

## Agenda

### **PLANNING COMMISSION REGULAR TUESDAY, August 13, 2024 at 5:30 P.M. Hybrid Meeting**

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

*Beginning:* 5:00 p.m.

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

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

*Beginning:* 5:30 p.m.

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

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

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

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

###### **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 – February 14, 2023 – Regular Meeting
2. Minutes – March 13, 2023 – Regular Meeting
3. Minutes – January 10, 2023 – Regular Meeting
4. Minutes – June 11, 2024 – Regular Meeting
5. Site Plan – Mount View PUD

#### **III. PLANNING COMMISSION PUBLIC HEARING**

*Beginning:* 6:00 p.m.

*Continuing:* until all public hearings are completed

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

No hearings scheduled.

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

*Beginning:* following Joint meeting

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

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

1. Presentation – Public Art
2. Presentation – Street Tree Project

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

Tuesday August 13, 2024 – 5:00PM	Work Session	TBD
Tuesday September 10, 2024 – 5:00 PM	Pre-Meeting	
Tuesday September 10, 2024 – 5:30 PM	Regular Meeting	<u>Minutes</u> 240 Stribling Proffer Amendment Request Special Exception – 115 West Main Subdivision – Seminole/Hillsdale

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

Site Plan –240 Stribling Ave, 1613 Grove Street Extended, MACAA – Park Street, 2117 Ivy Road, VERVE, Azalea Springs, Friendship Court Phase 3

Subdivision – Azalea Springs

Capital Improvement Program – Work session – November 26, 2024, Hearing - December 10, 2024

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

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

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

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

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY  
6/1/2024 TO 7/31/2024**

**1. Preliminary Site Plans**

- a. UVA Alumni Hall (211 Emmet Street) – July 5, 2024

**2. Final Site Plans**

- a. Flint Hill PUD (P20-0107) – June 13, 2024
- b. 2005 Jefferson Park Avenue – June 11, 2024

**3. Site Plan Amendments**

- a. Nassau Street (VSMP – May 20, 2024, Utility & Sidewalk – July 23, 2024)

**4. Subdivision**

- a. 710 Lexington Avenue – June 20, 2024 (not recorded)

**PLANNING COMMISSION REGULAR MEETING**  
**February 14, 2023 – 5:30 P.M.**  
**Hybrid Meeting**

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

**Beginning:** 5:00 PM

**Location:** City Space

**Members Present:** Commissioner d'Oronzio, Chairman Solla-Yates, Commissioner Schwarz, Commissioner Russell, Commissioner Mitchell, Commissioner Habbab, Commissioner Stolzenberg (Via Zoom)

**Staff Present:** Patrick Cory, Remy Trail, Missy Creasy, Matt Alfele, James Freas, Jeff Werner, Sam Sanders

Chair Solla-Yates called the meeting to order at 5:00pm and asked if commissioners had questions on the agenda. There were no questions on the Buford item. On the 2005 JPA item, Commissioner Mitchell asked about the use of noble materials and would like to be ready to discuss the stucco during the regular meeting. For the Zoning Ordinance, Chair Solla-Yates noted that discussion will review questions provided by staff for consideration. Commissioner Habbab asked if the comments from Commissioners could be compiled in advance of the meeting. Ms. Creasy noted that can be done with materials shared. Commissioner Mitchell noted that he likes the one-page topic pages and would like to suggest that a few lines that outline the character of the districts be added to the documents. Commissioner Schwarz asked if the character wording would be the guarantee or something to strive for. Mr. Freas noted that the materials will reference the comprehensive plan language.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:30 PM.**

**Beginning:** 5:30 PM

**Location:** City Space

**A. COMMISSIONER'S REPORT**

**Commissioner Stolzenberg** – I attended the MPO Technical Committee meeting where we recommended new safety targets for the upcoming year. Thanks to our new transportation planner, we recommended the more ambitious targets for fewer fatalities. We discussed the upcoming long-range transportation plan and a conceptual look at how we potentially prioritize different things. That process will continue to develop. Charlottesville Area Transit is developing a new strategic plan. JAUNT is developing a new transit development plan. The TJPDC will be submitting grants for preliminary engineering on the Rivanna pedestrian bridge to hopefully reduce some of the contingencies. The next smart scale round, the cost estimate hopefully comes in lower because there is more certainty.

**Commissioner Mitchell** – No Report

**Commissioner Schwarz** – The BPAC (Bicycle & Pedestrian Advisory Committee) meeting was on February 1<sup>st</sup>. At the end of the month, there is a mobility summit. Charlottesville, Albemarle County, and Piedmont Mobility Alliance are hosting their 3<sup>rd</sup> annual Piedmont Mobility Summit February 24<sup>th</sup> in City Space from 9 AM to 3 PM. At this free workshop, representatives from organizations, businesses, agencies, and individuals will work towards common goals of a better-connected community and everyday access to the outdoors. The

gathering will focus on local success stories and actionable, equitable outcomes. Registration is required. You can sign up at [pecva.org](http://pecva.org). We talked that Bike Month and Bike To Work Week are coming up. BPAC used to be more involved in that. BPAC is going to try to get involved. There was some discussion with Safe Routes to School. There is a consideration of photo traffic enforcement in front of a couple schools in the city and only during school zone hours. The city is working on a proposal from VEO, which is the dockless mobility provider in scooters to the city, to see if they can get some better rules and some better management of parking. They are looking at some parking hubs along West Main Street. With the BAR meeting in January, I mentioned that I would give a description of what went down with the solar panels on United Methodist Church. I sent Councilor Payne an email. I don't think that I should read the whole thing. It is a complicated issue. I am not even sure that I voted the right way. To put the panels on the roof required removing a 100-year-old slate roof and replacement asphalt shingles. Our guidelines are vague. Our ordinance says to look to the Secretary of Interior Standards. The Secretary of Interior Standards guidance is more conservative than we have been in practice. The guidance there was to deny. From those who approved, the idea was that you really can't see the roof. Visually, it is not a big deal. It was complicated and difficult. Some guidance from Council would be useful. We do need to update our guidelines. The BAR is not allowed to look at the Comprehensive Plan the same way the Planning Commission can. We are not supposed to consider financial situations. The Climate Action Plan is not our purview. Our purview is what our guidelines say. There are instances where the BAR must rule in a certain way. The process is set up for Council to overrule the BAR if that is the case, if we want a different outcome, we need to change our guidelines.

**Commissioner d'Oronzio** – Mr. Ikefuna expressed that if Commissioners wanted to have a participatory role on the CAHF allocations or Housing Advisory Committee to see if they are qualified for a category and apply, which I did. We have Planning Commission representation on the HAC and the CAHF (Charlottesville Affordable Housing Fund) Committee. I was named to both.

**Commissioner Habbab** – On January 18<sup>th</sup>, the Citizen Transportation Advisory Committee met. We looked at the long-range transportation plans web page redesign and some additional content that went up on that. It is available through the Thomas Jefferson Planning District Commission website. We looked at the smart-scale project pricing that came back. Only one project was recommended to be funded, which was the Avon Street multimodal project. That included a sidewalk, bike lane, and improvements from Druid Avenue to around the bridge over Moose Creek that crosses there. My second meeting was the Tree Commission meeting yesterday. There were a few announcements. It was the annual review meeting. The one announcement was that wood was collected from the trees that were cut on the Downtown Mall. It is being stored. They are looking for ways to use it. There are a few projects. People have approached them to use the wood. 162 trees are going to be planted around the end of February/early March. A winning bid was given for those to be planted. They are mainly going around the schools or on the school properties.

**Commissioner Russell** – The TJPDC (Thomas Jefferson Planning District Commission) met in February. One exciting thing was that the TJPDC received a safe streets and roads for all award from the US Department of Transportation in the amount of \$857,000 to develop a comprehensive safety action plan for the region. These grants provide funding for communities to implement strategies and projects that will significantly reduce or eliminate transportation related fatalities and serious injuries. On March 24, the TJPDC hosts the second annual Central Virginia Regional Housing Partnership Summit. It is called coming back home. It will present a regionally focused summit on affordable housing needs. It is all day at The Omni. Registration can be found online. The theme for this year, Coming Back Home, recognizes the important role local and regional housing policies play in the recovery from COVID-19. Sessions will focus on programs, partnerships, and policy that can be utilized. The keynote speaker is Jay Grant, the Executive Director of the Local Initiative Support Coalition out of Hampton. He will talk about his time at HUD and DHCD. He will share valuable perspectives about regional collaboration on affordable housing. I will be attending.

## B. UNIVERSITY REPORT

**Commissioner Palmer** – No Report

## C. CHAIR'S REPORT

**Chairman Solla-Yates** – During our last work session, you might have noticed I was distracted. That was because legislation was being debated at that moment over whether the city of Charlottesville should be permitted to adjust its taxation to reduce the burden on buildings and increase the tax burden on land. It is something that I believe is important strategically and for affordable housing. Sadly, it died in committee on a party-line vote. I continue to believe it is important to consider. It is illegal to enact at least for the next year. We are free to think about it and study it.

## D. DEPARTMENT OF NDS

**Ms. Creasy** – We have Module 1 out for review. A lot of people have been looking at that. We have been getting comments. Conversations have been happening. Next week is our big participation, community open house week on the 22<sup>nd</sup> of February. We have 3 open houses. They are all similar in 3 different locations. This is on the Cville Plans Together website. If you go to the city website under zoning ordinance, it will get you there. You can choose one of these 3 open houses or go to all 3 open houses. On February 22<sup>nd</sup>, one is at Charlottesville High School from 6 PM to 8:30 PM. Our second one is February 23<sup>rd</sup> at Buford Middle School from 6 PM to 8:30 PM. These are drop-in open houses. On February 25<sup>th</sup>, we are going to be in City Space from 11 AM to 1:30 PM. We are hoping that we will get a broad audience to come to those events. If we continue into the next week, we have our work session on the 28<sup>th</sup>. On March 1<sup>st</sup>, there is the steering committee for the project, Cville Plans Together. We are also working on other opportunities as we have outreach from groups trying to get scheduled. If you didn't catch any of those dates, you can go to the city website under zoning ordinance. All those dates are there.

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

**Steven Johnson** – I am here on behalf of Livable Cville to discuss homelessness in the Charlottesville and Albemarle areas. Housing is a human right. It is a clear violation of that basic right when someone experiences homelessness in our community. The other underlying problem is clear: insufficient housing. Homelessness is getting worse in our area. According to the Blue Ridge Coalition for the Homeless, the point and time count for our area jumped by 50 percent to 266 people in 2022. There are more than 440 people that have accessed The Haven Day Shelter services over 19,000 times in 2022. We need to overcome inaccurate stereotypes and address the factors that cause people to experience homelessness. While certain risk factors might increase the likelihood of an individual losing access to housing, attributing homelessness to individual choice or behaviors, not only misunderstands why people become homeless, it results in harmful policies and defers real solutions. In a recent book, homelessness is a housing problem. Greg Colburn and Clayton Page Aldrin analyzed data from around the country. They concluded that it is not the levels of drug use, poverty, unemployment, or mental health problems that predict levels of homelessness in an area, nor is it the weather. It is all about housing. The authors found that the cost and availability of housing explains regional variation in homelessness, specifically low rental vacancy rates and high rent. I am here to share copies of the book with each of you. You will find a flyer from the staff at The Haven with information about the invaluable work that they do. We hope that you will read the book. As the city rewrites its zoning code and develops its budget for the next year, you will help implement its lessons so that homelessness becomes rare, brief, and non-recurring.

**Kenneth Hill** (Washington Avenue) – I am the owner of the duplex on Washington Avenue, which is basically across the street from the 2005 JPA project. I have several concerns with the project. The height up to 101 feet

on the side of Washington and Observatory Avenues is too high in conjunction with other nearby buildings. It doesn't fit in well with the JPA neighborhood. As planned, the structure will tower over surrounding houses with common effects of natural light, shadows, and quality of life for the residents and people living nearby. Parking is also a problem. With the traffic, that will be expected to increase with 390 tenants for this project. The plan calls for 122 on-site cars with a single entryway on Washington Avenue. It is not enough for 390 tenants, visitors, and service vehicles. As a result, overflow parking will occur on Washington Avenue, Observatory Avenue, and other nearby streets when the enclosed parking is full. The added traffic will create bottlenecks and safety issues for vehicles, bikes, and pedestrians in the area. There will be mechanical equipment for the building that will be in the parking area. This equipment will come off and on and generate a lot of noise. It will disturb the neighbors and tenants in the area. We would like to know more about that.

**William Schaaf** (113 Washington) – My property and the next-door neighbor (the previous speaker) are the most significantly impacted by the proposed design. As to the ingress and egress from the parking garage, from the relationship of our location of garbage facilities, and mechanical systems, they are all opposite the driveways of our properties. Over the years, I have tried to provide affordable housing to Charlottesville residents. They are not rich developers, and they are good tenants. They deserve to be treated well. I want you to understand that they will suffer because of this design. Washington Avenue is not designed for the ingress and egress that the traffic design creates. I ask you to consider making them put the garage entrance and some of mechanical equipment in the middle of the walkway in the back and put the garage entrance in the front that would exit and enter off JPA, which is a street more suitable for handling the number of cars that will be involved with the owners or occupants of the property. All the things that Mr. Hill mentioned are important to me. We stand in solidarity with our other neighbors. There is a short and a long run of concerns with the consideration of parking, noise, lighting, environmental impacts, and safety services. I encourage you, as you review this application, to reject this plan and have the developers redesign it to minimize the impact of these items on the people who live there and are neighbors and owners of the houses.

**Lorna Martens** – This comment is about 2005 JPA. I submitted 6 questions that I had about the new proposal that was published in the Entrance Corridor Design Review materials. I did not receive an answer to my questions. I would like to know the height in feet of the building that is featured in the revised plan submitted to the Entrance Corridor Review Board. How does the new height in feet compare to the height in feet in the original plan? The new plan shows porches going on to Observatory Avenue. Who will be allowed to enter and exit via these porches? Is it just residents of the apartments that open onto the porches? Is it going to be all residents of the building? A bike path was originally suggested or recommended behind the building. This has become a pedestrian walkway. I was interested in hearing more about that. Originally, 2005 JPA was going to have 119 units. Is the number of units in the revised plan the same or not? Originally, the building was planned for 390 students. I was wondering if there had been any change in that figure in the revised plan.

**Bobbie Williams** (JPA Neighborhood) – I am not directly affected by the development of 2005-2007 JPA. As a neighborhood, we have been inundated with students. As a result, everyone in the city seems to think that is what we should be even more so. The building that is going up is going to house students. Students are the responsibility of a university that is next door. As far as we are concerned, not having to have that as their source of housing is default. This building is not going to help affordable housing. This is going to be student housing. The rents that the students can afford in a building like this does not add any affordable housing to the city. It is difficult for us to accept it. The building is out of character of the JPA Corridor/Entrance Corridor Design. There are a lot of factors that are causing us distress. We are a small community of owners. We have housed students. We are not against housing students. We shouldn't be the only area to house students in large numbers. We are distressed about this. The zoning changes are not going to make it any easier. It is going to add more commercial areas. It is going to take away more areas for housing. I have no qualms about a building going up there. This is out of character and not solving the total needs of what they are saying.

**Anne Benham** (116 Observatory) – I am almost right across the street from the proposed project (2005 JPA). I share the concerns of all the people who have spoken about this. I am concerned about traffic and noise. I am concerned about whether there will be a representative from the city or developer that residents can contact if a problem should arise. Regarding the noise, the excavation or construction, which I believe is supposed to go on for 2 years. I understand that it is supposed to start early in the morning and go until 4 PM. I don't know how many days a week this is going to be. I am wondering if there will be any limit on the volume of the noise or the length of time that noise can go on in any given day. If so, will that be communicated to the residents? With traffic, I was on Washington last week. There was a truck that couldn't move for a couple minutes. There were cars parked on both sides of the street. I was using Washington to go to JPA. I had to wait 10 minutes. This is before anything happens with the project. There could be longer delays when construction starts.

## F. CONSENT AGENDA

1. Minutes – October 11, 2021 – Work Session
2. Critical Slopes Waiver – Buford Middle School

**Motion to Approve – Commissioner Russell – With the following condition on the Critical Slopes Waiver:**

**1. The applicant will work with the City's Urban Forester on tree preservation and replanting. – Second by Commissioner d'Oronzio – Motion passes 6-0 with 1 abstention (Commissioner Schwarz)**

## II. 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

## No Scheduled Public Hearings

## III. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded

Chairman Solla-Yates called the ERB to order.

### 1. Entrance Corridor – 2005 Jefferson Park Avenue

#### i. Staff Report

**Jeff Werner, Preservation Planner** – This is a design Certificate of Appropriateness request for the project at 2005 Jefferson Park Avenue. It is 3 parcels. This is within the Fontaine Avenue, JPA Entrance Corridor. It is subject to review by the ERB. When you are reviewing a CoA request, there are 5 primary criteria for you to consider: the overall architectural design, form, and style but not limited to height, mass, and scale. You are looking at exterior architectural details and features. You are looking at the texture, materials, and color that are proposed. You are looking at the design and arrangement of the building/the structures on the building site. The 5<sup>th</sup> criteria are all those bundled together. As a whole, is that something that is architecturally compatible or incompatible with the Entrance Corridor? It is a brick and stucco building composed of a five-story, U-shaped, two-wing building surrounding a central courtyard and set atop a two-story brick foundation [or podium] of approximately 150-ft (at JPA) and 312-ft (at the sides). Each wing is approximately 62-feet wide separated by a roughly 30-ft wide courtyard. The site slopes downhill, approximately 30-feet, from the NW corner on Observatory Avenue to the SE corner at JPA and Washington Avenue. As such, the seven-story primary façade (at JPA) is reduced to a five-story elevation at the NW corner and a six-story elevation at the NE corner. The

recommendation that staff has is that the improvements are appropriate, given the Comprehensive Plan and the Design Guidelines. We recommend approval of the CoA. I have included a list of recommendations/conditions of approval should you choose to go that route. I have made some notes to amend the motion to address the question about the stucco. The ERB Guidelines advise against the use of EIFS. A condition that you could add would be ‘the stucco will be a durable synthetic material mechanically fastened over appropriate drainage mats and over a code compliant water-resistant barrier.’ In a recent project on West Main, the BAR had a requirement that they wanted to review a mockup panel prior to installation. That was to check the color, the texture, and the material.

**Commissioner Mitchell** – I want to talk about the stucco. We have traditional stucco and synthetic stucco, which is more elastic. It doesn’t crack like the traditional stucco. The synthetic stucco that you are referring to is not EIFS. Where on the traditional stucco-EIFS continuum does the durable synthetic material lie? Is that better than traditional stucco?

**Mr. Werner** – There is a yes and no. I will let the architect get into the specification, the details, and the materials. It is not the Styrofoam material. The BAR has approved this type. If there are questions about the material they are going to use, you can adopt a condition to address that. You can request a deferral of this until you get that information. You could deny this request based on not having that information available. I cannot give you an engineering breakdown of the synthetic stucco material. We can provide that, or the applicant can provide it.

Traffic and parking are not under my purview. The parking is inside and not visible. With the height and specific numbers, I will let the applicant address that. The height of this project was approved. There was a special use permit approved by City Council. It established those conditions. We are now working with the boxed in conditions that Council approved. With the porches on Observatory Avenue, I don’t have any purview over who goes in or out of a door. I don’t have anything like that in the guidelines. With the bike path in the rear, that is behind. I need to pull in the language from City Council. This must meet the conditions that City Council put in there. We had talked about some connection not being eliminated. With the number of units and number of students, the density was established by the SUP. Those are not anything that we have purview over. This could be a building with one big room in it or a solid block of concrete, the only thing that matters from the design review is the exterior of that building.

**Commissioner Mitchell** – Your recommendation is that if we decide to move forward, we have one more contingency that the stucco be made of durable synthetic materials.

**Mr. Werner** – We have 2 architects here who can better explain/give you the tech language for that. I am comfortable with it. If you are not, we can express it in the language.

**Ms. Creasy** – Your language seemed comprehensive.

**Commissioner Habbab** – I have a question on the glazing requirement. I saw that it was generally where all the brick was and not where the stucco was. Is there a reason why we should make all the windows meet the requirement?

**Mr. Werner** – I would refer to Attachment 4 in the staff report. It was 4 or 5 years ago that the ERB was reviewing the Tarleton Oak project. The question came up about the definition of clear glass. The BAR has come down on 70 percent or higher. We never look at the VLT on glass on someone’s new house on 2<sup>nd</sup> Street. The question was: What does that mean and in what circumstances? The ERB asked the BAR to review it. We had a good discussion about it. The primary spot you want that clear glass is like something on The Mall or store frontage at street level. People are seeing into that space and not seeing their reflection. As you go up the

building, it becomes less important. The recommendation you received from the BAR was that variability was possible. It came down to the design goal and still respecting those issues at the streetscape. It is not a rule. It is a recommendation. You can interpret that up or down. With the conditions, the applicant may want to suggest something different. They can certainly do that.

**Commissioner Habbab** – You can get high impact stucco. They even make them hurricane proof. That might be the language we could use. They do use a synthetic stucco in an EIFS system. EIFS is like a system of different parts, with synthetic stucco being the face of it. You could do a spec higher impact resistant one.

**Commissioner Schwarz** – It seems like everything that would be EIFS is above the street level. It is not touching the ground. EIFS today is not EIFS from years ago. The concern is not the impact. When EIFS was first developed, it trapped water in the building assembly. It would rot the building. They have fixed that. There is a drainage plane. No architect would design a building without a drainage plane in there. EIFS does not scare me.

There was the requirement in the SUP approval to follow The Streets That Work Plan to have a 3-foot buffer between the sidewalk and the street. That seems silly because we are basically not allowing trees in that buffer by making it 3 feet. I don't know why we landed there. I checked The Streets That Work Plan, it does say a 3- to 6-foot buffer is suggested for these areas. We settled on 3 feet. The BAR tends to have a feeling that they can push and pull during these applications. Does the ERB have a similar flexibility?

**Mr. Werner** – My understanding is that if there is something established by SUP, it is locked.

**Commissioner Stolzenberg** – I am looking at the front elevation at that blank wall along the street. It looks like a breeze block situation happening there with the tables and chairs in front of it. Is that whole setup, including the tables and chairs, part of this CoA? Can they remove the furniture because it is not part of the building elevation or the façade, they presented to us?

**Mr. Werner** – You can require it. A lot of things are seasonal and get moved around.

**Ms. Creasy** – We are not going to be concerned about the locations of tables and chairs that show up in drawings.

**Mr. Werner** – I will let the applicant speak to how that space is programmed and if there is seating built into the wall designed into the masonry walls versus metal furniture that may appear there.

**Councilor Payne** – In this process, what locks in what is approved from happening?

**Mr. Werner** – With a historic district, there would be greater detail in the elevations, wall sections. The Entrance Corridor tends to be more of a general view and what this generally looks like. This isn't the first time I look at something. It is the same thing with the historic districts. It will come in for approval. A lot of these are reviewed for the site plan. There are things that we are looking at there. It also comes back in for a building permit. I try to look at the application. It is somewhat different than when we review it with the BAR. I know that something is going to come back as a building permit. Is it significantly different or slightly different? There is some flexibility. The building permit drawings better look significantly like those drawings there or I am not going to sign the building permit.

**Councilor Payne** – Is the point you (Commissioner Schwarz) were making about the setbacks is that it is preventing the landscaping and trees?

**Mr. Schwarz** – It wasn't the setbacks. It was that a 3-foot planting strip and 7-foot sidewalk per the Streets That Work Plan. It seems like something that falls to The Streets That Work Plan. All the street trees are pushed inwards up against the building.

### i. Applicant Presentation

**Kevin Riddle, Applicant –**

#### Next Slide

The first section is highlighting some of the parts of the ERB guidelines that are most relevant to what we are going to be discussing tonight and how they relate to it.

#### Next Slide

I will start by mentioning Chapter 5 of the Guidelines. It describes the vision for the Fontaine Avenue and JPA Corridor. It uses these words. "Foremost considerations are traffic calming provisions for pedestrian safety and pedestrian amenities, such as sidewalks, landscaping, and transit stops." In other words, how the project engages the street is of first importance. This project proposes robust edge spaces, continuous sidewalks, a variety of planting beds supporting a range of flora, and big paved major spaces adjacent to corner entries. In addition to that, we have these smaller, slightly more intimate spaces along Observatory Avenue, porches that relate more to the smaller buildings that are on the other side of the street. Together these steps, terraces, and site walls have the potential to expand the public realm beyond the city sidewalk and encourage social activities. The project proposes tiny spaces where people can gather. These spaces would include tenants, but it is not exclusive to them. With the entry terrace in the middle image and the pedestrian path we propose at the rear of the site, we expect that those would be used by many of the people in the neighborhood, not just the people in the apartments.

#### Next Slide

To help strengthen these hedge spaces, the project envisions a generously planted perimeter. Pedestrian routes and gathering spaces will enjoy beauty, shade, and comfort provided by street trees, and, in the process, functional needs beyond comfort and aesthetics will be supported where the landscape contributes to stormwater treatment.

#### Next Slide

Within the layers of the landscape, we imagine a building that gradually emerges. Massing is reduced in several ways with this current proposal. We use step-backs at upper stories to create a terraced effect. We allow taller parts of the architecture to recede in a different material. The material changes further discourage impressions of a monolithic form. The brick facades that we have restricted to 3 stories above the podium level, we hope that they shift focus to the lower stories and the darker muted stucco tones would recede more in the background.

#### Next Slide

The fenestration is oriented vertically and scaled to residential proportions. We have larger windows and storefronts. They are proposed only along JPA and at the entry where more prominent openings are appropriate. The range of openings helps to mitigate against repetitive facades.

#### Next Slide

We will look at a couple of images of the JPA Corridor.

#### Next Slide

With the slide after this one, we consider it an example of some strengths of the corridor that we would like to pursue. This slide, in a way, is a counter example. You see a lot of properties. We did not have to cherry pick to find these that have lots of paving and parking in the front yards, little to no street trees. It goes to show how the setting, the siding of the buildings has as much to do with whether they are supporting the corridor goals as does the size of the building. On this page, there are several smaller buildings. They don't engage the street. They are not very welcoming.

### **Next Slide**

Here, you see some better examples. You see many street trees, prominent steps, site walls, and the plantings. The plantings are an important factor. That image of 2011 JPA at the bottom strikes me. The architecture itself under those trees is fine. It is nothing special. That canopy is terrific. Even newer projects like 1725 JPA has a nice, largely glazed stairwell that announces entry and gives the residents a nice way up and down with lots of visibility that is somewhat unusual. In the top right corner, you see an example of a nice porch on one of the apartment buildings across the street.

### **Next Slide**

We will get into some of our imagery showing the previous design and the current proposal.

### **Next Slide**

Here is the site plan. This is to remind you of what some of the parameters were in the approved SUP.

### **Next Slide**

This is the first image of the previous proposal. We are looking at the corner of Observatory Avenue and JPA.

### **Next Slide**

We reduced the original design to an outline.

### **Next Slide**

We have overlaid the new proposal. The dark red is the outline of the previous proposal. The lighter red fill shows you what in a way has been reduced or subtracted to get to the current proposal.

### **Next Slide**

This gives you a sense of the different material palate. You can see up at the corner near the entry where Washington and JPA meet. If you look up Observatory Avenue, there is a lot more terracing that we used at that back corner to address massing where the building gets the closest to the smaller houses that are up the street there.

### **Next Slide**

This is from across the street toward the main entry.

### **Next Slides**

You can see how the massing has changed at the front-most wing where the entry is located.

### **Next Slide**

This is the proposed project. In some of the images, you are seeing some landscape that we initially put in as a placeholder. It does give you a fair sense of this atmosphere we would like, especially as trees have matured.

### **Next Slide**

We took away some of the trees so you can get a better look at the architecture at the lower stories.

### **Next Slide**

This is at the corner as you approach from UVA.

### **Next Slide**

This is the previous proposal and the new proposal. You can see at the upper 2 stories that we have stepped back about 12 feet.

### **Next Slide**

What you have is an architecture where there are fewer elements vying for position. We think that it has gotten quieter as it sits here on this corner. We have revisited the way that we use that brick base. It used to travel around the building. The building had a stratified effect. In this case, we wanted to go more for juxtaposition. The bricks come up in certain places and creates a better variation over what was before.

### **Carlin Tacey, Applicant –**

### **Next Slide**

You are seeing the site plan. We are getting to see all sides of the intended streetscape. We are going to talk again about those different views on Washington, Observatory, and JPA.

### **Next Slide**

Looking here at a section across JPA, you can see that we are trying to nestle ourselves into that streetscape. It is important that we do the work on some of those street trees there in our front landscape since the power lines run through the middle of that median. It is our intention to bring them in towards the site to allow for a larger soil volume and success, as the sewer runs on that corner of JPA in front of our building. You can also see our language of sight walls and trying to bring this down to the pedestrian scale with those precedent images up at the top.

### **Next Slide**

Here, we are looking at Washington. We are using street trees that are approved from the Charlottesville Master Tree List as preferred or secondary for entry corridors. Here we anticipate a nice higher canopy story. These trees would be about 60 feet at maturity. This isn't quite their mature height we are showing here. We are showing that upper canopy with a lower street planting more at the pedestrian level at the hip level there with some shrubs and grasses.

### **Next Slide**

The side here is Observatory. We also have an intention for a biofilter, terraced walls here to bring our stormwater down that grade change that was described earlier. This nestles into those intentions with the porches on the side. The trees here would be something that likes to be adjacent to biofilters and water for those inundation periods.

### **Next Slide**

We took those trees away for a moment to give you a look at that architectural intention along that corridor. It lets you see some of that understory planting that is intended there. Those would be a mix of natives that have a lot of ornamental value and low maintenance. That is what we are going to try to do across the entire streetscape.

### **Next Slide**

Here, we are bringing ourselves back to that front view with a little more detail on the intended planting there. You can see a mix of native and ornamental ferns, some native grasses, some flowering trees, and those street

trees holding that space nicely up at the front. We are trying to get as many as we can in there. That is a nice palette of stone and brick for those pedestrian areas up to that entry.

**Mr. Riddle –**

**Next Slide**

This is another look at that same terrace. We like to give you an impression of how the space could be occupied. There is some furniture there that some of you were asking about. It is possible that furniture could be bolted down. We also wanted to leave the owner the flexibility to have furniture that could come out at certain times of the year. What we think is important though to have as a permanent part of the architecture in the site walls you see there is that they are in a way that they have a comfortable seat height. This is always going to be a realm in which it is not just people coming and going. There are opportunities to relax and gather with people here.

**Commissioner Mitchell** – With the trees on Observatory and Washington, how many years before they get to 60 feet and maturity?

**Ms. Tracey** – You could start seeing around 20 feet in height in the first 5 years.

**Commissioner Mitchell** – It would be around 15 years.

**Ms. Tracey** – Yes, before they start holding a presence up there at the second story, depending on how well they are growing.

**Commissioner Mitchell** – Do you think there is enough space for the roots to grow?

**Ms. Tracey** – This is a generous planting within our property line of about 8 to 12 feet in some areas. That should be plenty of room for those trees to reach out.

**Commissioner Mitchell** – What do you guys think of staff's recommendation regarding the stucco, that it be durable, stable materials?

**Mr. Riddle** – I like the recommendation. At this point in the design, we had not reached a point where we were looking specifically at certain assemblies or manufacturers that we were going to go with here. We wanted to make sure that the broader strokes of our redesign were finding some support first. It is our intention to use a synthetic stucco that will be durable. It is mostly located at upper levels. The application methods have greatly improved among contractors. There used to be a habit of using drainage mats that had vertical grooves in them. Sometimes, installers would not apply them so that they were oriented vertically. You would have trapped moisture because that synthetic stucco does not breathe like traditional stucco does. We would be making certain to have a product that would be durable, look good. We are happy to show staff and members of the Commission more about that later if that was necessary as a condition of approval.

**Commissioner Mitchell** – My first trip through this was in 2006. There was a lot of EIFS going up. After a year, there were holes in it. I would hate to see something like that in the entrance corridor.

**Mr. Riddle** – I agree. Some of our reasons for pursuing the synthetic stucco is that we see a lot of apartment projects where unfortunately it is an entry level where fiber cement panel is used. They are partly responsible for imparting a slightly generic quality to some multi-family housing. We think the stucco, even though it is not the traditional kind in its application, it still has an appearance that is closer to what is a material you see traditionally more in the city.

**Commissioner d'Oroznio** – This is my first at one of these. I don't have a lot of questions. I am trying to listen and learn. In your discussion of the stucco, it is a triggering event for me. Not only would you have a situation where the cloth barrier was installed improperly in orientation, but also it would be lapped improperly. There would be water funneling in. You essentially have funnels pushing the water inside instead of out.

**Commissioner Habbab** – This is a lot better than the first one that we saw. You have done a great job. I had a question about the enclosure that is next to the entrance to the garage and what was going to happen there.

**Mr. Riddle** – We have some elevations and an appendix. As you come up Washington Avenue, we are going to have an entry into the parking level. To the left of that entry, there is a wall that is going to come up about 4.5 feet. That will be a place in which trash bins can be rolled out on trash collection mornings. That is the only time that they would be out there. They would be rolled back into the parking level with non-trash days. The owners plan to have this be a professionally managed property. It wouldn't be up to the tenants to go down and roll the bins out. The equipment for heating and cooling is going to be up on the roof of the building. We don't anticipate there being a noise problem issue. That is unusual with this project.

**Erin Hannegan, Applicant** – It is possible that a transformer will also be there along with the generator. The generator will likely only run once a month, cycle on and off to test it and not go in use except for in emergencies. It is not going to produce constant noise or disturbance. The cycling on and off can be scheduled at a daylight hour to not cause residents of the building or across the street issues.

**Commissioner Habbab** – With the color retention of the stucco, what is expected?

**Mr. Riddle** – That is a good question. We might have to get back to you on that. We are still exploring what stucco system we would be using. I hear what you are saying. You don't want that to start looking blanched out and bad within 5 or 6 years. Allow us to investigate that. We want to make that a priority.

**Commissioner Russell** – Do we have language on and regulation around commercial generators, siting, and run time? Is that something that would be worth potentially including in an entrance corridor review as a provision?

**Ms. Creasy** – I do not ever recall having a condition like that.

**Commissioner Russell** – I would think trying to make sure it is shielded from view.

**Ms. Creasy** – With the mechanical equipment, it is required for that. It is advantageous to all sides that they address the noise in such a way that it does not affect their residents and those surrounding neighbors.

**Mr. Werner** – In the staff report, I refer to it on page 4 where I talked about the screening. I also incorporated it into one of the conditions. There is a guideline about citing mechanical equipment in such a way that it is not. The guidelines are not an ordinance. We have started doing this with lighting. In a similar condition here, if there is an issue with lighting, we have required that applicants will work with us to address glare, brightness. You could incorporate a similar condition about noise. It is in the guidelines.

**Commissioner Russell** – It will also need to get fueled. It is a consideration. This is addressed in the staff report. This is maybe not the appropriate way to pose this question. Can you convince me that the color palette is in the compatible range of the surrounding neighborhoods, and it is not too dark?

**Mr. Riddle** – With the color range you see on the corridor, it does vary quite a bit. I know that there is a lot of red brick. There are some lighter colored buildings. Our goal here is to have a building that maybe has a

distinction of its own. It is not pursuing a traditional vocabulary in its detailing. We felt that the darker colors have a slightly more modern connotation. We felt they contrasted well with the brick in a way with a more non-committal color palette, maybe something creamy or beigey. I feel you see that around Charlottesville a good bit. This palette represents something a little tougher, especially when combined with the landscape. When I look at some of the illustrations, it seems to me that the plantings, the greens, the colors of the understory plantings are in a way more vivid even though they are some distance away from the darker stuccos that are above.

**Commissioner Russell** – The trees that are shown in the renderings are not at the proposed or expected planting height. They are demonstrating some later stage.

**Ms. Tracey** – They are not showing what they would be when they are initially planted. They are also not showing at the full maturity. They are in between there. It is hard to predict how well a tree will grow. It is typical to show them in that medium.

**Mr. Werner** – The problem with renderings is what age in the life of this project do they select. To be clear on color, if this was an existing building that had been there 20 years and the owner wanted to paint the stucco, I would probably approve it. If they would want something else, they will have to go to BAR/ERB. If they want to paint this 10 years from now, the person in my position could make a judgement on whether that color is appropriate. If you feel strongly about that light color, you may want to consider it as a condition.

**Commissioner Habbab** – Since you mentioned that green, I wanted to ask what you thought about that vivid color in the courtyard.

**Mr. Werner** – Trees are difficult to read. If you take those and strip them away from the image, it becomes completely different to look at. I was not concerned about the green. I have been in a lot of conversations with them about it this whole project. When I went through and saw the changes from what we saw with the SUP, I was excited about the darker colors. There has been some difference of opinion within the office. This is where the guidelines are for you to interpret. There is nothing that says you must use a particular color scheme.

**Commissioner Russell** – I believe what you are saying. I appreciate what it is doing and making the brick stand out.

**Mr. Riddle** – Something that stood out to me when we were looking at this corridor and working on this project, one of the projects that I featured in the early pages at 1707 JPA, if you look that on the city GIS map, there is a thumbnail image of it. You see it raw shortly after it was constructed. I think that was built less than 15 years ago. You can see what those London Plane trees have done within 15 years. Those trees have some size, and they are not in huge planting beds. I don't think it is optimistic to think that this project could have trees at these heights within 20 years.

**Commissioner Russell** – I am not sure why you are showing these variations of brick. Maybe it is because you haven't figured out what direction you want to go. I feel very strongly against one of them.

**Mr. Riddle** – We wanted to leave some flexibility there. The owner inevitably is going to have to go through a pricing exercise. It could be that either of those end up not being available or the prices have gotten sky high. That gets you close to what we are going for. One is a nicer, rougher texture and one not as much. There might be a little more variation in color. They each have their own strengths. What you see in the illustrations is a close approximation.

**Commissioner Schwarz** – Behind the storefront windows, is that all amenity space?

**Mr. Riddle** – It is amenity space. You have an entry lobby. As you go to the left, the way that it extends over toward Observatory Avenue, I don't know that the owner has all the programs, spaces. They are liable to be maybe exercise rooms, meeting rooms, and study lounges. We are hoping that corner part of the building there at Observatory and JPA, especially with the terrace that adjoins it, it could have a potential use at some point for the public. There could even be a little retail presence there. I don't know if that is in the plan.

**Commissioner Schwarz** – Below that, is that a pierced screen?

**Mr. Riddle** – There was that instead of some more storefront there with an occluded or opaque glass, maybe it would be nicer to use the masonry the way it can be used and have something that is a little more open. That is not the main reason. The main reason is to break that wall up.

**Ms. Hannegan** – It is also the intention to grow greenery up there.

**Commissioner Stolzenberg** – You guys did not mention vivid colors in the courtyard. What color are those panels going to be? Where are those vivid colors?

**Mr. Riddle** – They are on certain facades that are within the courtyard. If you look at the perspective that comes around and looks at the corner of Observatory and JPA, you see as much as you are going to see of it. There is one that especially before the trees are large is going to be more visible and more prominent. We realize this is probably going to be a stretch for some. Even though I think the darker colors work well with the brick and with our massing strategies, with this vivid color within, while we like the idea of aligning that courtyard with something else, especially for the tenants to have something that makes that environment livelier, we thought it could be a promising addition. We are not wedded to it. We would not want support for the project to hinge on whether that is a bright chartreuse or not. It is going to be important to the owner that we are looking more at views within the courtyard to make sure that is a color that everyone would be comfortable with. We wanted to put it out there since it was an idea that came to mind.

**Commissioner Stolzenberg** – Going back to the breeze blocks in front of the garage, would car lights shine through that?

**Mr. Riddle** – The bricks are laid in a dense enough fashion that you might occasionally get some dispersed beam coming through. We have not done an actual study of headlights panning through those as they might be as they are coming into the garage or down the ramp. We could perhaps try and do a study of that. We were also thinking that especially with a student project like this, you are not going to have commuters, people coming and going all the time. We assumed that an occasional view of lights through there are not going to be any worse than what you would have of lights just occasionally coming down a street. It would be infrequent. We feel optimistic that it is screened enough that they would not be harsh or ruin the atmosphere out there on an evening.

**Ms. Hannegan** – There is going to be limited parking that far down into the plan. You will have less traffic just by virtue of there being fewer parking spaces down that low.

**Commissioner Russell** – Is it a ventilation thing? Could it be blocked?

**Mr. Riddle** – It can be totally solid.

**Ms. Hannegan** – With the lighting comment staff made as a suggested condition, if it is a problem after it is built, I am sure we can address it then.

**Mr. Riddle** – I must admit that an occasional swing of lights through there could be intriguing and gives you a hint of what is going on in there if people didn't have their high beams on all the time. I don't think it will be that bad.

**Commissioner Stolzenberg** – Are the trellises for the plants to climb up between those relief? Is that all over all of them? Would the plants be climbing directly up those brick pattern areas?

**Ms. Tracey** – That is yet to be further studied on the type of climbing system that would be needed. That would depend on the final species selection for those climbing plants. We will continue that coordination with our architects.

**Commissioner Palmer** – I appreciate the 4 sides of this design. In some of the past projects that have come through, that has not always been the case. Regarding the back of this project, there was a comment that they thought there was going to be a bike path through there. It now looks like a walkway. I want to hear what the difference is. Does that mean it has steps now? Is it a continuous ramp?

**Ms. Hannegan** – The SUP resolution requests that it be a multi-purpose path, both bike and pedestrian.

**Ms. Tracey** – There is a fair amount of topography through there. We are trying to minimize the disruption of that by doing a series of steps. It is not a big stair that you must climb to get up there. You may want to walk your bike down that. We feel that is a nice compromise given the topographical changes along that swoop.

**Commissioner Palmer** – It brings the question of who decides what a multi-purpose path is. I am not trying to say I don't appreciate your reason for that. It is more of a question for staff. How is that determined if it is appropriate or not?

**Bryan Cichoki, Applicant** – It is important to understand the relation of the language and the condition for that piece where it says the 'landowner shall consider construction of the multi-purpose path.' It was an intent to link the 2 sides together and the ideal being for bicycles and pedestrians. As we have gotten into the fine details of it, the topography between the 2 makes it difficult to accommodate the bicycle connection. There is a connection there. It has been adopted into the plan. We are trying to accommodate that grade change as well.

**Ms. Creasy** – I don't have the language in front of me. It sounds like 'consider,' and that gives enough flexibility there.

**Mr. Werner** – They read it perfectly. "The landowner shall consider construction of a multi-purpose path for bicycles and pedestrians linking Washington Avenue and Observatory Avenue within the rear setback." The Council established that they should consider it. They have. You all also still have design guidelines that you can refer to. That is your option. What I felt was most important was that we did not preclude it. I remember that Commissioner Lahendro had talked about the building from Observatory to Washington. I thought about the idea, if you split the building in half and ran steps down it, I was surprised how many stairs there are. They are working with a grade that is difficult. I would say that they have met what Council said. They have considered it. It is not required. If you all deem it to be something that they should do, you can have that discussion.

**Chairman Solla-Yates** – I appreciate the progress that has been made. It makes sense. Three years ago, the Planning Commission had a work session on this item with the design team. I recommended looking at 1707 JPA, which you did. I am pleased to see that. I do see an influence here.

**Councilor Payne** – It is significantly improved.

## ii. Planning Commission Discussion and Motion

**Commissioner Mitchell** – I like where they are. Several amendments have been suggested by staff. I believe Commissioner Russell has a couple of amendments in mind. I have one in mind.

**Commissioner d'Oronzo** – I concur with Commissioner Mitchell.

**Commissioner Russell** – I agree. There are a couple of things to add around the stucco. I don't remember what the first discussion of light pollution was. I mentioned a condition about if the breeze blocks become an issue. They could be blocked out/made opaque. I don't think the color of the interior is in our purview. I think it is going to be something where the owner may say that the tenants may not want to look at this green out their window. I appreciate breaking it up.

**Commissioner Schwarz** – I am leaning towards approval with some of the conditions that we have mentioned. I want to make sure that things happen during the site plan process. The site plan we're looking at substantially should be there with all those trees or most of them. I am assuming that is a given. The grey is an aesthetic choice. I don't think that the argument makes a building recede/go away works. It is an aesthetic choice. I am fine with it. There is a note on the lighting page that planting accent or up-lighting on the terrace plant beds is TBD. I would say 'no up-lights' if it is not in this plan. It is just light pollution.

**Commissioner Stolzenberg** – I don't totally hate the project. The big open questions are what to do with the bright colored panels. I don't completely hate them either. I do feel that they break the flow of the whole project. Just making those more muted colors would be helpful. With the multiuse path, I would like for them to consider adding bike rentals to those stairs so you can roll a bike down there. I am still concerned about the garage breeze walks out front. The programming in the front mitigates it. If there is no programming and the trellises work out for the plants, you end up with a very long blank wall in the front that is basically a garage that our new zoning ordinance talks about not having blank walls. I want to make sure they do that well. I don't have a condition to propose. The one condition about not having headlights glaring out that Commissioner Russell's condition might make sense for that.

**Commissioner Palmer** – I appreciated Commissioner Schwarz's comment on the site plan. I would add to that the biofilter areas. I know those are important for stormwater management. I would hate to see those get 'value managed out.' I don't know if those have a similar standing to trees on a site plan.

**Chairman Solla-Yates** – It is significant progress. I am very pleased to see it.

**Commissioner Habbab** – The projector on the big screen makes it brighter than looking at the PDF. It might be better if it was a slightly far muted color. If we can't see it from the entrance corridor, it can be whatever you want. I would go with the more muted there. Would we be able to put a condition on the vine system since it wasn't in the images? Is that something we can add? If that doesn't work, do what Commissioner Russell suggested by blocking the bricks from the inside?

