them up to date with what is going on with this Comprehensive Plan.

**Commissioner Stolzenberg** – I am curious to hear what the adoption process phase will look like. If the draft phase is earlier, are we coming into that with what we think is basically a final draft? The adoption process is just public hearings? Is it something more involved?

**Mr. Freas** – Some of that remains to be seen to a certain extent. At the 'bare bones,' it is a public hearing process with the Planning Commission and then City Council. I would anticipate a lot of public comment periods like what we had with the Comprehensive Plan. This is a project of great interest. Even though we will have gone through an extensive drafting phase, the Commission has wanted to go through it very systematic. At this meeting, we're going to talk about this chapter/this section and take public comment on that. At the next meeting, we're going to do this section and take public comment on that. It will be done methodologically to allow for that opportunity for public comment on discrete sections and then take the vote and pass onto Council. It could certainly be done on one night. It is not appropriate at this point to commit to one way or the other. As we move through this process, we will be able to understand what the most appropriate process is.

**Commissioner Mitchell** – Please be certain that you communicate very clearly with us what the process is so that we know in advance how we're going to come to the Final Call.

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

**Emily Dreyfus** – I have a comment about the previous discussion on the process. I know that community engagement has been incredibly difficult during the timing of all the great lengths that you all took to gather input because of COVID. I am hoping that we're going to enter a new day eventually and be in a situation where public interaction is a lot more feasible and no longer risky. I hope that there will be some efforts to do the public engagement in the ways that were envisioned by the consultants in terms of doing



much more one-to-one work. I would encourage you to think about whether there is a possibility of using some funding or asking the consultants to engage in part of their process. There are a lot of people in the city who are feeling very disconnected and hopeless about what will be done. I wanted to thank you for all that you did in 2021. It was a very challenging year. You all have made some wonderful things happen.

#### **F. CONSENT AGENDA**

1. Minutes – June 8, 2021 – Pre-Meeting and Regular Meeting
2. Entrance Corridor Review – 1252 Emmet Street North – New Medical Office Building (Aspen Dental)

**Commissioner Russell moved to approve the Consent Agenda – Second by Commissioner Mitchell – Motion passes 7-0**

**The meeting was recessed until 6:00 PM.**

**Council was called to order by Mayor Snook.**

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

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

- I. **CP21-00003 - Comprehensive Plan Amendment** – Urban Rivanna River Corridor Plan: The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2021 Comprehensive Plan update, that will incorporate the contents of the Urban Rivanna River Corridor Plan, as prepared by the Thomas Jefferson Planning District Commission, into the 2021 Comprehensive Plan. The purpose of the Urban Rivanna River Corridor Plan is to set a detailed vision for the Urban Rivanna River Corridor area to guide the future development and environmental preservation of the urban portion of the Rivanna River. The plan includes vision statements and guiding principles, benchmarking, and recommendations for stewardship of the River. The study area primarily consists of the parcels adjacent to the Rivanna River from Darden Towe Park south to where I-64 crosses over the Rivanna. A general map of the area is shown on page 15 (Area of Focus) of the Plan document. The Urban Rivanna River Corridor Plan may be viewed at <https://tjpd.org/our-work/area-plans/urban-rivanna-river-corridor-plan/>

Following the joint public hearing, the Planning Commission may recommend to City Council that it should approve the Urban Rivanna River Corridor Plan as presented, make recommendations for changes to the plan and recommend approval of the Urban Rivanna River Corridor Plan with the recommended changes, or disapprove the proposed Urban Rivanna River Corridor Plan as a Comprehensive Plan amendment.

- i. **Staff Report**

**Missy Creasy, Assistant Director NDS** – We have one item tonight. This is consideration for a Comprehensive Plan Amendment for the urban Rivanna River Corridor Plan. The Thomas Jefferson Planning District was tasked with the second phase of a joint effort with Charlottesville and Albemarle in this process. We did Phase One several years ago, which involved inventory of existing conditions. That work was completed in 2018. It was determined that we would move to the next phase, which is the phase that we brought forward now. This involves the development of a joint area plan to guide future development and environmental preservation of the urban portion of the Rivanna River. I am going to leave a lot of the details to our presenters. I did want to point out a few items from the report to note as you move forward. In the consistency with the Comprehensive Plan, the sections that we denoted are based on our newly adopted plan. This is the second meeting where we have had items that have been under that realm. There are several items that speak specifically to this corridor plan. This corridor plan has been underway at the same time as our Comprehensive Plan. We have made sure that we're coordinating and corresponding as we go along so that we can minimize any concerns. We're now aware of any conflicts that would be of concern. Following the presentation and the public hearing, the Planning Commission has the option to approve a resolution, potentially with comments.

## **ii. Applicant Presentation**

**Sandy Shackelford, Director of Planning & Transportation** –

### **Next Slide – Process Background**

This is the second of what was originally envisioned to be a three-phase planning effort that was jointly agreed upon between City of Charlottesville and Albemarle County. We finished analyzing the existing conditions in 2018. We've moved to this point, which is the visioning phase: looking at what development along the corridor and future use of the corridor should look like. The third phase was originally envisioned to be a master plan to look at implementation and some of the recommendations.

### **Next Slide – Phase II Study Area**

This is the study area that we focused on for this planning effort. It is a 4.3 section of the corridor that starts at the north at Pen Park and goes south to I-64. It includes the adjacent parcels on both sides of the Rivanna River.

### **Next Slide – Public Engagement Process**

We initially started this plan in the summer of 2019. We got a kickoff in 2019 and did some initial public engagement at the River Flow Festival. We were planning to do another big push of public engagement, in person, in the spring of 2020. We had to reevaluate what our public outreach was going to look like as part of this plan. We transitioned to relying a lot on electronic communication, making sure we were regularly updating the website. There was a lot of use along the river corridor during the pandemic. We took advantage of that by putting some signs up along the river to make sure that people, who were using the river corridor, were directed to our website, had opportunities to provide comments. We also made sure that, as we were doing some of this public engagement, we wanted to make sure that people throughout the corridor that would potentially be impacted by the corridor plan would have some opportunities to comment on it. We also sent direct mailings out to everyone within 500 feet of the corridor, letting them know about the public webinars and website. Under the circumstances, we were successful in getting some engagement. We had around 100 people participating through one mechanism or another. We also had a steering committee that some of you served on that met three times over the



course of the project to get updates at key points to help us further develop the recommendations for each of the sections of the plan. We also met with smaller stakeholders that had technical or professional expertise in some of these areas to help us refine what some of those goals and recommendations should be.

### **Next Slide – Benchmarking**

In addition to the public engagement, we also undertook a benchmarking exercise where we looked at other successful river planning efforts to pull out some of the best practices and get some additional ideas and suggestions for what other successful efforts had included. We looked at 4 plans, which included Richmond and Greenville (SC). They were both the main ones that everybody thought of when they thought of well-developed efforts. Some of the common themes were the importance of creating a cohesive trail network, making sure that we were considering how we could promote access to the trail system, incorporating the local history into the plan, and making sure that, as development was considered along the river corridor, it was done in a way that fostered connections to the water to help provide a better tie-in between any sort of development that was happening and an appreciation for the river itself. There were some other items that didn't come up in all the plans, but we thought were insightful. Those included things like accessibility for people with different physical abilities, looking at how wayfinding and navigation could support use of the river, and things like environmental considerations and zoning.

### **Next Slide – Vision Statement**

After meeting with the public, a steering committee, and technical committee, this is the visions statement that we ended up 'landing on.'

"The Rivanna River flowing through Charlottesville and Albemarle County is one of the community's greatest assets. In and near Free Bridge, Woolen Mills, and the Pantops area, the river corridor is and will be a dynamic place where people can experience a natural environment, enjoy healthy outdoor activities and venues, peaceful and serene opportunities, and important historic and cultural points of interest."

This went through a couple of different iterations. There was this really strong desire to make sure that we were promoting the use of the river corridor as a natural environment, while also making sure that we're supporting the recreational use of the river. All those considerations were how to balance the different priorities for the use of the river corridor was considered very strongly as we worked through what this vision statement should communicate.