**Mr. Werner** – It is something the BAR talked about was a shutter at a certain level. What is the height you are trying to block that light from? There are ways to do that. You could leave it to them. You can suggest on how. You can tell them that it must be done. Try not to totally enclose the opening. It can probably be screened in some way from the inside.

**Commissioner Habbab** – Do we not get material samples like the BAR?

**Mr. Werner** – You can request materials. We have had discussions about 3-D models and renderings. This is where those initial discussions happen. For this project and if it was in a historic district, there would be a required preliminary discussion. It would be before you. In that discussion you would have what you want to see and what information is missing. We try to iron it out so that we get to an application that is approvable. That's what has been different with my experience with the ERB.

**Commissioner Mitchell** – Back in 2006, we did get samples of the materials.

**Commissioner Habbab** – I am supportive of the project.

**Motion - Motion by Commissioner Russell – seconded by Commissioner Mitchell**

Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace as presented in the application materials dated 12-22-2022.
- All interior and exterior lighting from the parking garage will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner or representative, will address any reasonable public complaints about light glare by either dimming the lamp, or replacing the lamps/fixtures or providing additional internal screening.
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the Mech Equip area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type, and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawing: (include the title, date, and sheet of the appropriate drawing in the ERB package)

ii. **Discussion – Zoning Ordinance Update**

Commissioners were asked to provide feedback to assist in planning for the February 28, 2023 Work session on Module 1. They were provided with the following questions in advance of the meeting to consider as they began review of the Module 1 draft:

1. What have I been hearing from the community on the ZO materials?
2. Topics for in depth discussion for the Feb 28th Work Session
3. Questions for exploration at the Feb 28th discussion

### **Commissioner Mitchell**

Asked for clarity on the affordable housing regulations and how the bonus works. It was clarified that all units on site would need to be affordable to gain the bonus. Module 2 will have the ordinance language that implements what is seen in the summary. He noted that this ordinance has the intent of decreasing the number of Special Permit (SUP) applications that come forward for review. What would be an example of something that would need to come forward for a SUP in the context of the draft code. Please provide intent language for each of the zoning district classifications.

### **Commissioner d'Oronzo**

He has not heard much from the community at this point but knows of a few contractors who are reviewing. He is interested in the SUP information as well. Additional information needs to be provided on the sensitive area overlay. Current information is not clear. For the “sublot” concept, it would be helpful to have an example of how that can be built (staff noted that we continue to await legal guidance on the concept)

### **Commissioner Habbab**

What will happen for site plans that are under review now but not ready for approval until after the ordinance is complete? It was noted that staff has provided this topic for legal guidance but that generally, if a project does not have an “approved governmental action” before the new code is approved, that the code in affect during approval would prevail. There is concern about those currently working on projects and the timing of completion.

The elevation determination needs further explanation. 2 feet as proposed concerns him as it is not clear if an accessible entry can be accomplished, and ramps are not always the best solution. This could also eliminate a design treatment that would allow for steps proceeding up and down.

Entrance requirements – Could the CODE building be built using the draft code?

If lots are combined for a development that have multiple zoning classifications, what would be required? It was noted that zoning down not follow lot lines. The applicant could work within with the regulations of both zoning classifications or chose to rezone the whole site.

### **Commissioner Russell**

It would be helpful to “game out” examples – use realistic scenarios with the draft code to place the words into action. This should be done with different size lots in different neighborhoods. Clarity on the affordability bonus would be helpful. Does the height bonus provided in the code require stepbacks of the additional height? It was noted that may depend on the district and the transition section that will be released in Module 2 will address.

### **Commissioner Schwarz**

His review remains underway. At this point he would like additional information on the lot parameters for sublots. Also, what would happen with setbacks on odd shaped lots?

### **Commissioner Stolzenberg**

He has heard concern from the community about the prohibition of new driveways in the front yard. The idea of small commercial used in residential areas is good and having it be by SUP to start is ideal. The affordable housing provisions need discussion. He does not agree with all units needing to be affordable to obtain the bonus. There are concerns with the height reduction in the R-zones for the current and clarity is needed concerning feet/stories for height.

**Commissioner Palmer**

Expressed concern that some districts allow for unlimited units. It was clarified that minimum unit size would be addressed with building code requirements. The code notes 5 stories/72 feet as a height. How is that interpreted? It is anticipated that we will get inquiries about why one's property is zoned one way instead of another way.

**Commissioner Russell**

Would like to discuss the inclusionary zoning policies and it was noted that will be part of the Module two discussions. In addition, the "one pagers" have lots of information that we will want to have discussion. It was noted that this will be included in the Module 2 discussion as well.

**Chair Solla-Yates**

Expressed concern about the height regulations wanting to make sure that what is put in place is better than the current code. Would like there to be an option for stacked townhomes to become a viable option as part of this code for the community. There should be ways to address sloped sites that allow for development and preservation (example - consider parking under buildings). Would like infill development to match the current context (use of fine grain urbanism). Consideration for daycare uses should be made and it was clarified that there are allowances in most areas of the city that exceed today's allowances.

**Commissioner Schwarz**

He wanted to talk further about details in the zoning map. It appears there are some category issues one being concerning CX5 and CX8. Understanding on how "key intersections" are identified is needed.

**Commissioner Russell**

There is encouragement of adaptive reuse of structures but only in R-A. What about consideration for R-B and R-C? What is the reasoning for the current proposal? There needs to be further discussion on the inclusionary zoning. The language for implementing inclusionary zoning language will be in Module 2.

**Commissioner Stolzenberg**

For R-B and R-C, how would the bonus height allowance work with the inclusionary zoning code requirements? Mr. Freas noted the differences between the bonus height, bonus units and inclusionary zoning. This will be detailed further once the Module 2 materials are available.

The meeting was adjourned at 8:02 PM.

**PLANNING COMMISSION REGULAR MEETING**  
**March 14, 2023 – 5:30 P.M.**  
**Hybrid Meeting**

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

*Beginning:* 5:00 PM

*Location:* City Space

**Members Present:** Chairman Solla-Yates, Commissioner Stolzenberg, Commissioner Schwarz, Commissioner d'Oronzio, Commissioner Habbab

**Staff Present:** Patrick Cory, Remy Trail, Missy Creasy, James Freas, Dannan O'Connell, Matt Alfele, Jeff Werner, Andrew McRoberts (City Attorney), Sam Sanders

Chair Solla-Yates called the meeting to order at 5:05pm. Ms. Creasy assisted in noting process confirmations for the evenings meeting. It was noted that 1120 Avon Street applications were withdrawn so that hearing would not take place. This would be announced at intervals in the meeting to inform those participating. The chair asked if commissioners had questions on the agenda. Commissioner Stolzenberg noted he had questions on the project but not on the ERB application on the agenda this evening. Mr. OConnell provided an overview of the current site plan status. It was noted that 2005 JPA is returning due to a procedural notification error last month. Mr. Werner will provide a report at the meeting and individuals will be available for questions. It will be discussed before or after tonight's hearing depending on the level of discussion desired. It was noted that the Zoning Ordinance is listed on the agenda to allow for discussions. Staff does not have a presentation on it this evening.

The commission has received significant public comments on the 0 East High Street project. Ms. Creasy noted that comments were sent to the applicant on review three of the plan and information shared with interested parties in the community. It was noted that there is interest from the commission in bringing this site plan to the Commission for review. The chair noted it was a by right plan, but this would allow for continued transparency.

Process discussion for the potential project on Ivy Road which would need the code amendment that is on the agenda this evening was provided. Commissioner Schwarz asked if the PUD tool was something that should be retained in the next zoning ordinance. It was noted that during the 501 Cherry discussion that the commission wanted to hear how it links to the Cherry Avenue plan.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:31 PM.**

*Beginning:* 5:30 PM

*Location:* City Space

The Chair made the announcement regarding the withdrawal of the 1120 Avon Street Rezoning and Special Use Permit Applications. Public Comment will have a two-minute time limit.

**A. COMMISSIONER'S REPORT**

**Commissioner Stolzenberg** – I had my first meeting of the Downtown Mall Committee. It is an impressive and large group of stakeholders. We will be working out all the Downtown Mall's problems. It will be an exciting next several months. We have an MPO Tech meeting coming up next Tuesday.

**Commissioner Schwarz** – I missed the BPAC meeting this month. I understand that a large portion of the discussion involved the dockless mobility and the city's attempts to reign that in and renew their lease with VEO. With the BAR meeting in February, there was nothing of interest, except that we have another project that is going to be appealed to City Council. That was 104 Stadium Road. It is a parcel that about 10 years ago Council turned into an IPP. The BAR did not feel like it was our place to reverse that without Council's approval.

**Commissioner d'Oronzo** – The Charlottesville Affordable Housing Fund Committee has met 3 times. There will be another meeting this Friday. It involved both the portion of the Vibrant Community Fund that is now called HOPS (Housing Operations and Support). With CAHF funding, we have made preliminary decisions on the former that we are holding in advance until we have reviewed the latter because there is some overlap. The CDBG Task Force meets tomorrow to come before you in April. The reconstituted HAC is meeting tomorrow at noon to reconstitute.

**Commissioner Habbab** – I had a meeting with the Tree Commission on the 7<sup>th</sup>. I will be hearing from them later this evening on the state of the urban forest. During that meeting, we nominated 9 trees for protection. They should come before City Council. We discussed the importance of having strategies on how to incorporate large existing trees into the new form-based code, how we can have some methods to protect those and allow for room for new trees to be planted that are going to be large canopy trees and how that meshes into the code. They are looking forward to Module Two. I have a Citizen Transportation Advisory Committee meeting tomorrow.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – We have several large projects going on at the Ivy Corridor. The McIntire School is doing an expansion onto Cobb Hall over by Brandon Avenue. In the athletics area, there is a new athletics building for Olympic sports; before that, a football operations building. There was a Board of Visitors meeting earlier this month. The outcome was on setup site and design guidelines, which is the first step in the design process for capital projects at UVA. They were approved for several projects at Fontaine to enable the Biotech Institute that was announced for that site. That is going to include the Institute, central utilities plant, and infrastructure to the roads and stormwater and a parking garage to support the added population. There was another concept site design guidelines approved for The Center for Politics. Fontaine is going to be ground zero for a lot of projects coming up with the University, the city, and their smart scale project and some VDOT/County smart scale projects as well. There is going to be a lot going on there. The University Gardens is in the process of being removed. It had come to its functional end. Our housing office didn't want to put in the costly upgrades to keep it going. We're going to get rid of those buildings. It is going to just sit for now. We don't have a future use for it. The parking that is there will remain.

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

**Chairman Solla-Yates** – The Charlottesville Plans Together Steering Committee recently met. The discussion was wide ranging on several topics that did include zoning, trees on the Downtown Mall, and fire code. There is a lot of interest in Module Two, which will have a great deal of clarity. It looks like there will be incentives for reducing parking of some kind. We are excited to see the new material.

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Deputy NDS Director** – There has been a lot of public comment the last couple of days concerning the 0 East High Street project. From a process standpoint, the materials are still in the comment

review process on the preliminary site plan. The 3<sup>rd</sup> round of comments has been sent. We notify interested parties on high profile projects if people ask. Once we sent that out, there were a lot of people that chose to express their concerns and comments about the project. That spurred that current opportunity that people took to share those comments with you all. My understanding is that the code allows for the Commission, even though this is a ministerial review, to call up a site that wouldn't necessarily come forward. I understand that we are likely to get paperwork from this body to do that. We would schedule that once it is further along in the process. There are still a lot of comments that remain. There are other things going on with this site in general. That is our little piece of the puzzle. We have an interested public. We are trying to do the best we can to make sure that they have the knowledge that we have for it. We have a work session scheduled for March 29<sup>th</sup>. We moved the work session from Tuesday to Wednesday to accommodate a conflict that Council had.

**James Freas, NDS Director** – Given circumstances outside of our control, I am having to exercise what I said earlier that we might need to change our release schedule. At this point, we are looking at, rather than being able to release Module Two this week, we are aiming for a release date of March 29<sup>th</sup>. Circumstances arose at the end of last week that put us in the position that we need to push out where we are. We are anticipating for that work session that what we will use that time for is for staff to do a presentation/an introduction to the key components of Module Two for the Planning Commission and City Council at that meeting. There are some significant components in it, particularly everything to do with inclusionary zoning, sensitive communities, and all that. I imagine there will be a presentation on that. We will also present on the other components that are within there (landscaping, parking, signs, etc.). You guys will have an opportunity to ask questions and discuss.

**Commissioner Stolzenberg** – Last time, you mentioned that you were going to compile all the suggested map changes. Do you know when that is going to happen?

**Mr. Freas** – We were planning on having that when we do the open house events for Module Two. We would have the things that we are looking at for Module One so there is a clear indication that we have received the comments and that we are moving forward with reviewing those and taking the next steps on each of them. The resolution of what we do with those comments, with the proposed map changes, and with other comments we have received would come in the next consolidated draft when all 3 modules are brought together into one document. In terms of identifying all those things that we are investigating further; we will have that in time for that open house. We had previously been looking at the notion of doing an open house for Module Two, a separate open house for Module Three. It makes more sense at this point to do an open house for both Module Two and Module Three. Instead of doing one open house for each, we will do 2 open houses in different parts of the city, much as we did for Module One. That will work out better in many respects because people will want to talk about the contents of Module Two and Three in conjunction.

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

**Sam Goleanz (123 Goodman)** – I want to speak on the East High Street proposal to build apartments on the former circus grounds by the river. The proposal is concerning because it involves a massive amount of fill dirt that will be placed in the 100-year floodplain to elevate the buildings and the surface parking. It would be about 50,000 cubic yards of fill in addition to the buildings and the impervious parking areas. Fill dirt is the worst way to elevate structures. It increases the risk of flooding to properties around it. On a large enough scale, it can also change the flow velocity of the river in flood events. This proposal has not come to the Planning Commission. It does include public facilities, new streets, the widening of Caroline Avenue, and the extension and rerouting of sewer and water lines. State code requires that the Planning Commission review proposals for public facilities and make a determination as to whether they are substantially in accord with the Comprehensive Plan before the facilities are authorized. The exception is if the facilities are considered by the city to already be shown on the Comprehensive Plan. With respect to this proposal, it is clear that those facilities are not shown on the Comprehensive Plan. You spent a lot of time writing the Comp Plan and I supported it. It is a very good

Comprehensive Plan. It would be a shame if you ignored that section of state code, one of the most important roles of the Comp Plan, and of the Planning Commission. It sounds like the site plan may be coming to the Planning Commission. If that happens, perhaps the Comprehensive Plan determination could happen at the same time.

## **F. CONSENT AGENDA**

1. Minutes – October 21, 2021 – Regular Meeting
2. Entrance Corridor – 1801 Hydraulic Road

**Commissioner d'Oronzo moved to Approve Consent Agenda – Second by Commissioner Stolzenberg – Motion passes 4-0 with one abstention (Mr. Schwarz).**

## **G. Entrance Corridor – 2005 Jefferson Park Avenue (may shift to later in the meeting)**

**Chairman Solla-Yates called the ERB to order.**

### **Staff Report**

**Jeff Werner, Staff Report** – This is the development of a 1.7-acre, 3 parcels project. The existing structure will be razed to construct a multi-story brick stucco apartment building with a footprint of around 312 feet by 155 feet. The building will feature 2 5-story wings separated by a courtyard and a 2-story brick foundation or podium, which provides a street level primary entrance and encloses an internal parking garage accessed off Washington Avenue. You reviewed this a month ago on February 14, 2023. The result was an approval of a CoA. It was a 7-0 vote that approved the motion for approval with conditions. There was an error on the public notice posted at the site. That is why we are here this evening. I put this one up 8 days ahead. That was pointed out by some of the neighbors. In the discussion, it was decided to re-advertise it and get that correct. We did have a new sign posted on the site on February 28<sup>th</sup>. I put up 2 additional signs: one on Observatory Avenue and one on Washington Avenue on March 1<sup>st</sup>. New notice letters were sent out. We received several letters of appeal to the February 14<sup>th</sup> decision. Those were appeals to City Council. I wanted to address the key comments and offer some context for those. One of the questions is the actual height and density. Density doesn't fall under your purview. That was established by the special use permit. The maximum height of 75 feet was established by Council's approval of the special use permit. There were a lot of comments about massing, scale, and that it is not compatible with existing structures. It is extremely large, nothing like the surrounding residences, overwhelming, inappropriate, etc. You all reviewed the CoA request on February 14<sup>th</sup>. You applied the Entrance Corridor Standards of review, and the CoA was approved. There were comments about the plan not representing modifications that were required by the ERB. I don't know what that means. Nothing has changed since you reviewed it on February 14<sup>th</sup>. There were a lot of comments about the height. You reviewed the project CoA on February 14<sup>th</sup>, and you applied the standards of review and approved the CoA. There were several general concerns expressed; traffic congestion, noise, light pollution, number of people in the units, service personnel, human activity that needs to be managed, etc. I understand concerns ahead of a development project. The ERB does not have purview over traffic control, uses allowed by zoning, and policing the city. There were comments about it not fitting with existing zoning. The project as presented tonight, and February 14<sup>th</sup> is permitted under current zoning with the approved special use permit. There were comments about the materials. We did have a condition in the approvals. The stucco will be a durable synthetic material, which is mechanically fastened over appropriate change. There were comments about the traffic, the parking, and the garage. You don't have purview over traffic management, parking violations, or accessibility of emergency vehicles. There is a condition of the special use permit that the owner develop a master parking plan. There was a recommendation to require 2 garage entrances, possibly an alternative onto JPA. You approved it following the standards. An entrance onto JPA would conflict with the guidelines. There were comments about screening and the mechanical equipment. You included 2 conditions relative to the screening of mechanical utility service boxes. There were concerns about site lighting. Lighting was addressed as a specific condition in the CoA.

There was a comment about landscaping and destroying mature trees. There is a condition in the CoA about the number, size, and type of trees that is consistent with the plans. Approximately 25 trees will be removed with 18 of them ranging between 4 and 15 inches. Seven would be considered lower trees ranging between 20 and 40 inches. There will be around 70 new trees: 17 large canopy, 10 medium canopy, 25 small flowering, and 18 evergreen. There were several comments about the trash and recycling. This is not under your purview. A condition of the approved CoA addressed dumpsters, trash and recycling bins be located within the garage. There were several comments about the rear pathway. It needs to be efficient for all users. There were concerns about ADA accessibility. There was a suggestion that steps be eliminated, and bike runnels be eliminated. This is behind the building and wouldn't fall under your review. You did review it. It was approved with the CoA. There were several concerns about construction activity. Those issues are not under your purview. There were questions about affordable housing. How the space is used, and the rents are not under your purview. I am not aware of any rents, or anything being advertised or discussed.

**Motion – Commissioner Stolzenberg – Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:**

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type, and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

**Second by Commissioner Schwarz – Motion passes 5-0.**

**Chairman Solla-Yates gaveled the ERB out and gaveled in the Planning Commission.**

**Mayor Snook called Council to order for the Public Hearings.**

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

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

1. **ZM22-00003, SP22-00009 – 1120 Avon Street** – Nicole Scro (Landowner), manager of Chicken Oriented Development, LLC (Applicant) has submitted applications seeking a Rezoning and Special Use Permit for approximately 0.148 acres of land, identified within the 2023 City real estate records by Real Estate Parcel Identification Number 590165000 (the “Subject Property”). The Subject Property has frontage on Avon Street and Altavista Avenue. The applications propose to change the zoning district classification of the Subject Property from R-1S (Residential Single-Family) to B-2 (Business) subject to certain proffered development conditions (“Proffers”) and development plan.

The Proffers include: (1) the general design, maximum height and density, minimum landscaping, and other substantive characteristics of the Project shall remain essentially the same, in all material aspects, as described within the application materials submitted to the City on August 23, 2022, including, but not limited to, the Conceptual Site Plan, dated August 1, 2022, prepared by Shimp Engineering, (2) any buildings and structures located on the Property shall not exceed forty (40) feet in height, (3) One unit shall be designated as a For-Rent Affordable Dwelling Unit, reserved for rent to low- and moderate-income households having income less than sixty percent of the area median income, derived from the “very low” income limit published annually by HUD for Households within the Charlottesville, Virginia metropolitan statistical area, reserved as such throughout a period of at least ninety-nine years from the date on which the unit receives a certificate of occupancy, and (4) land uses shall be limited to the following: single-family detached; single-family attached; townhouse; two-family dwelling; accessory buildings, structures and uses; multifamily dwellings; boarding: rooming house; 1-21 dwelling units per acre (DUA); amateur radio antennas, to a height of 75 feet; communications facilities: attached facilities utilizing utility poles as the attachment structure; communications facilities: attached facilities not visible from any adjacent street or property; access to adjacent multifamily, commercial, industrial, or mixed-use development or use; accessory buildings, structures and uses; daycare facility; hotel/motel: up to 4 guest rooms, where such guest rooms shall be restricted to the currently existing single family detached home fronting Avon Street; accessory surface parking lot (by-right), 22-43 DUA; 44-64 DUA; 65-87 DUA (with Special Use Permit), and home occupations; accessory apartment, internal; accessory apartment, external and mobile food units (with Provisional Use Permit).

The Special Use Permit application seeks to increase allowed density from 21 Dwelling Units per Acre (DUA), or 3 units within the Subject Property, up to 68 DUA, or 10 units, per, City Code Sec. 34-480 (Use Matrix, B-2 District), a reduction of the front yard setback from a required 20 feet to 0 feet, a reduction of the rear yard setback from a required 20 feet to 3 feet, a reduction of the side yard setback from a required 20 feet to 3 feet, and a reduction of the onsite parking by 55% from the requirements stated in Sec. 34-984. The proposed development consists of a two-unit duplex and one multifamily apartment building with (8) one-bedroom units. The total number of dwelling units would not exceed (10). The Comprehensive Land Use Map for this area calls for Medium Intensity Residential which

allows small “house-sized” multi-unit dwellings up to (12) units and (4) stories in height. Information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Rezoning or Special Use Permit applications may contact NDS Planner Dannan O’Connell by e-mail ([oconnelld@charlottesville.gov](mailto:oconnelld@charlottesville.gov)) or by telephone (434-970-3991).

**This application has been formally removed from the Planning Commission Agenda as of 1:51 PM on March 14, 2023.**

2. **ZT23-01-01 - Planned Unit Development Size Change for URB** - A proposed amendment to the text of the City’s Zoning Ordinance, City Code Section 34-492 to allow property currently zoned Urban Corridor (URB) that is less than two acres in size to be considered for rezoning to the Planned Unit Development District.

**i. Staff Report**

**Dannan O’Connell, City Planner** – At their January 3, 2023 regular session, City Council moved to initiate a Zoning Text Amendment to modify the required development size for Planned Unit Development Districts (PUDs) for properties currently zoned Urban Corridor Mixed Use District (URB). Sec. 34-492 currently requires PUD sites to contain two or more acres of land. The proposed amendment would remove this acreage requirement for parcels currently zoned Urban Corridor Mixed Use District, making lots or parcels less than two acres within that district eligible for rezoning to Planned Unit Developments. This amendment is in response to a request from Valerie Long of Williams Mullen, representing RMD Properties, LLC. RMD Properties is the current owner of 2117 Ivy Road (identified as City Tax Map-Parcel 070001200) and wishes to redevelop this property with a nine-story mixed-use apartment building. The property in question is slightly over one acre in size. The property owner and their representative are requesting this Zoning Text Amendment to enable 2117 Ivy Road to be developed as a Planned Unit Development.

Planned Unit Development districts were first implemented in the City’s 1976 Zoning Ordinance with a three-acre minimum size requirement. This minimum acreage requirement was removed from December 2001 to July 2006, allowing PUDs to be approved with no minimum parcel size. The current two-acre minimum for Planned Unit Developments was added to the Zoning Ordinance via a zoning text amendment in July of 2006.

According to City GIS data, there are currently 83 parcels in the city zoned Urban Corridor (See Attachment A). Of these parcels, sixteen (16) are owned by the University of Virginia and are not subject to City zoning or development standards per Sec. 3 of the City Code. Excluding those properties, a total of 58 parcels currently zoned Urban Corridor are less than two (2) acres in size (See Attachment B). These properties, including 2117 Ivy Road, would become eligible for rezoning to Planned Unit Development with the passage of this zoning text amendment. Additional properties could become available for PUD rezoning should their boundaries change in the immediate future. This change to plan unit development districts may allow new developments within the urban corridor zoning district to better align with the vision contained within the Future Land Use Map and the Comprehensive Plan. Rezonings could allow for higher residential densities, higher building heights, and smaller setbacks than what is currently allowed by right in the urban corridor district. PUDs have been used numerous times in the past to allow infill development and permit a mix of housing options. The PUD process does involve community meetings and a public hearing process before the Planning Commission and City Council allowing for opportunities for public comment and discussion. However, the city of Charlottesville is currently undertaking a full rewrite of the zoning ordinance. Any changes made to the current zoning ordinance would be effectively overridden by the new ordinance when it is adopted. This zoning text amendment may be extremely limited and its usefulness to developers as it may only be in effect for several months. The proposed change to planned unit development districts could be used to meet some of the heightened intensity goals of the Comp Plan for parcels currently zoned urban corridor. However, in practice, staff feels the change is somewhat redundant given that the entire zoning ordinance is being rewritten to achieve these goals. Although

currently in a draft form, the proposed new zoning ordinance and map shows most properties currently zoned urban corridor will be upzoned to permit 5- to 8-story mixed-use development by right without the need for a PUD rezoning or other special permits. The zoning text amendment would likely only benefit one parcel, specifically 2117 Ivy Road, whose owners have stated their intention to submit a PUD rezoning application following the approval of this change.

**Commissioner d'Oronzo** – If it is likely to only benefit this one parcel, the applicant thinks this provides a benefit too.

**Ms. Creasy** – We do not have an applicant. We had a request from an individual. They presented that to Council. Council initiated that and it is coming forward. It is nuanced in the titling.

**Commissioner d'Oronzo** – With the interested parties who intend to apply for this PUD, what is the impact on the timeline?

**Mr. O'Connell** – I can't speak to the timeline. The text of that request mentioned that the owner of this property would want to submit a PUD as soon as the change is made. There are around 50 other properties that this would conceivably benefit. Those owners could submit for PUDs after this change is made.

**Commissioner d'Oronzo** – There really isn't much of a window for a bunch of people to apply for a PUD.

**Mr. O'Connell** – That would be correct. It depends on when the new zoning takes effect and how far along in that process the PUD would need to be grandfathered in.

**Valerie Long, Requestor** – We made the request on behalf of a client of ours, who is the developer working with the property owner. It is a matter of timing. This is not an effort to do an end run or beat the new ordinance. Our client is excited about the new ordinance. They are designing the project to comply with the new ordinance draft as much as we have now. Our hope is that we will be able to pivot. Due to contractual timing issues with the property owner, we had to get started. While we are cautiously optimistic that things are moving forward on schedule with the new ordinance. In the unlikely event that it is delayed, we would have lost that time. We needed to get started. We recognize it is an awkward request. We debated on whether to do it for this reason. It is a wonderful opportunity to get a project started. It is an opportunity for a real success story with the ordinance and new Comprehensive Plan. The idea would be to submit the application as soon as possible after this is adopted. If this is adopted and a month or two later the ordinance is adopted, hopefully it is a technicality. We could withdraw the rezoning application and it would be a site plan application under the new ordinance assuming all those regulations are in place.

**Councilor Payne** – In the letter, it says that it makes a broad commitment to meet affordability goals. My big concern would be if the affordability doesn't match what will be in our draft inclusionary zoning program. Do you have any specifics about what that affordability commitment is in specifics?

**Ms. Long** – Not specifics. They are planning to comply with designing the project to the new ordinance. That includes the new affordable housing/inclusionary zoning requirements, recognizing those could potentially change. They are aware of what they are and are planning to comply with those. They are designing it that way. For some reason if there is a delay, they would comply with the ordinance requirements that are now in place. They recognize the importance of affordable housing.

**Commissioner Stolzenberg** – I would note for Commissioner d'Oronzo that this Commission rejected a zoning amendment that I proposed in April 2019 on the basis that we were about to have a new zoning ordinance.

Does it make sense to have this clause that PUD shall contain 2 or more acres of land, except for parcels zoned urban corridor? A PUD, by nature being its own zoning district would be zoned PUD and no longer urban corridor.

**Mr. O'Connell** – The parcels to be considered for PUD rezoning would have to be zoned something else. It would apply to only those parcels zoned urban corridor. That exception would be made. That would be understood since they would be zoned urban corridor until the point that the PUD is approved by City Council.

**Commissioner Stolzenberg** – What is the advantage of doing it that narrowly tailored? Is it that it would take more time for you guys to do the analysis of every parcel in the city? Did you want it narrowly tailored so it didn't become a big thing?

**Mr. O'Connell** – The issue of redundancy, as I put in my report, was the fact that we have this new process coming where things like this will be done by right and we are following a strict timetable, then this change may only be applicable for 6 months if that. The PUD process is a known entity. We know how it works. Conceivably, you could get the same results. You could fulfill the same objectives with a PUD or with the new zoning ordinance.

**Commissioner Stolzenberg** – Is it that we don't want a flood of PUDs? I am thinking that it makes sense to get rid of this 2-acre requirement blanket and go back to how it was in 2004. Is there any reason not to? Is it the request was narrower in scope, and we kept it narrow in scope?

**Mr. O'Connell** – If by some event, we don't get new zoning ordinances in the immediate future, I did some research on why this 3-acre minimum was removed. It apparently led to several PUDs that were small and did not meet the requirements of the ordinance, which is why the limit was put back. I don't think there will be more PUDs soon aside from the one on Ivy Road. It is a remote possibility that could happen. It is a remote possibility that it may be a problem.

**Ms. Creasy** – There would need to be extensive research done, which would probably be beyond what we could do in-house with all our other things. I was here for this back in the early 2000s when we didn't have a limit. It was very challenging. The infill SUP was a tool created to try and address that. That tool wasn't very effective either. The PUD and the code have a lot of different requirements. You must have some space for those requirements. Once you get under 2 acres, it is difficult to achieve what the PUD ordinance is noting.

**Chairman Solla-Yates** – I don't know if you have seen the draft application. Is it possible for this parcel to meet those requirements of the PUD?

**Mr. O'Connell** – I believe so. We had a pre-application meeting with the applicants and city staff a while ago. They showcased some conceptuels that were not submitted to us. They were shown. According to those materials, it looked like they would be able to meet the open space buffer, all those requirements in the current PUD ordinance.

**Mayor Snook** – Assuming that we pass it, what is reasonable to think in terms of when the PUD application would come back before this body or Council?

**Mr. O'Connell** – If a PUD was submitted, it could take 1 to 2 months for staff to review. If there are any comments that we would need to work out, there may be a back and forth between us and the applicant for them to change their proposal. After that, we would move it to the Planning Commission. It could take 2 or 3 months.

**Mayor Snook** – In all likelihood, we are not going to see anything for 6 months after it is adopted by Council. When this came before Council, I was interested in referring it to you. I wanted to see what you all would say, not because we have conceived in advance that we think this is something we want to have happen but rather having respect for the intellectual power of the people on this body to find out what you all have to say. I will be curious if you have any substantive concerns or thoughts. I am not a fan of unnecessarily getting bogged down in SUPs. It seems like that may be what is going on here. If Ms. Long says for various reasons, it need not be discussed in public. We all get that it must move forward. We would still have the ability, if we don't like the idea, to say that we are not going to give you this SUP. We have had the one bite of the only apple that we are likely to see under this proposed revision. It does a little 'violence' to my sense of how the ordinance ought to be administered, I don't think it is going to be substantively 'obnoxious.'

## ii. Public Hearing

**Valerie Long** – We appreciate you all taking the time to consider this. We hope that it is something that will enable the project to move forward, give the developer some comfort, continue to invest money in the design, process, and the application engineering, surveying, architecture work all underway.

**Peter Gray** – I would like to ask all the decision makers in the room to please recognize that this proposed change for what it is. It is an end run on your legislative power to attempt to slip something through in before this new zoning is in place, despite the statements made earlier. There are many specific aspects to the new zoning that would apply to the development that are not contemplated in the current zoning. Please do not permit RMD Properties to sneak something by you to give these developers a special and unusual benefit that is inappropriate for the property in question. Please make them conform fully with the new ordinance, not nearly assert that they are trying to comply with what they think it might be. We know these claims made on behalf of the developer are in no way binding and are entirely worthless.

## iii. Commission Discussion and Motion

**Commissioner d'Oronzo** – I am viewing this as a procedural matter to keep the process going forward. I don't see the harm elsewhere in approving this amendment, in the sense of using harm is getting a flood of applications that are going to bog us down despite the cautionary tale of the 2019 meeting. My thinking is that this does no harm elsewhere. We would still be 'riding hard' on the PUD anyway. I am inclined to support the change.

**Commissioner Habbab** – If we approve it, it is low risk because we end up reviewing the PUD anyways. We can then make our comment on what we see for the design in the program. It is setting up a confusing process that seemingly dis-privileges one party that is ready to pounce on this. That is my concern.

**Commissioner d'Oronzo** – It might privilege the party. We, the city, have also put them in a box in sense that their view of the highest and best use of developing this one way or the other is hostage to our timetable. They have declared in public that they are trying to conform as they understand the new zoning ordinance too. Does it privilege them? Sure. Does it penalize them by saying 'no/maybe?' That is why hearings and nuances are here. If we were 3 years out, my decision would probably be different.

**Commissioner Schwarz** – I can't see the harm in approving this. We will get to see the PUD application. Just because we are approving the text amendment doesn't mean we are approving a project. Who knows what the future could hold. Lawsuits happen. Who knows when we are going to get our zoning code rewritten. If somebody thinks that they can do a better job than our zoning code and is making a project that fits our Comprehensive Plan, we should see what they have to offer.

**Commissioner Stolzenberg** – I agree with Commissioner Habbab that it would be better to have a rule that was broader and applied to more of the city. I don't love the 2-acre requirement. I don't want to relitigate a PUD request. When I look at what we got on Franklin Street, on 0.9-acre PUD, and look at what was proposed in that PUD, it seems what we got was substantively worse for the city and affordability. It seems to me that smaller PUDs can be viable and beneficial. I don't want to increase the scope for this so much that it drags out and puts extra work on staff. I am reluctantly willing to not to try to make this broader than the urban corridor. I would note that this urban corridor is a special case. This is the last parcel on Ivy Road that is not owned by UVA and therefore not subject to our zoning. Among the urban parcels, all the ones on Ivy and many of the others are owned by the UVA Foundation and are likely to be transferred to UVA for development in the future. We might end up getting a building that is as large as contemplated here or under the new zoning without getting a dime of tax revenue for it that we could be using to fund our schools and other services. That is a worthy goal. There is a benefit to having privately owned student housing that pays taxes. It makes sense to move this forward.

**Commissioner Palmer** – UVA does not have an official stance on this project. You guys are thinking about this in the right way. I have not heard anything or have thoughts that are different than what I have heard. I trust that you will do the right thing.

**Chairman Solla-Yates** – I hate PUDs. It breaks my heart to consider another one. I see some merit in this one. It makes some sense to me.

**Councilor Payne** – I am uncomfortable with the process. I understand where we are at. I am given some comfort that because both bodies will need to approve the PUD, we will have 2 points to say, 'you are not matching the requirements of the draft or possibly finished zoning rewrite, particularly the affordable housing requirements.' I agree with Commissioner Stolzenberg in terms of UVA buying up this whole corridor and that potentially being lost revenue.

**Councilor Pinkston** – The process is that the PUD would come back before you all and us.

**Ms. Creasy** – From a process standpoint, the Planning Commission will provide a recommendation on the code change. That code change recommendation will come forward to Council for 2 readings. If Council decides to approve that code change, the applicant would have the opportunity to submit a PUD because they would be allowed under the code. It would be reviewed. It would come to the Planning Commission for a joint hearing, return with a recommendation that comes from the Commission, and it would go to Council for those 2 readings.

**Motion – Commissioner d'Oronzio** – I move to recommend approval of a zoning text amendment as proposed to Section 34-492 (Planned Unit Development Districts - Configuration) of the Zoning Ordinance, based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. Second by Commissioner Schwarz. Motion passed 5-0.

Meeting was recessed for five minutes.

### III. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded

#### 1. Preliminary Discussion – 501 Cherry Avenue

**Staff Presentation**

**Matt Alfele, City Planner** – You are having a preliminary discussion about a proposed rezoning and SUP at 501 Cherry Avenue, the old location for the IGA and the surrounding 4 properties, which includes gravel parking in the back. The rezoning is being proposed from Cherry Avenue (R-1s) to B-3 with an SUP. This proposal would be to reuse the existing building to allow residential developments, adjust the parking standards, adjust the setbacks. The applicant is going to give a brief presentation. This is an opportunity to provide some feedback. They have yet to have their community meeting. This is not going to move forward to a public hearing until they have the community meeting. You probably won't see this again for several months. It gives you a chance to provide feedback to the applicant as they are preparing their application, they want to make any modifications or changes. That will be the same thing when they do their community meeting.

### Applicant Presentation

**Chris Virgilio** – I want to give a brief background about the project. Before closing on the project property, we did contemplate a by right development using the 4 Cherry Avenue zone parcels. That by right development would have been 47 market rate apartments and market rate commercial. Even though that worked financially, we wanted the project to be something that was more community focused and more aligned with the community and neighborhood goals. We started thinking about how to add economically priced apartments to the site. At the same time, we started talking with local non-profits. One non-profit benefits underserved youth. The other non-profit benefits underserved seniors. What came out of that was us reserving or committing a large portion of the commercial square footage on the property to condo space for these non-profits that they could purchase for sell at below market rates. We reserved the remaining commercial space for a grocery store use or neighborhood market. The top priority of the Cherry Avenue Small Area Plan is bringing affordable, healthy food to Fifeville. In addition to reserving that space, we have spent the last 8 months having discussions, meeting with local organizations, companies, and the city about how we could make this project a part of the solution to the food access solution of Fifeville. We don't know if anybody has signed up for the grocery store/neighborhood market. We are hopeful, as the project progresses, and with a successful SUP and rezoning, that it will become a reality. On the affordable housing front, we have proffered more than what the current ordinance requires. Affordable housing is a key issue, especially in Fifeville. We are working with non-profit housing to try and increase the amount of affordable housing in the project. I did want to let everyone know that we have been in discussions and in communication with the leadership of the Fifeville Neighborhood Association about the affordable housing efforts and collaborating with them on the grocery use and keeping in the loop with our progress on the nonprofits. In summary, there are 3 main reasons why we are here.

1. Increase the residential density on the site.
2. Increase the minimum square footage of retail space, which would be for one of the non-profits.
3. Allow a grocery store use, which is not currently allowed in Cherry Avenue zoning.

A lot of people have asked why we are pushing ahead with this rezoning and SUP ahead of the zoning rewrite that is currently underway. One of the main reasons is that one of the non-profits is under a lease renewal deadline. Their lease isn't going to renew at the property they are at. They need to find a new home. It is expensive to hold undeveloped land in Charlottesville. We would like to get this going. We think this is a great project that is bringing together local companies for community benefit and to solve issues in the community.

### Kelsey Schlein –

#### Next Slide

You can see the 2 white buildings. It is the massing diagram of the proposed buildings in the center bottom right of your screen. It is across from Tonsler Park and framed by 5<sup>th</sup> Street, 6<sup>th</sup> Street, and Cherry Avenue.

#### Next Slide

This is the site context.

## Next Slide

This is the existing condition. The front 4 parcels are currently zoned Cherry Avenue. There is one parcel in the rear that is zoned R-1s. It has historically operated as a single unit with the rest of these parcels. If you look at the historic aerial imagery dating back to the 1950s, you can see items stored there over a period of time. Although it is zoned R-1s, it has always functioned as accessory to this commercial use that is on the property.

## Next Slide

You can see our design proposal. The proposal is to maintain the former IGA Building and add a second story to that and add an additional building footprint that is a maximum of 5 stories with limitations and strict limitations to the setback of that 5<sup>th</sup> story; 80 feet from the rear to provide some relief going towards the lower density residential properties further up 6<sup>th</sup> Street and a front step back on that 5<sup>th</sup> story. There is structured parking with a maximum of 2 levels proposed with this. On the proposed new building, it is 2 stories of structured parking. There will be 2 to 3 stories of building above that. A big driver for pursuing this rezoning to B-3 with a special use permit for increased density is that with Cherry Avenue zoning, a grocery store is desired. It is not permitted by right. We have some limitations on retail uses and medical clinics. Those are all limited to 4000 square feet. That also creates a severe limitation to this proposal that we are bringing before you. B-3 offers a greater flexibility. With the proffer statement that we have presented, limiting height, requiring certain step backs of the building, and limiting particular uses in B-3, we have proposed an urban form that meets the intent of that Cherry Avenue District, but allows us to build some uses that we think the neighborhood really wants to see in this area. Some specific items that we would like your feedback on is parking. In conjunction with the special use permit, we have requested some modifications to the parking standards and the zoning ordinance, specifically the parking requirements for multi-family dwellings. We have requested to be able to provide residential parking consistent with the Cherry Avenue parking requirements, which is a half space per unit. For General Retail & Sales, which requires 3.5 spaces per 1000 square feet of gross floor area, we have requested to reduce that to 2.5 spaces per 1000 square feet of gross floor area. We have requested those reductions because we think that can work for this site especially with the complimentary nature of the users. Woodard Properties has been in conversation with the Music Resource Center and Twice As Nice. Those hours of operation are often complimentary with where residents might be away with work. We are hoping that this can work out with the shared parking agreement and that we can more effectively utilize the impervious surface on this site.

## Next Slides

This is showing the existing pedestrian connectivity network and how we are proposing to expand upon that by adding sidewalks in the area, increasing connections.

**Mr. Virgilio** – On that slide, the 5<sup>th</sup> Street sidewalk is continuous all the way down.

**Ms. Schlein** – This is the massing diagram of the proposed buildings in the context of the neighborhood.

There were some additional massing angles.

## Commission Feedback

### Is B-3 zoning appropriate for this location?

**Commissioner d'Oronzo** – I don't know. I will point out that it seems that we have been trying to move forward with something on this parcel for a long time. If we need to stretch the usability there, I have been dragged into at least 2 prior attempts to make something happen on this property, with the most robust one back in 2018. It is an odd property from its elevations to its locations to its setback on 5<sup>th</sup> Street with the 2 houses that are on the property line. If we need to move zoning around to make this work, I don't see why not.

**Commissioner Habbab** – With the B-3 zoning, yes it could be appropriate, especially when it allows us to do what we want to do.

**Commissioner Schwarz** – I agree. We need to be able to get a grocery store on Cherry Avenue if this is a way to do that. We can continue to restrict it through the proffers. It is a good idea to consider.

**Commissioner Stolzenberg** – If there is a theme of tonight's agenda, it is that to get anything decent done in the city under the current zoning ordinance, you must 'torture it to death.' This project couldn't happen on Cherry Avenue. It has some weird constraints and does not even allow SUPs to get around it. There are uses in B-3 that would not be appropriate. They have proffered out in their draft a lot of those uses. I have not done a full check of the use matrix. We can probably make it work.

**Commissioner Palmer** – With proffers, it can be appropriate.

**Chairman Solla-Yates** – There were many useful and important points in the Cherry Avenue Small Area Plan. We need a grocery store. I am interested in whatever method gets us there. I see public benefit in that.

**Councilor Payne** – It is potentially.

**Councilor Pinkston** – Yes, given the proffers that have been mentioned. In general, this is a creative project that could meet the needs. It could be a good fit with that community and a support for the nonprofits that are being mentioned and would take a space that is quite blighted right now and not being used and do something remarkable and creative.

**Mayor Snook** – What is the current expectation if we go with what we are now talking about for the zoning ordinance for this property?

**Commissioner Stolzenberg** – It is CX-3.

**Mayor Snook** – Would that permit essentially what is being discussed here?

**Commissioner Stolzenberg** – It would be 3 by right, 5 with the bonus, which is not specified. It would probably mean more affordability.

**Councilor Payne** – What they are proffering is 5 units at 60 percent AMI or below for 6 years. I believe under the new zoning ordinance that would be 18 units at 60 percent AMI or below for 99 years.

**Mayor Snook** – With interest rates rising, if you do the present value calculation, once you start into affordability, getting out the 99 years doesn't cost you anywhere near as much as it sounds like it ought to. There has been at least 1 time recently where Council insisted on 99-year affordability. The developers figured out that they could do that. I don't want to prejudge all that. I would say whether it is as B-3 subject to all these proffers or whether there is some other way to characterize things under what will be the new zoning ordinance. I agree about getting to the point where this grocery store is an important public benefit. We are going to try to figure out a way to make it happen.

**Is a density of 87 dwelling units per acre appropriate at this location?**

**Commissioner d'Oronzo** – Yes.

**Commissioner Habbab** – Yes. The way we achieve it is something that I am interested in massing wise.

**Commissioner Schwarz** – Considering we are getting rid of DUA in the new zoning code, I don't want to talk about it again. The answer is yes.

**Commissioner Stolzenberg** – I agree. Massing, not DUA.

**Commissioner Palmer** – I am fine with that aspect. It comes down to how you mitigate some of the traffic and provide good pedestrian amenities, so you don't need to have a car there.

**Chairman Solla-Yates** – Massing, not DUA.

**Councilor Payne** – If it had a minimum match, the draft inclusionary zoning ordinance requirements, then yes.

**Councilor Pinkston** – I don't have any further feedback. What you have said about massing versus DUA sounds like we are heading in the right direction.