### **Next Slide – Guiding Principles**

What came out of this was six guiding principles, which helped us further develop the pillars of what the recommendations should be around the river. There are the five diamonds that are in the middle of this diagram here. The guiding principles are outdoor recreation, public, health, safety, and wellness, historic sites and cultural features, development and redevelopment, and multi-purpose bridges and trails. The gray arrow across the top is labeled Environmental Protection. When we first started talking about these different principles that we wanted to make sure were incorporated into the plan, the initial conversation was that all of these should be considered equally. This is unique compared to some of the other ones that we reviewed. It wasn't a specific type of plan. It wasn't a recreation plan, a flood mitigation plan, an economic development plan. It was really intended to balance a lot of different desires for uses in this one plan. After having conversations with the steering committee and public, it became clear that we needed

to balance a lot of different interests. It was important that if we were going to state that the environmental protection of the river corridor was priority, it had to be the most important priority. We basically drew a band around all these other guiding principles. All the guiding principles were equal, except for environmental protection, which had to be considered the first and highest importance for the river corridor. All these other factors could be considered, as long as there wasn't any sort of detrimental impact to the environment.

#### **Next Slide – Environmental Protection**

For each of those guiding principles, we developed a set of recommendations. With the environmental protection recommendations, we wanted to make sure that we were protecting and educating the public about the sensitive, biological, and ecological areas within the corridor area. There has already been some work that has been done to start identifying those so we can build off that. There is additional work that might need to be done to further identify where some of these sensitive, ecological areas exist. The second thing that came up repeatedly in our public outreach was this strong desire to address the invasive species throughout the corridor and encourage the use of native species whenever possible. That's a recommendation that is reflected as well and encouraging the continued compliance and looking at how we can improve storm water management throughout the corridor to further protect the water quality and ecological systems within the corridor itself and continue to support collaboration with other organizations that are already doing some of this work to make ecological improvements and investments throughout the corridor.

#### **Next Slide – Recreational Activities**

Recreational activities were one area where we focused on trying to consider equity impacts. As you're reading the plan, we didn't mention the word **equity** a lot. What we tried to do was be thoughtful about the recommendations and made sure that we were developing recommendations that would support equity considerations and how we promoted use and access to the river. We made sure that we emphasized the importance of increasing neighborhood connections, especially who we were increasing those neighborhood connections for and diversifying access through supporting different modes of transportation and access to the river corridor. We also talked about developing a trail system that accommodates users of all ability levels. Having different kinds of surfaces within the trail system and providing a variety of surfaces dirt/soft surfaces or hard surfaces. Depending on your accommodation needs, you had the opportunity to use a surface or a trail surface that was accommodating for that. There is also the strong desire to increase public access points to the river and the waterfront and to make sure we were providing information to trail users through a regional map of what was available throughout the corridor. They could plan their trips and know what kind of opportunities they would have before going to the river corridor in order to improve the comfort and accessibility of the different kinds of recreational uses.

#### **Next Slide – Multi-Purpose Trails & Bridges**

Multi-purpose trails and bridges are important because it is important to consider how the uses and the access to the river system can be for multiple purposes, not just recreation. It can be integrated into the larger transportation system. One of the things that we talked about was this bike and pedestrian crossing between Riverview Park/Woolen Mills area and the Pantops area. Looking at key locations where we can fill those network gaps by increasing access to the river corridor and across the river corridor. Promoting a multi-purpose use of the trails and bridges is making sure that it is not just recreation, but it is integrated into the overall transportation network. Helping people understand how they can navigate through the trail



system, through a different wayfinding system, and signage to help them understand how they can use the trail system for their commuting purposes; in thinking about how people are accessing the trail system from the larger transportation system and making sure that we're increasing the comfort to help people get to the trail system.

#### **Next Slide – Public Health, Safety, & Wellness Measures**

Public health, safety, and wellness measures was an interesting set of recommendations to review. The recommendations started off being surrounded by helping people feel safe while they're on the corridor. As we talked to the stakeholder group, it transitioned to helping users feel empowered and confident in knowing how to navigate different types of situations that might come up. We moved this from making people feel safe through things like lighting and call boxes to helping them feel informed and educated to know what to do if faced with different kinds of emergency, health, or safety situations. We talked about the importance of building trust with your local public health and safety personnel. There is some interest around developing programming to increase the visibility of personnel that would respond to emergencies. We were conscientious that, if not done well, this could come across as being a policing of the river system. We wanted to emphasize that the goal of this was to build relationships and community trust and community confidence that if there is an emergency, people will be taken care of.

#### **Next Slide – Development & Redevelopment**

When we surveyed the general public, as part of the public outreach, there was this strong desire to not overdevelop the river corridor. The first thing that we wanted to emphasize is that we are not recommending development or redevelopment that is any different than what is already in the approved Comprehensive Plan. We wanted that to be consistent. We're not permitting anything. What we wanted to do is focus on how we could support development and redevelopment that was already going to be allowed in ways that were supportive of what we were trying to achieve throughout the river corridor. That included developing recommendations around supporting visual and physical access to use of the river and trails from service-oriented businesses; making sure that there is that connection between the business uses and the river corridor to foster that sense of connection to the water through the development that is going in along the corridor. Permitting the economic development that has some sort of tie into the trail system and the riverfront itself. The rest of the discussion was around some of the existing businesses and how we could work with existing businesses to improve the experience of being within the corridor. We also are recommending exploring some voluntary landscaping or industrial art installations that could help enhance some of the existing commercial and industrial sites along the corridor.

#### **Next Slide – Historic Places & Cultural Features**

The last recommendations were related to historic places and cultural features. The first thing that we thought was going to be important was to develop a comprehensive inventory of existing sites throughout the corridor. We wanted to make sure that we were balancing between encouraging additional public access to resources that are appropriate for educating and informing the public but also acknowledging that there are going to be some sites that need to be protected and need to have limited access to make sure that they are preserved. That starts with having an inventory in place so that kind of analysis can be done. We also wanted to make sure that there was support for acknowledging that there is a wide range of groups and types of history throughout the corridor. Making sure that there was support for increasing education and awareness of that broad range of history that represents so many different people and different types of history throughout the corridor. This is a good opportunity where we can partner with

other local organizations to develop educational programming to enhance what is on site but understanding the importance of this corridor through the history of the local area.

### **Next Slide - Recommendations**

This slide serves as an example of some of the changes that we put into place after we met with the Planning Commission last summer. One of the pieces of feedback that we got was that there was a long list. We needed to know how to prioritize some of these recommendations within the full list of recommendations that were listed. If you look at the timeframe column, we ended up taking one or two recommendations with each category and prioritizing those as short term. Those were intended to be things where there is already some sort of momentum or something that seemed to be low cost and high impact. Those were the short-range priority items that we thought would be a good starting place to start moving forward in the implementation of some of these plans. This matrix also included more information that would help with implementation at some point, which includes what type of recommendation, what category, what agency/departments would be responsible, and the general fiscal impact.

### **Next Slide – Planning Commission Feedback**

We did previously meet with you. You had some feedback for us. This is a high-level summary of everything that you told us. There is a high number of action items. We did discuss how we were giving you a starting point by identifying some short-term opportunities. We added a recommendation that stated that we would be supporting affordable housing within the corridor in compliance with existing Comprehensive Plan land use decisions that had been made and supporting robust transportation system access from different parts of the region. There was a concern about equity not being emphasized. We tried to provide more explanation on how equity was addressed throughout the plan. You won't see the word 'Equity' mentioned no more than once or twice. We did try to be thoughtful about developing the recommendations in a way that considered the equity impacts. With the emphasis on vehicle-oriented access and increase in parking, I don't know if we can take out the need for monitoring additional parking access. We recognize that we want to decrease reliance on single-occupancy vehicles. We did try to be general about making sure that we were also supporting a broad range of other types of modal access to the parks through transit, through improved bike/ped access. Prior to the most recent updates to the plan, we did reach out to the Monacan Indian Nation and requested that they review the plan. We had some feedback from them that was incorporated. We changed some of the language around those recommendations based on your feedback. We developed a list that linked to other plans that. Some of those recommendations were pulled directly into the list of recommendations that were developed.