**Mayor Snook** – Same here.

**Are there any comments or suggestions the applicant should consider as they move forward with the SUP and rezoning application?**

**Commissioner d'Oronzo** – Only in the context that Councilor Payne raised in the affordable housing unit count and how we arrange it there to be comparable to what we are contemplating going forward, to carefully consider that. The limited 6 years seems to be way over on the 'skim milk' side. I do not know enough to make other suggestions.

**Commissioner Habbab** – I am excited about seeing this. The program is fantastic. The affordable housing component could be better. A grocery store and non-profits space are needed. All this is happening across from a public amenity. More density next to the park is a good thing. My concerns are about boxing out the neighborhood that is there with the massing and finding a way to 'massage' the mass down to the neighborhood. I have not thought about it a lot. That would be something I would be looking at, especially towards the rear shadows. With the tightness of 6<sup>th</sup> Street, it is a narrow one-way road.

**Commissioner Schwarz** – The applicant had asked about parking. I am still of the opinion to let the developer figure out how much parking is required. This would be a good example of, if they could pull it off, they could promote walkability in the Cherry Avenue corridor. What we are talking about with this application is that they are obviously not providing the affordable housing that we want. What they are offering is a trade. Do we get valuable non-profit space in exchange for that? When they come back to us, it would be great if they brought Twice As Nice and the Music Resource Center with them. They can try and sell why they are valuable enough to replace affordable housing. When you have a tradeoff in here, if one of those non-profit spaces isn't provided, you will end up providing 2 units for 6 years at whatever the affordability rate is. You need to step that up. The tradeoff should be much greater to get us closer. If we don't get these non-profits in here, you need to provide the minimum. Whatever that number is, you should provide that for 99 years to meet our future zoning code. It would be fantastic if there was some further reassurance on the grocery store. That is what sells this project. I don't know how you can achieve that. That would go a long way in making it much more palatable. This is a trade that we are discussing. I know we don't want to have PUDs or any discretionary processes in our future zoning code. This might be an interesting discussion to have in the future. If an applicant has a way to meet the Comprehensive Plan, doing a trade like this, is that something we want to consider in the future?

**Commissioner Stolzenberg** – My thoughts were along the lines of Commissioner Schwarz. It is 118 units max. Ten percent would be 12 affordable units. We are 5 units for 6 years, potentially up to 9 without the non-profit space. The non-profit thing is an interesting and unique case that raises some weird questions. It is effectively affordable floor area but for non-profits, which is something important and makes the economics of the rest of the project work less well. How do you accommodate that in a rule-based way in the new zoning ordinance? I don't know. Maybe the answer is to have a discretionary opt-out mechanism for something like that. The non-profit stuff is nice. I am interested in the grocery use. I would like to see some teeth behind the grocery use in the proffer rather than leaving it available for groceries until we get a CO. Have some consequences if you don't get a grocer in there so I know you are motivated to get a grocer in there. It is good to have assurances. Massing wise, it is pretty good with the 3 stories in the back by the existing homes. I would be worried about how you make that parking garage look good.

**Commissioner Palmer** – The massing is going to be important on this one. You can make it look good from Cherry. As you are going up 6<sup>th</sup> Street, that was that long bar of a building. Breaking that up is going to be important. In thinking about Cherry Avenue and its importance as a corridor of moving people in and out of Charlottesville, the traffic aspect of this is going to be key. It ties in with the work that is being done on the 5<sup>th</sup> Street corridor, especially at that intersection at Cherry and Ridge ensuring that traffic can flow smoothly through there. The reason I am focusing on traffic is because pedestrian stuff is important too. There are a lot of emergency vehicles that travel through that corridor because they can't travel as well down Main Street.

**Chairman Solla-Yates** – This is a difficult one. It is a complicated site. I don't think that we are getting to perfect on this site, which is disappointing but understandable. I would be receptive to more height if it meant more affordability. That is a reasonable tradeoff. That is a tradeoff I believe that I understood in the Cherry Avenue Plan. The grocery store is very important. I was excited to see it in the proffer. It is not the strongest language on that.

**Councilor Payne** – We should keep in mind that there are no guarantees of a grocery store there. The economics of making a grocery store work are very difficult. It is probably likely that to make the economics work, you are going to get a boutique, smaller grocery that is at a higher price point. The affordability requirements are critical. If there is an opportunity to partner with a non-profit, to build deeply affordable housing, it would be great to pursue that. That is going to benefit people who aren't going to show up at these meetings, who are often ignored in our conversations. From my memory of attending the Cherry Avenue Small Area Plan events with the neighborhood, it was crying out for more than a secondhand clothing store. It was crying out for affordable housing. Many people's reaction would be 'we love that you are doing something creative, we know your intentions are good, and we are going to get these great amenities in time to be priced out and displaced from the neighborhood.'

**Councilor Pinkston** – Everything that has been mentioned are reasonable points. I would be interested in more discussion about the possibility in the future of these having a rules-based way of the trade-offs between affordable housing and two noble and good non-profits. It is my understanding that you are working with a local non-profit to try to figure out the affordable housing component. I understand the stack they use to put the different types of financing together. I would like to see as much housing as we can get in there at a lower AMI. With the people that are working on this, there is a lot of creative thoughtful minds. I think that you will be able to figure out something that 'squares the circles that we are talking about.' You (Councilor Payne) are right about a grocery store. Everyone wants a grocery store. There are economics of making that work. We are not going to ask the developer to subsidize a grocery store into perpetuity. There is maybe a place for a non-profit there like Cultivate or some group like that that could take a space like that. I don't know if it is appropriate for a member of the Fifeville Neighborhood Association would be willing to speak to the project. My sense is that

the neighborhood is supportive of doing something creative at the site. With the people that are involved, they will be able to come up with a proposal that will meet most of the things that we are asking for.

**Sarah Malpass, Vice-President of Fifeville Neighborhood** – I will echo a lot of what has been said by the developer. We have been in conversation with them. We are looking forward to seeing what comes out of the conversations moving forward on the affordable housing piece. We are excited about the pieces of the plan that do match well with the small area plan.

**Mayor Snook** – It seems that there must be a way to put a lot more trees on this parking lot. We talk about wanting to have at least 10 percent under tree cover. What they are talking about here is maybe 3 or 4 percent. It is very few trees being shown. I hope that would be something that could be improved upon. One of the things about grocery stores is that if there is a way for it to make money, it is going to happen. If it hasn't happened, maybe that is an indication that it is not a way for it to make money. That situation may change. It might change if you have 100 units of people living right above it who would need to patronize it. We must be conscious of the fact that there might be some strong headwinds against having a working grocery store there. One of the ways to make it possible for a grocery store to work there is to give the landlord some incentive to keep the rent on that grocery store low. One of the ways to do that may be to build in an affordability component like a commitment for an X number of years like what we are talking about for housing. I wouldn't necessarily suggest 99 years for a commercial type of application, but certainly 10 or 15 or 20-year guarantee may be appropriate. I have a similar thought on the non-profit space if we are giving them various things in return for the fact that they are going to be giving some non-profits a favorable break on the market. Maybe that ought to carry with it a guarantee of certain number of years as well.

**Commissioner Stolzenberg** – It raises an interesting question of whether there is an Economic Development Department component of this. I know you had mentioned trying to get designated for various grants. Conceivably, you can imagine that we have all that money sitting in that Economic Development strategic initiatives pot, we could condolize the grocery store. The city could own it and rent it to a grocery store below market if it is able to find one because it might not be economically viable at market rents. It might be economically viable at low or no rents.

All these things we are talking about have trade-offs. They all have costs. You can have win-wins. You get extra height. Height is scary. That makes the economics work better. That is why this 5<sup>th</sup> floor makes sense. I don't think the front setback is necessary. You could maybe add a third floor to the IGA. I don't know if that is structurally feasible. If there is room for more trade-off by doing things like that to make the economics better, that would be great. If we are asking for too much and you can't make the numbers work, it might make sense to show us the numbers. Convince us that is the case. We will have to reassess how much we are asking for.

**Mayor Snook** – Why is it interesting to you to keep the IGA building? It has never struck me as being a building that is valuable.

**Mr. Virgilio** – It is not. There is an element of sustainability. We are using existing structures. It is less expensive. Overall, developable square footage on the project is limited by parking and by utilities.

## 2. Presentation – Tree Commission

- Peggy Van Yahres and Jeff Aten made their introductions to the members of the Planning Commission.
- The first part of the presentation was the state of the forest.
- There are some goals in the Comprehensive Plan that the Tree Commission would like to live up to.

- The city does not have a preserved urban forest and there has not been enhancement that the Tree Commission would like.
- In 2004, the city was at 50 percent and today the city is at 40 percent.
- It took 10 years from 2004 to 2014 to lose 5 percent of the canopy. It took from 2014 to 2018 to lose another 5 percent of canopy.
- Ten percent less is equivalent to a loss of 660 acres. We can possibly project another 5 percent loss since 2018, which would be 35 percent (990 acres).
- There was a deeper dive into all the neighborhoods.
- There are worsening heat islands within the neighborhoods. 10<sup>th</sup> & Page currently is the hottest neighborhood in Charlottesville.
- There were experiments done with 2 playgrounds at Venable Elementary School, which serves children within the 10<sup>th</sup> & Page neighborhood.
- Most of the trees planted were shade trees within the right-of-way the past couple of years.
- More money has been given to the Tree Commission for tree planting.
- There have been multiple tree plantings at Clark Elementary School, 10<sup>th</sup> & Page.
- There has been funding from the Nature Conservancy that was used in tree planting and education on the importance of trees.
- Teenagers, many from the 10<sup>th</sup> & Page neighborhood, helped with the planting of 39 trees by knocking on the doors.
- The Tree Commission has pushed for increased requirements with tree planting and preserving existing tree canopy.
- There is an added emphasis with new developments to protect critical slopes and the forests that are intact within the community. One way is to not approve critical slope waivers and those waiver requests are thoroughly reviewed and questioned.
- There needs to be integration between Public Works, Neighborhood Development Services, and Parks & Recreation.
- There was discussion regarding the possibility of the creation of a new environmental commission and a new staff position, Environmental Protection Manager. A new staff position would have to start with the budget.
- Commissioner Stolzenberg asked the Tree Commission where the tree canopy loss was occurring.

### **3. Discussion – Zoning Ordinance Update**

- Commissioner Habbab brought up the idea of something that is different from a PUD, such as a special exception process not in the zoning code.
- Commissioner Stolzenberg brought up what is in the county zoning code.
- Mr. Freas did comment that it was either a special exception process or a menu of by right options. There needs to be further study to understand how they weigh against each other.
- If the Commission and Council are interested in pursuing, staff would look at a special exemption option.
- Commissioner Schwarz asked if some of the form-based regulations would have to go to the BZA (Board of Zoning Appeals).
- Mr. Freas stated that it would be a limited leeway that would be approvable under the zoning administrator. It is currently in Module 3.
- Commissioner Schwarz would like to go back and discuss Module 1. Staff did say that they could discuss Module 1 again.
- Commissioner Mitchell did bring up the importance of setbacks and the reduction of setbacks on the impact of the tree canopy.

- According to staff, the consultants are gathering and putting in the information in all 3 Modules. There are going to be workshops with all 3 Modules for the public. All 3 Modules are at different places.
- Mayor Snook expressed concern about the process. There will be a lot of compromises and discussions before the zoning rewrite gets to Council.
- Mayor Snook did have more questions about the different modules and that there needs to be more public discussion. Mayor Snook spoke to reviewing Module 1 at the next joint work session. A lot of Mayor Snook's questions surround the rate of change analysis.
- Councilor Payne for the sensitive areas overlay methodology and whether there are sensitive area parcels that might have been missed.

The meeting was adjourned at 8:32 PM.

**PLANNING COMMISSION REGULAR MEETING**  
**January 10, 2023 – 5:30 P.M.**  
**Hybrid Meeting**

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

*Beginning:* 5:00 PM

*Location:* City Space

**Members Present:** Commissioner d'Oronzio, Chairman Solla-Yates, Commissioner Schwarz, Commissioner Russell, Commissioner Mitchell, Commissioner Stolzenberg

**Members Absent:** Commissioner Habbab

**Staff Present:** Patrick Cory, James Freas, Missy Creasy, Kyle Ervin, Carrie Rainey, Danna O'Connell, Brennen Duncan, Matt Alfele, Jack Dawson, Jeff Werner

Chair Solla-Yates called the meeting to order at 5:00pm and asked if commissioners had questions on the agenda. Beginning with the brewery expansion, Commissioner Russell asked for information on the water/sewer concern. Ms. Rainey provided an overview of the concern noting that the utility study remains underway and the condition on the SUP would address any concerns. Commissioner Mitchell noted that the critical slopes reports in the past focused on remediation of the sites under review. He asked if this information will be provided in reports in the future. Ms. Creasy noted that at the time of these applications, we do not have that information available. Commissioner Mitchell asked that the commission be notified of these kinds of changes.

Concerning the street grade waiver item, Commissioner Mitchell asked if Commissioner Stolzenberg received answers to his questions and it was confirmed that he did. Commissioner Schwarz asked if the City would consider Fair Housing regulations and Ms. Creasy noted yes. There are comments included on plans that remind the applicant of their responsibility to comply with all federal requirements. Commissioner asked for clarification on waiver versus appeal. Commissioner Russell asked if the 8% road grade maximum requirement does not meet ADA, why is that the requirement. Mr. Dawson provided background on accessibility regulations. He noted that retrofits of existing streets can be a challenge and 8% is reasonable for existing streets. Mr. Duncan noted that 8.33% is the steepest grade meeting ADA for all routes of travel (this is for trails). The regulations take into account that lower grades are not always viable and that 8% is achievable in most cases. Commissioner Stolzenberg asked if since the SADM was in place, are we less likely to give waivers. Mr. Duncan noted that based on correspondence provided by regulators who have come to the community, ADA is paramount. Commissioner Stolzenberg asked when the grading could be expected for phases 5 and 6 of the project. It was noted that was a good question for the applicant as to timing for grading of the site. Commissioner Mitchell asked if the City is allowed to be more stringent than the VDOT regulations and it was confirmed that they could. Commissioner Stolzenberg asked about the runs of the slopes as well as retaining wall requirements. Mr. Dawson provided some background.

Commissioner Schwarz asked if the packet materials could be electronically “flattened” so diagrams do not move around the page. Staff noted they would explore. He also asked for information on the process for revising a critical slope waiver and it was confirmed that revisions are the same as new application process.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:31 PM.**

*Beginning:* 5:30 PM

*Location:* City Space

## A. COMMISSIONER'S REPORT

**Commissioner Stolzenberg** – No Report

**Commissioner Mitchell** – Parks and Recreation met middle of December – LUPEC Group – Emmet and Ivy Corridor – Athletic Complex – Old Ivy Road

**Commissioner Schwarz** – BAR Meeting

**Commissioner d'Oronzo** – No Report

**Commissioner Habbab** – No Report – Not Present

**Commissioner Russell** – No Report

## B. UNIVERSITY REPORT

**Commissioner Palmer** – Very Quiet at the University – New Bridge to Newcomb Hall

## C. CHAIR'S REPORT

## D. DEPARTMENT OF NDS

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

**Robin Hoffman** – ADA compliance on East High

## F. CONSENT AGENDA

1. Minutes – Work Session – September 21, 2021

**Motion to Approve** – **Commissioner Russell** – Second by **Commissioner Stolzenberg** – Motion passes 5-0 with two abstentions. (Commissioner Schwarz and Commissioner d'Oronzo)

## II. 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

Mayor Snook called Council to order at 6:00 PM.

Chairman Solla-Yates called Planning Commission to order at 6:00 PM.

1. **SP22-00011 Three Notch'd Brewery Expansion** – On January 10, 2023, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use Permit ("SUP") for the property located at 522 2nd Street SE and identified in the City's land records as Tax Map and Parcel (TMP) 280208100 (the "Subject Property"). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically or in person may register on the City's website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Scott Roth (Three Notch'd

Brewing Company, LLC, representing the owner, Monticello Associates, LLC) has submitted a SUP application for the Subject Property. Pursuant to City Code Sections 34-796 and 34-158, the applicant has submitted a SUP application to expand its existing operation and establish a small brewery. The applicant currently operates a microbrewery on site and seeks to expand production from the current maximum of 15,000 barrels per year to a maximum of 30,000 barrels per year. The Subject Property is approximately 6.72 acres with road frontage on 2nd Street SE and Monticello Avenue. The Comprehensive Land Use Map for this area calls for Urban Mixed Use Node. The Subject property is located in the Downtown Extended Zoning area, the use Matrix of which (City Code Sec. 34-796) allows for the use of property so zoned as small breweries pursuant to the approval of a SUP by City Council. The current use of the property is as a microbrewery, which is allowed By Right in the Downtown Extended Corridor.

### i. Staff Report

**Carrie Rainey, City Planner** – Scott Roth and Three Notchd Brewery has requested a special use permit for 522 2<sup>nd</sup> Street Southeast to expand the existing brewery from 15,000 barrels per year of production up to 30,000 barrels per year of production, which is our small brewery use category. The applicant has confirmed that no physical changes are currently proposed to support the expansion. The Narrative notes that 13 tractor trailers currently visit the site weekly to pick up products for distribution and deliver raw materials. However, many of the tractor trailers are underutilized. The applicant estimates only 6 additional tractor trailers will be needed to access the site because of the increase in production. Smaller trucks are currently utilized daily to pick up spent grain. This will continue if additional production is permitted. The traffic engineer has confirmed that he does not have any concerns with the increase in traffic created by the expanding brewery production. The proposed development will necessarily result in some increased demand on physical facilities and services provided. The Assistant Fire Marshall has confirmed that there are no concerns with potential impacts due to the brewery expansion. A preliminary review of the proposal indicates the city's existing water and sewer facilities are generally adequate to serve the proposed development. However, the additional biological oxygen demand generated by the temporary expansion may require modification to the facilities on the subject property to address additional impacts to sanitary sewer treatment facilities. Staff has recommended a condition to be placed on the SUP, should it be approved, to ensure facilities are upgraded as necessary to address the additional impacts. The 2021 Comprehensive Plan Future Land Use Map designates the subject property as Urban Mixed-Use Node. All adjacent properties except for Crescent Hall are also designated Urban Mixed-Use Node. Crescent Hall is designated as higher intensity residential. The Comprehensive Plan describes the Urban Mixed-Use Node designation as urban mixed-use districts that support community housing, employment, and commercial development. The plan recommends a mix of uses in the same building, which are encouraged up to 10 stories in height. The higher intensity residential designation is recommended to provide opportunities for higher density multi-family focused development. Staff believes expansion aligns with urban mixed-use node category and will not have an adverse impact on the adjacent higher intensity residential area. The proposed brewery expansion also aligns with several goals of the 2021 Comprehensive Plan, which speaks to a desire to promote economic variety and the growth of existing businesses, particularly within areas designated for mixed-use in the Future Land Use Map Plan objective to ensure long-term economic sustainability of the city by planning for a wide variety of commercial land-use types and the objective for mixed-use areas to include facilitating economic activity in the city and ensuring the availability of sites for incremental business growth and expansion. This also includes Strategy 1.2, the sub-strategies to do, which is facilitate economic activity in existing and new areas of mixed-use opportunity as identified in the updated Future Land Use Map and ensure the availability of sites for business growth and expansion. The proposal also aligns with Goal 2 of the Economic Prosperity & Opportunity Chapter, which is to generate, recruit, and retain successful businesses and jobs and Strategy 4.4 to encourage the development of the city's key commercial corridors and surrounding sites including current commercial corridors and mixed-use corridors and nodes as identified on the Future Land Use Map in addition to Strategy 4.5: partner with internal and external stakeholders to implement the

Strategic Area Investment Plan. The proposal aligns with the Strategic Investment Area Plan, which proposes Second Street Southeast as a retail corridor and encourages incremental change to meet the goals of the plan. The proposal aligns with the priority action items to encourage local serving retailers to locate in the SIA and to increase opportunities for jobs located in the SIA. Staff finds the proposed brewery expansion will further several goals of the 2021 Comprehensive Plan and the 2013 Strategic Investment Area Plan, aligns with the Future Land Use Map and will not create an adverse impact to the community. Staff recommends the Planning Commission recommend the application for approval with the following condition:

1. No expanded brewery production beyond 15,000 barrels per year is permitted on the subject property until:
  - a. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion and brewery production.  
Or
  - b. Facilities on the subject property are upgraded to address the increased biological oxygen demand and the Utilities Department confirms the upgraded facilities will adequately handle the increased demand.

**Commissioner Mitchell** – I have shared this with the Secretary and Chair. I have a small stake in Champion. I am on the Board of Directors. While Champion may be considered a competitor, I think that I am able to deliberate without bias.

**Commissioner Russell** – I asked a question in the pre-meeting. I thought it would be helpful for the public to understand the clarification on what the biological demand is.

**Ms. Rainey** – Biological oxygen demand is a water quality parameter, which refers to the amount of oxygen required by organisms to break down organic matter in the treated water. Breweries are one of the uses that may put in additional elements into our sanitary sewer treatment facilities that require additional oxygen to break down. Our Utilities Department is currently testing to confirm whether there is adequacy at our facilities to handle that or if additional measures are needed.

## ii. Applicant Presentation

**Scott Roth, Applicant** – We are excited to continue to expand. We won't go to 30,000 barrels anytime soon. We are getting close to that threshold of 15,000, which was a talking point for us. When we took over the IX Property, that was part of our original discussion about potentially getting to this threshold. This has been on our radar for the last couple of years. It is time to potentially 'make the jump.' We will hopefully exceed that number sometime next year.

**Commissioner Stolzenberg** – I noticed that you guys have a new non-alcoholic beer. Is that counted in this total production amount?

**Mr. Roth** – It would be for now. We are going to be moving most of the production of that product down to our new facility in Nellysford. That won't factor into the equation next year.

**Commissioner Stolzenberg** – One of our purviews of review is odor. When you are brewing, there is a distinct malty smell on the sidewalk around there. Is a builder like an odor filter, a normal thing, or that when breweries get bigger, they typically install? Is that onerous or expensive thing to do?

**Mr. Roth** – I have never heard of anyone installing that. I will say that the odor will not become more concentrated or stronger in any capacity. We can only brew 20 barrels of beer at a time. It is really the frequency with which we would brewing that would increase. There is not going to be any more potency to it

than what is currently experienced. That would be my only comment around that. I don't know that there would be a great way to mitigate the smell.

### iii. Public Hearing

**Robin Hoffman** – I have 2 questions for the brewery. I understood that there is a drought that the beer making does not cause a strain on the water count. I am wondering if that is still true. There is a hemp filter where they manufacture hemp products. One of them is at the Shenandoah facility in Elkton. The town had a problem with that smell. They were able to use this technology that does not allow any of the odor go into the public.

### iv. Commission Discussion and Motion

**Motion – Commissioner Mitchell** – I move to recommend approval of this application for a Special Use Permit in the Downtown Extended (DE) zone at 522 2nd Street SE to permit the small brewery use with the following condition:

- a. No expanded brewery production (beyond 15,000 barrels per year) is permitted on the subject property until:
  - i. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or
  - ii. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utility Department confirms the upgraded facilities will adequately handle the increased demand.

Second by Commissioner d'Oronzo. Motion passes 6-0.

2. **SP22-00008 and P 22-0091 Bypass Fire Station** - On January 10, 2023, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use Permit ("SUP") and Critical Slope Waiver for the property located at 345 250 Bypass and identified in the City's land records as Tax Map and Parcel ("TMP") 450001000 (the "Subject Property"). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically may register on the City's website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Charlottesville Public Works, on behalf of the owner of the Subject Property, the City of Charlottesville, has submitted a SUP Application and Critical Slope Waiver for the Subject Property. Pursuant to City Code Sec. 34-796 and Sec. 34-420, the owner has applied for a SUP to build a new fire station on the Subject Property. The Subject Property is approximately 145.17 acres with road frontage on the 250 Bypass, John Warner Parkway and Melbourne Road. The Comprehensive Land Use Map for this area calls for Open Spaces and Parks and the Subject Property is located within the R-1 and Public Park Protection Overlay zoning district classifications. The City's zoning matrix allows municipal offices and buildings in R-1 districts with the approval of a SUP. The property is adjacent to other properties currently used for residential and school uses, and is located across from multifamily housing on the opposite side of Melbourne Road. The proposed development calls for disturbance of land within a Critical Slopes area, so a waiver is requested per City Code Sec. 34-1120(b)(6).

### i. Staff Report

**Dannan O'Connell, City Planner** – Scott Hendrix, City Senior Project Manager, is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158 to allow for a new City fire station on the Subject Property. The Subject Property (345 US 250 Bypass) is owned by the City of Charlottesville and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1. The applicant is proposing to construct a new 8,000 square foot station to the south of the existing fire station. It is on the same parcel. The subject property

co-locates several park and amenity spaces including McIntire Park, Vietnam Memorial, Greenleaf Park, the YMCA, McIntire Little League ballfields, and the Charlottesville Skate Park. Surrounding parcels are developed with single-family residential uses and 2 public schools. The subject property is currently zoned R1 (Single Family Residential). Under the R1 zoning classification, municipal offices or other government buildings are only permitted with a special use permit. The current fire station #1 is a legal non-conforming use. It was constructed with no special use permit on file for the site. The Comprehensive Plan Future Land Use Map designates the subject property for open spaces and parks. Open spaces and parks are specified to include both public and private spaces but no density form or use restrictions are specified. After review, staff finds the proposed use is consistent with the Future Land Use Map and harmonious with the existing patterns of use within the neighborhood. The proposed redevelopment addresses several of the 2021 Comprehensive Plan goals regarding efficient planning for public infrastructure and improving city fire and emergency medical services. The proposed new fire station will be a lead certified building with improved accommodations and workplace safety provisions for city fire department and EMS personnel. The facility will permit the growth and expansion of the city's emergency response services and can accommodate both firefighting and EMS services from a single facility. The proposed additional use would result in a reduction of public open space within the city. However, the wooded area proposed for the development is not utilized for any active or passive recreational uses. Construction of the new station would not interfere with the nearby trails connecting Charlottesville High School to the YMCA and the greater Rivanna Trail System. Staff recommends that the request for a fire station could be approved with one condition. The condition is that, prior to site plan approval, the existing stub road accessing the property shall be vacated from the city right-of-way. This was something that came up in our review. It is a minor administrative thing. The current design is compliant with the required setbacks for R1 zoning.

**Commissioner Mitchell** – What is going to happen to the existing fire station?

**Mr. O'Connell** – For now, it will remain in use to provide firefighting services. To date, I don't think it has been decided what the building will be used for after the new station is completed.

**Commissioner Mitchell** – You have answered the question that I had about the stub road. That is going to continue to exist. It is still going to be city property. It is still going to be maintained by the city. That is still going to be used as an entrance and exit for the fire department. In the applicant's application, Section 1.5, the application was written on September 15<sup>th</sup>. The design team is going to continue working with the city to mitigate the loss of trees. Has any work been done on that since September? Has it evolved? Do we know more about saving more trees?

**Mr. O'Connell** – I don't think any more work has been submitted on that other than what has been provided in the application.

**Commissioner Mitchell** – When do we reap the benefit of that additional thinking?

**Mr. O'Connell** – There will be landscaping requirements as part of the site plan review. If this special use permit is approved, they would have to submit a final site plan to the city. I believe that would come back to the Planning Commission for approval as well.

**Commissioner Russell** – The staff report mentioned a community meeting. Can you summarize any changes or anything that came up? You summarized that there were some questions. Did anything significant come from that conversation?

**Mr. O'Connell** – No, I don't think any changes were made to the plan. The public seemed supportive. It was mostly questions about removal of trees, any impacts to the parks, the trail systems, and LEAD certification/how green the building would be.

**Commissioner Stolzenberg** – I find this whole process strange because we are asking ourselves permission to do things. Pretending that the applicant is not going to do whatever they want, I have concerns about the stub road condition. Now, Council is at an impasse agonizing over any vacation of any road, right-of-way with no clear end date in sight. If we have it as a condition and are not able to do it for various reasons or it is delayed, that holds up this whole redevelopment. If we don't have it as a condition, the applicant (the city) can still do it if we (the city) feel it is a good thing to do.

**Ms. Creasy** – The site plan would not be compliant. It was a setback concern.

**Commissioner Stolzenberg** – When you say it is compliant setback-wise, that is only Rt. 250 and not to the stub road.

**Mr. O'Connell** – To our review knowledge, it is compliant regardless of what the stub road is or is not. It was mostly a question of removing this legal technicality that could cause a problem in the future. This is not meant to hold it up.

**Commissioner Stolzenberg** – I am for the general concept of vacating it. That seems fine to me. I am worried about adding it as a condition just in case they cannot figure out the vacation for possibly 2 years.

**Mr. O'Connell** – The condition is a 'housekeeping measure.' It should not impact the zoning compliance of the property.

**Commissioner Stolzenberg** – If we don't make it a condition, you will still nudge them to do it when they submit.

**Commissioner Palmer** – You mentioned that EMS could be run out of there as well as fire. Is that so you can consolidate what is down the road on McIntire Road?

**Mr. O'Connell** – I am not sure on that. The applicant might be able to speak better on that.

**Councilor Payne** – Do you know how many trees are planned to be disturbed? How much of McIntire Park is planned to be disturbed to pursue this new design?

**Mr. O'Connell** – The limits of the disturbance was around 0.8 acres.

**Mayor Snook** – We already funded it in the Capital Improvement Program. We want to make sure that the site works.

**Mr. O'Connell** – To accommodate the proposed fire station, the applicant is proposing to disturb critical slopes as defined in our critical slope ordinance. The Fire Department wishes to keep the existing fire station in operation until its replacement is completed. The new building will be located to the south of the existing intersection along the bypass and encroaching into nearby critical slopes. Nearby critical slopes run parallel to the 250 bypass and around the existing stub road and fire station as depicted in your staff report. In evaluating their waiver request, city staff is in general agreement with the applicant's justification for waiver approval under finding #2. Critical slopes surround the subject property along its entire frontage with the Rt. 250 bypass. This unbroken critical slope area makes additional access to the property via the bypass or existing stub road

impossible without causing some disturbance. The existing fire station #1 will be kept in service until the replacement building is completed requiring the existing station to be demolished and replaced to avoid the critical slope area. It would unreasonably restrict the use of the property for providing public firefighting service. Constructing the new station further to the east would require additional land disturbance and tree removals to extend the access roadway and cross an existing drainage area. The proposed locations south of the existing station allows for a compact one-story design that reuses the existing parking and road areas minimizing tree removal and impervious construction. Regarding negative impacts to consider, the development of the site will result in some loss to the existing mature tree canopy. However, the proposed fire station has been designed to minimize on-site land disturbance and will not negatively impact the adjacent public trails. Alternative building sites on the subject property would involve additional land disturbance, tree removals, and trail closures or relocations. Staff have no recommended conditions for this waiver request.

## ii. Applicant Presentation

**Scott Hendrix, Applicant** – I am glad to be here to talk about this important project. Regarding the question about tree canopy, we have had a survey done of all the trees, their size, their caliber, or their species. We are evaluating that information. We are working with the city arborist to come up with a solution to help mitigate the loss. There are going to be some requirements that we will have anyway through statute and code to replace trees as much as we can. We understand the issue.

**Keith Driscoll, Applicant** – We have been working with the city over the last couple of years to generate the plan.

### Next Slide

This is all the material that was presented to the community and was included in the information that you received with the 2 applications.

### Next Slide

This is the site plan. On the top of the sheet, you can see the existing fire station. To the south on the bottom edge of the sheet, is the proposed new station. We looked at several options when we started work with the city and the department to figure out what needed to be done. The existing station does not meet the fire department's needs on several fronts. The equipment that needs to be run out of this station no longer fits. A lot of the amenities and features within the station do not adequately protect the firefighters and EMS from hazardous materials and carcinogens that are associated with the fire apparatus. Something new and something different needed to be done. We looked at options to renovate and expand the existing station and options to ultimately create a new station for several reasons, primarily creating a better layout and more functional space. With cost reasons, a new station was determined to be the most effective use of city funds. Keeping it generally in the same location deploying out onto Rt. 250, as the current station does, was what was recommended in the 2016 fire station location needs assessment. That was very advantageous to the department. This one does not introduce new impacts to the surrounding community. It maintains the current level of service and response times that the station can provide. As mentioned earlier, we looked at several options for locations to put the new station, including to the east and behind the existing station. Ultimately, it was determined that this 1-story station that is proposed would be the most functional for the Fire Department. It resulted in the smallest impact to the existing wooded area. We are looking at annexing the stub road. The limits to the stub road are the grading and the paving. They are all remaining the same. It is a matter of administratively pulling that into the park property.

**Commissioner Russell** – I was interested in Commissioner Mitchell's question about the intended use for the existing fire station. I did not realize how old it was.

**Mr. Hendrix** – It was constructed around 1962. It is currently not designated with any historical designation. The Fire Department is probably not going to have a use for it. We have a request into the city management now to decide as to whether the building needs to come down or will it be repurposed. It probably does not have a future in the Fire Department.

**Commissioner Russell** – It would be great to find some use for the building that exists and is seemingly in okay condition.

**Mr. Hendrix** – There is asbestos and a lot of materials in there. It is a 1962 construction. It was designed and built probably for a 40- or 50-year lifespan.

**Commissioner Stolzenberg** – I have a question about the vehicular access around the back. It looks like there is a path now that goes down to an asphalt path that goes through the park. It is shown being rerouted. Does it only go to the bioretention facility and then stops?

**Mr. Hendrix** – It does. It is for bioretention maintenance. You need to be able to get equipment down there. It is not a paved road. It is just a grated seated grass route.

**Commissioner Stolzenberg** – Is the current one for bioretention? Is that just the current vehicular path?

**Mr. Hendrix** – I believe that is more hiking.

**Commissioner Stolzenberg** – Can we get that hiking path or this maintenance road driveway to the bioretention to connect to the trail and preserve its use as the path it is now? Potentially think about paving it. I ask because we have been slowly building the shared use path down Rt. 250. Right now, it ends at Meadowbrook Heights. It will probably keep going a little longer. At some point, it hits the bridge. That is going to be a hard thing to do. You can cut back to some paths back there and get up to the YMCA.

**Mr. Hendrix** – There is an asphalt path in place now on the other side of the station. The station is going to have a walking connection to that. The station is also going to have a public restroom in the front of the building in a secure location where people can't get into the building. They can come in and use the restroom right off the trail. We think that is an amenity that people would like. We think that the way that trail transverses now and up past the YMCA accomplishes what I think what you are suggesting. We are going to have a fitness center for the men and women to work out. The trails are another part of their fitness regimen. These people need to be in good shape. They support this connection to the trails.

**Commissioner Palmer** – Will this facility be taking EMS stuff at McIntire Road?

**Mr. Hendrix** – It is designed to do that. It is designed to have EMS features built into it like the pharmaceutical closet and freezers that are required. Will it be there on the first day? We don't know. We are building a facility that will last 50 years, be in service for 50 years. During that time, we expect the EMS will run out of there at some point.

**Commissioner Palmer** – Because I have heard it with the YMCA after it was built, there were bird strikes on the big glass wall. I did not quite see how much curtain wall you had on the back of the facility. That has been a problem at the YMCA. As you go through the design process, do not skimp on those mitigation things that are out there to reduce bird strikes.

**Mr. Hendrix** – We have not considered that. Thank you for that.

### iii. Public Hearing

**Charles Warner** – I was the fire chief from 2005 to 2015. I lived in and out of the station for 37 years. It sounds like you all are on board about making this happen. I did not want to take any chances because this was being discussed when I was in the Fire Department. The firefighters deserve this for the role that they play 24 hours in the station. It originally had a working bomb shelter that has been mired with mold issues in the station. The station is very complex and small for the increasing number of staff. The location of the station is something we have looked at over the years repeatedly to show that the response times from the station is critical to the service we provide as far as lifesaving. It is also critical for our insurance purposes and is part of the reason why we have an ISO class one. I wanted to reinforce the need for the station and urge you to help pass this forward and get it done.

**Sam Gulland** – I support the fire station and measures to give the Fire Department the resources they need. This building looks awesome. I wanted to bring up a relevant section from state code. The Code of Virginia requires that new public facilities, roads, schools, fire stations, must be approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan before they are authorized. I don't think a Comp Plan has been completed for this fire station. I would ask that any motion to approve the SUP also include the determination that this fire station is substantially in accord with the November 15, 2021 Comprehensive Plan.

**Robin Hoffman** – I am a registered nurse. I understand how much we need the EMT services through the Fire Department, paramedics, and the medical aspect of their facility. It needs to be state of the art. The Rt. 250 bypass has been burdened with different traffic. They have been trying to do the turnabout at the I-64 intersection. It seems that the traffic there is cumbersome. I am wondering what kind of signaling where the fire trucks can come out without any problem. I am wondering if that is part of the plan.

### iv. Commission Discussion and Motion

**Ms. Creasy** – The fire station being in conformance with the Comprehensive Plan is a requirement. We have been working on this project for a long time. I cannot remember if we have done that in the past. I know we have mention of it in our Comprehensive Plan. There won't be any concern. I think that it would be Ok if you choose to include that in the motion. We will verify that is appropriate enough. If we need to take other action, we will come back and do that.

**Commissioner Stolzenberg** – If you would think about those stairs from the path, incorporating bike runnels for firefighters who are commuting to work via bike or scooter. They could get up to the level of the entrance.

**Motion to Approve Special Use Permit Application – Commissioner Stolzenberg** – I move to recommend approval of this application for a Special Use Permit in the R-1 zone at 345 US 250 Bypass to permit a municipal City fire station. Second by Commissioner d'Oronzio. Motion passes 6-0.

**Motion to Approve Critical Slope Waiver – Commissioner Stolzenberg** – I move to recommend approval of the critical slope waiver for Tax Map and Parcel 450001000 as requested, with no reservations or conditions, based on a finding that:

- **Finding #1:** The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i).
- **Finding #2:** Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34- 1120(b)(6)(d)(ii). Second by Commissioner Mitchell. Motion passes 6-0.

**Motion – Commissioner Stolzenberg – I move that the proposed the US-250 bypass fire station that the general character, location, and the extent of the proposed public facility is substantially in accord with the city's adopted 2021 Comprehensive Plan. Commissioner Mitchell. Motion passes 6-0.**

The meeting was recessed for a short period of time until staff arrived for Entrance Corridor Design Review Overview.

### III. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded

#### 1. 240 Stribling Avenue – Street Grade Waiver – Appeal

##### i. Staff Report

**Brennen Duncan, Traffic Engineer** – I am here to talk about the staff report for a street grade waiver that was denied by staff. The applicant has taken their ability to appeal that to the Planning Commission. This is for 240 Stribling. This came before the Planning Commission as a PUD application and critical slope application in 2021. During that process, we noted the steepness of some of the streets. In that application, they subsequently said ‘not a problem, we will address when we get to the site plan stage.’ We made our comments known. We received the application for the site plan noting that the 8 percent that should be met was 9.5 percent. The applicant submitted a request for up to 10 percent. They have grades at 9.5 percent on their current site plan application. In their waiver, they identified 5 areas of reason that they should be granted the waiver. Those included existing site constraints, minimizing the environmental impacts, community safety & welfare, accessibility considerations, and supporting documents from VDOT and AASHTO that say that they allow for streets steeper than the 8 percent. Their application for that waiver is included. With the existing site constraints, staff did not feel that there was enough justification to grant it solely on site constraints. There are steep grades on the site. As part of their current site plan application, they are moving a lot of earth. There are cuts and fills close to 10 to 12 feet all over the place. It is not like they are trying to adhere to the existing topography of this site. They are doing a mass terraform of the site to get to their final thing. With environmental impacts, they noted that to accomplish the 8 percent grades, there would be a lot of fill that they would have to bring in. They had not presented us with background documentation of that. Staff did not feel the need to ask for it. It was more of a financial burden of having to bring in and truck out dirt than an actual environmental reason. Noting the amount of dirt that is moving on the site and looking at some of the topography, I don’t have the ability to say ‘yes’ or ‘no’ as to whether there are truly 1000 truckloads that will be coming in. The third item they had on there was community safety & welfare. It was the trucks coming in and out down Stribling. They would also need to add retaining walls at the back. The retaining walls seem more like a financial burden, which in the city code, does not allow staff to take into consideration when making these determinations. There already are retaining walls that are 10 to 15 feet tall adding 4 to 6 feet of retaining wall on top of that does not seem like a safety concern over and above what is already there. The 4<sup>th</sup> item is where staff’s hesitation with granting this waiver is. It is the accessibility considerations. ADA is a very complex document. It is not even really a document. It is a way of thinking. There are guidelines for ADA as it pertains to buildings, the right-of-way, and trails. A lot of times, it is one of those things where you are not truly in violation until you are sued. Staff’s stance on this is the maximum allowable ADA grade that is presented in any text is 1 on 12, which is 8.33 percent. There is a stipulation in there that allows for sidewalks to meet an existing road grade. That is in compliance. It is staff’s understanding and talking to the Federal Highway Administration and the intent of the code that we feel it deserves is that it should be as accessible as possible. The current code says it is 8 percent and we can waive it up to 10 percent. We are trying to make it as accessible as possible and think that 8 percent is achievable. With the last point referencing the VDOT and AASHTO, the city is allowed to be more restrictive than VDOT and AASHTO. Currently, our code is more restrictive than VDOT and AASHTO. Referencing that

and saying that you are following that really does not have any varying on whether or not we should grant the waiver. Overall, staff did not feel there was enough backing, reason to grant the waiver.

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This is the development as proposed in the initial application. On the left of the screen is Stribling Avenue. In the middle of the screen, there is the cul-de-sac for Morgan Court. The green highlighted areas on the screen are the 4 locations where the road exceeds the 8 percent threshold. The application was put in as a blanket application for all these areas. We treated it as that. If you choose, you can maybe look at it as 4 separate areas. There is possibly a way where you could make it work on some of these if not all of them. It is still my assertion that the development could be done meeting the 8 percent, while still leaving the current layout. The fact that we brought this up during the whole PUD discussion when the layout was not set, that is frustrating from staff's perspective. You could have a completely different layout. This would not be an issue. It is the same thing with the critical slopes. We must stay within the critical slopes that we asked for back when we were getting the PUD. If we had a different design, you are accounting for it on the front end instead of trying to do a design and it does not fit. One of the main reasons for the denial was that there are 2 fixed grade points. There is Stribling Avenue and Morgan Court. The straight grade between those 2 roads is 6.3 percent. There is no reason not to be able to achieve 8 percent. We have granted the waiver in other recent things. It is not that staff is saying that it is never appropriate. In this instance, with the fact that you can physically connect those 2 points with a straight line of 6 percent. It is staff's recommendation that Planning Commission uphold the denial.

**Chairman Solla-Yates** – If we approve this, are we opening ourselves to a lawsuit?

**Mr. Duncan** – I don't believe so.

### **ii. Applicant Presentation**

**Clint Shifflet, Applicant** –

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I want to explain to the Planning Commission what a 10 percent slope street is, what they feel like, and how they function is important. What is some precedence, some context in the city? I want to go through a couple of these so we can be aware. This one is at Rose Hill Drive at the intersection of Preston Avenue. Right here, we are right at about 10 percent at this location.

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This is another example. This provides a little more neighborhood context. This is Sunset Road just down the street from the proposed development. With this location, we picked up a slope of about 12.5 percent. If you go further down Sunset Road, it gets much steeper than that. We did a desktop survey across city GIS. It is important to know there is a lot of precedence for this. There are dozens of streets in Charlottesville that exceed 10 percent.

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This is an elementary diagram here. We wanted to demonstrate the difference in an 8 percent and 9.5 percent grade. That is what this represents. The gray line at the bottom is 0 percent, the blue line is 8 percent, and our waiver request is up to 10 percent. Our current design indicates a maximum slope of 9.5 percent, the red line. That is to scale.

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We wanted to demonstrate how we are trying to limit the use of the steep grades. It is important to note that we are not coming in here and trying to throw steep grades everywhere. We are trying to be thoughtful about how

we are implementing them. The areas in green indicate the areas that our current design has grades steeper than 8 percent. You will notice that between the green areas, we intentionally flatten out at the intersections to provide PRO-WAG (Public Rights of Way of Accessibility Guidelines). It is what the city engineering staff is 'hanging their hat on' for these sorts of things. We are flattening at each of those intersections in such a way that we can provide road crossings that are compliant with the PRO-WAG Standards.

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This is the existing conditions and constraints map. This is in the waiver. A lot of these things that you are going to see here were in the waiver. The brown lines indicate the proposed road network overlaid on the existing conditions. We roughly have a slope across the site particularly from that high point on the left end of the site closer to Stribling Avenue of about 11 percent in grade existing today. If you draw that blue straight line, the existing slope is 6.3 percent tying point to point. What that does not consider is that there is a high point. There is a ridge that comes up and then back down that you must navigate. It also does not consider the fact that we must flatten out at each of the intersections to provide a flat enough grade for adequate pedestrian crossings. It is tough to evaluate it based on whether it is 6.3 percent. Large segments of the road cannot be that steep. We heard Mr. Duncan note 2 fixed points. Those are 2 fixed points on the site. I would argue that the more constraining element of the site on the east side of the site is associated with Moore's Creek, the associated steep slopes, and the 100-year floodplain. That condenses that site and further constricting length to be able to transition grade. There are several constraints. If you look at the left side of the sheet here, we have residential uses close to those property lines. We must stay close to the existing grade to not impact the lot. That is also a constraint. I would say that this site is heavily constrained, even beyond those 2 points that staff pointed out.

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We were asked by the engineering staff, as part of the waiver process, to demonstrate why granting the waiver would have a positive environmental impact, how it would improve community safety. We 'hung our hat' on 2 items. This is why we are asking for the waiver in the first place. Approval of the waiver would provide a balanced site. The earthwork of the project would roughly balance minimal dump truck loads in and out of the site to carry fill there, which causes decreased volume of construction traffic. Denial of the waiver would result in greater than 1000 large dump truck trips to and from the site to import approximately 12,500 cubic yards of fill dirt. That means an increased volume of construction traffic on Stribling Avenue and everything that comes along with that, increased air pollution, noise, vibrations, community nuisance with that many trucks coming in and out off Stribling Avenue. We feel this can be avoided. On the analysis we did for this, we did a rigorous earthworks cut field balance analysis as part of our design. We are considering things like compaction rates, depth of pavement sections. We feel these 15 or 12,500 cubic yards/1000 dump truck loads was arrived at in a precise manner. We do support that number, and we feel that is accurate.

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The second part of the environmental impacts is that street grades will have a major impact to the site retaining walls. We heard some things in the email correspondence and again tonight that maybe the perception of what is driving this waiver request. We ran some numbers. We talked to Charlie and the development people last week. Fill dirt is essentially free. You have projects going on at UVA getting rid of dirt and paying to do so. In my experience, it is rare that a contractor would have to pay to bring in fill dirt. That is essentially no cost. When we looked at the cost of retaining walls that would need to be constructed, we get about \$50,000 worth of retaining walls. That is a nominal number given the overall scope and budget of the project. Approval of the waiver to provide the slopes up to 10 percent grade would result in minimization of the retaining walls' height and length. A denial would result in an additional 185 feet of retaining walls at an average height and an additional 2.5 to 4 feet in height to what we are proposing of 231 feet of retaining walls.

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This is the second big point we heard from staff, which was pedestrian accessibility considerations. Road grades up to 10 percent as requested are consistent with the following accessibility guidelines. Specifically, the US Boards Pro AG, which is the public right-of-way accessibility guidelines. In their code section “Within Street or Highway Right of Way,” it states, “where pedestrian access routes are contained within a street or highway right-of-way, the grade of pedestrian access shall not exceed the general grade established for the adjacent street or highway.” If the sidewalk slopes match the adjacent street, they are compliant. That deals with longitudinal slopes. Thinking about cross slopes as we cross intersections as the second piece of this, in the guidelines titled “Pedestrian Street Crossings Without Yield or Stop Control,” it states, “where pedestrian access routes are contained within pedestrian street crossings without yield or stop control, the cross slope of the pedestrian access shall be 5 percent maximum.” We have demonstrated this in the site plan documents and the waiver request. We have run cross section profiles across each of those intersections to demonstrate that we are at 4.8 percent max. We are in compliance with all the guidance that is applicable to the project.

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The waiver request for street grades that we are asking is in compliance with national, state, and city standards and design as it relates to road design. AASHTO (American Association of State Highway and Transportation Officials), in their green book, is the leading guidance manual that contains the current standards for highway and street design. VDOT derives their standards from the national standards. Charlottesville, in part, leans on some of that guidance. The green book for the local roads and streets states grades for local residential streets shall be less than 15 percent. It is way higher in steepness than what we are requesting. VDOT’s geometric standards for urban and local street system states that maximum percent of grade shall be 15 percent. In the Charlottesville Standards and Design Manual, it states that the maximum street grades shall be less than 10 percent. Our request is within the framework of all these guidelines.

We would like to point out that this waiver request is in line with the goals of the Comprehensive Plan in considering the impact of development and natural & cultural resources as well as prioritizing the quality of life for Charlottesville residents. The waiver demonstrates in great detail the environmental and community benefits, which significantly outweigh the reasons to deny the waiver. We have demonstrated compliance with local, state, and national guidelines and regulations for highway design and street design and accessibility standards.

**Commissioner Mitchell** – You have answered all the questions. Why are we here? These guys suggested all along that there were going to be problems with the grade if you got to a certain steepness. Given the process, you indicated that you would work through it as you worked through the site plan. When did you know that 9.5 was needed?

**Mr. Shifflet** – This was discussed at the PUD level. The idea was whether we were able to obtain this and stay within that 8 percent limit. We would prefer you to do so. The answer is ‘yes.’ From an engineering perspective, it can be done. We can make the road at 3 percent, 4 percent, or 5 percent with 100-foot retaining walls. Anything can be accomplished. At the PUD process, we did a lot of front-end engineering work. We all know that the PUD is not a fully engineered document, not fully designed. When we get our geotechnical data on the soils, we start digging into the cut fill balance, what those street sections look like. That has a big bearing on how much soil is coming in and out of the site. It is that next level of engineering that informed us. Can we do 8 percent? Yes, we can. We think it is better for the community if we can get this at 9.5 percent. It was that final engineering process that led us to that decision. We would rather not come in for a waiver. It would be easier that way for everyone. As final engineering progressed, it led us to this conclusion.

**Commissioner Russell** – I want to try to understand what this means for people navigating the site. That is why I struggle with interpreting code and understanding what the street means versus the sidewalk. How would

someone with a mobility issue get from a car? How would they navigate? What barriers are they going to encounter?

**Mr. Shifflet** – During the site plan review process, we will have to answer all those questions in detail. The city engineering staff will be reviewing the plans to make sure we are meeting all applicable accessibility requirements. Those will have to be demonstrated or they can't approve our site plan. There are checks and balances of that. We don't get this waiver and then do whatever we want from that perspective. To answer your question, the site plan will demonstrate that. The 2 multi-family buildings have under-building parking with designated ADA spaces with elevators. The solution to accessibility is different depending on where you are at on the site and what you are trying to access. As far as the streetscape and sidewalks go adjacent to the streets and for the street crossings, we are in full compliance of those standards.

**Commissioner Russell** – Sidewalks would either step up.

**Mr. Shifflet** – The sidewalks would follow the road grade.

**Commissioner Russell** – I find that point mute because you are creating the road grade. You were establishing the grades in the road. I don't think that is an effective argument.

**Mr. Shifflet** – I will note the notion of 8.33 percent and then came up. That number has no bearing in this. That number relates specifically to a ramp. An ADA ramp is usually a curb ramp for a pedestrian access up onto a curb or access to a building. You must have landings and so forth. That is a different thing. By the letter of the law, if you have sidewalks that are not associated with roads or streets, the maximum longitudinal slope that you can have is 5 percent. 8 percent exceeds that. 8.33 is arbitrary when we are talking sidewalks that follow street grades as far as any of the ADA/Pro-Wag Standards are concerned.

**Commissioner Russell** – Are you saying that for the sidewalks to truly be accessible, they would have to be 5 percent grade?

**Mr. Shifflet** – If a sidewalk is not associated with a street, a different set of rules apply. If you have a sidewalk that runs through a park and does not follow the street grade, for the sidewalk to be ADA compliant, must be at 5 percent or you can transition grade 8.33 percent slope ramps. That is not applicable in the setting of a road network.

**Commissioner Russell** – Is there a public park facility in the site plan?

**Mr. Shifflet** – There is. Some of that is being programmed now as we speak with our landscape architect. There certainly is step down green space areas. That large area in the middle is a large green space. For the most part right now, those are being looked at as more passive uses, more passive green space areas as opposed to something more programmed. There is quite a bit of green space in here.

**Commissioner Russell** – What is the pain factor of bringing in 1000 loads of dirt? How many days will that take?

**Mr. Shifflet** – I don't know. I would think several days in a heavy volume and heavy frequency. That is round trips. Some of that is going to have to do with availability. When you are trucking in dirt from another site, you need to get it when it is ready to be taken. It may not occur all at once.

**Commissioner Russell** – I am trying to understand the order. A project that already is going to have a lot of truck traffic. We heard about that in the public comment. Those are some concerns of the neighborhood.

**Mr. Shifflet** – With construction traffic back and forth on Stribling Avenue, as things start to go vertical, houses start to be built, materials are being brought in, you are going to have a good amount of traffic. During the site work process, it is that initial mobilization effort for the most part. You are bringing in the heavy equipment to the site. You are moving dirt around within the site. For the site work component, it is largely self-contained. You will have that traffic coming in with materials for the buildings. We feel that we can limit a good chunk of that heavy construction traffic by limiting the need to import dirt.

**Commissioner Stolzenberg** – Is that site phase the grading? Is the grading at the beginning?

**Mr. Shifflet** – The erosion sediment control plan is going to dictate how the site work progresses. You must put in a construction entrance that is stone to minimize dirt coming in and out of the site. You would establish areas to impound stormwater during construction, so it does not run off into Moore's Creek. We refer to those plans as an erosion sediment control plan. This plan probably has 4 to 6 phases of E&S, where it is documented how the site plan progresses. You would put in those measures to deal with stormwater and then progress with your mass grading efforts.

**Commissioner Russell** – Is there one large grading and clearing?

**Mr. Shifflet** – Were you speaking of how the buildings will come to be? Is that what you meant by phasing?

**Commissioner Stolzenberg** – You have 4 E&S phases and 6 phases in your phasing exhibit. Is 6 for the buildings?

**Mr. Shifflet** – They don't necessarily correspond with each other. The 6 phases are for the buildings. Thinking through the process of cost estimating and getting with a general contractor and figuring out how that is going to come to be, some of that phasing could shift. There are market needs, how many units need to come online, and how quickly. Some of that is still being worked out. The E&S plan is independent. We expect that to remain the same.

**Mr. Duncan** – What Commissioner Russel is asking: Will all the clearing and all the grading and all the roads be put in at one time? Or will those be staged with the E&S plan? We know the buildings are in different stages. Will the grading, roadway, the fill, etc. must happen from the get-go?

**Mr. Shifflet** – The mass grading efforts, getting everything to the final grade will be occurring at the same time. There might be some discussions that we move forward. Do we build the road network up to this point and then phase that second half of road construction? Maybe. Everything will initially be on grade.

**Commissioner Stolzenberg** – You are saying that if we don't give you the waiver, you will have to import 12,500 cubic yards. If you do get the waiver, you are showing exporting 1800 cubic yards. It is something like 80 dump trucks.

**Mr. Shifflet** – When you get to a site like this, you encounter unforeseen things. We can never know that number exact. That number is within an area that we can fine tune moving forward with additional site plan reviews and refinement of the plans to get that to zero. You can never guarantee zero. If you look at the breadth of earthworks that is taking place on site, that 1800 is close. The idea is that if the waiver is approved, that we can make the site balanced and eliminate a large number of truckloads that come in. No guarantee that some won't come in.

**Commissioner Stolzenberg** – That is an export in your plan. If you have that extra margin, a couple thousand extra cubic yards of dirt, can you use that to make your grades less steep on some of these roads in the final site plan stage?

**Mr. Shifflet** – We can explore that. If you are looking at 1800 cubic yards over a site this large, the benefits will be minimal. We have something that we are still considering like building foundations. There are still some final engineering things that could tweak that number back and forth by a factor of 10 to 20 percent of that 1800. That is where we are at right now with our engineering calculations. We feel confident that we can get that to balance. That is how we design sites. That is how we move forward with these sorts of projects with a goal of making the earthworks balance. The answer is maybe. 1800 cubic yards is minimal over a site this big. Can we eliminate the need moving forward once some more refinement takes place, of being able to eliminate 5 feet of 9.5 percent road out of each of those green sections? Maybe. That is something we would do if we can. We feel confident of the need for the 9.5 percent. I know the waiver is up to 10 percent. I know that with the cross slopes of the road, where the pedestrian crossings are, we are proposing 4.8 percent. We are allowing for construction tolerances. We know that contractors always get it right. We don't want to get too close to that 5 percent. It is the same thing with the 9.5 percent. It is not uncommon that a contractor puts a road down and it is 0.1 percent off in either direction. We are trying to give ourselves that buffer.

**Commissioner Stolzenberg** – For that lower right apartment building, do you know where the entrance is?

**Mr. Shifflet** – Not offhand. Those buildings are being developed right now with the architect. We know where the vehicular access is coming in. The idea is that the ADA access needs people would enter from designated spaces underneath the building. We may have some exhibits on the site plan already that demonstrate that. We will have to anyway. There will be several entrances coming out to the street there. Where on the building they are going to be located, it is still to be determined.

**Commissioner Stolzenberg** – There are going to be multiple entrances to the building. Are they independent?

**Mr. Shifflet** – I am not sure. I don't know.

**Commissioner Stolzenberg** – What is the height of the buildings?

**Mr. Shifflet** – I don't know. It was not included in the waiver.

**Commissioner Stolzenberg** – I don't care about all these slopes. That green piece on the bottom right can be made to a 50 percent grade. Nobody is ever going to walk there. It does not go to anything. A lot of Road J, given that the only thing along it, is 10 townhomes that have stairs in them. Getting to the apartment building and getting out of the site is what I care about. People can still live in the apartment building by driving everywhere. The aim of these rules and ADA compliance is to make it possible to navigate the world without having to drive everywhere and to use the public sidewalks. Are there some renderings of what slopes are steep and what are not that can be done to help alleviate that to create within that 1 to 12 path to get to the bottom right apartment building?

**Mr. Shifflet** – We can share some of the analysis that we have done with engineering. We have done a lot of iterations of this with the 9.5 percent slope on that bottom street. I hear what you are saying. That is the most crucial leg there. That is where you are diving down. We must honor the flatter slopes at the intersections. This is fully in line with all leading ADA regulations. This 9.5 percent slope is just as compliant as an 8 percent slope would be in that location. It is fully within the framework. If this project was funded by Virginia Housing or LI HTC, you would have to show accessibility routes and things of that nature to show that your site is accessible. This would work. This would also meet their standards for ADA compliance.

**Commissioner Stolzenberg** – I get that it meets the letter of the law. ADA compliance only applies within the site for the rights of way. We will let you do twice what the city minimum is without a waiver.

**Mr. Shifflet** – They cover 2 different things. ADA is largely how many parking spaces you have and what those parking spaces need to look like. They cover some specific things. PRO-WAG provides more detail outside of that.

**Commissioner Stolzenberg** – It is looser. I get that it is compliant. The spirit of the city's street grade limits is to make the site accessible. Do you feel that you have made this design as accessible for getting to the places where people are going to go? Could you sacrifice other places like the bottom of the hill to be even more out of compliance with the city's rule to make it better on top?

**Mr. Shifflet** – I think that the answer is 'yes.' If you look at the extents of the 9.5 percent that we are using there, picking that up in other areas, you are not getting any benefit. That lower road is where that diving is occurring. We need that length to transition that vertical amount. I get what you are saying. I think this is 'fully baked.' We come into a project wanting the same thing. We all have the same goals. We do not come in asking or wanting steep grades. Our previous iterations have some flatter grades. We noticed that this is not constructible. We have made some of those considerations. We have done our best to limit the 9.5 percent slopes to the areas that are most necessary for the project.

**Commissioner Palmer** – You mentioned in other projects showing accessible routes. I think people talking about accessibility is the most important aspect of this waiver would be to see those groups. If you are going to ask for a 9.5 percent slope, how can somebody navigate the site to get around that potential hurdle? It sounds like there are these different percentages being thrown out. It seems that maximum of 8.3 percent is something that you could design.

**Mr. Shifflet** – If you look at the sidewalk network here that we have proposed, you can draw a blue line on all the sidewalks. I am not trying to nitpick the letter of the law. There is a standard. We are meeting that standard for PRO-WAG and ADA compliance. 8.3 percent is no more compliant than 9.5 percent. Any of these sidewalks meet PRO-WAG and would meet the leading accessibility standards.

**Commissioner Palmer** – It would be best to establish a best practice percentage that maybe exceeds PRO-WAG. There is maybe a roundabout way. It seems that if you are asking for a waiver, you might want to consider showing how the site might look.

**Mr. Shifflet** – To your point, the site plan design/review process that we will go through the next 12 months, we will be working with engineering to further refine it. They are going to want to see that regulations have been met, that we are providing reasonable pedestrian access or ADA compliant access throughout the site. If we don't, we don't get an approved site plan. Those things are standards that we are held to as part of the site plan review process. There could be some programming moving forward where we have some of those winding sidewalks with courtyards. Some of those things are being developed. You will see some of that come to life as the plan progresses.

**Commissioner Stolzenberg** – For Road C, PRO-WAG lets you have any sidewalk grade that is as steep as the road. Can you make that sidewalk less steep such that it gets further above the road as you go further down to make the actual path?

**Mr. Shifflet** – No. If you did that, you would be held to 5 percent. If you start to flatten that sidewalk grade and start to manipulate that such that it is not running parallel to the road, you are held to that 5 percent. You are

coming out of the ground pretty high. You could navigate that with a series of ramps. It is going to be cumbersome. You are going to have some walls and ramps. I think there is an engineering solution for everything. In this instance, it is not practical.

**Commissioner Stolzenberg** – Maybe it is like The Standard where the sidewalk is a foot above the road. There is a planting area.

**Mr. Shifflet** – As the road continues to go down at 9.5 percent, your sidewalk is at 5 percent.

**Mr. Duncan** – Every 100 feet, you are going to be a foot and a half higher. If you start at one end of Road C, when you get to the end, you are 4 or 5 feet above the road.

**Commissioner Russell** – How did we start at the 8 percent? It seems that is not achieving anything, except that it was stated in the original application materials.

**Mr. Duncan** – The 8 percent grade in the city code has been there for many years. I don't know why they picked that percentage. There are plenty of streets that exceed that. ADA has only been a thing since the early 90s and it came into the main accessibility concerns. The PRO-WAG has not officially been accepted yet. It is in the non-accepted state. ADA is ever evolving. I don't know where the 8 percent came from. We have city code and The Standards & Design Manual. The applicant did correctly point that The Standards & Design Manual allows for 10 percent maximum. Our city code allows for 10 percent. The exception is that it is 8 percent with up to 10 percent with a waiver. ADA access for sidewalks is 5 percent. ADA access for trail systems is 8.33 percent. That is the highest percentage that is allowable stated. You can meet a road grade. That is where we can accomplish that. It might not meet offsite sidewalk ADA accessibility. It would meet a trail system accessibility guideline. It is achievable with some engineering on this site. That is why we denied the waiver.

**Commissioner d'Oronzo** – I understand Commissioner Stolzenberg's query on accessibility. It seems with this 8 percent, with your explanation, we are being subjected to peer pressure from dead people. The person who wrote the 8 percent isn't here. To Commissioner Stolzenberg's point on this lower right corner and your Exhibit B, you present 2 options. Option 1 is to build a higher retaining wall and deal with the consequences of that. Option 2 is that you bleed into the 100-year floodplain. That is a nightmare. Dealing with that corner, which a couple of us have said 'who cares,' is there a split debate option?

**Mr. Shifflet** – Per city code, even if we took that end section from 9.5 percent to 10 percent, you are picking a half percent over 50 feet. What are you gaining there? A couple feet.

**Mr. Duncan** – Is there a functional use for that?

**Mr. Shifflet** – It is a turnaround for emergency vehicles. The cul-de-sac is substandard. If you look at the emergency access, they can do a T-type turnaround. We coordinated with the city fire chief. We have some more details to work out.

**Chairman Solla-Yates** – I understand that we can say 'yes' or 'no.' Can we offer amendments?

**Mr. Duncan** – I don't know. I believe Ms. Creasy said that this is the first time we have had a grade waiver appeal in the city. We have either not needed them or granted. What are you proposing? I would be happy to discuss with you and whether they are practical. Without knowing that, I don't know how to answer your question.

**Chairman Solla-Yates** – Can we require landings on steep grades on sidewalks?

**Mr. Duncan** – I think that would be difficult.

**Chairman Solla-Yates** – Can we say that this is required to make grade requirements unless there is access up here from this building and exempt this and this?

**Mr. Duncan** – I believe that could be something that is set.

**Commissioner Russell** – I still don't understand if there is a way in which the applicant can show if there are sidewalks that someone could navigate through the site or to major features like Stribling. How would someone navigate the site not have to use those slopes? I am not even sure that is relevant since an 8 percent grade is not achieving accessibility. I don't understand what we are trying to do.

**Mr. Duncan** – There are different levels of accessibility. There is building accessibility. There is the right-of-way. There is a sidewalk outside of a building. The right-of-way is the least restrictive of all of those, which is why we are trying to hold to an accessible trail standard for the sidewalk. Would it meet an interior building steepness grade? No.

**Commissioner Stolzenberg** – The federal government will let us go up to 15 percent. It is only our ordinance that says up to 8 percent and up to 10 percent with a waiver. For that standalone sidewalk, is that the federal government that says it must be 5?

**Mr. Shifflet** – It is 5 percent maximum, longitudinal slope unless it is a ramp, which can go up to 8.33, and 2 percent cross slope. There are many stipulations.

**Jack Dawson, City Engineer** – To talk about the private ADA, you can have a 5 percent sidewalk. As soon as it goes above 5 percent, it is a ramp. You cannot go higher than 8.33 percent at all with a ramp on private property. If you have 8.33 percent, you can only rise 6 inches. It can only go 6 feet, 8 feet.

**Mr. Shifflet** – Once you get above a half foot of vertical rise, that kicks in the need for railing, landings.

**Mr. Duncan** – It is 50 or 100 feet when you need a landing.

**Mr. Dawson** – Under the original ADA guidelines, which comes from the Department of Justice, the only thing it references is PRO-WAG and that you don't need handrails. If you looked at ADA and looked at this road, the original intent of ADA on private property, the entire sidewalk would need to have handrails. Since that violates street frontage practices, the original ADA excluded that. As designers, we all should be striving to make things as accessible as possible. It is not necessarily the case because you exceed 5 percent. This is not about convenience for able bodied people. It is about equity and federal regulations. It is confusing. The Standards & Design Manual says 'should.' At all intersections, there 'should' be 50 feet of landing for 2 percent so that we don't get a situation where we have very steep roads coming together and having ramps that are outside of reasonableness to expect somebody with a disability to navigate that. That is not conveyed on here. That is in the code as a 'should.' We are going to encourage that. That would be something. The sidewalk waiver we gave was because they achieved full compliance at the intersection with cross slopes and the landings. Staff would prefer that the safety be focused at the intersections where the pedestrians interface with the traffic. That is something that is in the code, and we would like to see. Those details don't get done until after this waiver is entertained with the final plans.

**Mr. Shifflet** – Those details in the site plan are in the waiver packet. You will notice a series of at least 2 profiles. That is a profile of these street crossings. We are tasked to design a project that tries to meet the goal of the Comprehensive Plan, achieves all the goals that we arrived at with this PUD, and considers community welfare. We have guidelines that we must follow. They can't be moving around. We are meeting the pedestrian, highway, and street guidelines at every point. With the intersections, we are meeting the stipulation. What we are hearing from the city is that you must meet PRO-WAG. We are consistently hearing that. We are demonstrating PRO-WAG.

**Mr. Duncan** – 8 percent has been the standard since the PUD. We have not changed that.

### iii. Commission Discussion and Motion

**Commissioner Mitchell** – We decide to either grant the waiver or we decide to deny it. I like where you are going with the modifications. The modifications are going to be so complicated. I don't think we are qualified to help with the modifications. As the waiver is currently worded, I cannot support this waiver request. I would love for these guys to talk about some modifications that would make it work.

**Ms. Creasy** – I don't believe that there are any limitations on that. The code does not get too much into detail, except to say that this is the appealing body.

**Commissioner Stolzenberg** – I don't think we should engineer any mitigations here. This is a preliminary site plan. I think there is a possibility to say if we think a waiver might be good for the reasons in our standards of review that we could make some encouragements to something like, 'generally please make every effort to make the road north of Road D as low a slope as possible as they go forward.'

**Commissioner Russell** – I am inclined to agree. The way it is written, it is 8 percent up to 10 percent that is allowable. I still can't understand why we are stuck on 8 percent, except that it adheres to a trail standard. This is not a trail. I don't know on what grounds we are standing to deny other than we do not feel great about it being as gentle of a slope that is accessible. I am not understanding what 8 percent versus 9.5 percent is doing at the end of the day.

**Commissioner d'Oronzo** – Commissioner Stolzenberg, you had a discussion with staff. There were some examples provided of street grades. I have a specific question about one of them. That is 6<sup>th</sup> Street to Avon on Blenheim Avenue.

**Commissioner Schwarz** – Rose Hill next to Burley Middle School is the one that you said was 8 percent.

**Commissioner d'Oronzo** – I go over that one on Blenheim every day. That is 7.8 percent. That 7.8 percent is a steep hill. This is helpful for me to visualize that. As you exit the IX Complex and go up Blenheim Avenue towards Avon Street. That is 7.8. In one sense, we are talking about the accessibility issue and the guidelines. We are second guessing these guidelines, which in some respects might be robust. In other respects, they might be a horrible cluster that has been put together to make sense of something that is not sensible. We are talking about 8 percent versus 9.5 percent versus a set of guidelines. 8 percent stinks.

**Commissioner Schwarz** – I am going to agree. 8 percent is already steep. I would care more about this if this was a mixed-use project. You need to trek all the way up Stribling to the corner of JPA and Fontaine to find anything commercial related that you could go to. There is no way to go down to the Fontaine Research Park. It is a purely residential development out in the corner nowhere that is designed for cars. FHA assumes that you can use an automobile to get to an accessible location. It is unfortunate. What we need is a work session where we take a wheelchair to an 8 percent slope.

**Commissioner d'Oronzo** – You are right. We are talking about walkability and accessibility.

**Commissioner Stolzenberg** – I have walked many of these grades before this meeting. Hills are not good. If you go to the bottom of IX, it is 8 percent if you turn left and 9.5 percent if you turn right. They are both unpleasant. You must weigh the harm that the extra 1.5 percent grade does for 100 years to the people who live at the bottom of this development against the harm that will be done by bringing 1000 dump trucks down Stribling. According to the standards of review, if there is one of them that seems compatible, the health and safety effects of having to do that. Since it sounds like it is going to be done at the first stage of this project, we won't have a sidewalk done at that point. Everyone who walks down Stribling is in the street and must navigate these dump trucks. I lean towards approving the waiver to a shall in everything possible so that the parts of the site that are up the hill is as low a slope can be achieved.

**Motion – Commissioner Stolzenberg** – I move to approve the waiver that would allow those streets identified in the applicant's waiver request to exceed 8%, but not more than 10%. Second by **Commissioner Schwarz**. Motion passes 5-1.

## 2. Presentation – Entrance Corridor Design Review Overview

**Jeff Werner, Historic Preservation Planner** – I am here to talk to you tonight about the city's Entrance Corridors and your role, which is the Entrance Corridor Review Board. It is a responsibility that was given to you by City Council in 2003. Within the city, there are several designated areas by the city of design control overlay districts. These include the city designated historic districts, which are under the purview of the Board of Architectural Review. I stress city designated because there are historic districts which are not city designated. The BAR does not have purview over those. There are the entrance corridors. With the map, I try to put on there. There is a lot going on. The entrance corridors are under the purview of you as the ERB. The BAR and ERB review process are similar and different. For an entrance corridor project, staff has more flexibility for administrative reviews. In an average year, you will formally review 4 or 5 requests. That includes special use permits, comp plan, and design review certificate of appropriateness. You can see that this is what you can look at. On a monthly basis, the BAR reviews between 6 and 8 projects. I am very busy with the BAR. I work directly and regularly with the BAR. I am here tonight because I infrequently work with you. We have some things coming up in the entrance corridor. We figured it was time to reintroduce you to me.

### Next Slide

Council established 12 entrance corridors and made the Planning Commission the Entrance Corridor Review Board. Per code, the entrance corridor projects are reviewed for architectural design, form, style, materials, and site design. It is done through the application of Entrance Corridor Design Guidelines. The ERB purview applies only to the exterior of the building and only to what can be seen from the entrance corridor. It is different from the BAR. It is what you are seeing from that road that is designated as an entrance corridor.

### Next Slide

The design guidelines are online. The design guidelines are anchored in 10 design principles. Not every guideline is applicable to every situation. That requires flexibility from you all in how and to what extent those guidelines are applied. These are the 10 principles. The guidelines stem from those 10 principles.

### Next Slide

The design guidelines have 5 chapters. There is an introduction, a chapter on streetscape, a chapter on site, a chapter on buildings, and a chapter that summarizes each corridor.

### Next Slide

The last chapter is where things get into the specific corridors. There are recommendations for each corridor.

### **Next Slide**

You can see the 12 entrance corridors and the recommendations for each specific corridor. With the EC guidelines adopted in 2011, the corridor specific recommendations are out of sync with the current Comp Plan and with current zoning.

### **Next Slide**

The guidelines are germane and useful and anchored in good design. Before getting into how the guidelines are applied, I wanted to talk to you about 4 scenarios in which they are applied to support.

### **Next Slide**

The first is the staff administrative review. Most EC project requests can be reviewed administratively by staff. If somebody disagrees with staff, it can be appealed to you all. I often tell applicants that we can work it out or they can go to the ERB.

### **Next Slide**

This is a good example of administrative staff review. This is the Kentucky Fried Chicken on 29 North. I said 'no.' I asked them to tone it down. They were great to work with. The result was something that is better than a franchise design. You will only review what are new buildings. If it is a façade alteration on Barracks Road, I can take care of it.

### **Next Slide**

We also administratively review signs in the entrance corridor. This is a sign for Raising Canes on Emmet Street. On the right side is an illustration of a sign at night. One of the things that we don't control is light and glare. Another is that if it has red in it and in the evening, we don't want to see a red glow from the sign. I can take care of that administratively.

### **Next Slide**

The other thing that requires you is a request for a Comprehensive Signage Plan. For example, Barracks Road Shopping Center. Most recently, you looked at something for the medical building on 10<sup>th</sup> and East High Street. Those result in you reviewing it and making a recommendation to City Council.

### **Next Slide**

Things can be relatively simple, and they can be very complex.

### **Next Slide**

The other thing you look at and review are special use permit requests within the entrance corridor. That is where you review it. As a recommendation to Council, do you feel that there will be an adverse impact on the corridor? Can that impact be addressed with the design review? It is not an action on your part. It is a recommendation that you and the Planning Commission send up to Council.

### **Next Slides**

It can be as simple as looking at a drive-thru window. It can be evaluating additional height.

### **Next Slides**

The big thing you are involved in is the design review of new buildings. You get to make the decision on approving the CoA application. Anybody can appeal those decisions to City Council. You have looked at things that are relatively simple like this. You were involved in the apartment component of the Dairy Market project on West Street. You reviewed the landscaping plan and the lighting plan.

## Next Slide

Back to EC review process and applying what our guidelines from 2011 to a Comp Plan approved in 2021.

## Next Slides

During a review you all must make some judgement calls on corridor specific recommendations. Overall, the guidelines are flexible and broad. They are only guidelines. They are not requirements. You all must give some thought to it. For example, there is broad direction about lighting. It does not specifically say what lighting means. I will work with applicants on levels of lamping from LEDs. Since we are allowed to prevent unwanted glare, we have some measures that we apply. With signage, what does that exactly mean? I can interpret 'do not obstruct architectural elements.' If somebody does not like it, we can set it up for you. We talk about the façade organization of buildings, materials, colors, and things that are important regardless of how a site is used or the density. The guidelines allow you a tool even if the Comp Plan and zoning have changed. The guidelines address franchise development. They talk about mechanical equipment being screened. These are flexible guidelines that we can use regardless of what the underlying zoning says. There are pieces of this that we can still use. Chapter 6 was the corridor specific recommendations we will have to work together on. Since 2011, the Comp Plan has been updated and the ordinance has changed. We have some ordinance changes pending. We need to have some discussions about that. We need to update the design guidelines. Where we are now with what we have now, I am going have to rely on you to interpret as best as we can the documents that we have applying the current zoning and current Comp Plan.

## Next Slide

Maybe next month, I am hoping we look at 2005 JPA, Hillsdale Place, zoning ordinance changes, and how we address entrance corridors in those.

**Commissioner Mitchell** – 2005 JPA is going to be a real challenge. Council has approved the number of units and pretty much approved the massing of that through the SUP. It is going to be big. How do we wrestle with the concerns about aesthetics when we know that this is going to be difficult for a lot of people?

**Mr. Werner** – That height has been established. What you are working within is that height. Does this design, as presented, comply with the guidelines? It is architecture. It is subjective. To the best of your ability, go through where it fits, where it does not fit. The courts expansion came 4 or 5 times to the BAR. It was not the same project every time. Each time it went to the BAR, it required a staff report, an update, and a review. Unless someone deferred something, it does not change it. My relationship with the BAR is different from you. The design review with the BAR is more of a discussion. If I have a question about something, I will send it to the BAR. If I had a question about an entrance corridor, I could only ask you all in a meeting. I am not asking you to vote on something. With you all, it has traditionally been that once I have a project design, I bring it to you. How you choose to treat a project, there might be questions. I cannot tell you what to do.

**Commissioner Mitchell** – What about the setbacks? Is that a function of the Planning Commission and Council? Is that a function of the ECRB?

**Mr. Werner** – There is what the special use permit dictates. You cannot violate that. If an applicant thinks you have done it wrong, they can appeal to Council. There is a remedy. You want to do the best you can. There is a resolution if somebody disagrees with your decision. We can use the guidelines if you think a step back is necessary or if you think something needs to be adjusted. When we have these conversations with the BAR, we are being upfront with the applicant. Sometimes, we must communicate things. Without taking an action, ask them to go back and reevaluate something. There needs to be a dialogue during the meeting. I can't tell you what to do until we are looking at it.

Something else to consider, what happens inside that building is irrelevant. We are evaluating the design and what you see. You will have to set aside what this is being used for. The assumption is that the use and density have been allowed. You are evaluating the design, materials, landscaping, and lighting. Is it appropriate?

**Commissioner Mitchell** – The BAR is focused on historic preservation. They are also focused on design. Is the Planning Commission the right place to be thinking about design?

**Mr. Werner** – Fortunately, you have a couple of design professionals right now. The BAR does have a lot of architects. I could have a quorum with business owners, private owner in a district, and two historians. We could have a quorum without any design professionals there. The difference between the BAR and you all are the frequency with which I work with them. My job is to help you. I try to guide you as best as I can.

**Commissioner Schwarz** – There is an item on page 4. At the top, ‘the expressed intent of the City Council enacting the provisions of this subsection that matters related to public health and safety has may be defined by the Planning Commission shall prevail over issues within the purview of the ERB.’ It does seem to imply that Council, when they enacted the entrance corridors wanted the Planning Commission to review this and wanted us to look at public health and safety.

**Mr. Werner** – When I have often brought things to you, the first question is: Why are you here? Why are you asking us? In government-speak, that is your job and that is what I have been told to do. In truth, that is what you have been charged with. Until we are told differently, that is the process we have. Why I am here this evening is that I know that there are things that are going to be revised and amended to change. In the interim, I have requests that are coming in that must go to you. All we have available are the tools we have available. I think that good decisions can be made with these. I don’t think you all can evaluate an extensive project in 20 minutes and make a vote on it. That is Ok. I have not worked with you all enough. I don’t know what you are thinking. That is what we have. We have these guidelines. What do they say? What do they mean? You will find them redundant and broad. Chairman Solla-Yates, you do a good job at the meetings of getting input and you all making decisions. We will have to work together. With updating the plan and updating the ordinance relative to the entrance corridor, we will have to have that conversation in the future.

**Commissioner Schwarz** – I remember there being something in the CIP for updating the BAR Guidelines. Is this something that can be tied to that?

**Mr. Werner** – Per our ordinance, every 5 years the design guidelines are supposed to be updated or revised. That could be nothing more than changing the font. We have the same problem with the BAR. What you have with the guidelines for the historic conservation districts is very precise neighborhood stuff. Before we revise those guidelines, we want to make sure that the Comp Plan and ordinance are intact. Some of the discussion I have heard is whether the BAR should be reviewing the entrance corridors. Possibly. I do have some doubts on that. There is no need to spend money revising those guidelines if entrance corridors change or something changes. We can make things work in the interim.

**Commissioner Schwarz** – Before the 24<sup>th</sup>, can we get a clarification on that paragraph that I read? Are we reviewing entrance corridor items with an eye towards public health and safety?

**Mr. Werner** – With enabling legislation, everything must be anchored in health, safety, and welfare. You pick any section of the code, that is where it starts with. I am not aware of anything in the guidelines that talks about the bus stops, crossing guards, etc. You are evaluating aesthetics. The reason you are evaluating aesthetics and design is because of the health, safety, and welfare of the community.

**Commissioner d'Oronzo** – I read that as the Planning Commission can't be forced down into a 'box canyon' on an issue of the ERB if it is interfering with the principle of the basic 'stop talking about aesthetics if you are talking about health and safety.' That is what trumps everything else. That is the way I read it.

**Mr. Werner** – The fact that you have voting in Virginia is to protect the health, safety, and welfare. It is the preamble at the beginning of every section. There are things coming from Ms. Creasy. I am not planning on speaking to you all again until we come forward with something specific on some of the projects.

**Commissioner Russell** – Your example of big box retailers is a great example of the entrance corridors working well. When I go somewhere and I can tell that there are entrance corridor guidelines in place, this place cares. This place cares about their place that they don't let a big box retailer come in and put their logo all over everything. That indicates a place that cares about its image and how it presents itself to its community and others. I don't see that as a big imposition. That is something that they can be asked to do. We talk about the elements of the Comp Plan, new buildings, and new things being compatible with elements of existing neighborhoods. We on the Planning Commission don't know what those things are. I think we are being a little flippant in saying that we are not designers because then we are not really responding to the community saying, 'we care about our neighborhood.' It is important that we have some awareness of design, and that being not just aesthetics, but materiality and things that are unique to Charlottesville. The entrance corridor guidelines do a really good job of not requiring someone to necessarily be a trained architect to go well. Understanding how infrequently you come to us, it is not that much of an imposition on the Planning Commission to review these things.

**Mr. Werner** – That is a good point. Not to be flippant, none of us are land use attorneys. I am not even an architect. You are representing an interest in the community. You are not just being asked what you think of this. You have a lens through which to view something and to evaluate it. The tension is on things like JPA where we have a prior document that said something. That has been litigated. We have a special use permit, which has determined the height and the use. We are now reviewing the design. We are not talking about not allowing this. I am glad you said what you said about the entrance corridor because it is one of those things that I was thinking about. What works? When you go into Fredericksburg on Rt. 20, they have strip malls. There is something different about that. There are things that when you are successful, you know it hides your weaknesses. We are succeeding in things. People are not paying attention to it because it has been successful. Go to UVA and look at those lights at the tennis courts. It is blinding. The BAR has come up with some reasonable guidelines that we have used. You asked us several years ago about glass. We had a good conversation about what clear glass means.

**Commissioner Stolzenberg** – Have there been any actions by the ECRB that have been what the public would consider big failures?

**Mr. Werner** – Yes and no. With the Wawa on 5<sup>th</sup> Street, it is hard to get excited architecturally. It is difficult. At the same time, the result is positive. With the Wawa, they wanted to put a big, shed roof. I said 'no.' We don't have shed roofs. I had some trouble with the face chip and dale railing at the top. We do not want to look at the mechanical units. There is some give and take. More than anything, it is where we have missed something, and it has happened.

**Commissioner Stolzenberg** – The Wawa is an interesting thing. I know at the county ARB, which is their ECRB, they have agonized over their various Wawas. They came up with a Wawa that reflects the Charlottesville sense of place. Should we be coordinating our entrance corridor guidelines and review with the way the county does entrance corridors? They are the same corridors.

**Mr. Werner** – They are, to a certain extent, coordinating. They are certainly not at odds. One of the big questions is the pedestrian experience. It is a Wawa. The design guidelines say there are areas of the city that are intended to be auto oriented. This is strip commercial. It is not trying to make it downtown Charlottesville. I look for good materials. You are not coming in with vinyl siding or trying to use stone and masonry and metal. Try to build some permanence into something and it is not something that is going to deteriorate in 5 years. That is my first threshold. You try to look at what is there, how this will fit into what is there. With the Comp Plan changes, it is hard to say what is there now is not the model. If you could explore some of the things that have been evaluated, we have not had that many things.

**Commissioner Stolzenberg** – It seems the last big thing was Gallery Court or Dairy Central.

**Mr. Werner** – For you all, it was Dairy Central, Carlton Oak, Hillsdale Place, which will probably be coming back modified. That is about it.

**Chairman Solla-Yates** – I have been very concerned about conflicts within city ordinances, city plans since we started doing government. I see many conflicts within the existing guidelines for the ERB. I understand the need for some updates, some moderation, and some reasonableness. I do not know how or when we do that. I do see the need.

**Mr. Werner** – The conflict is in those corridor specific recommendations where it says the maximum should be 3 to 5 stories. The current Comp Plan is not there. The prior chapters discuss what a building should be and how the site could be designed and activated, those are still applicable. When we come to something that seems that there is a conflict, we are going to acknowledge it, we are going to refer to the current Comp Plan and the current ordinance and apply them to the best of your ability.

**Commissioner Stolzenberg** – Is there a reason for the guidelines?

**Mr. Werner** – There is nothing specific. The guidelines are anchored in the ordinance. They are allowed by the ordinance. It is not the other way around. It is what is an entrance corridor and what things fall under the ERB purview. You may alter that. It would help to clarify what I look at and what you all need to understand. Right now, we have a policy that we work with. That should be clear and specific. The guidelines could change. We could modify the guidelines without worrying about the ordinance. It is in those street-by-street things. If we are going to do it, let's do it all the way.

**Councilor Payne** – I would share Commissioner Russell's perspective. I am most interested in the JPA project and practical meaningful role the Planning Commission has on what that project ends up looking like. That seems the most relevant areas, those larger developments which the Comprehensive Plan now allows. Those are the trickiest ones because those are the ones that people get the most upset about aesthetically. It seems like if you go to other cities, there is a meaningful difference in the building materials and the designs of how those larger buildings. Do you have something that is better and more intentional or something that is the cheapest possible building materials and designs. You get your gentrification boxes that you could see in any city. I don't know what if any mechanism there must be to try to guide that design as we move toward larger density. I don't know if this is a meaningful place to try to guide building materials and design in a more intentional way.

**Commissioner Russell** – It makes a lot of sense if we are going to have this quality of building that is going reflect a thing that we are having to find out what that is. There must be a mechanism to do that. It is going to be the cheapest thing someone can do.

**Commissioner Stolzenberg** – There is a 3<sup>rd</sup> option that is the generic 5-over-1 that has been tortured by design review to be as articulated as possible. It still looks like it is from anywhere or even especially looks bad.

**Councilor Payne** – I would agree that process can result in random articulations and a couple new building materials that functionally are not interesting anywhere. To your point, they could be worse.

**Mr. Werner** – I was a builder earlier in my career. You want me to build something inexpensive. I can build something inexpensive. In 5 years, it is going to look like I built it inexpensively. There is a reason that places that were built in the 70s, people can't sell those places. There is a reality to the materials that are used. That is separate from how the architect puts those together. There is an element in these guidelines about what are those materials and how they are incorporated in a project. That is going to be a challenge moving forward. There are things coming. They look great on paper and in the renderings. You go out there and it is Styrofoam stucco. That is why I am here to offer some perspective on those.

The meeting was adjourned at 9:22 PM.

**PLANNING COMMISSION REGULAR MEETING**  
**June 11, 2024 – 5:30 P.M.**  
**Hybrid Meeting**

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

*Beginning:* 4:30 PM

*Location:* NDS Conference Room

**Members Present:** Chairman Mitchell, Commissioner Schwarz, Commissioner Solla-Yates, Commissioner Stolzenberg, Commissioner d'Oronzio, Commissioner Roettger, Commissioner Joy

**Staff Present:** Patrick Cory, Missy Creasy, Jeff Werner, Matt Alfele, James Freas, Remy Trail

Chair Mitchell called the meeting to order and provided background on the EIFs question from the VERVE application. He noted that Mr. Werner and Commissioner Schwarz worked through language to clarify a condition for how to address the complete EIFs system. Chair Mitchell noted he would be okay with the condition as put together. There was general agreement. Commissioner Schwarz noted an update needed to the May 14, 2024 minutes.

In reference to the 2005 JPA site plan application, Mr. Alfele provided information on the TMD for the new code and noted the requirements under the old code. The Special Use Permit for this project required a parking plan which was reviewed and approved by the Traffic Engineer. It was noted that the language for the condition was the best we had at the time. Commissioner Schwarz asked if bike parking should be included in the parking plan. It was noted that the old code was less specific, but a recommendation will be made to include a note that will provide directional signage to the bike parking.

Mr. Werner provided updated language for the conditions for the VERVE application. There was a brief discussion about street tree requirements for this site. It was noted that the current site plan version included the requirement and final approval of the site plan would return to the Commission. Commissioner Stolzenberg asked for clarification as to the areas of the site that will be brick. Mr. Werner reviewed the materials as shown on the plans. There was concern that materials could change, and significant changes would return to the Entrance Corridor Review Board for review. Clarification was also provided concerning the screening of mechanical equipment.

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

*Beginning:* 5:30 PM

*Location:* City Hall Chambers

**A. COMMISSIONER'S REPORT**

**Commissioner Stolzenberg** – There was a LUPEC meeting. We received a presentation from VDOT about the upcoming smart-scale projects. There were a couple Albemarle County projects that we covered. One of the projects will be a ‘dog-bone’ or ‘peanut’ roundabout at Hillsdale and Rio. There are 2 sets of roads intersecting close to each other. Rather than one roundabout, you have 2 roundabouts connected to each other. There are some complications because some of them are private roads. VDOT can’t move private accessways. Albemarle County will be submitting that application. With MPO Tech, we approved moving toward the 2050 Long-range Transportation Plan. That process is finally wrapped up. We got an update on the 64/5<sup>th</sup> Street project, which is a similar configuration as it was earlier. It was a diverging diamond with a shared use path going up the middle

and crosswalks at lights where pedestrians can get to that shared use path. The update is that it will now connect that shared use path all the way up to where the previous smart-scale project trails hub behind the Exxon down there. There are trails that connect to Wegmans and have a stubbed-out connection at Starbucks. This connects to that rather than having a tiny gap. The other project is the Barracks Road interchange and shared use path. That will be 2 applications. The MPO will be submitting the entire extent from Emmet Street to Georgetown. The County will be submitting the part that is in the County. The interchange part is 2 roundabouts on either side of the interchange so that there is enough room underneath the underpass to fit a shared use path continuing. All the left turns on the median will be closed from the interchange to Georgetown Avenue where there will be another roundabout. The big point of contention is that, in the current proposal, there will not be a midblock crosswalk for pedestrians to cross at any point in between. There are bus stops on both sides of Barracks Road there. The hope is that VDOT will figure out a way to integrate a crosswalk there. They are concerned that if you did it as a single stage crosswalk, it would have impacts on operations in that both sides would have to stop. I also had a meeting with Mr. Lavine on the same topics. I had a conversation about in lieu payments versus on-site affordable housing.