### **Next Slide – Implementation Strategies**

We developed, as a starting point, this set of recommendations around implementation strategies. These are more general. There are some intermediate steps that aren't necessarily appropriate as specific recommendations but would help with the implementation of some of these recommendations. The scope of this plan was broad. It was hard to be specific on how a lot of these implementations would be implemented. Some of the planning priorities that were identified under the implementation strategies were intended to provide a bridge for that; to take you from 'what we would like to do' to the next step 'this is what we need to consider' in terms of having the information we need to put it into practice. The other thing that is helpful about some of these planning priorities that were identified is that they would be helpful as far as implementation on their own. They could also be incorporated into a master plan if that is moved forward at a future date. There are several grant opportunities that can be pursued to implement

some of the projects. Some of them are already being pursued; related to flood prevention/mitigation, transportation system improvements. We wanted to make sure that there was support for pursuing any of those grant opportunities that could help with the implementation. There are individual project priorities that were identified within the plan as short-term opportunities that were low cost with high impact.

#### **Next Slide – Next Deliverable – Master Plan**

The third phase of this plan was originally envisioned as being a master plan. This would look at what ‘on the ground’ implementation would like as far as some of the goals and objectives that were developed as part of this plan. If a master plan is going to move forward, the next steps would get the financial commitment from Charlottesville and Albemarle. We could then move forward with developing a scope of work to get a consultant to develop a plan. That would be determined at a future date if there is interest from both localities.

**Commissioner Mitchell** – This is everything I expected it to be. You guys have done a great job. The benchmarking is probably not the best benchmarking we could have done. All these cities that we benchmarked have rivers running through the downtown. The Rivanna River doesn’t run through downtown. It is difficult to find a good benchmark with a city our size. I like what you have done by upgrading and highlighting the indigenous community in bringing it forward in the document. I encourage you, as you present this to others, to be more vocal about the Monacan Tribe and the work that we have done to recognize that and pull that into what we’re doing. I am comfortable with the deliverable that you have come up with.

**Commissioner Dowell** – I only have the comment from the pre-meeting. For general knowledge purposes, I wanted to make sure that we documented what the water quality level was in actual numbers. As we’re moving forward with this awesome plan, we can make sure we’re keeping our waterways safe and to see what the recreation on the development and how it may be affecting our waterways. I look forward to the implementation of the plan. I have tried to use some of our trailways more often. I would like to see more signage about the history of the vegetation. It would be nice, especially for our younger residents to learn about the vegetation and how it grows.

**Commissioner Habbab** – I am very happy with this.

**Commissioner Lahendro** – Sequence is an issue for me. When I see for the next steps, for historic preservation, to pursue funding opportunities to protect the identified cultural and historic assets, we haven’t done the comprehensive inventory of this historic assets along the river. The sequence doesn’t seem right to me. I presume that comprehensive inventory will happen during the master plan, which is in the future. We’re going to be going after grants to protect some of those places now. I find the sequence to be mixed up or unclear or scattered.

**Ms. Shackelford** – If you have a recommendation for addressing that, that could be part of the action that you’re recommending on the plan at this point. Some of this is already identified. Do you want to wait until everything is identified before you pursue any sort of funding to preserve what you already know might need some additional assistance? Are those things that you can do in tandem? You could pursue funding for things that you know are of need. I will defer to those of you in this meeting, who might have more expertise on historic preservation to give us guidance on what makes sense.



**Commissioner Lahendro** – How do we know what the committee has already identified as historic? Is that somewhere in the documentation? I have gone through it. I didn't see an inventory or any information on it. I am still concerned that I don't see, within the committees, any historic preservation experts or advisors involved with this master plan.

**Ms. Shackelford** – We did not identify specific historic sites that would need preservation. We did reach out to people, who had expertise in historic preservation. We met with Albemarle County's Historic Preservation Committee for them to inform the plan.

**Commissioner Lahendro** – The city has a preservation planner. Has that person been consulted? I am seeing recommendations without the support of knowing what you have.

**Commissioner Mitchell** – Is there a corrective action that you would like to see, Mr. Lahendro?

**Commissioner Lahendro** – I would like to hold off making recommendations about what to do/what kind of grants to get and what to protect before we do the actual work, to know what it is that we need to protect.

**Ms. Creasy** – There might be grant opportunities to address that inventory. That might be the first step. That could be clarified.

**Commissioner Russell** – I am on the steering committee for this project. I also serve on the Albemarle County Board of Historic Preservation. Our group did provide feedback, not only on the plan, but also a 'brain dump' of sites, features, and districts within the area. Those informed the narrative at the beginning part of the document; they weren't listed as an inventory. Not everything made it into that document. A draft of an inventory does exist. I thought that the historic resources committee was also part of this. I thought you met with city Historic Resources Committee?

**Ms. Shackelford** – I don't recall that we had a separate meeting with the city.

**Commissioner Russell** – In terms of the next steps, I read it that, under the category of planning priorities, item 2 is to create a comprehensive inventory of historic and cultural resources throughout the river corridor to be used for planning purposes. There is another section called Grant Application Priorities. That is pursuing the funding opportunities. It could be better clarified. I think the inventory is there.

I was hoping that staff could speak to how this work informs the zoning work underway with our consultants and the 'temperature' on phase 3 implementation of the master planning. Is that necessary? How do we take these recommendations in this document and move it into the staff work plan if we do ultimately recommend it?

**Ms. Creasy** – For the zoning work, we have provided this material to the zoning consultants. They have this information that they're reviewing as part of the diagnostic, like what they're doing with the small area plans and other plans that are already adopted to make sure that themes and aspects are considered as that review moves forward. With the 'temperature' for phase 3, Albemarle is going through a similar process with a review of the document. They are just starting their Comprehensive Planning process. The

last discussion I was a part of, they were planning to integrate this material into the Comprehensive Plan as opposed to specifically adopting it in their current plan. As what happened with phases 1 and 2, the appropriate decision makers will have to come to the table to determine if this is a priority for both groups. Since this initiative began, it began with a smaller discussion that evolved into this potential process. We have made it through step one and almost through step two. It is something that the community cares about. I could foresee something in the future. I don't know how quickly. We're looking out for the discussions that Albemarle is having on this at the same time. With how to move recommendations forward, I know a number of the physical recommendations are things that Parks and Recreation will have the opportunity to work with. As part of this project, we have been working with Parks and Recreation staff for the city and county. It considers initiatives that they are pursuing. Those groups are very active in making sure that we're moving forward. There are some policy-related things. A lot of them are physical things that people would see are things that the Parks groups have prioritized.

**Commissioner Stolzenberg** – What is the process for this plan to be passed by the county?

**Ms. Shackelford** – They are going through an endorsement process. Instead of formally adopting it as an amendment to the Comprehensive Plan, they are going to go their Board of Supervisors to ask for an endorsement. They're going to integrate that into their update for the Comprehensive Plan as they undertake that full Comprehensive Plan update.

**Commissioner Stolzenberg** – Did they express any reason for that?

**Ms. Shackelford** – They're going through the Comprehensive Plan process currently.

**Commissioner Stolzenberg** – Will any changes we make be incorporated into what they end up endorsing?

**Ms. Shackelford** – That will go to their Board of Supervisors on February 2<sup>nd</sup>. The Council meeting for this is scheduled for later in February. We will have a discussion with them after this meeting to see what recommended changes might be incorporated and include those with whatever goes to their Board for consideration.

**Commissioner Palmer** – It is a great plan. I enjoyed hearing about it. I like the aspect of elevating the environmental protection above everything else. That's the most important aspect of the river and everything else that comes along with that. As this becomes a part of the Comprehensive Plan and our community's aspirations for the river, it must focus on the resiliency of the river to weather the future climate as it changes and provide a safe and beneficial place for our community. I'm glad to see it become a part of our Comprehensive Plan.

**Chairman Solla-Yates** – If we choose to proceed with step 3, are you free?

**Ms. Shackelford** – That would be something that we could potentially help with the project management and coordination. We would need to be working with a landscape architect or survey firm that has more technical expertise to putting that planning work on paper. We would be happy to discuss what our opportunity to support that would be.

**Councilor Payne** – I see the environmental preservation as being the most important and key piece of it. I am curious to see what will be necessary for implementation on Council's end in terms of the resources that we must give to make it happen. Orienting it around pedestrian access, as opposed to parking and cars, will be important. There are challenges there. One of the recommendations was industrial art in the area. That popped out as a potential investment with a lot of returns if we're able to have a partnership with Bridge Progressive Arts Institute or public art that we see in river districts in other localities that can open that space for the public as a public resource.