**Commissioner Schwarz** – In May, I had a meeting with Jeff Lavine concerning a potential development on the Downtown Mall. He did not want to specify what parcel he was looking at but wanted to go over some of his concerns/hangups he was having with the zoning code. One of the things was he wanted to float the idea of not limiting buildings by story height but by foot height. With the BAR, we had a preliminary discussion on the UVA affordable housing project at the corner of Wertland and 10<sup>th</sup> Street. It was a preliminary look at it. There wasn't any discussion regarding materials. It is looking like it is going to be a 6-story building. A lot of the discussion had to do with how the building interacts with the streets.

**Commissioner Solla-Yates** – I have been watching the Virginia Housing Commission. They have started meeting to discuss new zoning regulations statewide that would affect us. They are considering 2 items that are relevant to us: faith in housing, which is an idea to allow more affordable housing on religious properties, and an accessory dwelling unit ordinance. I think both would be largely in compliance with what we have done here.

**Commissioner d'Oronzo** – The CDBG-HOME as presented last meeting here has been approved by City Council as submitted. The TJPDC met last Thursday. We had a session about how HOME is allocated and works. Councilor Payne has been elevated to Vice-Chair. We had an interesting conversation about hydrogen buses. Sean Tubbs did a 'deep dive' on that Champaign, Illinois trip. The HAC met on the 15<sup>th</sup>. They finished off the land bank ordinance. Two of us were designated to clean it up and finish it per the notes. It is now in staff's hands. I had a meeting with Mr. Lavine about the same thing as Commissioner Schwarz.

**Commissioner Roettger** – I went to the last Tree Commission meeting. I am amazed at their devotion to saving and adding trees in the community. What was interesting was that they picked out all the new pieces of code that may have changed from the old code regarding tree planting. There was more discussion on what other cities have done and what we could do to better keep trees on private land since public land is easier to regulate such as heritage trees. There was no movement or update on the trees Downtown.

## B. UNIVERSITY REPORT

**Commissioner Joy** – I am going to update everyone on a few items that came out of last week's Board of Visitors Buildings & Grounds Committee. I will start with the Tessa & Richard Ader Center for the Arts. The B&G Committee approved the concept site design guidelines for this exciting performing arts center. The site that was approved is the easternmost parcel of the Emmet/Ivy Corridor. It has frontage along Emmet Street and sits caddy corner from the new School of Data Science. With this addition to the Emmet/Ivy Corridor, the 3 thematic goals that were laid out by President Ryan's Task Force of creating a nexus of discovery, democracy,

and the arts will be achieved through the ensemble of the School of Data Science, the Karsh School of Democracy, and the Ader Center for the Arts. The University is currently authorized by the state to complete the planning phases of the project. We are awaiting further state funding for the project to proceed into the construction related phases. The next project is the North Grounds Parking Garage. The B&G Committee reviewed the current design for the garage. We are anticipating going back for final design and approval at their September 2024 session. This will be a design-build project. We are projecting a late 2026 completion date. The design calls for 1000 parking spaces that will help address commuter and event related parking needs. With second year housing, an RFQ was published. We have received 7 letters of interest from different development teams. A review is underway of the qualifications of those teams in hopes of creating a short list that will be engaged for a request for proposal process. That will happen later this summer. I will report more as this project develops. With The Fontaine Parking Garage and Manning Institute to Biotechnology, there was some disruptive construction underway. That process is still progressing. It is on schedule. The University and UVA Health have been working together to communicate any construction related impacts to the community. They have been providing appropriate accommodations to visitors when needed. We are projecting that by the end of July, this invasive blasting phase will be complete. Some of the related parking restrictions will be fully lifted. On June 6<sup>th</sup>, there was a ribbon cutting for the Molly and Robert Hardy Football Operations Center. This is a 90,000 square foot state of the art training facility for our 115 to 125 student athletes who play on the football team. In the fall of 2025, the University will have a ribbon cutting for the Harrison Olympic Sports Center that will become the home for the Olympic sports teams that were displaced in the demolition of University Hall.

## C. CHAIR'S REPORT

**Chairman Mitchell** – I had a meeting with Jeff Lavine as well. The topics were similar to the other commissioners. We talked about affordable housing, the bonus, or the payment in lieu. I only had one meeting. Most of my committees are not active lately. I don't think the BZA has met in at least 3 months. Parks and Recreation is always active. We met with the Adaptive Recreation Department a couple weeks ago. Their focus is on the elderly and people with challenges and disabilities. Many people that use that are people who live in Albemarle County. Albemarle County does not have any function like that. It is very busy. I sent you guys a PowerPoint that takes you through all the offerings of this group. With the Master Plan, the community engagement is done. We are now working with the stakeholders and focus groups. We are developing what will be our outline for the public hearing with Council. That should happen in the next couple of months. The dogs in the park conversation continues. I sent a PowerPoint that outlines the current ordinance/code as it relates to dogs in the park. The PowerPoint lists a few things that we can do to address some of the issues with dog waste. We are continuing to think about the need for dedicated dog parks and a revision to the dogs in the park ordinance. There will maybe be something coming before Mr. Sanders' office and Council soon. The pools are open. Staffing remains a challenge. We are working through it. With Oakwood Cemetery, water in that area remains an issue. We have had several conversations with the community about that. We have consultants on board. The consultant is an archaeologist and civil engineer. Their objective is to help us figure out how to deal with the water but also respect the remains that are in Cemetery.

## D. DEPARTMENT OF NDS

**Missy Creasy, NDS Deputy Director** – The BZA is working towards a July meeting. We are continuing to have pre-application meetings with several people throughout the community. We are slowly getting some submissions based on the new code. A lot of work is going towards shoring up items that are under the old code. We are making a lot of progress through that. Our computer system that is newer to us than the building techs. Our building techs have been on the new system for about a year. We have some good data from that. They have been able to make some adjustments to the system to create efficiencies. On the plan review, site plan side of things, we are still in the early learning phases of the computer system. We are working quite a bit with internal staff and the public to try and sort through those things as we go. Everyone is on board with trying

to make our situation work the best that it can. We are not scheduled for a work session for this month. You have another date off. I don't know what July looks like. It might be 1 to 2 items at the most. We are not having large numbers of items at this moment.

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

No Public Comments

## **F. CONSENT AGENDA**

1. Minutes – May 14, 2024 – Regular Meeting
2. Minutes – October 11, 2022 – Regular Meeting
3. Site Plan – 2005 Jefferson Park Avenue

**Motion to Approve – Commissioner Schwarz – Second from Commissioner d'Oronzio – Motion passes 6-0.**

## **III. PLANNING COMMISSION PUBLIC HEARINGS**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

No Public Hearings Scheduled.

## **IV. Commission's Action Items**

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

Chairman Mitchell gaveled out of the Planning Commission and convened the ECRB.

### **1. Entrance Corridor Review – The VERVE (JPA, 100 Stadium Road, Emmet Street, Montebello Circle)**

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

**Jeff Werner, Preservation Planner** – This is a continuation of a discussion you had on April 9<sup>th</sup>. You were considering the CoA request for The VERVE. It is 100 Stadium Road. At the end of that discussion on April 9<sup>th</sup>, the applicant requested a deferral. There were some questions that you had. You requested some clarifications on the finishes on the exterior walls of the building. In the interim, they have addressed those clarifications. We circulated the drawings last week that were appended to the initial application that is dated from March. The most significant change in that is that there was initially an EIFS material, a simulated brick material that was going to be used. It is now being presented as a masonry brick. I addressed that in the comments. On the drawings, BRK1 will now be a true masonry brick. There is a condition on that. The other questions primarily revolved around the EIFS, which is the simulated stucco. EIFS is a generic word for the exterior insulation and finish coat that you see on buildings. The applicant has prepared some samples and has some information. They addressed the reveal detail. There were questions about where it would be located. With the masonry predominantly at that lower level, there is no EIFS at the ground level. It is either masonry, some metal panels, or some storefronts. The concern about the ground connection or ground contact has been taken care of. The questions related to the EIFS product is a system. Many thanks to Commissioner Schwarz and Chairman Mitchell in working with me in crafting a condition that we believe addresses that question about what material is being used and how it will be applied. The applicant has offered some suggested changes to that; nothing

substantive. This is in a good spot, and they have responded to what you all had asked for. I am comfortable, given the conditions that have been recommended. I am comfortable with approving a CoA on this project.

## ii. Applicant Presentation

**Neil Reardon, Applicant** – We wanted to come back and clarify these 2 things. Those are the switch to a clay masonry product. If you remember, this is the charcoal areas. The charcoal areas of simulated brick are now clay masonry. We were able to make that change. The project got further along, and the budget got more defined. It was the preference of our design team and the developer to do that superior material. At the time when we submitted before, we were not there yet. In some further study, we are very happy to come back to you with this product change. In terms of the aesthetic and the overall achievement of the details in that area, nothing has really changed.

**Commissioner Stolzenberg** – There is no more EIFS at the ground level.

**Mr. Reardon** – This is an important point of clarification. The charcoal color is the field that reaches the ground. The 3-color champagne colors never touch the ground plane or meet grade. That was intentional, along with the massing. That champagne zone of the 3 different versions of that color do not meet the ground. That is correct.

**Commissioner Stolzenberg** – In the areas where it is not brick at the ground level, none of that is EIFS. That is all metal panels.

**Mr. Reardon** – That is correct. There are a few areas of detail where metal panel would come down and touch the ground. It is where the brick is interrupted.

### Next Slides – A1, A2, and A3

The first page here takes care of the brick component that I just mentioned.

### Next Slide – A4

The question was framed 2 months ago. What does this reveal? We had, in some renderings, shown an outboard reveal as a starting point in the early renderings. We were not sure how we were going to achieve that. The preference here the last time we visited you was to articulate that detail. Perhaps an inboard reveal might be the best thing. We agreed. It is the best thing. What we are proposing here is 1-inch wide and a 1-inch-deep reveal that is inboard. That is that charcoal color you see that is the background color and material on a lot of this building. It would time out with the interruptions between the windows of that charcoal material and compliment the 3-color pattern that has been revealed. The jointing pattern has not been altered. The articulation of how exactly we are achieving that joint reveal is what we are here to summarize for you.

### Next Slide – A5

On page A5, there is a zoomed-up view of that. You can see again the three panels of champagne colors. Each of those would return around the corner on that 1-inch depth. The back side of that 1-inch will be the charcoal color. We are showing this view so you can see the charcoal color on the field of its own, which happens where the building massing is modified if you remember those areas. That field itself would also have a 1-inch reveal in those zones as well. This is material such that you must have a joint every so often for control.

### Next Slide – A6

This is showing that larger field, the jointing pattern, and the typical instance of this.

### Next Slide – A7

Here this is pointing out that there is a vertical and horizontal 1-inch-wide and 1-inch-deep reveal. The one spot where we alter from that is at the windowsills. That reason is that needs to weep out and needs to be controlled at that base, so we are not able to do the inside inboard reveal at that location.

### Next Slide – A8

A8 includes another zoomed in view here. More importantly, there is a diagrammatic reveal detail there that you could see. This would really be a plan view or a sectional view of a vertical or horizontal joint. You can see either color one, color two, or color three of each panel there and how it returns and where that color three, the charcoal happens at the inboard set location. I wanted to summarize all that.

**Commissioner Joy** – While we are talking about EIFS, I had a clarification with color three. You said color three is charcoal. There are 3 colors.

**Mr. Reardon** – There are 4 colors. There are the 3 champagne tones and the 4<sup>th</sup> color being the charcoal. Color 3 in this detail would be the charcoal. We are showing 2 panels of champagne coming together.

**Commissioner Joy** – With this stow color, it looks like there is a variety of textures. Can you speak about how fine the texture is? Are you going to have a pronounced texture on the panel?

**Mr. Reardon** – It is a textured panel. It is not completely smooth. It does have a metallic sheen to it. We are hoping to achieve that. We are having some mockups done. We hope to define the exact sheen. It is pebbleized. It is not a smooth finish like a panel would be, which we don't want it to be because we have the metal panel as an accent on the building itself. We want that to be a slightly separate sheen. It is a somewhat pebbleized metallic finish.

**Commissioner Joy** – If you were thinking of it as a spectrum, would you go towards the finest amount of pebbling that you could achieve with the product?

**Mr. Reardon** – In terms of those materials that are applied in the field like that, it would be in the medium area of pebbling or scale, so it is not rough. It is not very tiny.

**Commissioner Joy** – Regarding the brick, I want to thank you for going back and reassessing those areas. Last time we saw your presentation, I had concern. I went down the STOW 'rabbit hole,' and looked at the brick. Pivoting away from that is going to be a great asset to the overall look of this facility and make it a better neighbor. Thank you for doing that and for restricting the EIFS to areas above the grade. The ground level is another strong shift. The team has been remarkable. Since you went to City Council, you have shown an ability to adapt to feedback and criticism. I wanted to thank you for going back, taking feedback, and implementing it into the project.

**Commissioner Roettger** – I would echo those comments. I was pleased to see the brick. It is nice to see the reveal worked out. In the renderings, I like the metallic look of how the lights are hitting it. Hopefully that can be achieved. I appreciate that change. I imagine walking by, having a real brick surface next to all the people walking on JPA, will be great.

**Commissioner Stolzenberg** – For the windowsill extension segments, are those 1-inch wide like the reveals?

**Mr. Reardon** – Yes. We wanted to make the dimension consistent on those horizontal windowsill details that were a little bit outboard intentionally. From a distance, it shouldn't be perceived differently. We had considered the idea of just doing them under the windows. That leads to a lot of inconsistency on that horizontal joint. We thought bringing it all the way across is the way to go. It is just above the floor line. It is consistent

horizontally. It will look slightly different within a distance of the façade. If you are a block away, the jointing pattern will feel consistent.

**Commissioner Schwarz** – Regarding the sills, where we see windows stacked with a charcoal piece in between, we are not going to see a stripe through the adjacent champagne panels.

**Mr. Reardon** – Yes. There is not a horizontal joint at that point because the charcoal panel that is between the zones in that instance. It is changing from the charcoal field to the champagne field. In those instances, that sill detail is only at the sill of the window, which would be the top of the charcoal zones that you see in the middle.

**Commissioner Schwarz** – The rendering is what we are going to see as far as the joint pattern.

**Mr. Reardon** – That is correct. That jointing pattern has largely been unchanged the entire time since we unveiled this new design.

**Commissioner Schwarz** – With the concrete that has a wood look to it, what was the plan for that?

**Mr. Reardon** – I think you are speaking to the terrace that would be at the walkup of the retail function of the building, which is to the left of the main entrance of the building if approaching from the northwest. With that zone, we have a cascading terrace. In some renderings, we had shown some wood-look product in that area. We think that is best applied in strategic locations, probably on vertical surfaces rather than horizontal surfaces. In some renderings, we had shown it on a horizontal surface at places. If we were to do that, it would be a durable material. It is privately maintained. Because that is a semi-public space, we would probably limit the areas of that to particular zones on the terrace where we were encouraging seating out in front of it. Those would be limited to those horizontal uses of it. Vertical, for that matter, would be limited to those areas that we are intentionally planning for seating. Otherwise, the surface would be concrete.

**Commissioner Schwarz** – At our last meeting, you said that the detailing we are seeing at the windows might be abbreviated on the upper levels. Is that going to be the case? Is it going to be, as the rendering show with all the inset brick patterning at every level?

**Mr. Reardon** – You are asking about the soldier coursing that is consistent on the renderings as we go up the building.

**Commissioner Schwarz** – There is some soldier coursing. At the window heads, there is the brick insets.

**Mr. Reardon** – We are planning for that currently at those locations. We will submit refined elevations through the site plan review process when that wraps up. Those upper areas could be clarified. It is a question about the exact extent of the corbeling or the locations of its existence?

**Commissioner Schwarz** – It is the locations. Are we going to see the same level of detail that we are seeing in these renderings?

**Mr. Reardon** – A3, as submitted, would be the typical soldier course and corbeling detail for a typical floor level. It is slightly different there at odd and even floors. These 2-story volumes are our module. There is corbeling that exists at both and corbeling that exists at the odd floor where there is not a soldier course but corbeling. Our intent here is to use that detail as we rise in those charcoal sections of the building.

**Commissioner Joy** – With the color for the charcoal, is the intent to have a close color match with the brick masonry?

**Mr. Reardon** – They are complimentary of one another. Our brick color is a charcoal. It would have a different texture than that charcoal panel. It is similar. In different lights, it would appear different. The other component to the masonry is the mortar color. Our intent, with the charcoal brick masonry, would be that the mortar color would be like that and not a standard gray but a darker color. From a distance, the fields of both of those would appear somewhat similar. That is intentional to highlight the massing moves that we are making with the other tricolor champagne idea.

**Commissioner Joy** – Is the grey EIFS envisioned to have the metallic finish like the champagne colors? Will it have a matte finish?

**Mr. Reardon** – It is intended to fade into the background to the extent we can control. The metallic we would do. We would like to do less of a sheen on the charcoal.

### iii. ERB Discussion and Motion

**Commissioner Joy** – The improvements they present today are welcome additions and move the project into a better place from its aesthetic overall look. I commend the team for taking the time to go back and reassess the palate to address the commission's concerns that we made last time.

**Commissioner Roettger** – I agree. I appreciate the changes. I have always thought the massing is well done. It is a hard thing to make such a big building look smaller. I thank Commissioner Schwarz and Mr. Werner, who worked on getting more exact wording to make us feel comfortable.

**Commissioner Schwarz** – The brick changed everything. It is much better.

**Chairman Mitchell** – If I was the authority on architecture in Charlottesville, every inch of the entrance corridor would use noble materials. EIFS is an ignoble material. I worry what this building is going to look like in 25 to 30 years. It is going to age. EIFS is going to age quicker than the brick. This is significantly better than what we saw a couple months ago. I commend you on the revisions. EIFS does concern me. This is much better.

**Motion – Commissioner Schwarz** – Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 100 Stadium Road [The Verve] is consistent with the Guidelines and compatible with this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

1. [Exterior lighting] Lamping for exterior lighting be dimmable, have a Color Temperature not exceeding 3,000K, and have a Color Rendering Index not less than 80, preferably not less than 90. Also, to prevent bright light and glare emanating from the garage openings, lamping for the garage lighting [immediately inside the opening] will comply with the above. Additionally, the owner will address any reasonable public complaints about brightness or glare from exterior lights by either dimming the lamp or replacing the lamps/fixtures. (Note: Compliance with the lamping requirements will be determined during review of the site plan and review of the building permit application.)

2. [Screening] Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

3. [Screening] Rooftop mechanical equipment will either be screened or set/located back from the wall plane so as to not be visible from adjoining properties.

4. [Screening] Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and

appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

5.[Signs] Signage represented in the submittal is for context only and not subject to this CoA, unless addressed specifically by the ERB. Regardless, all regulated signage will require an approved sign permit.

6.[Plantings] Variation to the specified plant species is allowed, should changes be requested by City staff during the site plan review process.

7. [EIFS] The exterior insulation and finish system (EIFS) must be a drainable, exterior wall covering consisting of sheathing, air and moisture barrier, insulation board, reinforcing fabric, base coat, finish coat, adhesive and mechanical fasteners as applicable. While not all of the components of the wall system will be provided and/or installed by the same parties under the supervision of the general contractor, the system components must be compatible with each other and with the substrate as recommended or approved by, and the products of, a single manufacturer regularly engaged in furnishing Exterior Insulation and Finish Systems. The system shall be installed according to the manufacturer's installation instructions and standards of good practice and only in applications as recommended by the manufacturer. Any areas of EIFS adjacent to pedestrian traffic or are otherwise prone to damage due to their location shall be reinforced or a Class PM system and/or a high-impact resistant system.

8. [Clear glass] Glass at commercial/retail storefronts, primarily at Building C, shall be clear, having a VLT not less than 70%. Glass in residential doors and windows to have a VLT not less than 60%. [Note: 60% is a recommended minimum.]

9. Per the elevations on sheets 33 through 37 of the initial submittal dated March 25, 2024, and per sheets A1 through A3 of the addendum dated June 11, 2024, exterior walls labeled "BRK-01" will be constructed with true, masonry bricks and mortar; not EIFS or other simulated masonry.

Second by Commissioner d'Oronzio. Motion passes 6-0.

Chairman Mitchell adjourned the ECRB and reconvened the Planning Commission.

The meeting was adjourned at 6:20 PM.



## CITY OF CHARLOTTESVILLE

*To be a place where everyone thrives*

### PLANNING COMMISSION REGULAR MEETING

#### APPLICATION FOR APPROVAL OF A PRELIMINARY SITE PLAN

APPLICATION NUMBER: P23-0067

DATE OF MEETING: August 13, 2024

#### DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

**Project Planner:** Carrie Rainey

**Date of Staff Report:** August 6, 2024

**Applicant:** Shimp Engineering, P.C.

**Applicants Representative:** Justin Shimp (Shimp Engineering, P.C.)

**Current Property Owner:** Mount View Properties, LLC

**Property Street Address:** 1133 Otter Street, 1200 Landonia Circle, 1201 Landonia Circle, 1221 Landonia Circle, 1212 River Vista Avenue, and 1216 River Vista Avenue ("Subject Property")

**Tax Map & Parcel:** 490072100, 490084000, 490073000, 490072000, 490063800, 490063700

**Current Zoning Classification:** PUD (Planned Unit Development), R-A, CX-5

**Overlay District:** None

**Reason for Planning Commission Review:** Preliminary site for a PUD shall be reviewed by the Planning Commission per Sections 34-820(d)(1).

#### Vicinity Map



## **Standard of Review**

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

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

Mr. Justin Shimp of Shimp Engineering, on behalf of Mount View Properties, LLC, is seeking Planning Commission approval for the Mount View PUD Phases 1A and 1B Preliminary Site Plan. The plan includes 59 residential dwelling units within 22 buildings with the following elements:

- Townhouse style buildings that are two to three stories in height (maximum of 35-ft).
- Improvements to existing rights-of-way (Landonia Circle and River Vista Avenue) to install roadway and sidewalks in compliance with the Standards and Design Manual.
- A multi-use trail in the Otter Street right-of-way connecting St. Clair Avenue to Landonia Circle.
- 0.524 acres of open space including central greenspace with sheltered and short-term bicycle parking.
- On-site parking meeting the requirements of Section 34-984 and 3 new on-street public parking spaces (Landonia Circle).
- Landscape and fence screening as generally proposed in the development plan. Per Sections 34-827(d) and 34-828(d), a landscape plan is not required for preliminary site plan approval. The final site plan must include a landscape plan in compliance with Division 2- Landscaping and Screening as well as the screening requirements set forth in the Open Space & Screening Exhibit of the approved PUD Plan of Development.
- Two phases of development (Phase 1A and 1B) per the minor modification approved by Director James Freas per Section 34-519(1) on March 11, 2024 (see Attachment 5).

## **Site Plan Requirements**

### **A. Compliance with the City's Water Protection ordinance (Chapter 10)**

Conceptual stormwater management plans are included as site plan Sheets C9 and C16-C18. Stormwater management plans and erosion and sediment control plans are required for final site plan approval. Public Works Engineering will review the final site plan for compliance with Chapter 10 requirements.

**B. Compliance with applicable Planned Unit Development Districts zoning regulations (Sections 34-490 through 34-519)**

The subject property is zoned PUD (Planned Unit Development), R-A, and CX-5. Proposed improvements on property zoned R-A and CX-5 are to facilitate the installation of new roadways and sidewalks on Landonia Circle and River Vista Avenue. The project complies with all requirements of the PUD Development Plan (Attachment 2) and Proffers (Attachment 4) passed by City Council on December 19, 2022. Proffer completion is required per the following:

- Proffer 1 (Affordable Housing): Confirmed by the Office of Community Solutions before the first Certificate of Occupancy.
- Proffer 2 (Construction Entrance): Confirmed during review of the erosion and sediment control plan as a part of final site plan review.
- Proffer 3 (Screening Fence): Shown on Sheets C5 and C14.
- Proffer 4 (River Vista Sidewalk Improvements): Shown on Sheets C4, C5, and C8.

**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 Sheets C1, C4, and C5.**
- 2. Existing condition and adjacent property information: **Found on Sheets C3, C4, and C8.**
- 3. Phasing plan: **See Sheet C4 for phasing information. Project is proposed in two phases, 1A and 1B.**
- 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: **No water features on subject property. See Sheet C3 for existing conditions.**
- 7. One hundred-year flood plain limits: **No floodplain limits on subject property. See Sheet C3 for existing conditions.**
- 8. Existing and proposed streets and associated traffic information: **Found on Sheets C3, C4, C5, and C8.**
- 9. Location and size of existing water and sewer infrastructure: **Found on Sheet C3.**
- 10. Proposed layout for water and sanitary sewer facilities and storm drain facilities: **Found on Sheet C7.**
- 11. Location of other existing and proposed utilities and utility easements: **Found on Sheets C3 and C7.**
- 12. Location of existing and proposed ingress to and egress from the property: **Found on Sheets C3, C4, and C5.**

13. Location and dimensions of all existing and proposed improvements: **Found on Sheets C3-C9.**
14. All areas intended to be dedicated or reserved for public use: **Found on Sheets 6 and 12.**
15. Landscape plan: **Found on Sheet C12.** Per Sections 34-827(d) and 34-828(d), a **landscape plan is not required for preliminary site plan approval.** The final site plan must include a landscape plan in compliance with Division 2- Landscaping and Screening as well as the screening requirements set forth in the Open Space & Screening Exhibit of the approved PUD Plan of Development. The PUD screening requirements include S-2 screening buffers along adjacent properties to the north and east of the development. Screening fence is also required along the northern buffer, which is shown on Sheets C5 and C14.

**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.**

City Council granted a rezoning to PUD on December 19, 2022. The approved Development Plan, signed Proffer statement, and approved ordinance are attached.

**E. Compliance with Additional Standards for Specific Uses (Sections 34-930 - 34-937)**

No improvements regulated by these sections are proposed.

### **Recommendation**

Staff recommends approval of the preliminary site plan.

### **Attachments**

1. Preliminary Site Plan dated July 10, 2024.
2. Approved PUD Development Plan dated October 7, 2022.
3. Approved Rezoning Ordinance (December 19, 2022).
4. Signed Proffer Statement (Approved December 19, 2022).
5. PUD Minor Modification Approval dated March 11, 2024.

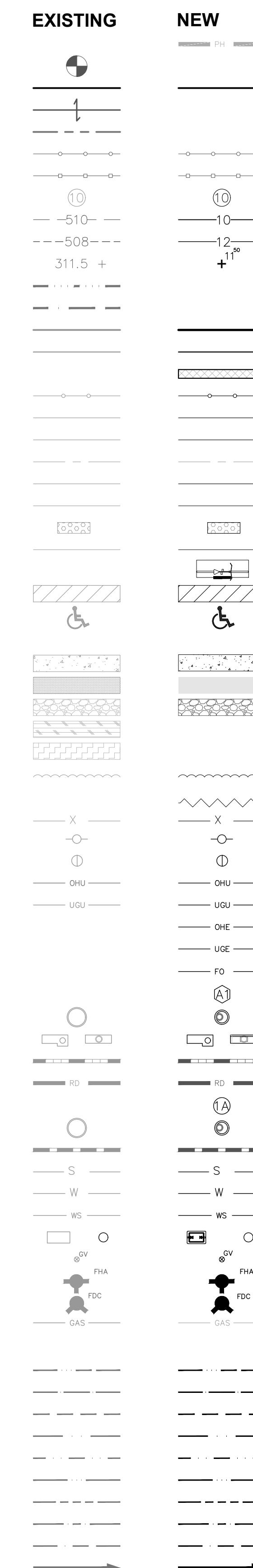
# PRELIMINARY SITE DEVELOPMENT PLAN

## MOUNT VIEW PLANNED UNIT DEVELOPMENT - PHASE 1A & 1B

TAX MAP 49, PARCEL 72, 72.1, 73, TMP 49-63.7, TMP 49-63.8 & TMP 49-84

CITY OF CHARLOTTESVILLE, VIRGINIA

### LEGEND



### DESCRIPTION

PROJECT PHASING  
BENCHMARK  
SITE PROPERTY LINE  
SITE PROPERTY LINE TBV OR DEDICATED  
ADJACENT PROPERTY LINE

BUILDING SETBACK  
PARKING SETBACK  
PARKING COUNT  
INDEX CONTOUR  
INTERVAL CONTOUR  
SPOT ELEVATION  
STREAM  
STREAM BUFFER  
BUILDING  
RETAINING WALL  
RETAINING WALL HATCH

RAILING  
STAIRS  
EDGE OF PAVEMENT  
ROAD CENTERLINE  
FRONT OF CURB  
BACK OF CURB  
CG-12 TRUNCATED DOME  
SIDEWALK  
BIKE PARKING  
HANDICAP ACCESSIBLE AISLE  
HANDICAP PARKING

CROSSWALK  
CONCRETE  
ASPHALT  
RIPRAP

Critical Slope Lot Regulations General  
Critical Slope Subdivision Ordinance  
Treeline  
Landscape Buffer  
Fence  
Utility Pole  
Guy Wire  
Overhead Utility  
Underground Utility  
Overhead Electric  
Underground Electric  
Fiber Optic

Storm Structure Nomenclature  
Storm Manhole  
Drop Inlet (Cast Inplace/Precast)  
Storm Sewer Pipes

Roof Drain

Sanitary Structure Nomenclature  
Sanitary Manhole  
Sanitary Sewer Main  
Sanitary Sewer Lateral  
Water Line  
Water Service Line  
Water Meter (WM>1", WM<1")  
Water Meter Valve

Fire Hydrant

Fire Department Connection

Gas Line

Easements

Construction/Grading

Access

Sight Distance

Utility

Stormwater

Drainage

Sanitary

Waterline

Gasline

Flow Direction

### ABBREVIATIONS

LP = LOW POINT  
HP = HIGH POINT  
DI = DROP INLET  
MH = MANHOLE  
SAN = SANITARY  
SWM = STORM  
WSL = WATER SERVICE LINE  
WL = WATER LINE  
GV = GATE VALVE  
WM = WATER METER  
FHA OR FH = FIRE HYDRANT  
FDC = FIRE DEPARTMENT CONNECTION  
TBR = TO BE REMOVED  
TBV = TO BE VACATED  
II OR INV. IN = INVERT IN  
IO OR INV. OUT = INVERT OUT

### OWNER

The owner for TMP 49-72, TMP 49-72.1, TMP 49-73, TMP 49-63.7, TMP 49-63.8, & TMP 49-84 is:

Mount View Properties, LLC  
P.O. Box 6156  
Charlottesville, VA 22906

DEVELOPER

Mount View Properties, LLC  
P.O. Box 6156  
Charlottesville, VA 22906

### ZONING

Planned Unit Development, approved by City Council on December 19, 2022 with proffers (see Sheet C2)

INSTRUMENT # 2023:1713 [TMP 49-65, 49-72, 49-72.1 & 49-73]

INSTRUMENT # 2023:1713 [TMP 49-84]

INSTRUMENT # 2023:2776 [TMP 49-63.7]

INSTRUMENT # 2024:0907 [TMP 49-63.8]

C2

CX-5

R-A

R-A

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BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM22-00002)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For MOUNT VIEW PUD

City of Charlottesville Tax Map 49 Parcels 65, 721, 72, and 73

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE

Mount View Properties, LLC is the owner of Tax Parcel 490073000. Route 250 Houses LLC is the owner of Tax Parcels 490072000 and 490072100. Mount View Baptist Church is the owner of Tax Parcel 490065000. Mount View Properties LLC, Route 250 Houses LLC, and Mount View Baptist Church (collectively, the "Owners") seek to rezone their aforementioned respective properties (collectively, the "Property") which are the subject parcels of rezoning application ZM22-00002, a project known as Mount View PUD (the "Project"). The Owners seek to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owners covenants and warrants that it is an authorized signatory of the Owners for this Proffer Statement.

In furtherance of the Project, the Owners hereby proffer for City Council's consideration voluntary development conditions, which the Owners agree are reasonable. The Owners agree 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:

- Affordable Housing:**  
The Owners shall provide affordable housing within the Project, as follows:
  - For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term "affordable" means that the cost of rent, including tenant paid utilities, does not exceed 30% of the monthly income of a 60 percent AMI household.
  - For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than or equal to 60 percent of the AMI.
- The Owners shall cause seven (7) dwelling units constructed within the Project to be For-Rent Affordable Dwelling Units (the "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 Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.

- The Required Affordable Dwelling Units shall be reserved as such throughout a period of ninety-nine (99) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Required 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.
- The Required Affordable Dwelling Units shall be comprised of four efficiency units, one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit.
- On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners 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.
- The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 59th dwelling unit.
- Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
- The Owners shall provide a marketing plan to the Office of Community Solutions prior to issuance of the first certificate of occupancy for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.
- The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi 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.

**2. Construction Entrance:** Construction entrances for site development and construction on the Property shall not be permitted to connect to River Vista Avenue.

**3. Screening Fence:** A screening fence shall be installed in the locations shown on Sheet 7 of the Development Plan prepared by Shimp Engineering, P.C. dated February 8, 2022 last revised October 7, 2022 (the "Development Plan").

- The screening fence may be comprised of masonry, composite, painted or stained lumber, or an alternate material approved by the Director of Neighborhood Development Services

("NDS") or its designee. Chain link and screening mesh are expressly prohibited as screening fence materials.

- The screening fence shall be a minimum of six feet in height, unless a lesser height is agreed upon by the Owners and the owners of adjacent property where the screening fence is installed along the common boundary line. If a lesser height is agreed upon, record of this agreement must be presented in writing to the Director of NDS or its designee.
- If, at the time of construction of the screening fence, an adjacent owner has erected a fence along the common boundary line, the screening fence requirement may be waived in the location where the adjacent owner's fence is constructed if the adjacent owner prefers their existing fence instead of the screening fence to be installed by the Owners. The adjacent owner must state, in writing, their preference for their existing fence to the Owners and the Director of NDS for the screening fence requirement to be waived.
- The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2; the limits of Block 2 are shown on Sheet 4 of the Development Plan.

**4. River Vista Sidewalk Improvements:** The Owners shall construct a sidewalk to City standards within the River Vista public right-of-way adjacent to tax parcels 4900638000 and 490064000 to establish a continuous pedestrian connection between the Property's entrance from River Vista Ave continuing northwest to the intersection of River Vista Ave and St. Clair. The sidewalk shall be constructed prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project and shall be conveyed to the City for acceptance and maintenance. If, at the time of construction, sufficient right-of-way does not exist to accommodate the construction of the sidewalk, and the Owners cannot reasonably obtain an easement from the respective owners of tax parcels 49000638000 and 490064000 to permit the construction of the sidewalk, then the Owners shall make a cash contribution to the City's Sidewalk Fund in an amount equal to the construction of 270' linear feet of sidewalk calculated by using the then current Sidewalk Fund Calculator. The cash contribution shall be made prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project.

**WHEREFORE**, the undersigned Owners stipulate and agree that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and request that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

By:   
Mount View Properties LLC  
Print Name: Samuel B. Craig  
Owner's Address: 338 Rio Rd. W. Charlottesville, VA 22901

By:   
Mount View Baptist Church, Trustee  
Print Name: John Rodman Leavell  
Owner's Address: 1032 Martin St. Charlottesville, VA 22901  
By:   
Mount View Baptist Church, Trustee  
Print Name: Robert R. Henry Jr.  
Owner's Address: 607 Davis Ave. Charlottesville, VA 22901

By:   
Route 250 Houses LLC  
Print Name: Lynwood Nipica  
Owner's Address: 17 Out of Bounds Road, Palmyra, VA 22963



DESIGNED BY  
Stephanie Paul

CHECKED BY  
Justin Shimp, P.E.

PRELIMINARY SITE DEVELOPMENT PLAN  
**MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
**2023.10.20**  
REVISION:  
1) 2024.02.09  
2) 2024.05.16  
3) 2024.07.10

FILE NO.

21.047

**STATEMENT OF  
FINAL PROFFER  
CONDITIONS** **C2**

NOTES:

- DASHED GRAY LINE REPRESENTS THE TOPOGRAPHY SURVEYED VS. THE TOPOGRAPHY NOT SURVEYED
- THE PROPERTY LINE FOR PARCELS FRONTING RIVER VISTA AVENUE, THE DEVELOPMENT SITE AND TMP 49-84 ARE SURVEYED
- ALL TREES/SHRUBS WITHIN DEVELOPMENT SITE ARE TO BE REMOVED.

# SHIMP ENGINEERING PC

LAND PLANNING - PROJECT MANAGEMENT

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

CHARLOTTESVILLE, VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM

A circular seal for a professional engineer. The outer ring contains the text "COMMONWEALTH OF VIRGINIA" at the top and "PROFESSIONAL ENGINEER" at the bottom, both in a serif font. The inner circle contains the name "JUSTIN M. SHIMP" and "Lic. No. 45183" in a serif font. At the bottom of the inner circle is the date "7/10/24" in a serif font. A large, thin, curved line starts from the top of the "I" in "COMMONWEALTH", goes down the left side of the inner circle, and ends at the bottom of the "7" in "7/10/24".

**DESIGNED BY**  
Stephanie Paul

**CHECKED BY**  
Justin Shimp, P.E.

PRELIMINARY SITE DEVELOPMENT PLAN

**MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B**

**CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:**

**2023.10.20**  
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**FILE NO.**

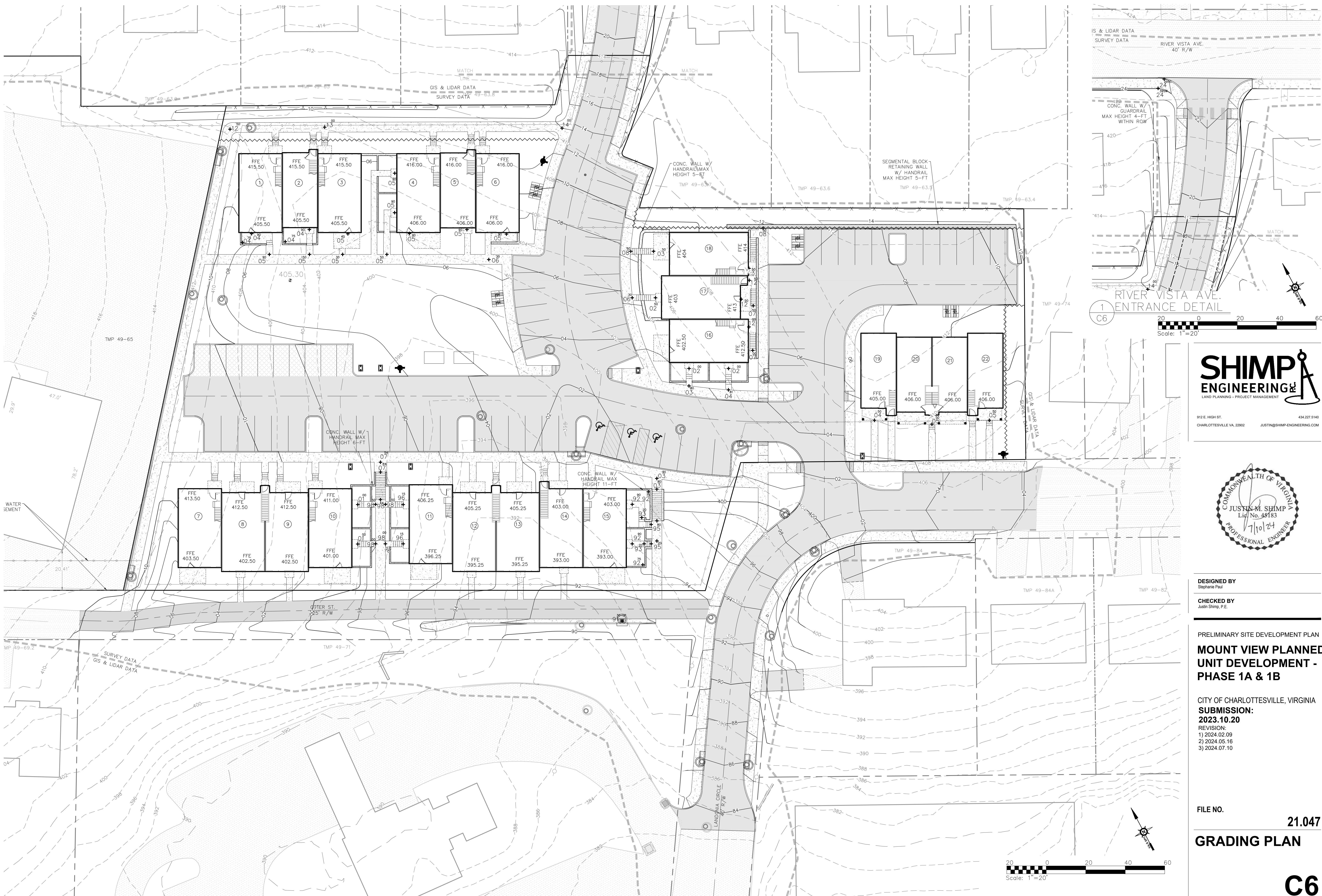
21.047

# EXISTING CONDITIONS

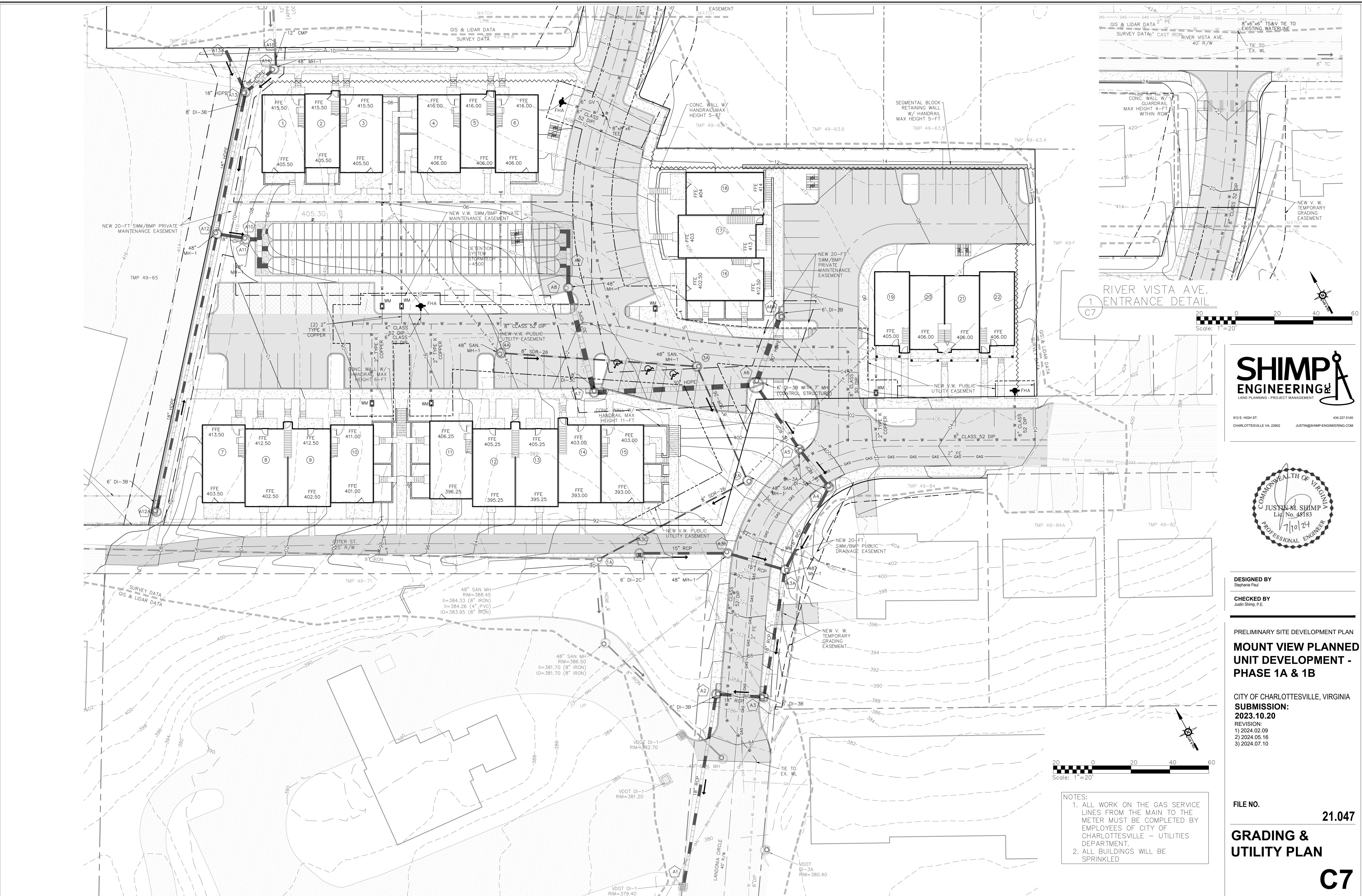
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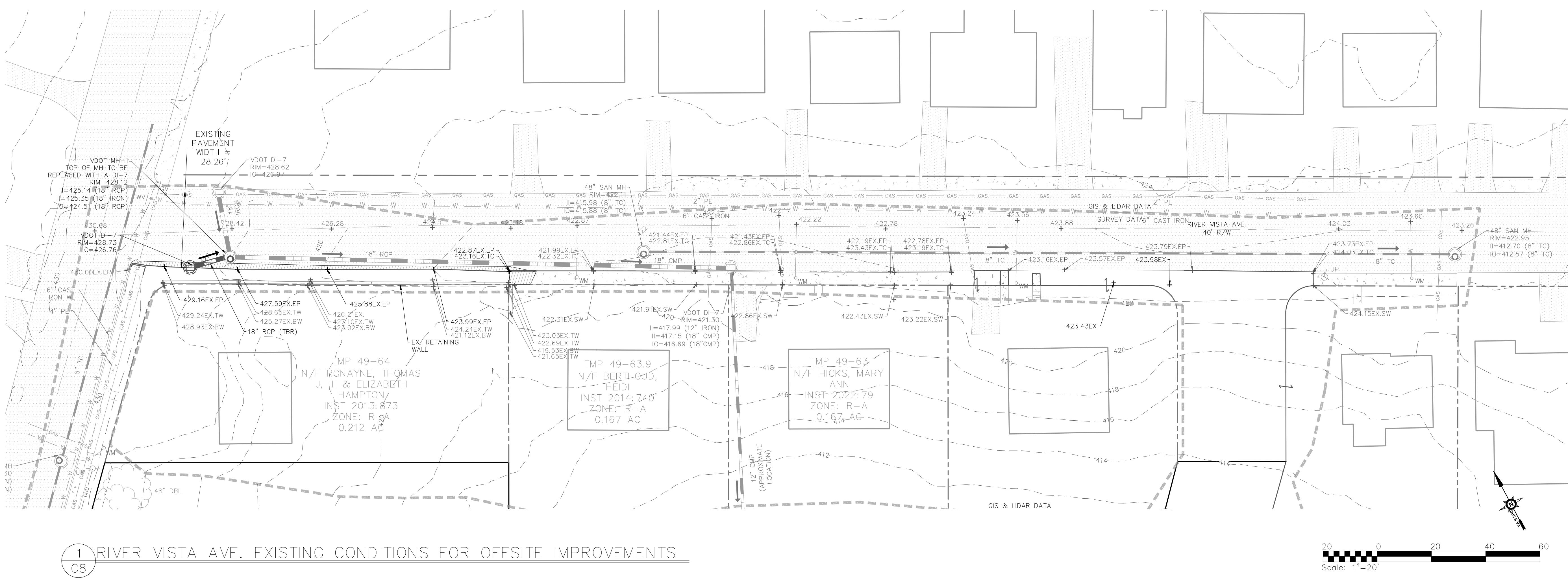




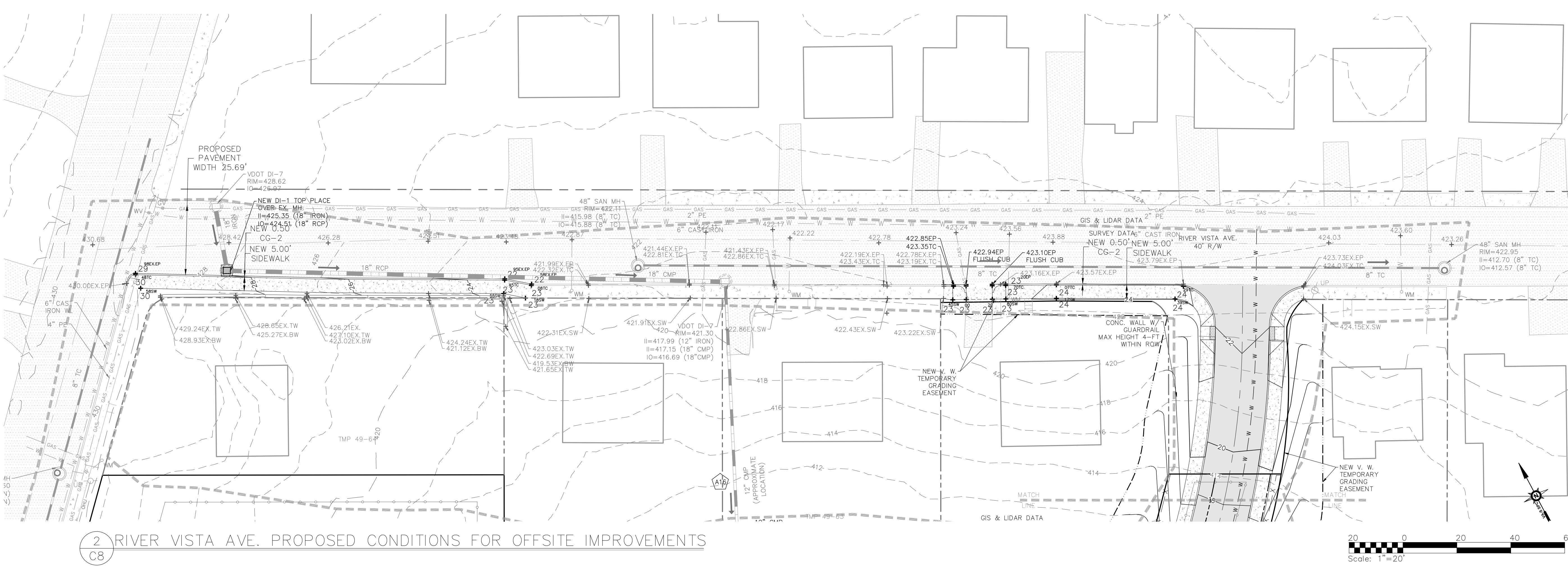


C6





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CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM



**DESIGNED BY**  
Stephanie Paul

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**CHECKED BY**  
Justin Shimp, P.E.

# PRELIMINARY SITE DEVELOPMENT PLAN

# **MOUNT VIEW PLANNED UNIT DEVELOPMENT - PHASE 1A & 1B**

**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**SUBMISSION:**  
**2023.10.20**

REVISION:  
1) 2024.02.09  
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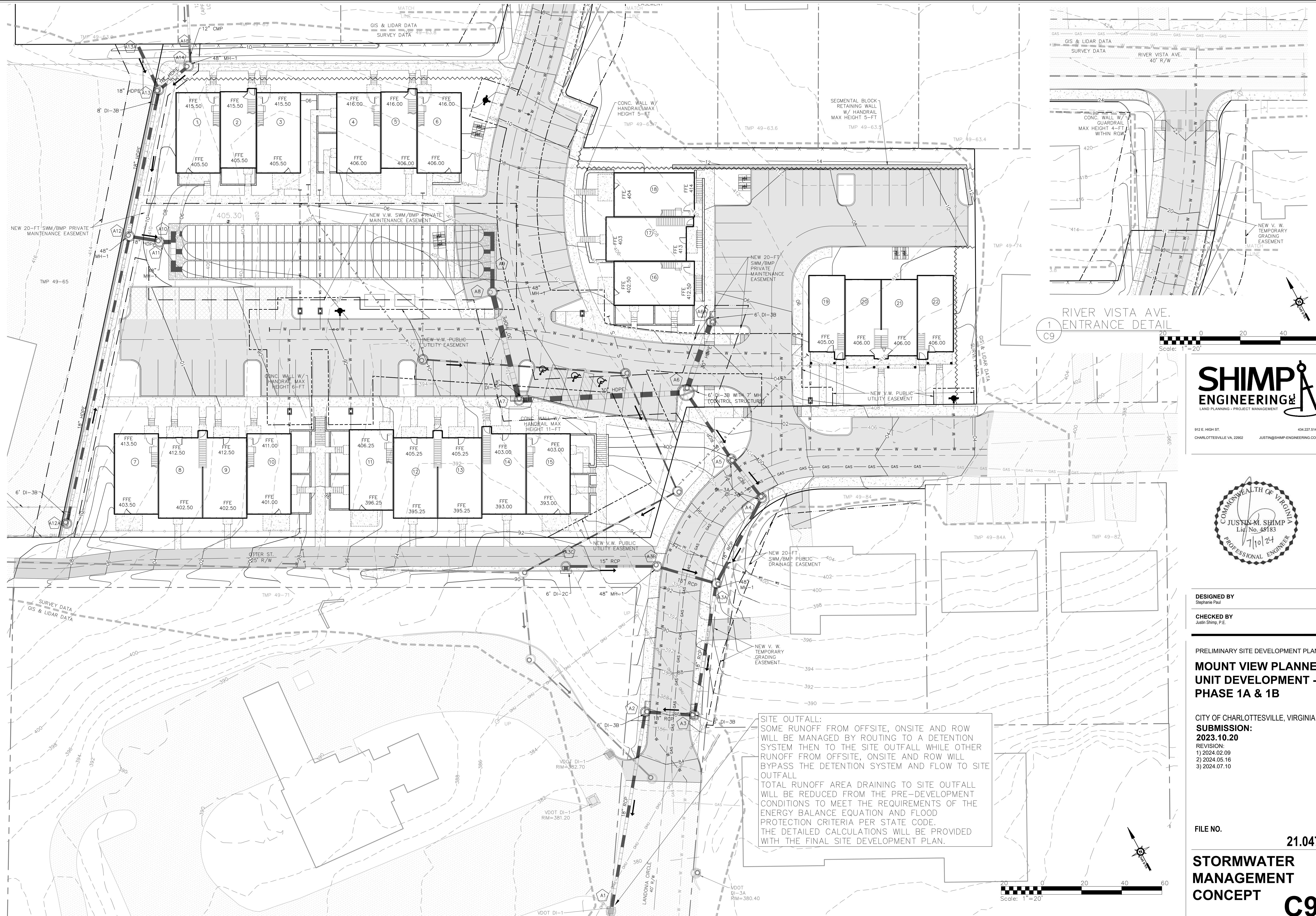
**RIVER VISTA AVE.  
IMPROVEMENTS**

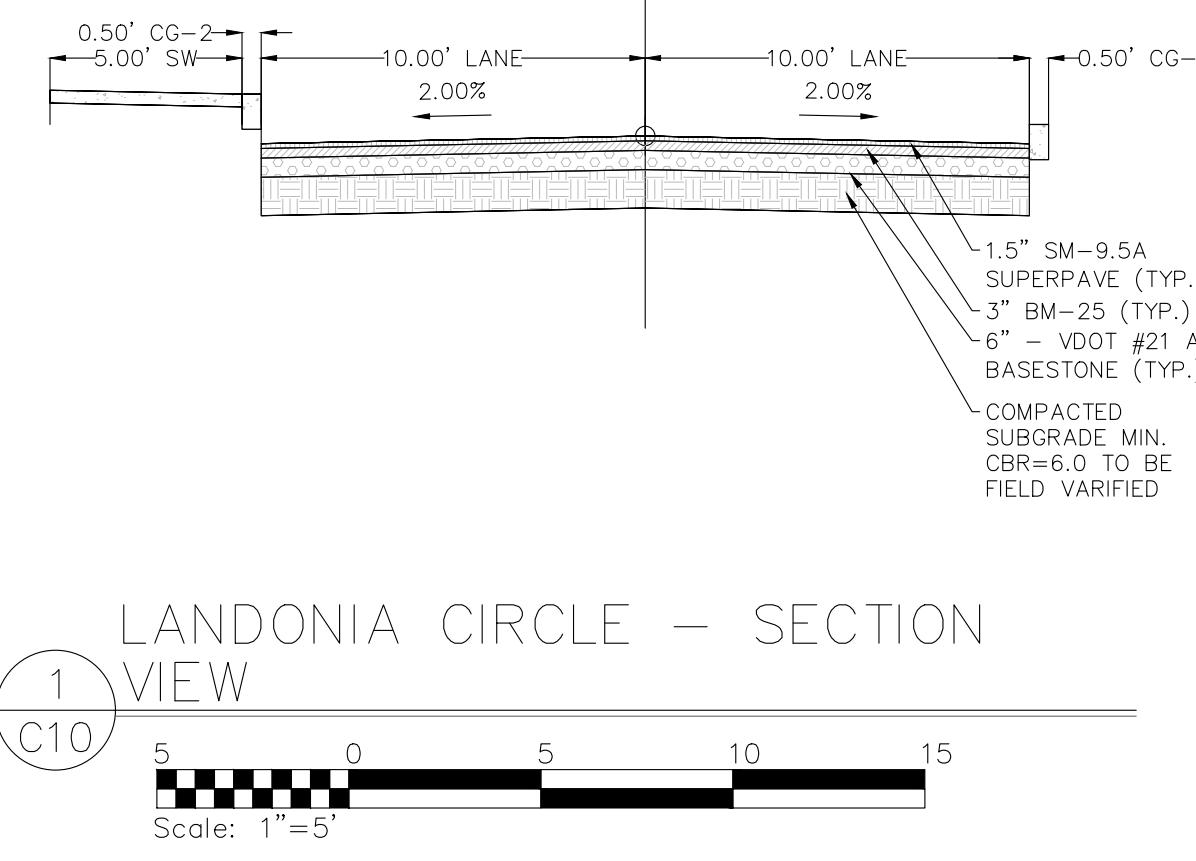
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A AVE.

C8





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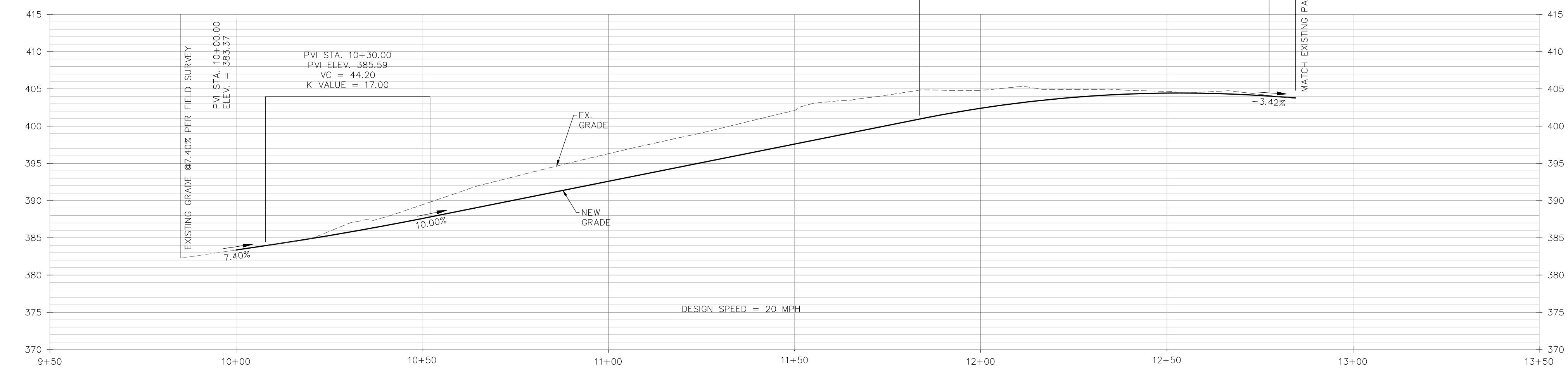
PRELIMINARY SITE DEVELOPMENT PLAN  
**MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B**

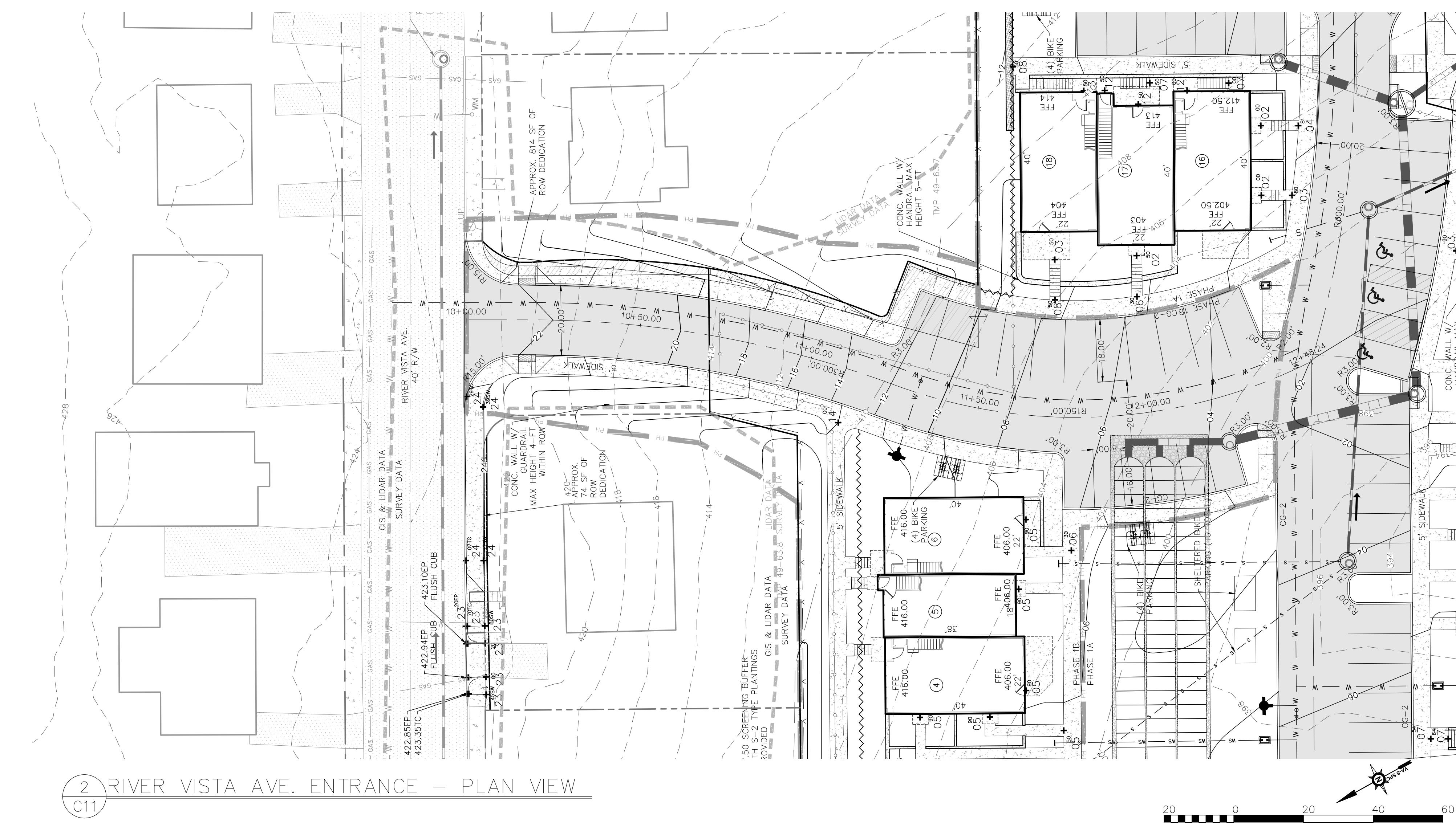
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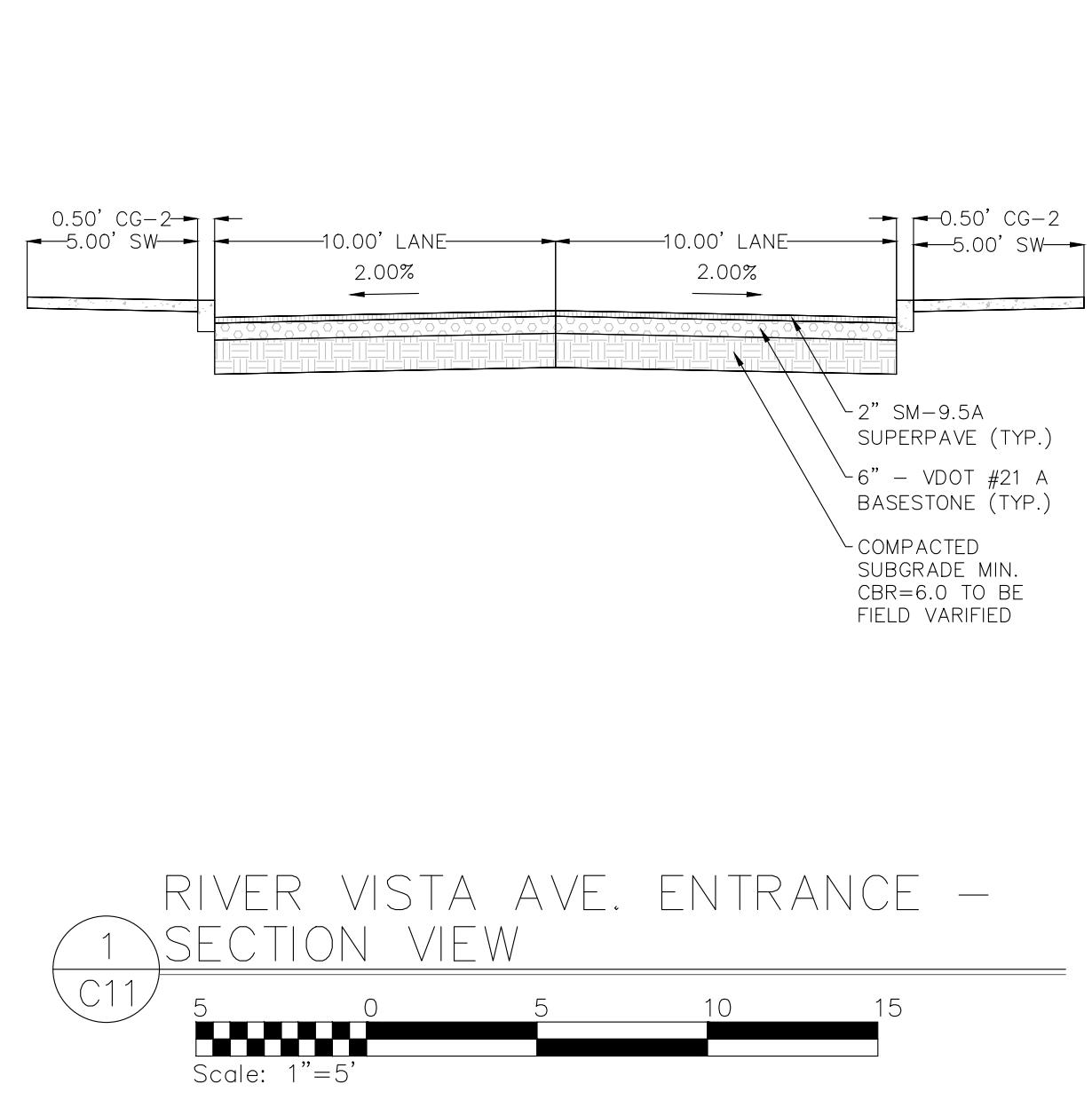
**LANDONIA CIRCLE  
PLAN, PROFILE &  
SECTION C10**





Scale: 1"=20'

20 0 20 40 60

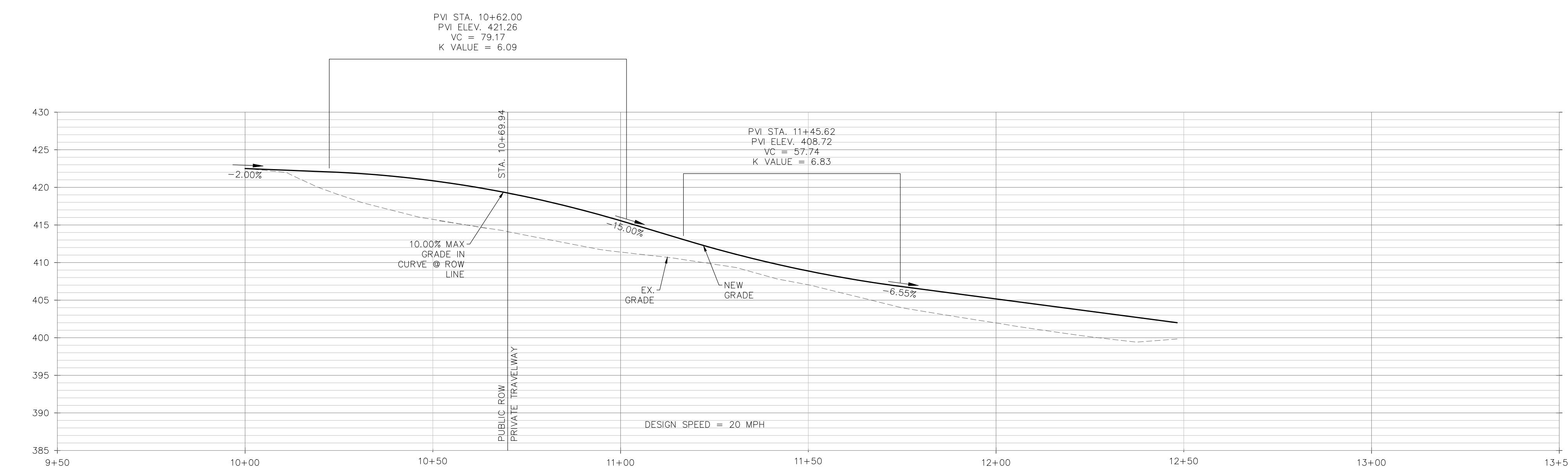


RIVER VISTA AVE. ENTRANCE - SECTION VIEW

5 0 5 10 15

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PRELIMINARY SITE DEVELOPMENT PLAN  
**MOUNT VIEW PLANNED UNIT DEVELOPMENT - PHASE 1A & 1B**

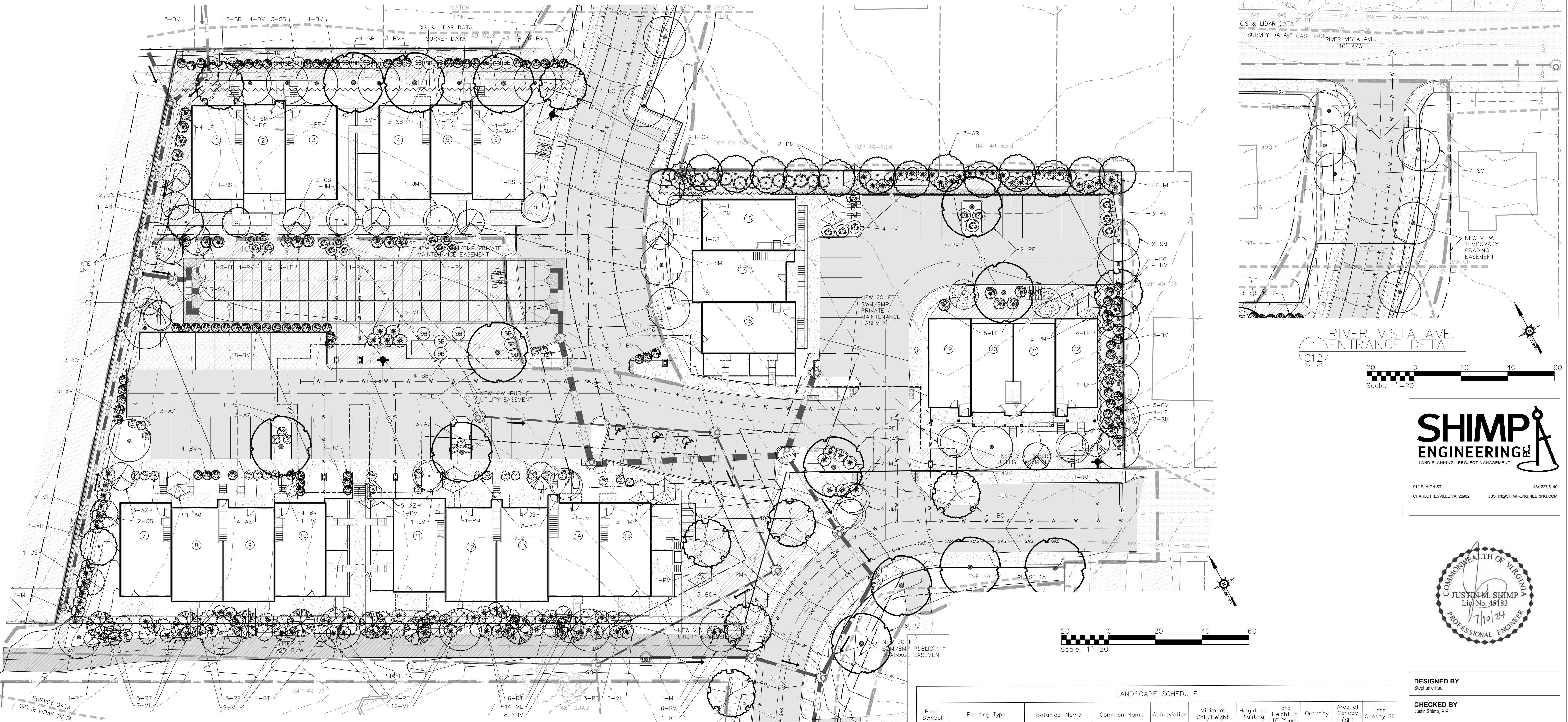
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**RIVER VISTA AVE. PLAN, PROFILE, & SECTION C11**



LANDSCAPE SCHEDULE										
Plant Symbol	Planting Type	Botanical Name	Common Name	Abbreviation	Minimum Cal./Height	Height of Planting	Total Height in 10 Years	Quantity	Area of Canopy (SF)	Total Canopy SF
●	Large Deciduous Tree	Acer Saccharum	Sugar Maple Commemoration	SM	2" Cal.	14	24	31	254	7,874
○	Large Deciduous Tree	Quercus Macrocarpa	Bur Oak	BO	2" Cal.	12	35	10	420	4,200
○	Large Deciduous Tree	Tilia Americana	American Basswood	AB	2" Cal.	15	27	16	191	3,056
○	Large Deciduous Tree	Ulmus Americana "Princeton"	Princeton Elm	PE	2" Cal.	14	29	15	464	6,960
○	Medium Deciduous Tree	Carpinus caroliniana	Hornbeam	H	2" Cal.	13	23	2	129	258
○	Small Ornamental Tree	Magnolia virginiana	Sweet Bay Magnolia	SBM	4'	6	8	8	113	904
○	Ornamental Tree	Halesia carolina & cvs.	Carolina Silverbell (Rosed)	CS	4'	7	19	13	123	1,599
○	Ornamental Tree	Acer griseum	Paperbark Maple	PM	4'	7	16	19	88	1,672
○	Ornamental Tree	Magnolia x soulangeana	Jane Magnolia	JM	3'	7	17	8	145	1,160
○	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	SS	3'	7	19.5	5	130	650
○	Evergreen Tree	Cryptomeria japonica	Cryptomeria	CR	4'	5	25	4	123	492
○	Evergreen Shrub	Ilex glabra	Inkberry Holly	IH	18" Cal.	2	6	13	23	299
○	Evergreen Shrub	Burkwood Viburnum	BV	18" Cal.	2	8	73	22	1,606	1,606
○	Evergreen Shrub	Rhododendron	Azalea	AZ	18" Cal.	2	4	35	10	350
○	Evergreen Shrub	Kalmia latifolia	Mountain Laurel	ML	18" Cal.	2	4	101	28	2,828
○	Deciduous Shrub	Cornus sericea	Red-Twig Dogwood	RT	18" Cal.	1	8	29	72	2,086
○	Deciduous Shrub	Viburnum nudum	Possomhaw Viburnum	PV	18" Cal.	1	9	22	41	902
○	Deciduous Shrub	Fothergilla major	Large Fothergilla	LF	18" Cal.	1	6	30	20	600
○	Deciduous Shrub	Lindera benzoin	Spicebush	SB	18" Cal.	1	6	23	23	529
SB	Open Space Total Provided = 22,811 sf = 0.524 ac									Total SF 38,027

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**MOUNT VIEW PLANNED UNIT DEVELOPMENT - PHASE 1A & 1B**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
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**LANDSCAPE PLAN**

**C12**



**SHIMP**  
ENGINEERING PC  
LAND PLANNING - PROJECT MANAGEMENT

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**DESIGNED BY**  
Stephanie Paul