**Mayor Snook** – I am seeing and reading the Urban Rivanna River Corridor Plan that was circulated about a week ago. It was my first exposure to the fact that there was this kind of plan happening. Over the weekend, I saw some article about the archaeological work being done at the Old Shadwell Estate. Most of the history of the Rivanna River is in places that are County places. They're not City. The city has the middle part of that. When I was giving tours to school kids, I would go on school buses with 4<sup>th</sup> graders. We would go around in the school bus and talk about the history of Charlottesville. I would go down to the Woolen Mills and the Port of Paires, which seemed to be a Charlottesvillean conceit that we should name our report after the port that was accessed to city of Athens in Greece. All that land on the Rivanna River south of I-64 is owned by The Thomas Jefferson Memorial Foundation. Were they involved in any way in any of these discussions? Because it was a phase 2 plan, it wasn't necessary to involve them. I would like to know if they have any plans for developing the river access that they have as it relates to the Shadwell residence. It would help them portray the story of early 18<sup>th</sup> and 19<sup>th</sup> century living was like.

**Ms. Shackelford** – They were not on any of the committees. They were not part of the stakeholder group. We had set a targeted email list out to different community organizations that might have additional interest in it. I would have to go back to check.

**Commissioner Russell** – It is not in the actual boundaries of the urban area. We have been involved with TJPDC and the county. There was a recent article in The Cville about the restoration work on the historic Shadwell Mill. We are very much in conversation with the county. It is part of a 2005 proffer that Monticello dedicate right of way of land on that side of the river. We have been working on that for a while. We're currently in the easement negotiation portion of that. That would add an additional 5 miles to that Old Mills Trail that runs along the north side. It is an existing project. As a planner at Monticello, Monticello has been a part of this conversation.

**Mayor Snook** – At the other end of the Rivanna River, if you go far enough up, you hit the site of an old Monacan town. There is not as much public land on the way up there. As I was thinking about historic trails, hikes, and things like that, what a great opportunity to connect the Monacan history to the 1742 Jefferson history to the 1820 Jefferson history. There is a lot of potential for a lot of interesting things happening there.

**Commissioner Russell** – You're talking about the site on Polo Ground Road. There is another point at the other end of the Rivanna River with the junction with the James River. The Jefferson component of that is not great. He massacred an archaeological dig/burial site. There are a lot of history of the Monacans and other people traveling along this river.

**Mayor Snook** – One of the things that came up in the discussion of the Lewis and Clark and Sacajawea statue and placing that at Darden Towe Park was the understanding and the recognition that the Monacan



tribe and Shoshone, trying to represent for the Monacan tribe; to work out some understanding for Council and for the city that this land all used to be Monacan land. What does that say about what we should be doing in recognition of that? That's a whole discussion that I don't want to have to get wrapped up in the fate of the statue with Sacajawea. It is much more of a broad discussion that needs to be had. This kind of Park and this kind of historic trail would be another avenue for discussing that.

### **iii. Public Hearing**

No Public Comments

### **iv. Commission Discussion and Motion**

**Commissioner Stolzenberg** – I am up to four changes. Three of them are minor changes. The substantive one is in The Public, Health, and Safety and Wellness Table. I want to change the word 'homelessness' to 'encampment.' The mere state of homelessness is not illegal on the trail as other parts of the plan do a good job of talking about it sensitively.

**Motion – Commissioner Stolzenberg** – I move to approve the attached resolution with amendments to amend the City's 2021 Comprehensive Plan update to include the Urban Rivanna River Area Plan, dated December 2021. Those amendments are:

- Changing 'bloat' to 'boat' on "boat launches on pages 52 and 58."
- Typos in Monacan with an i to two a's on 78 and 82.
- The heading on the Public Health, Safety, and Wellness Table Recommendations on page 68
- Changing the 'homelessness' to 'encampments' in item 2.3.

**Second by Commissioner Mitchell. Motion passes 7-0.**

## **IV. COMMISSION ACTION ITEMS**

*Continuing:* until all action items are concluded.

The meeting was adjourned at 7:02 PM.