**CHECKED BY**  
Justin Shimp, P.E.

PRELIMINARY SITE DEVELOPMENT PLAN

**MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B**

**CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:**

SUBMISSION  
2023.10.20

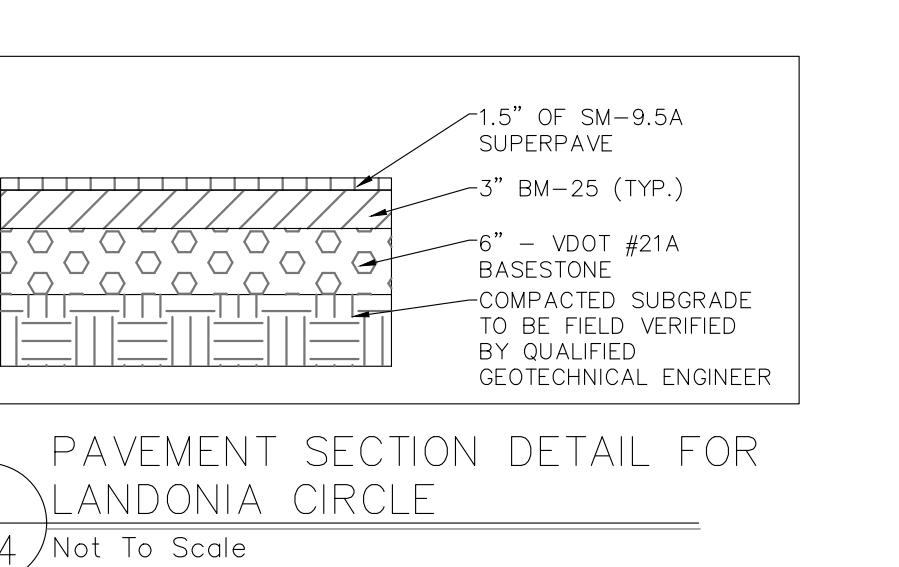
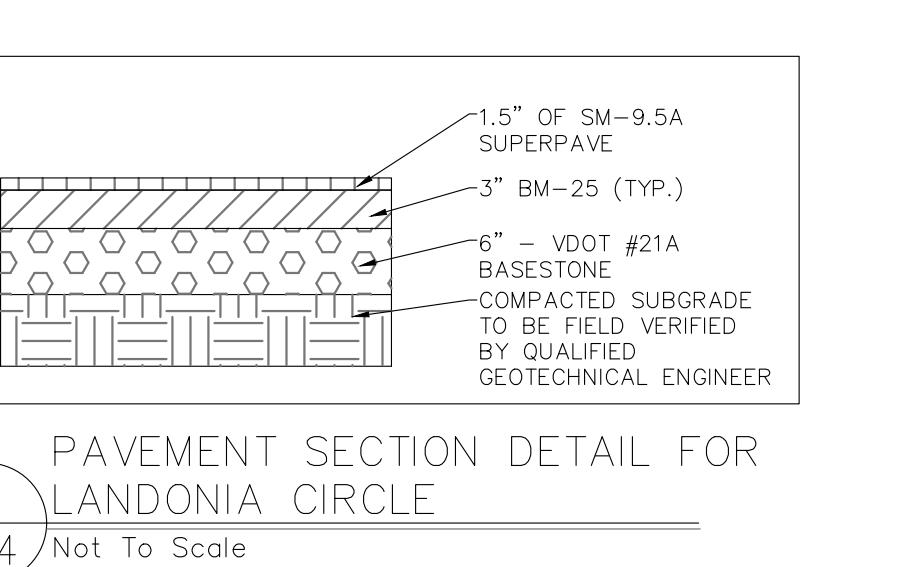
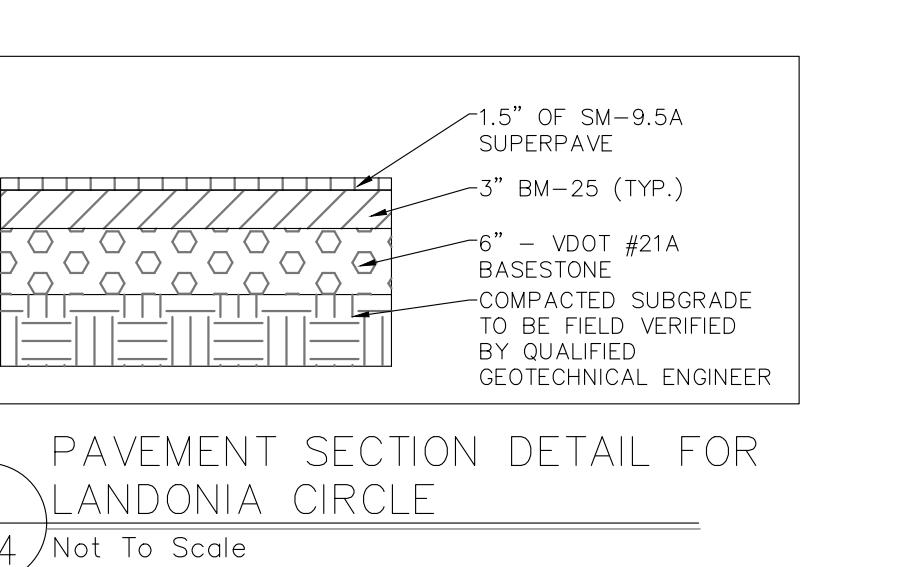
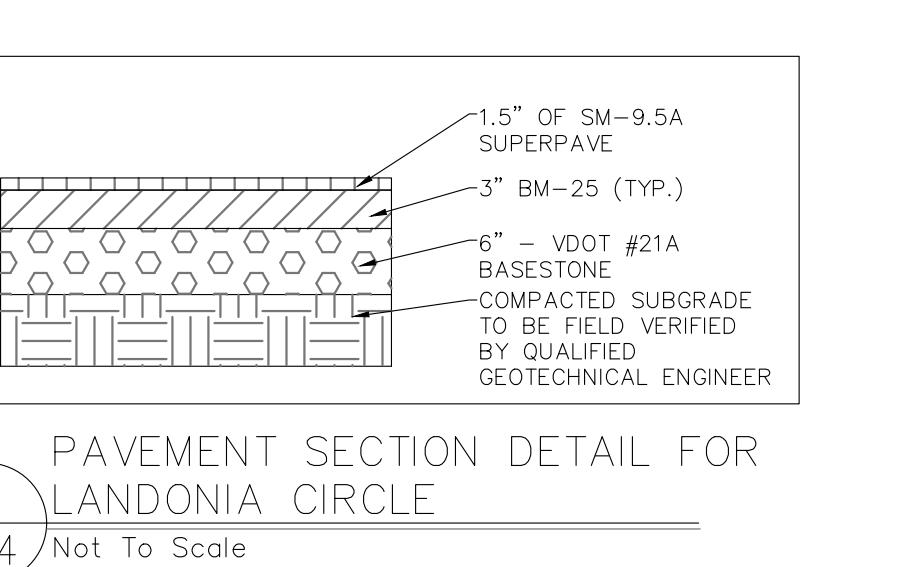
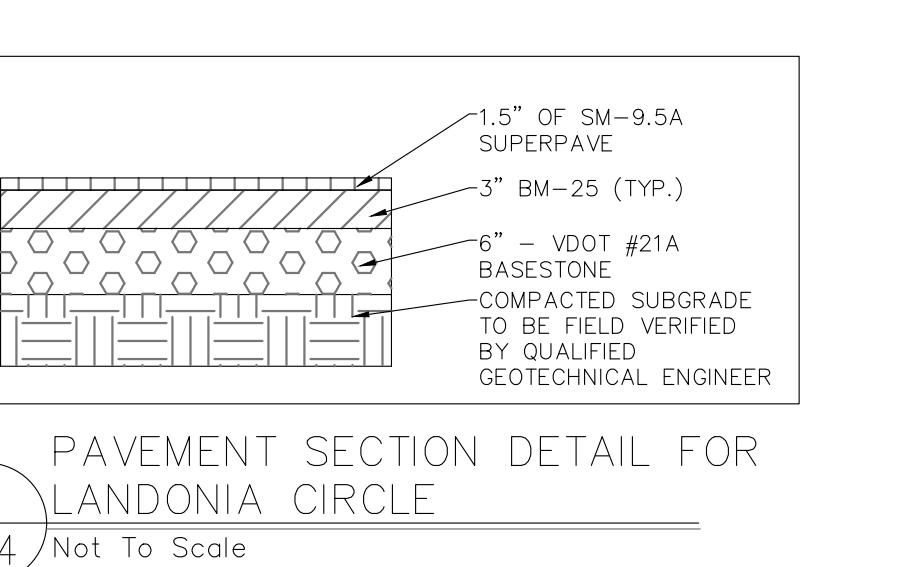
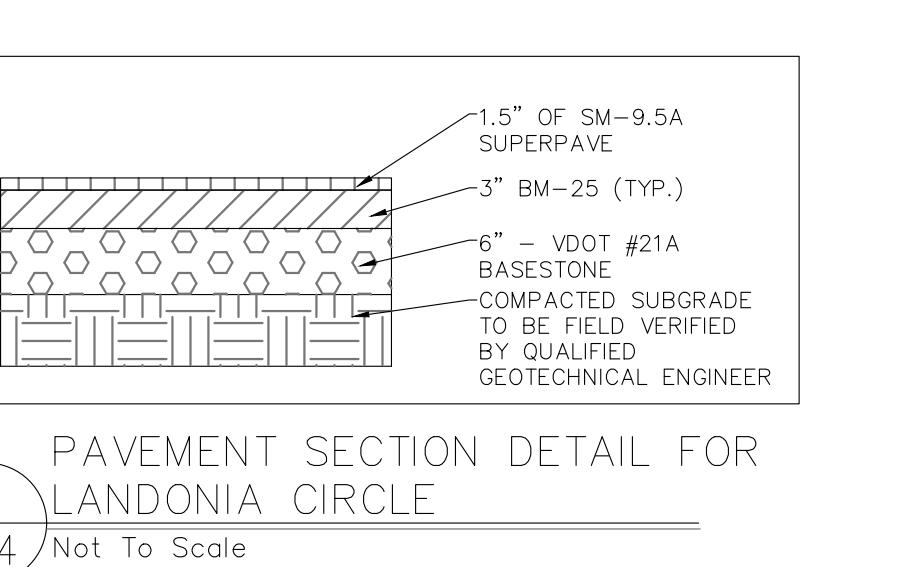
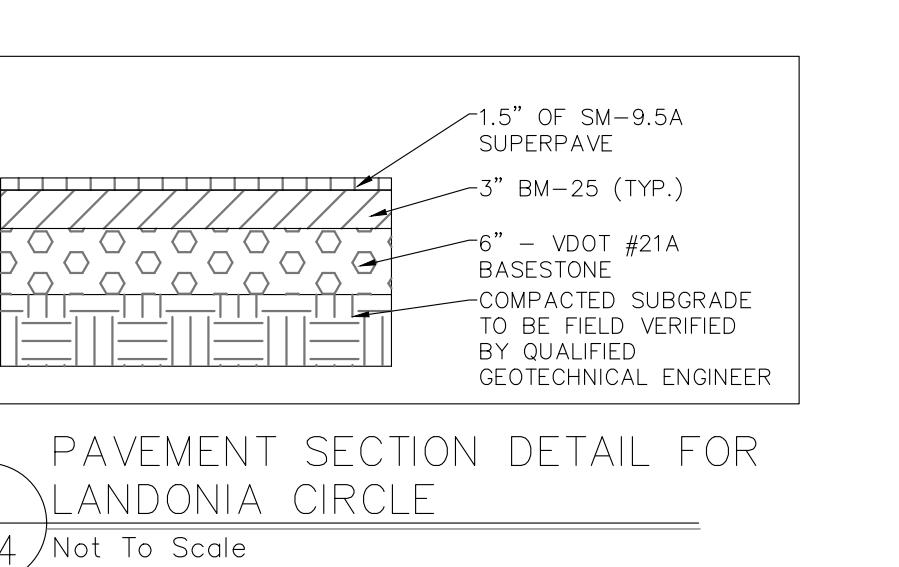
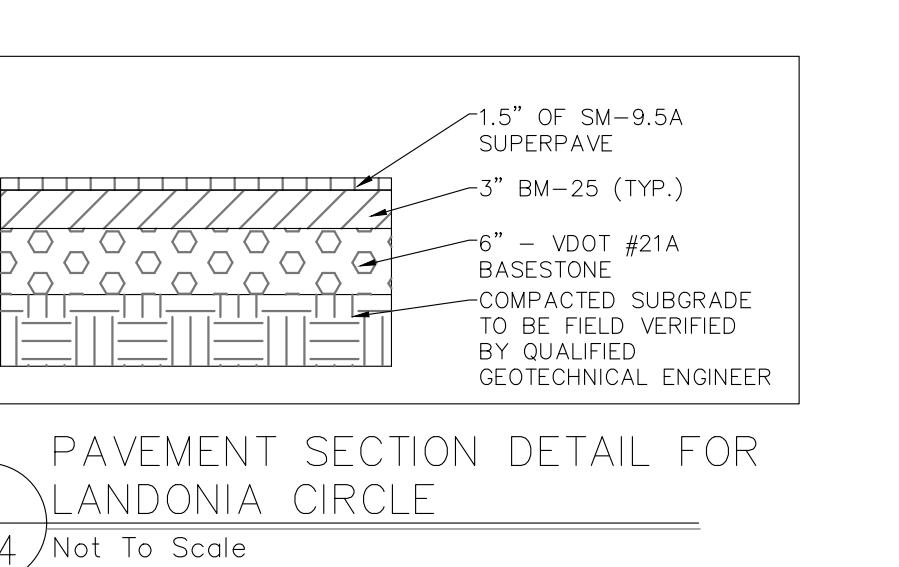
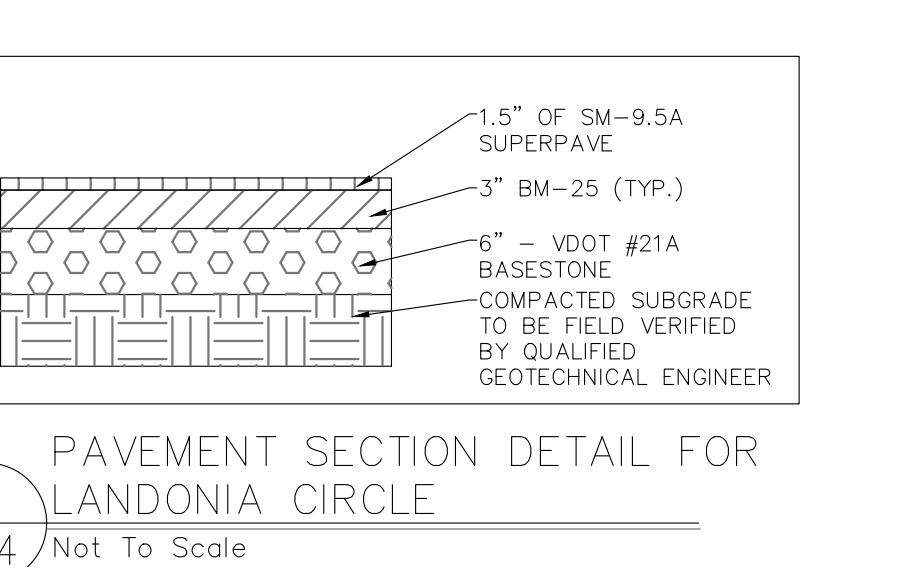
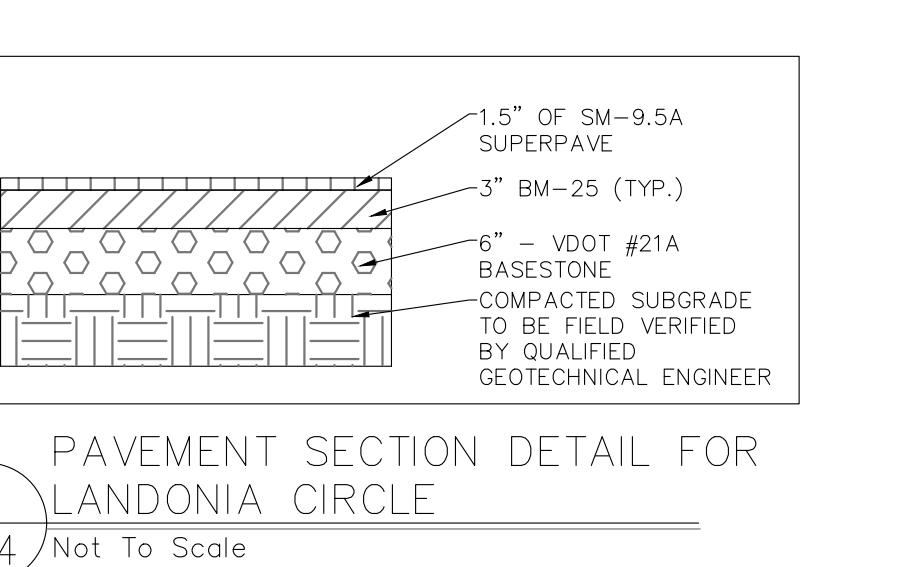
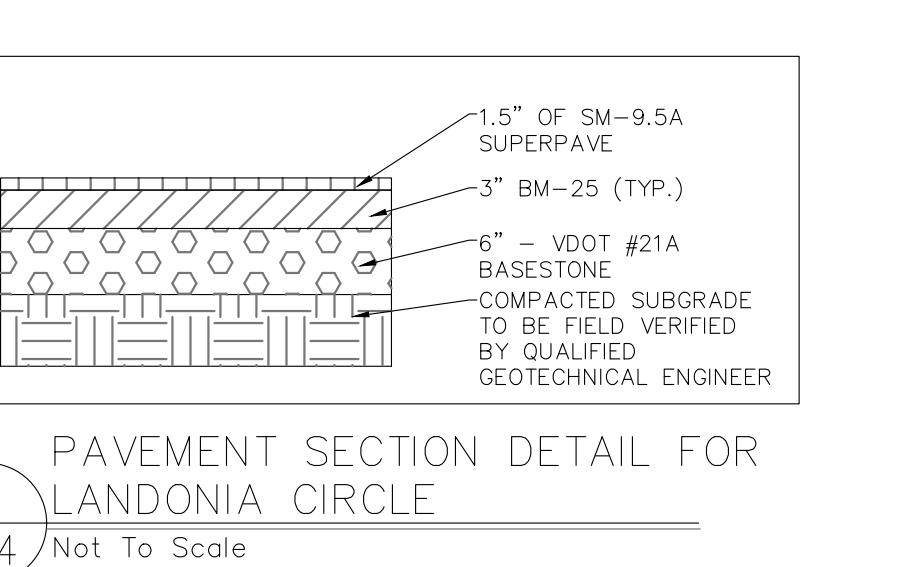
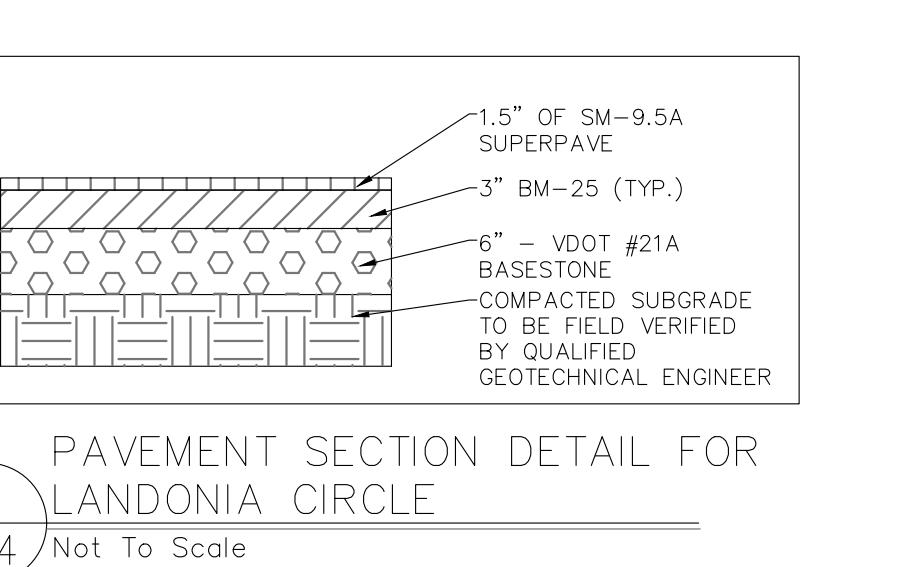
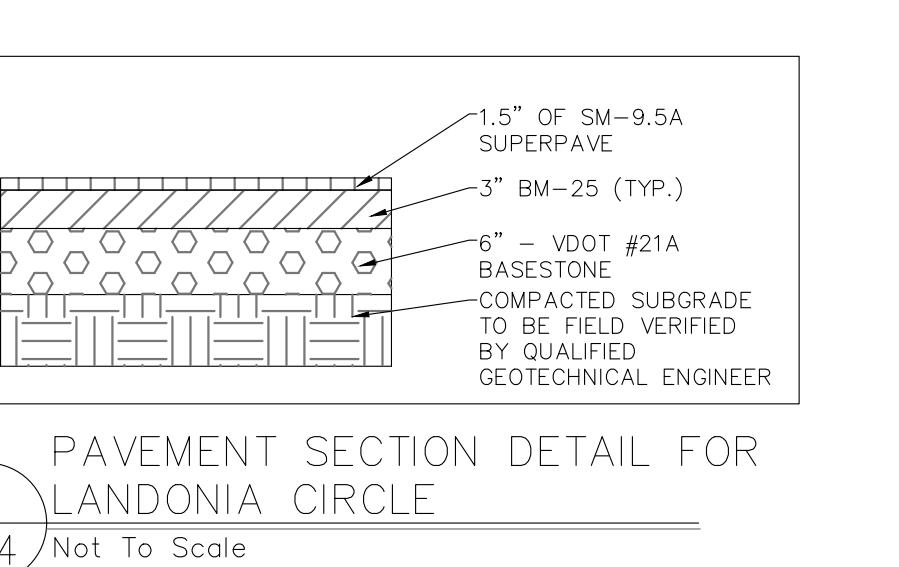
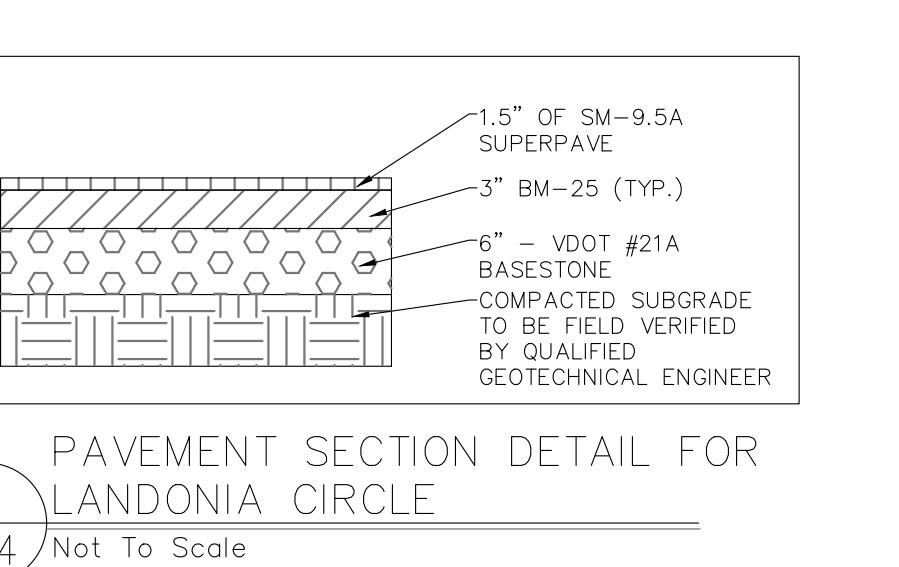
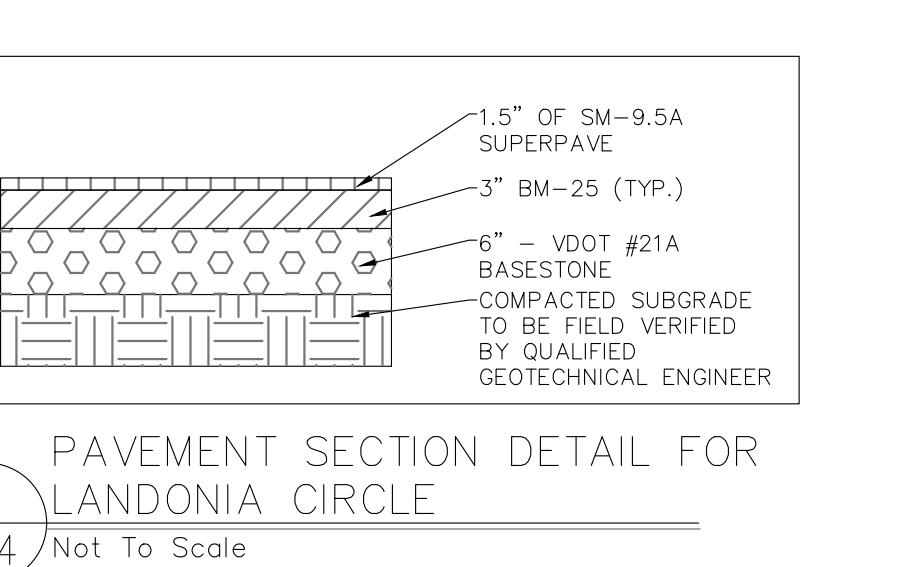
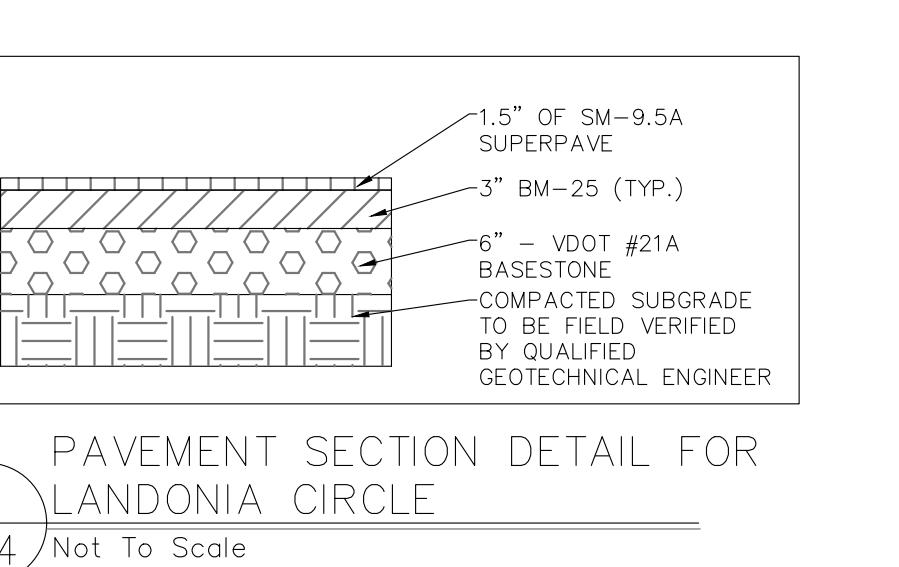
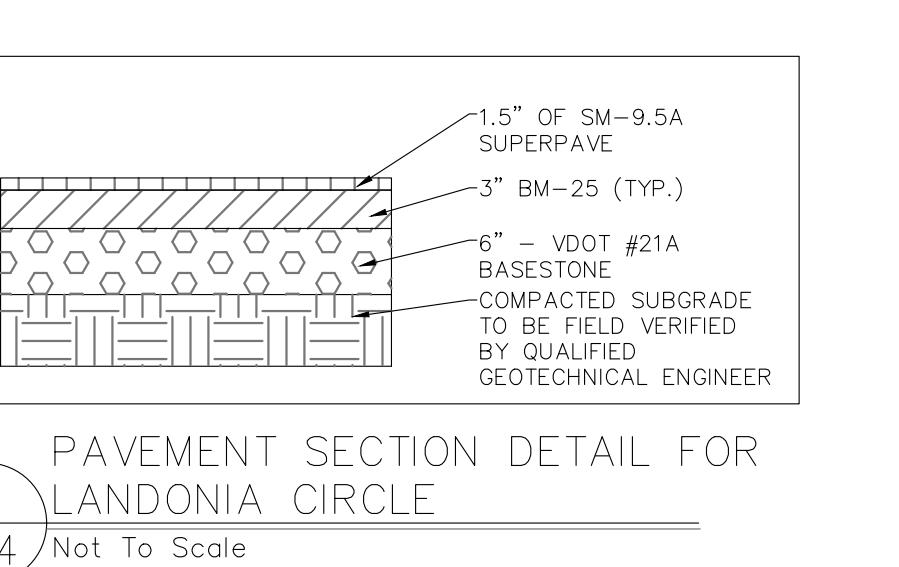
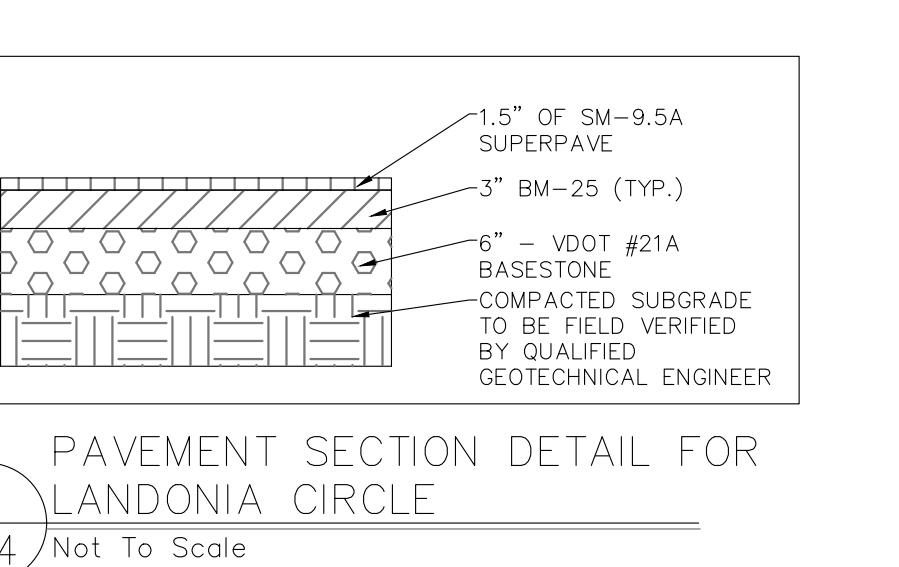
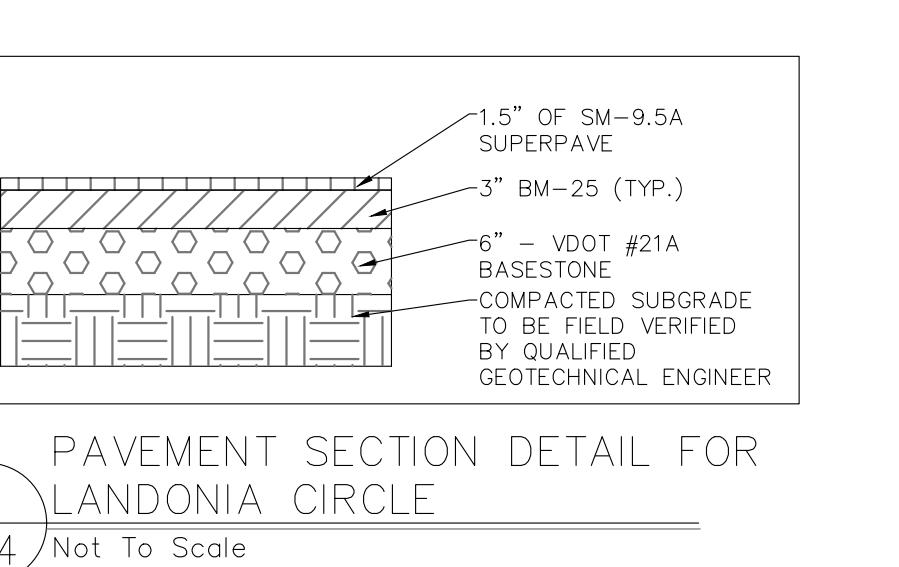
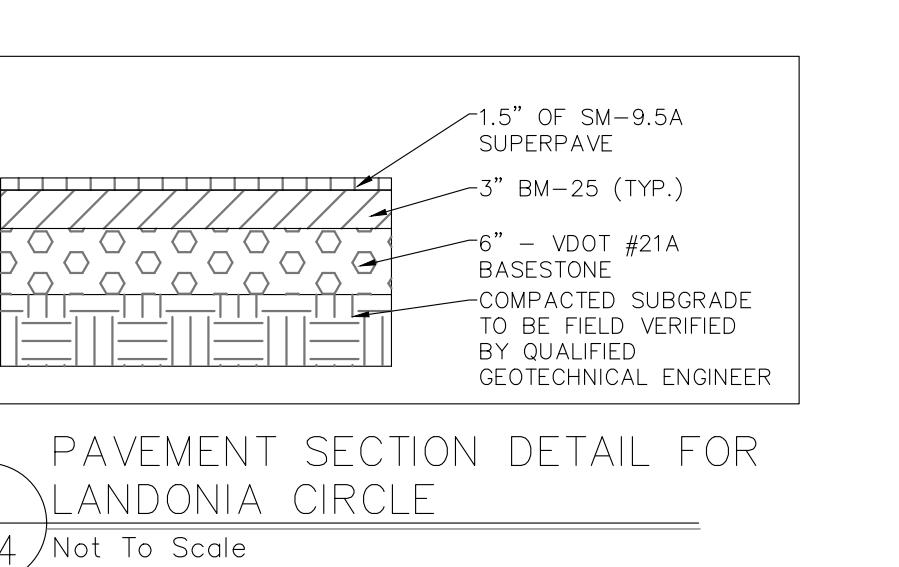
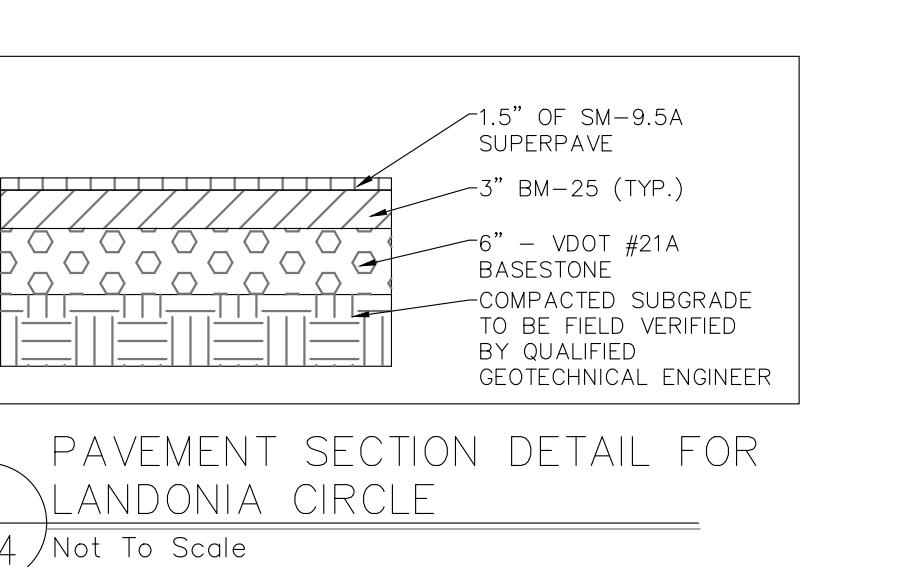
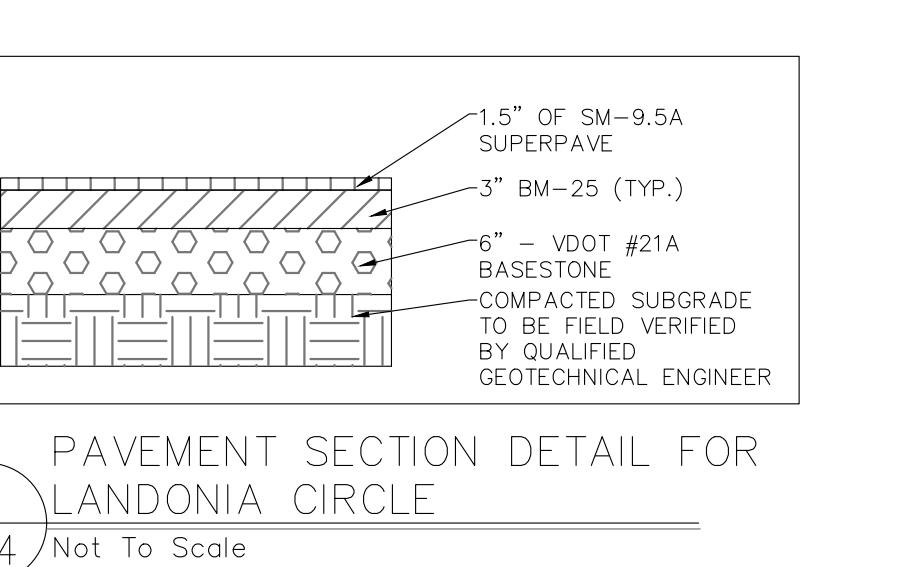
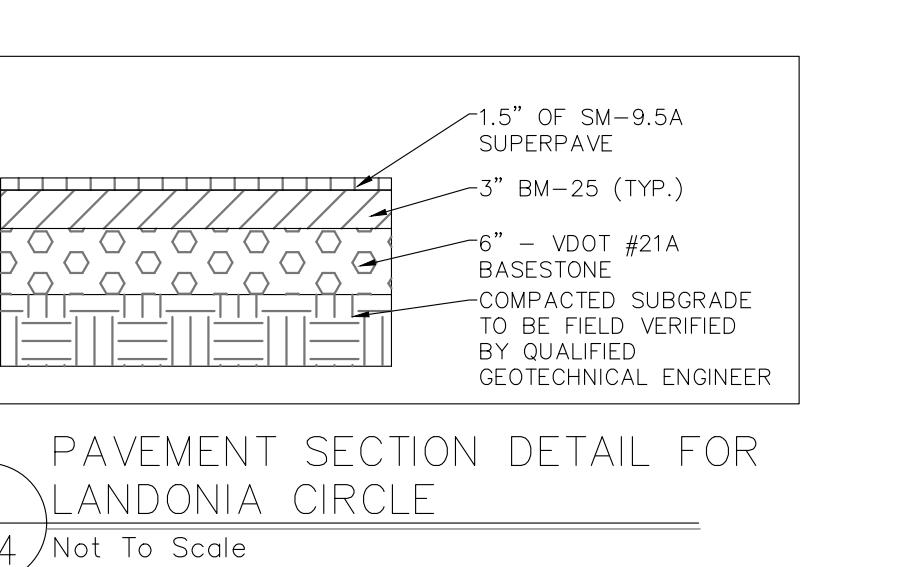
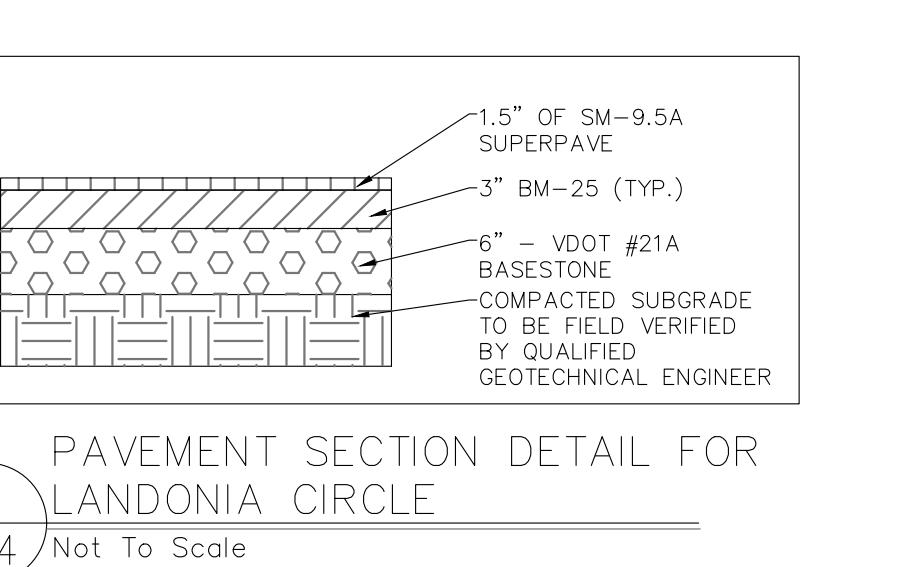
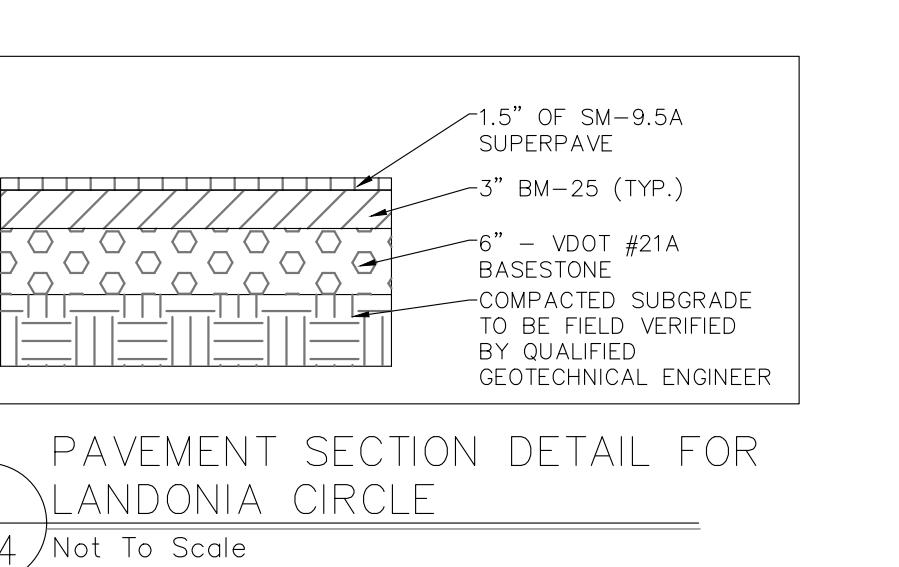
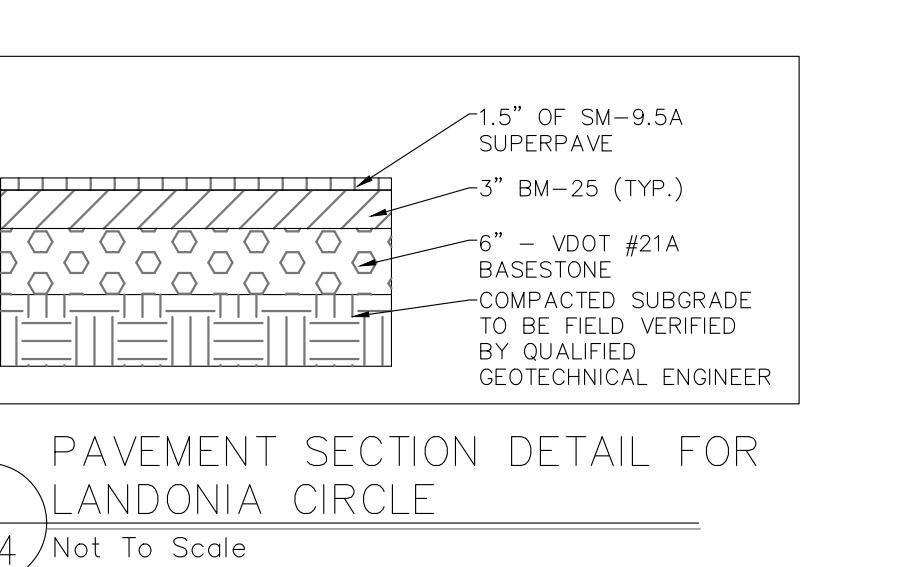
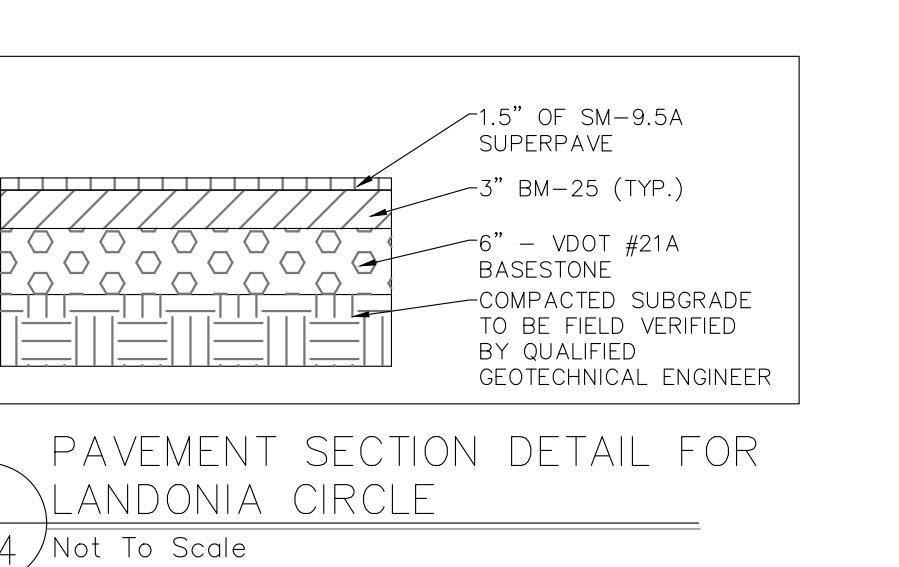
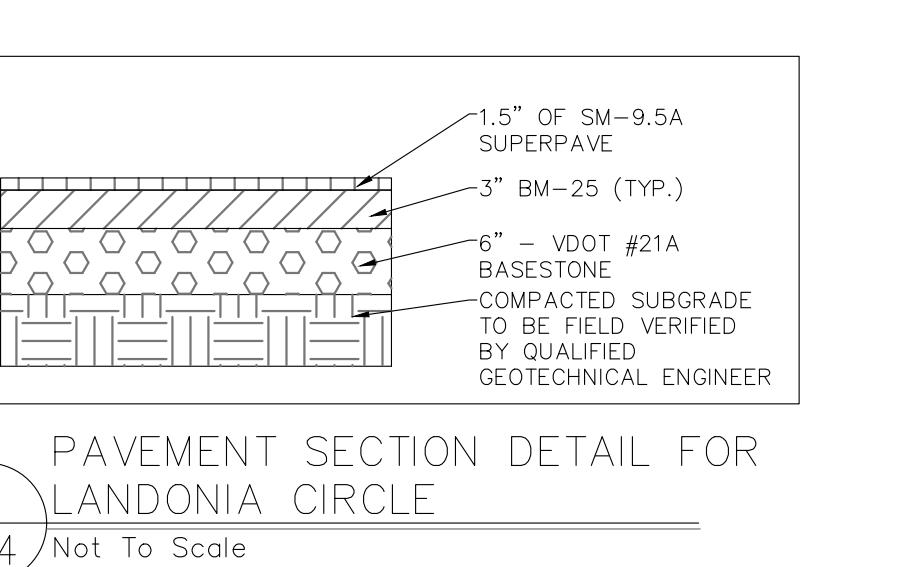
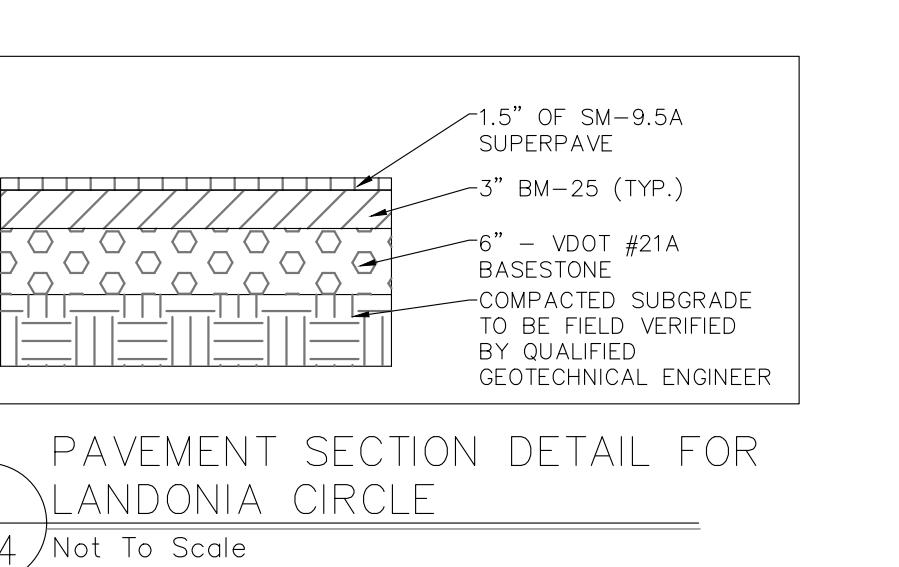
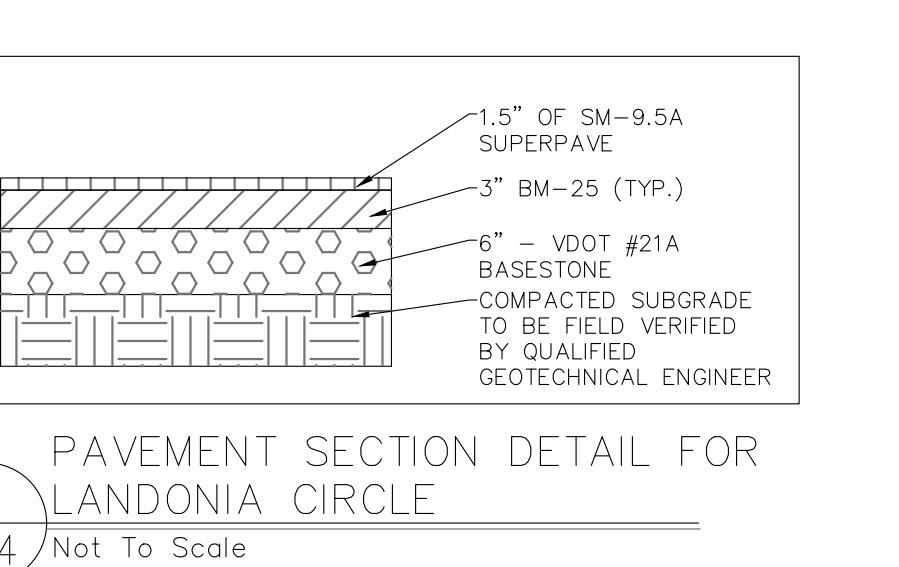
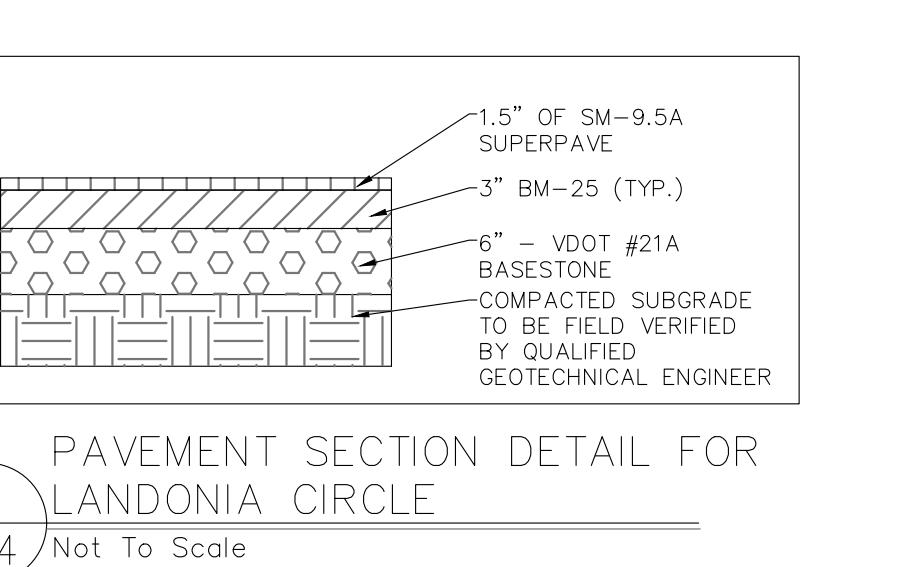
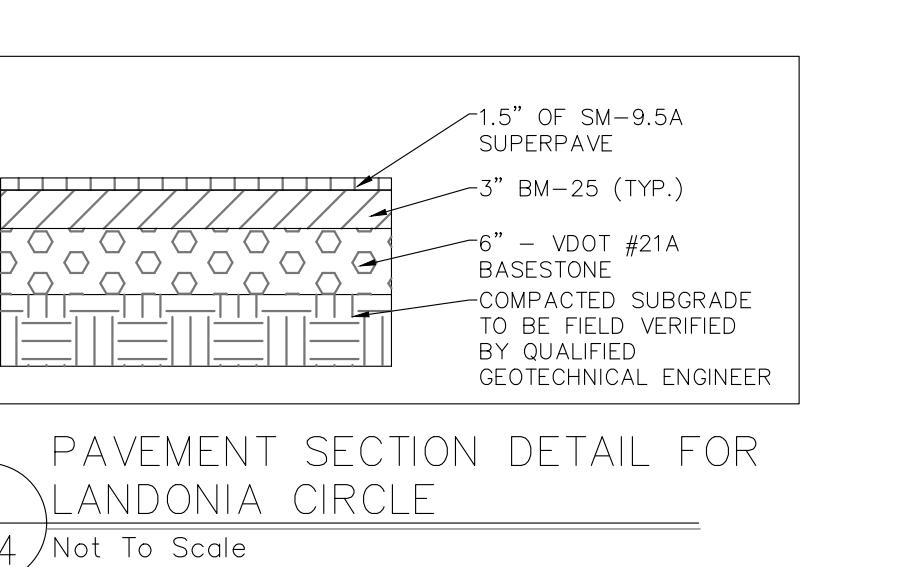
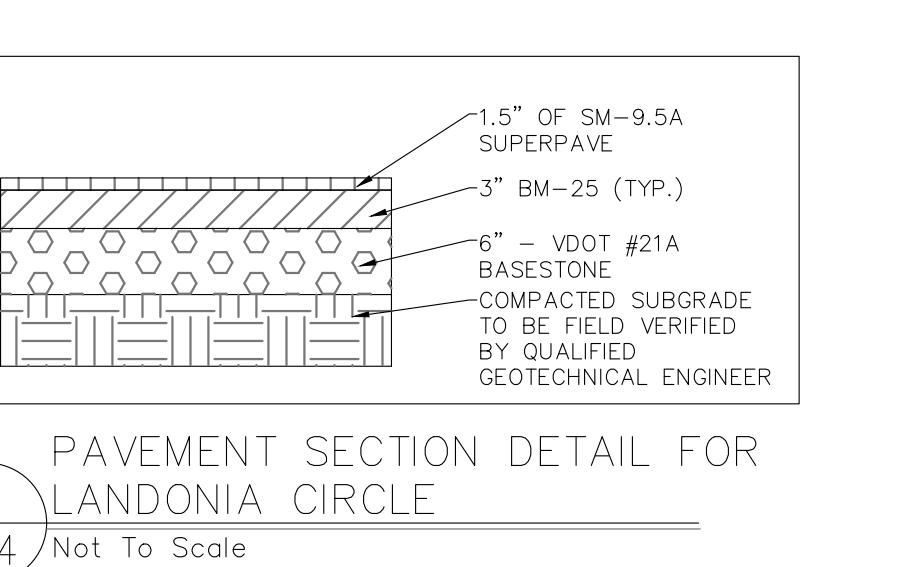
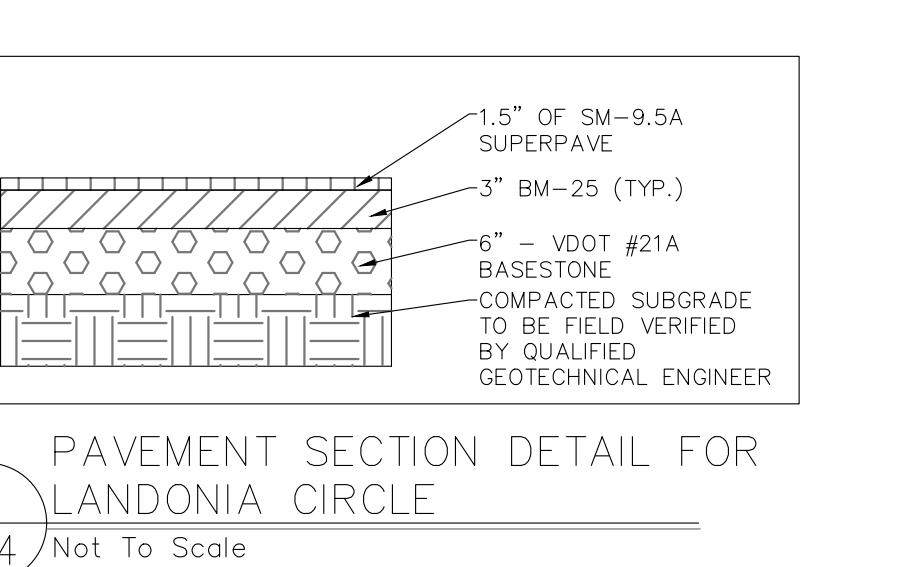
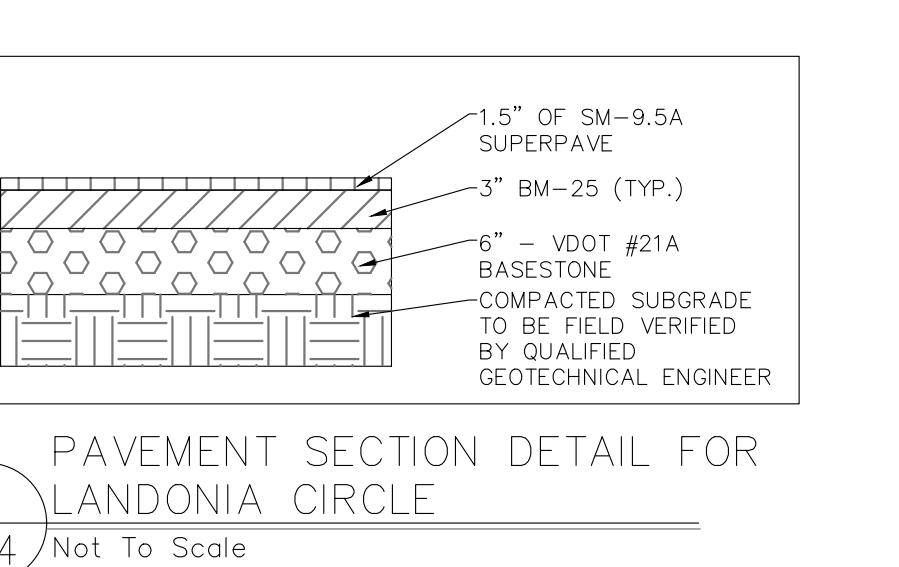
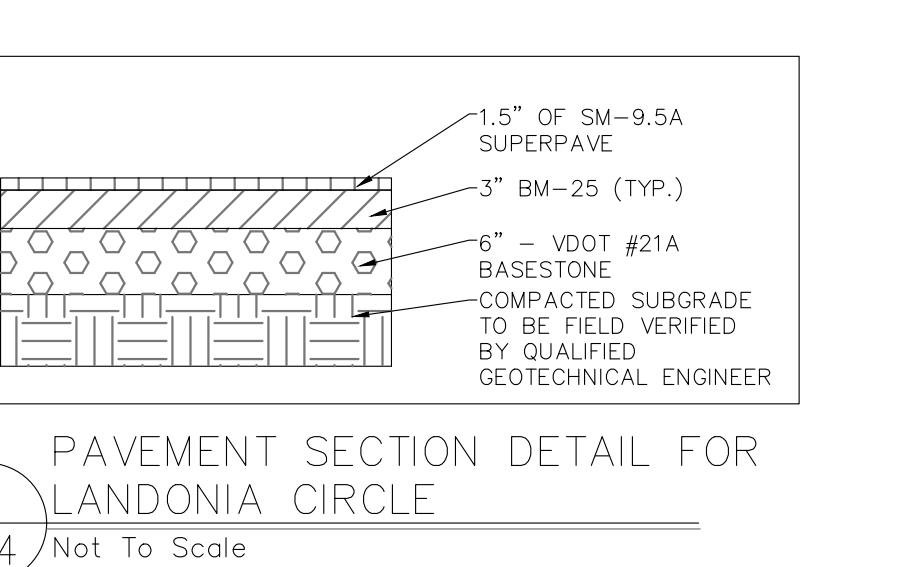
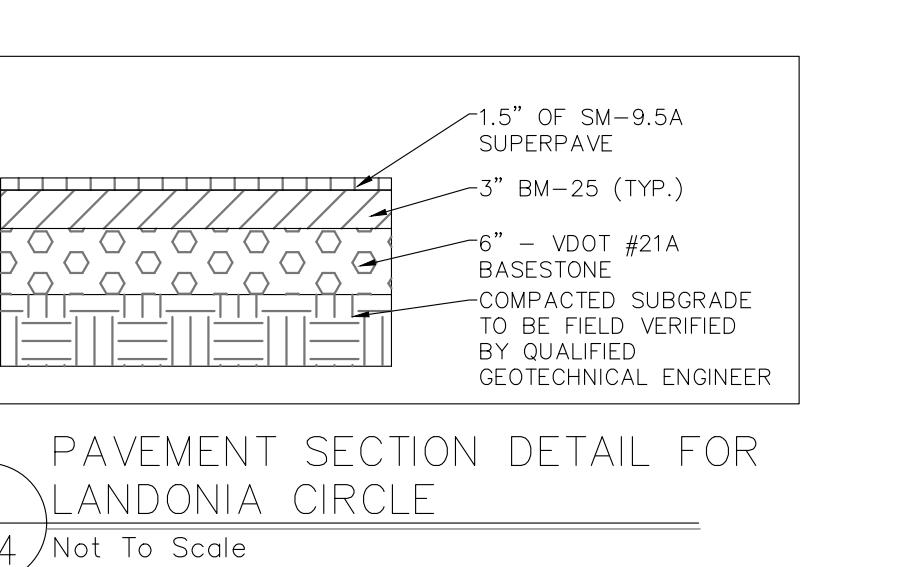
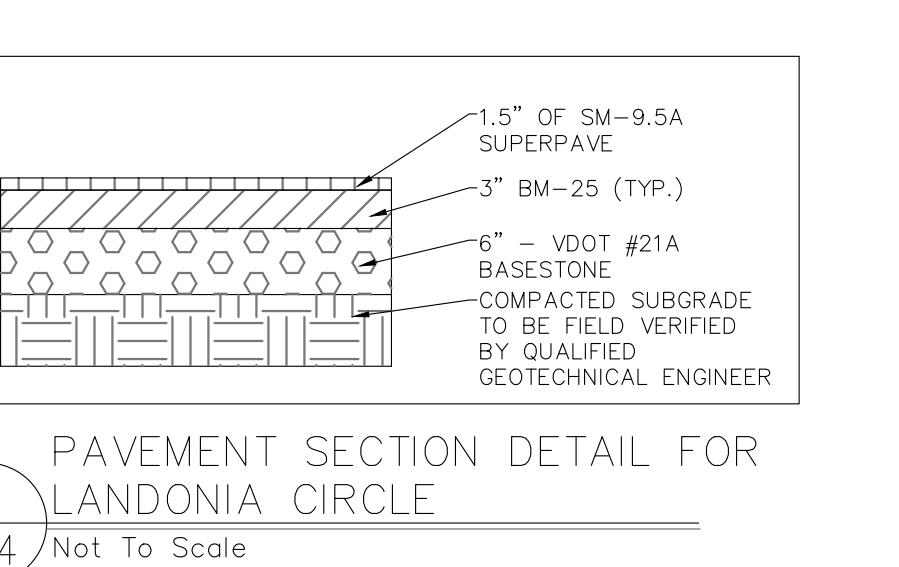
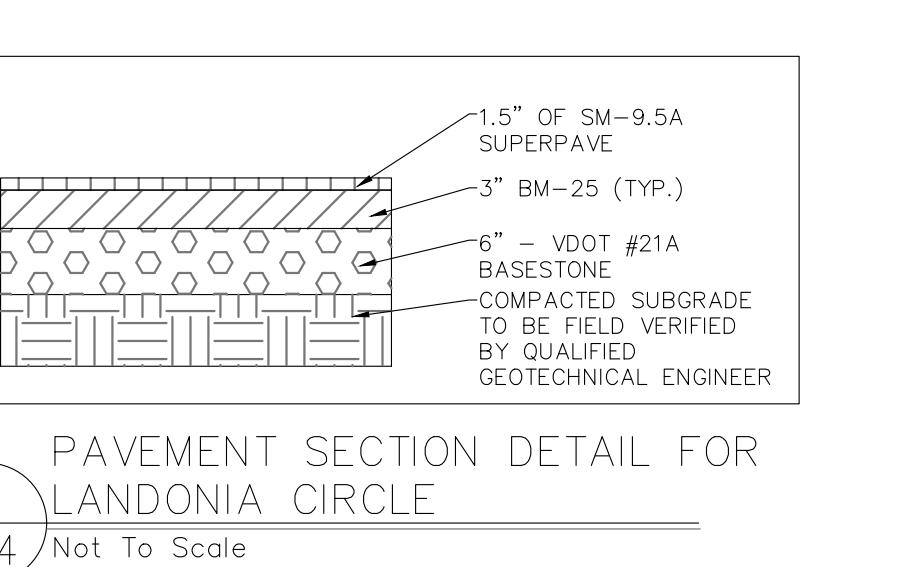
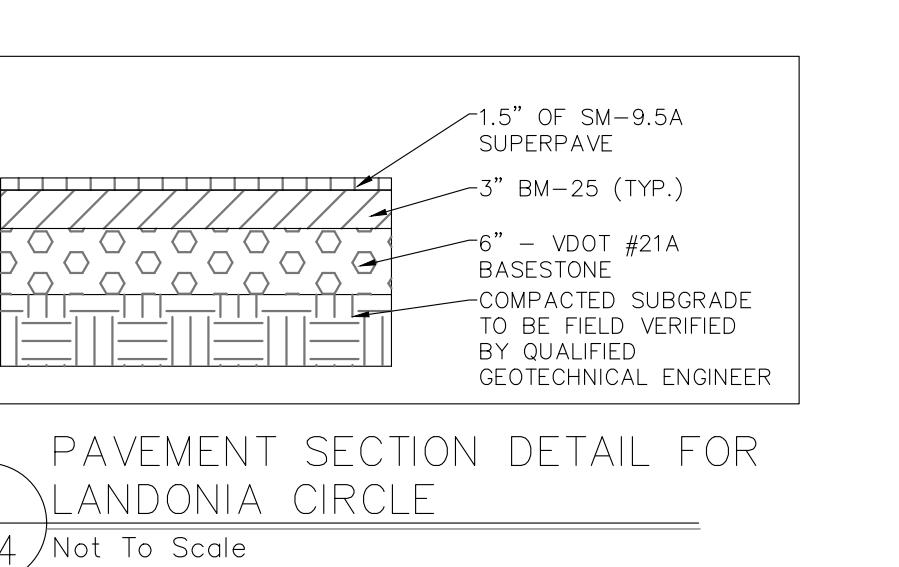
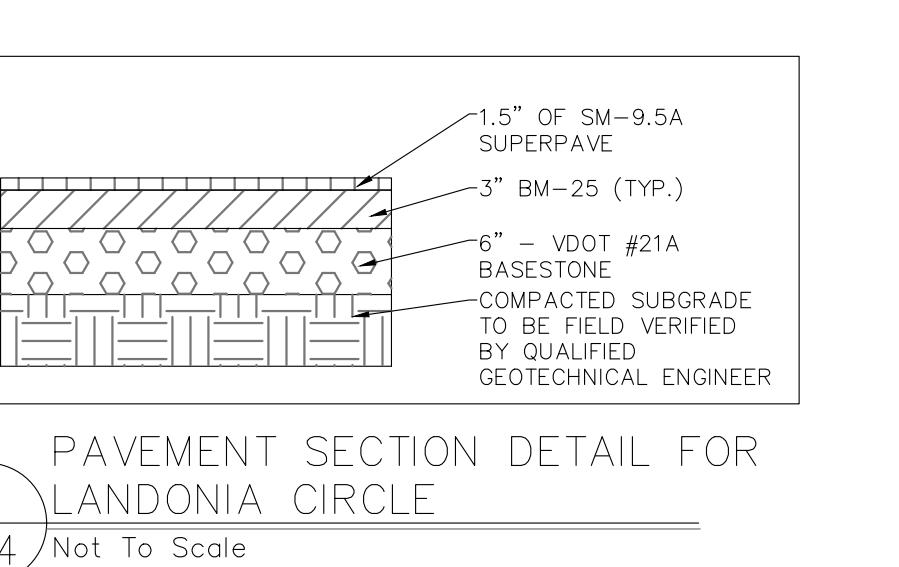
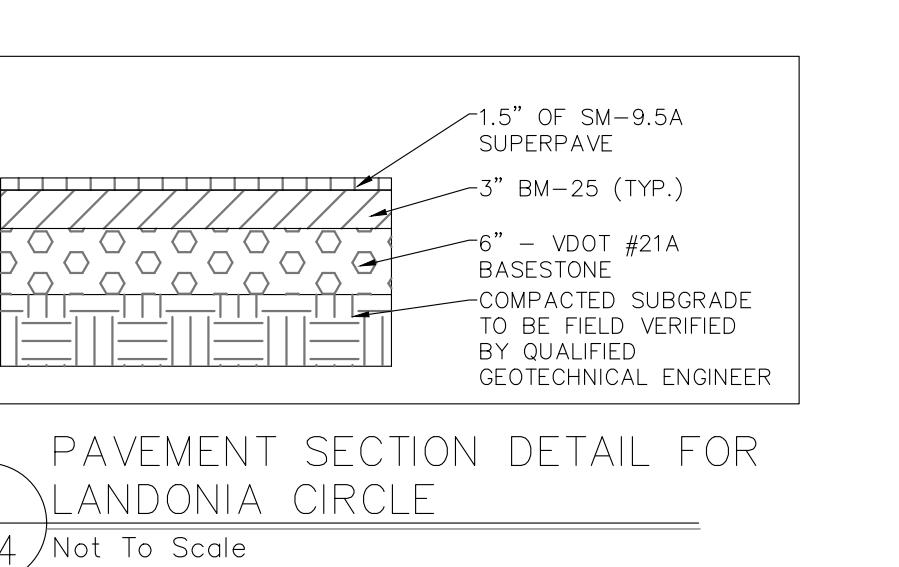
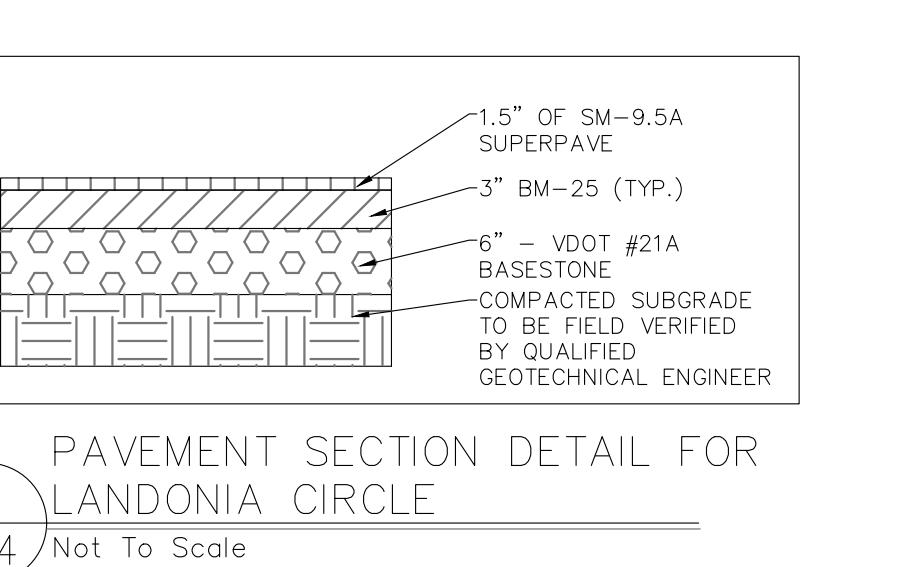
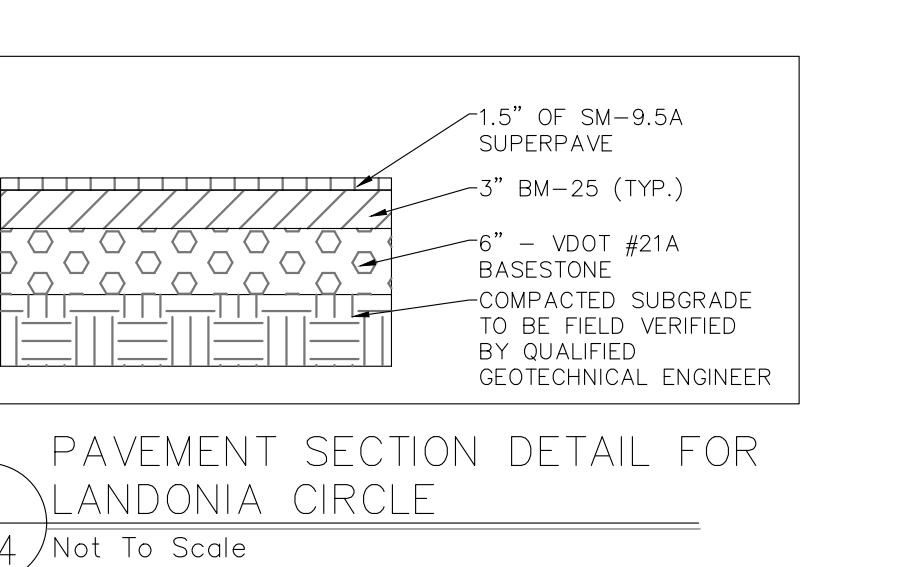
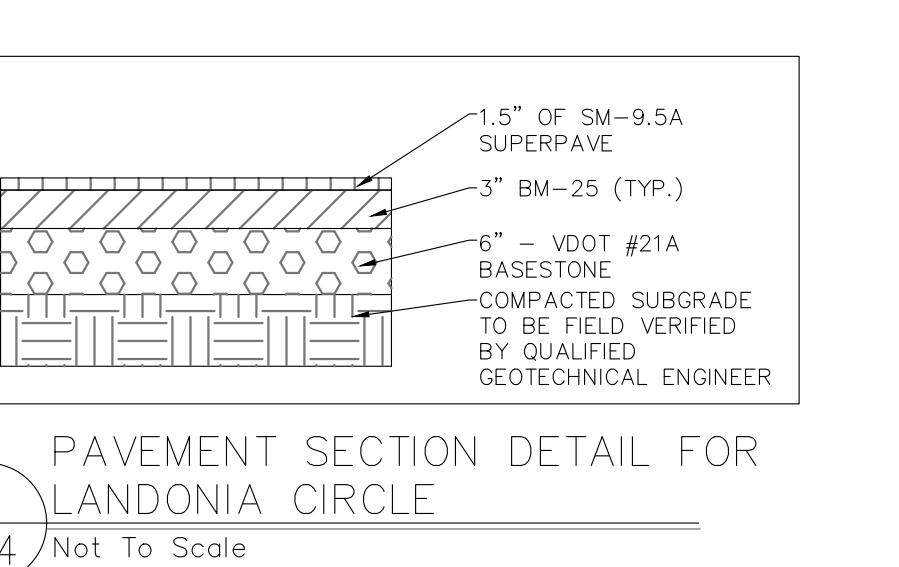
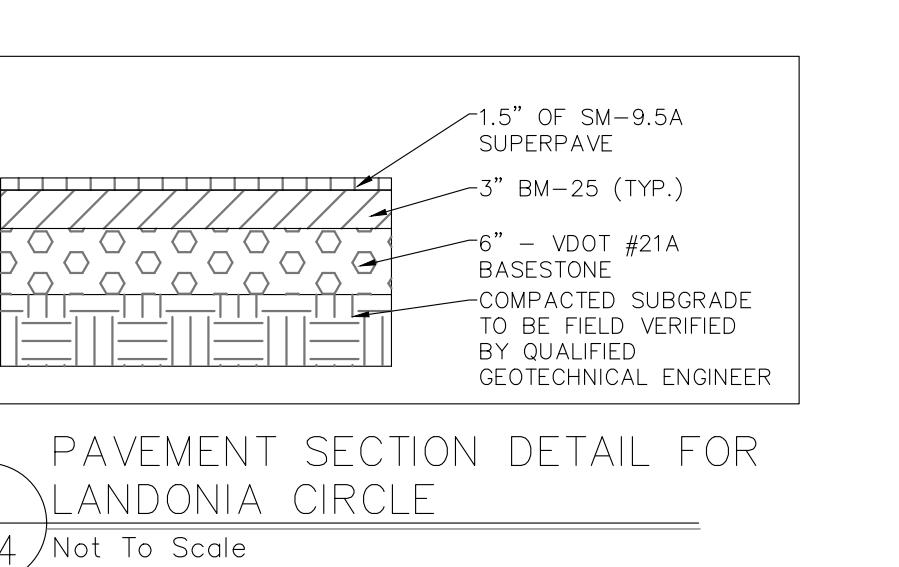
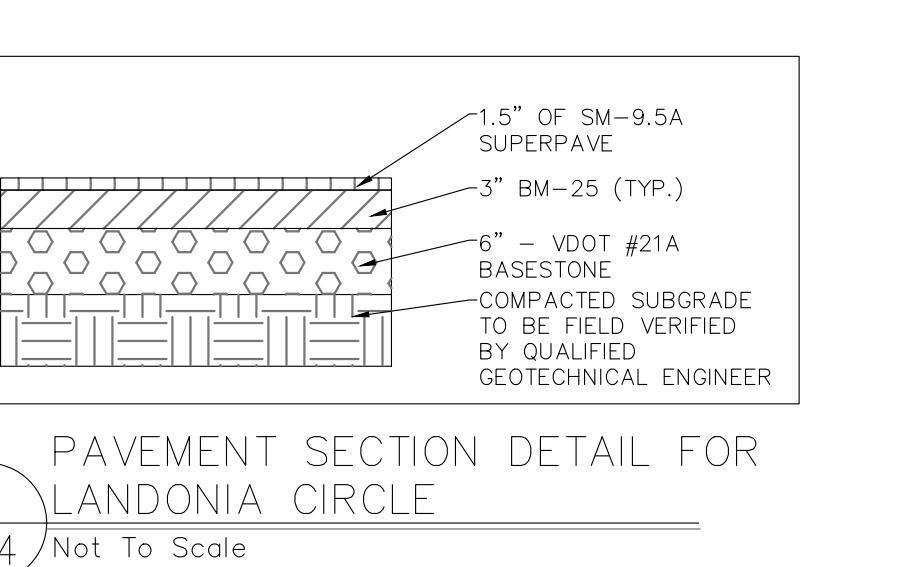
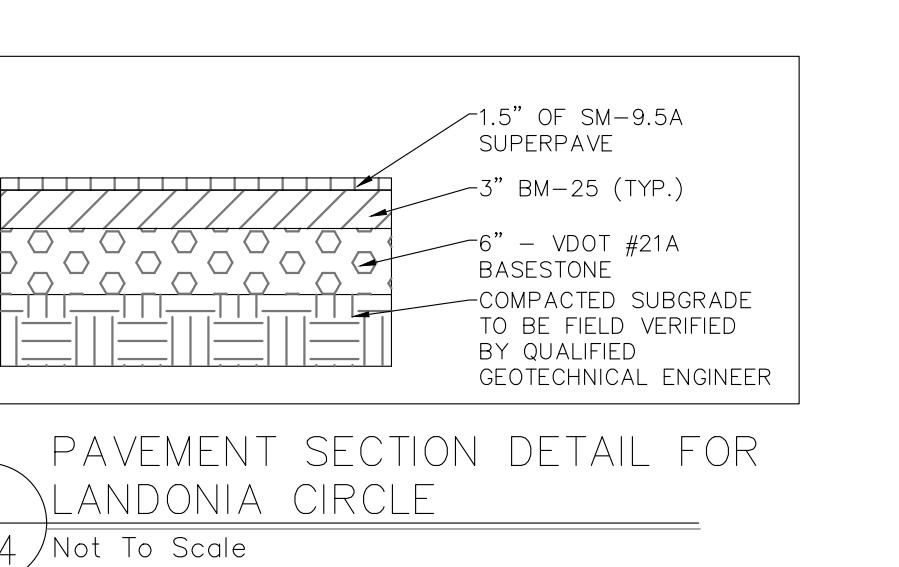
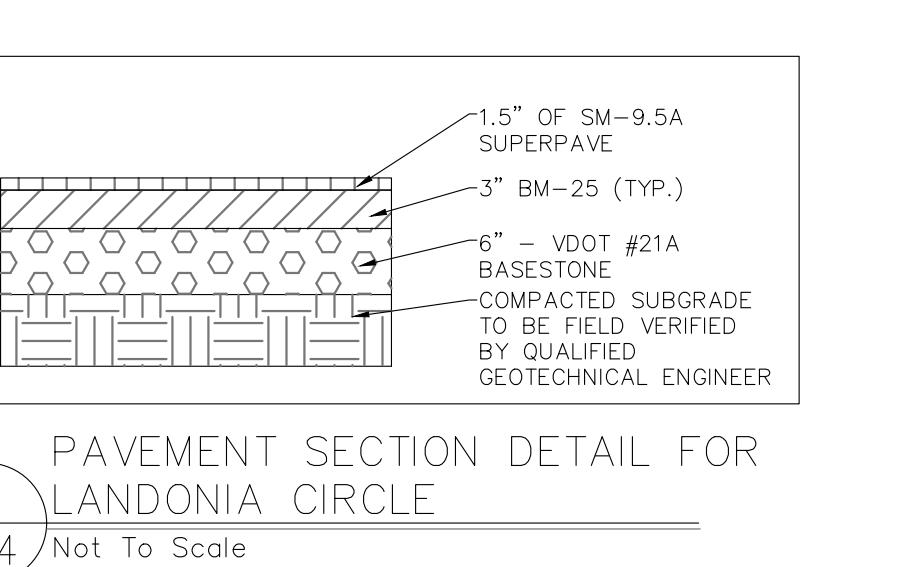
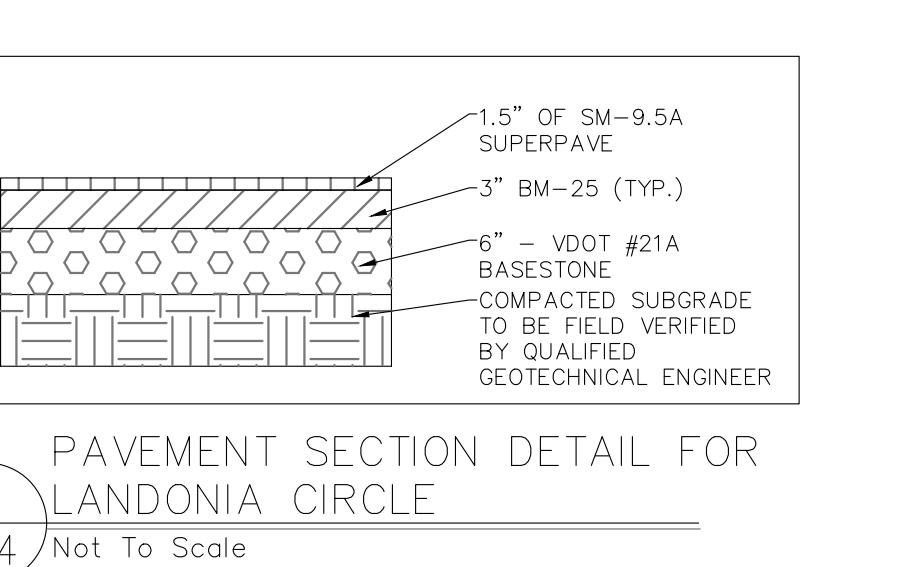
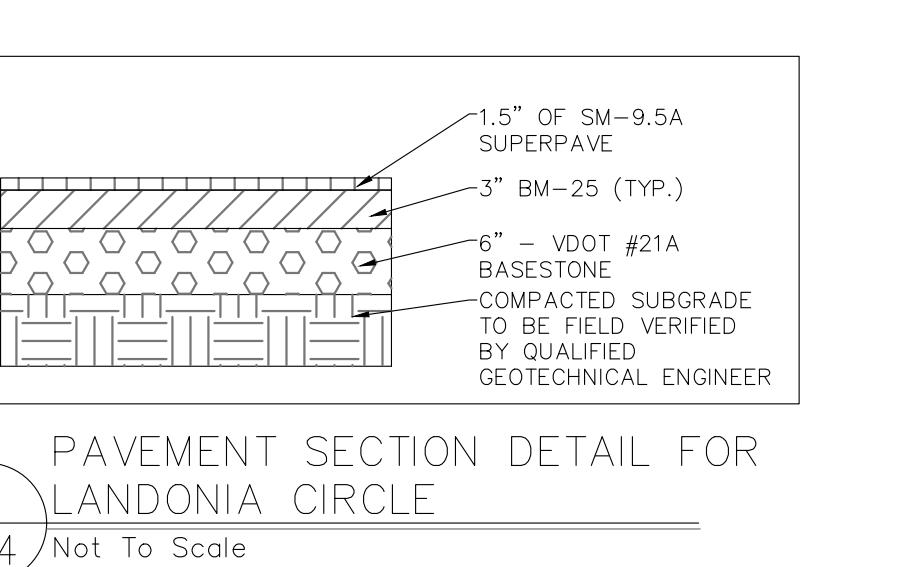
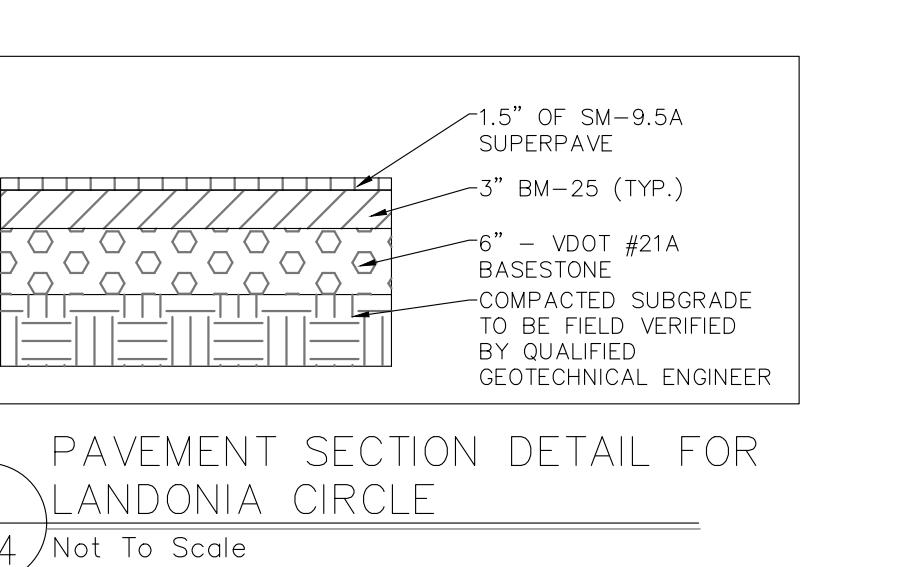
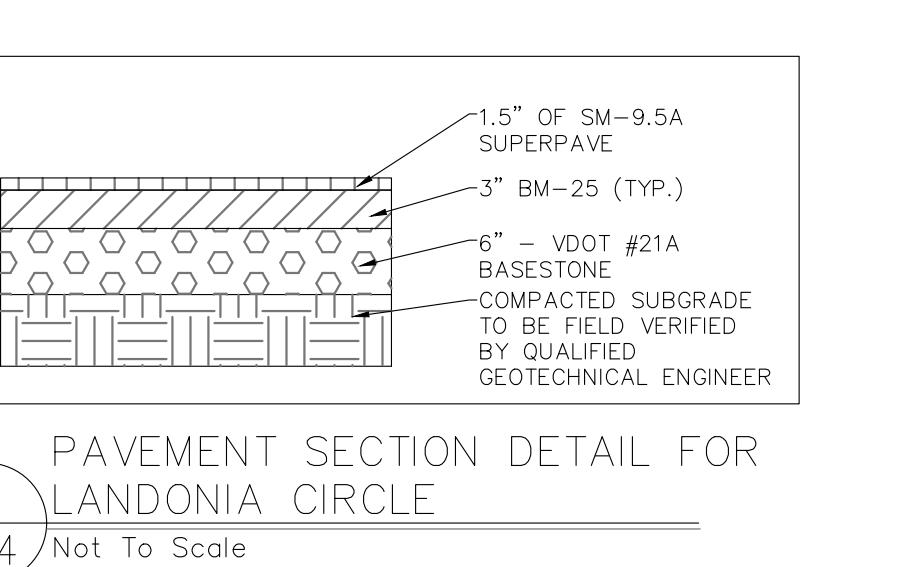
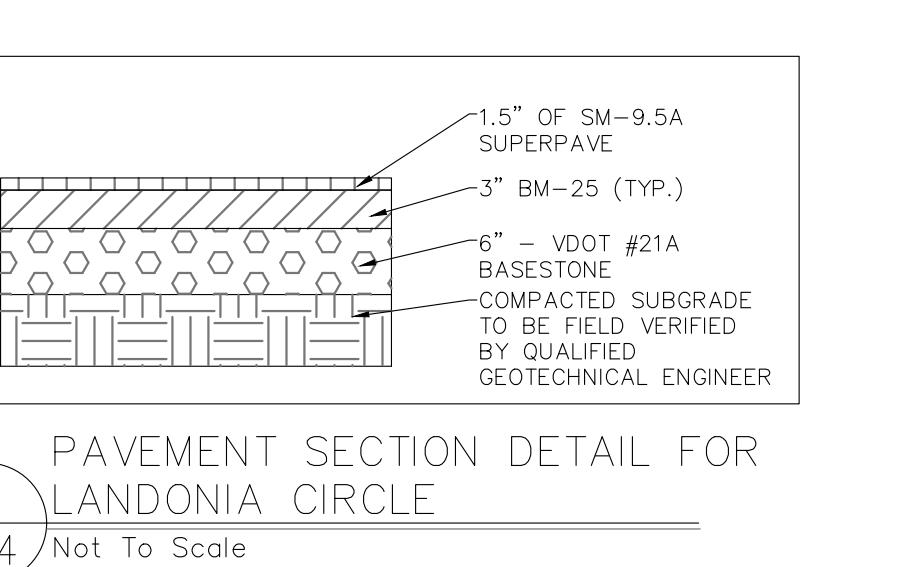
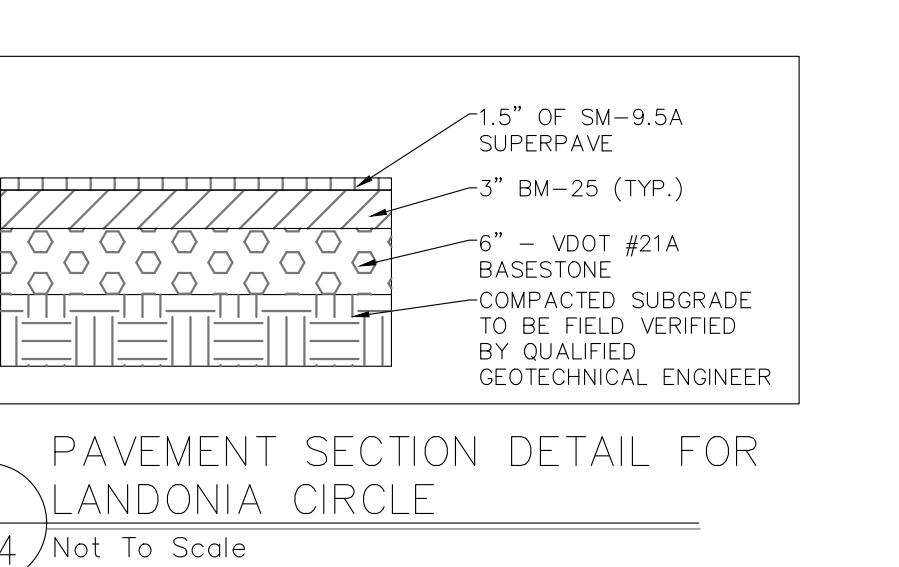
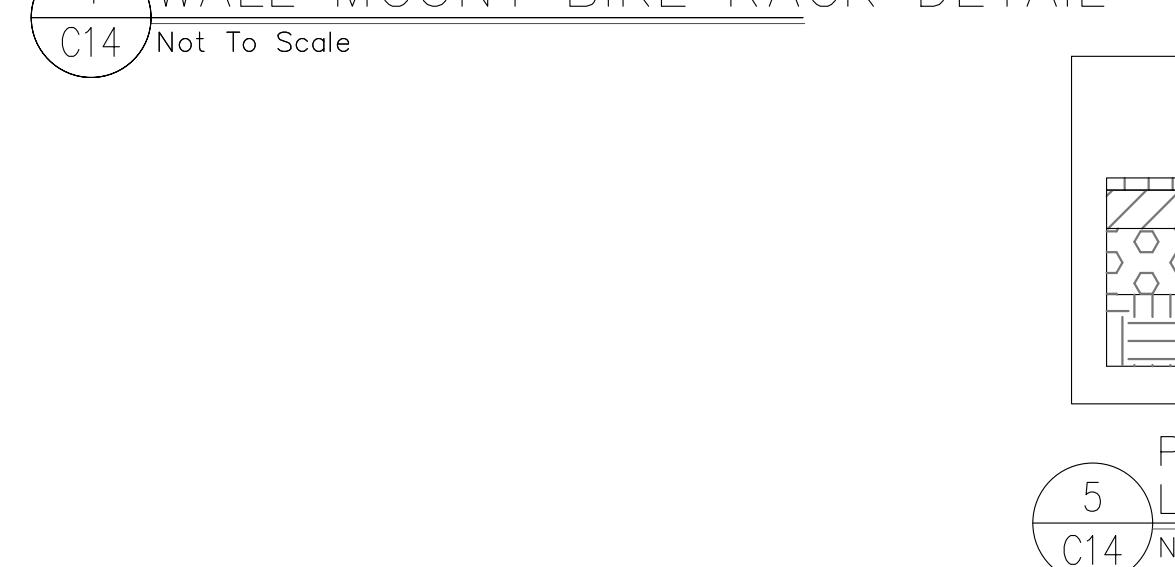
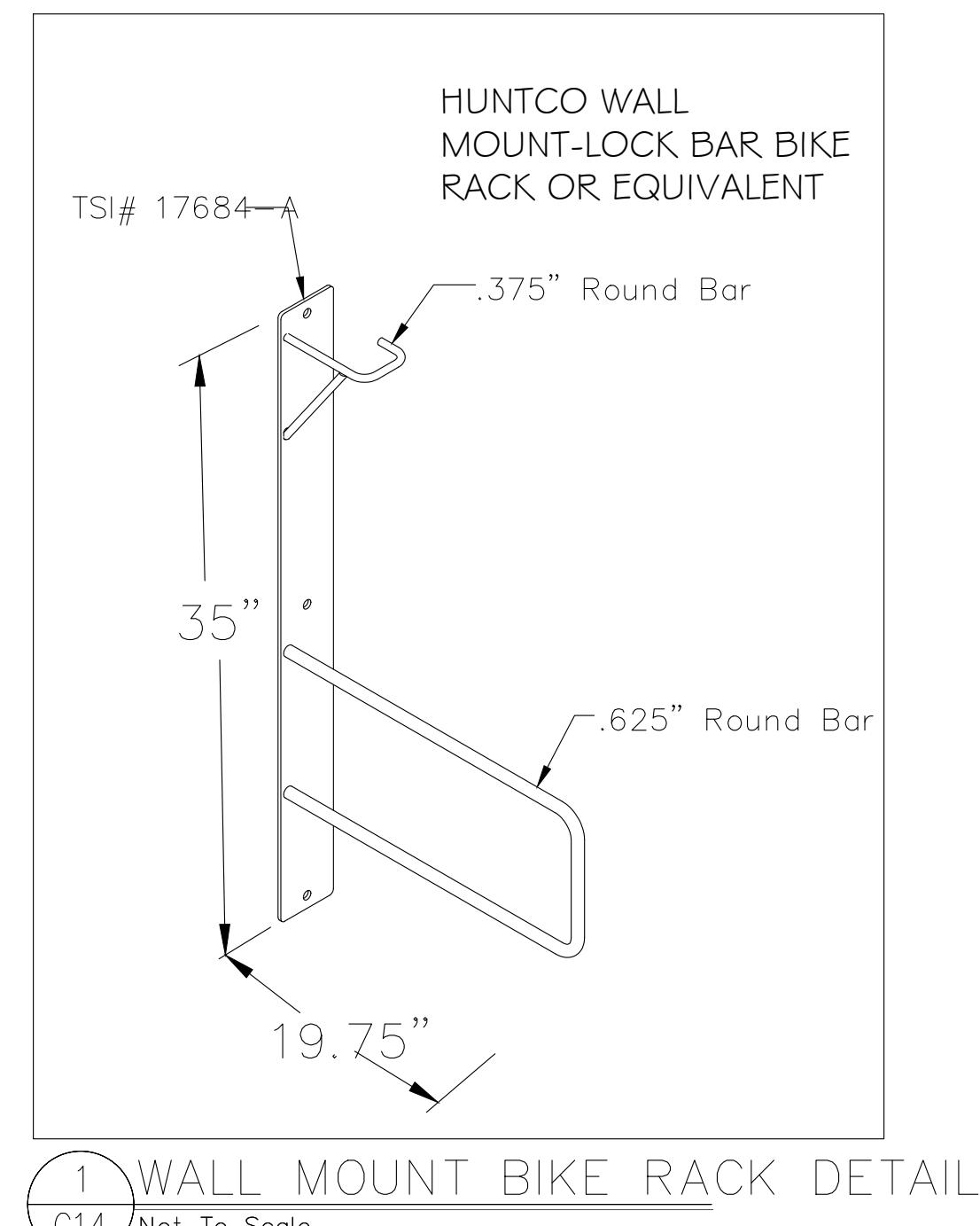
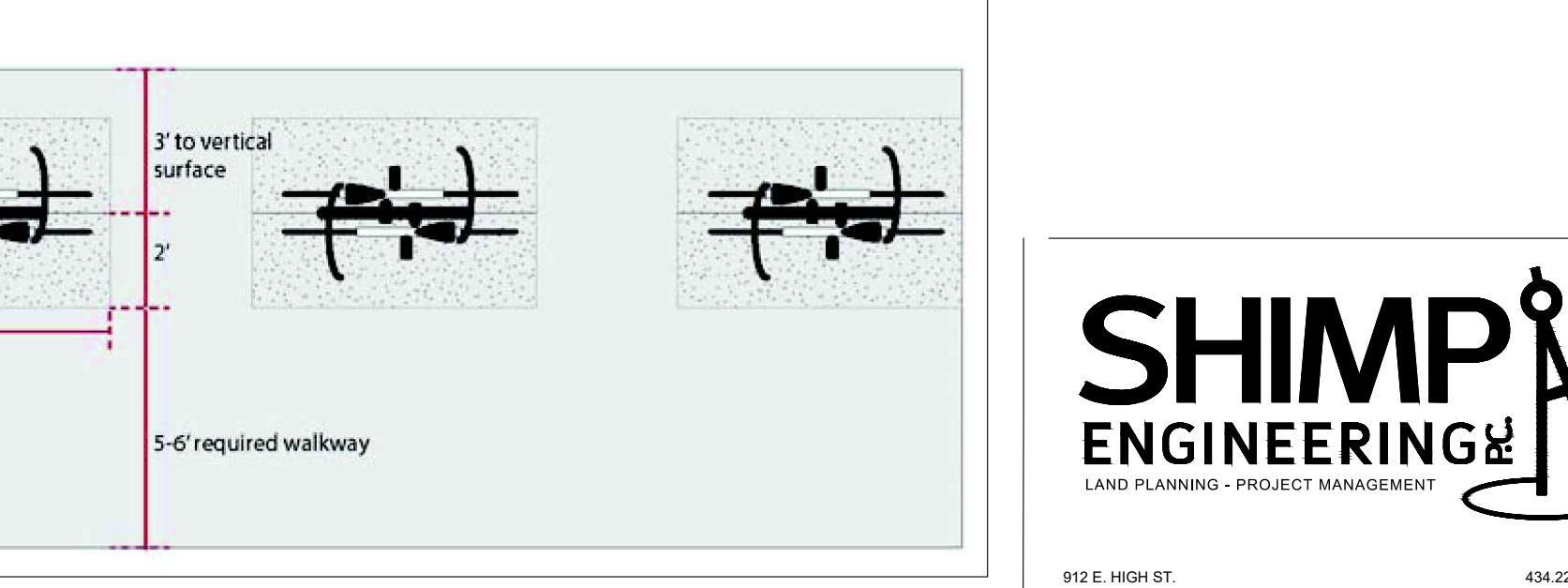
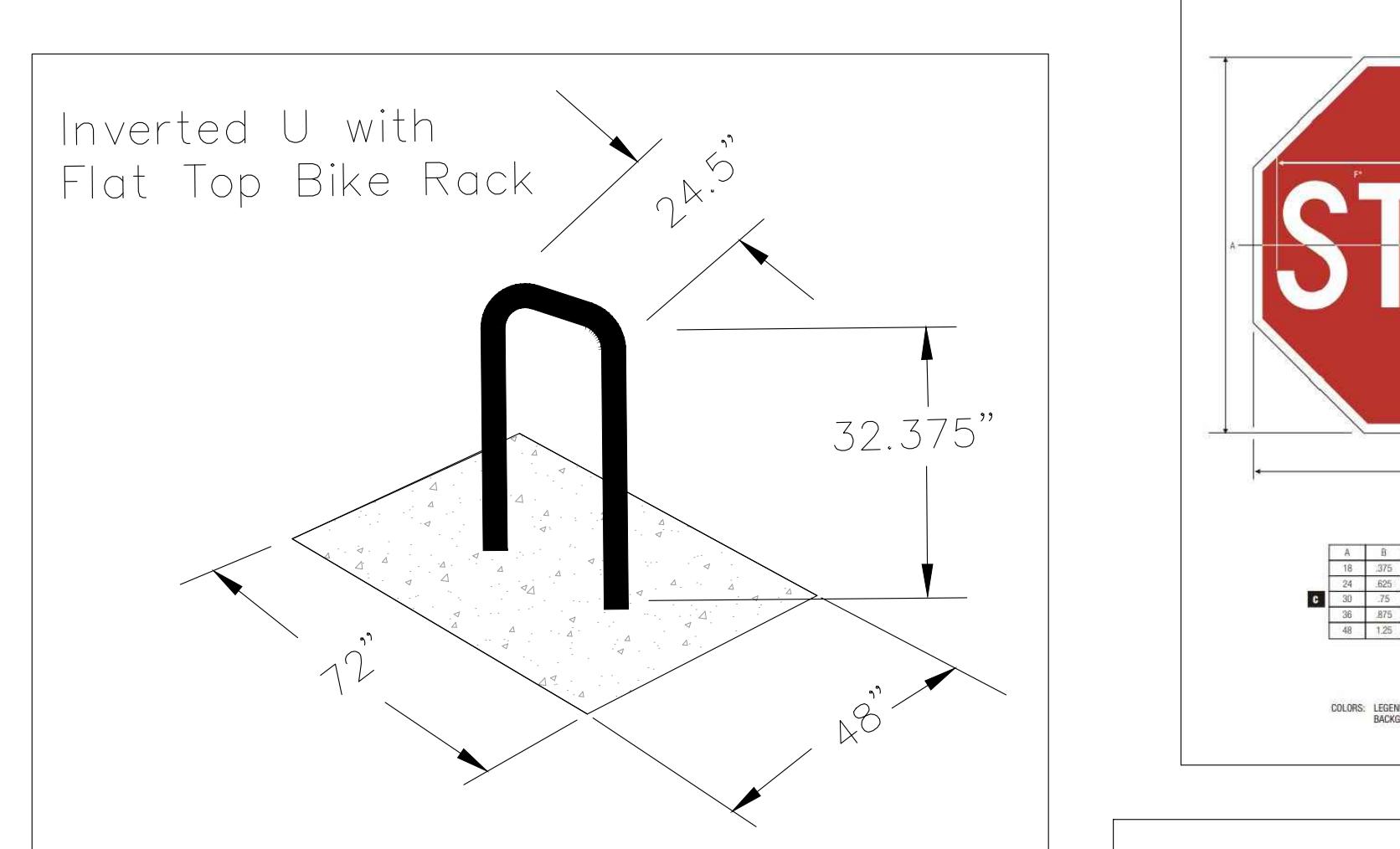
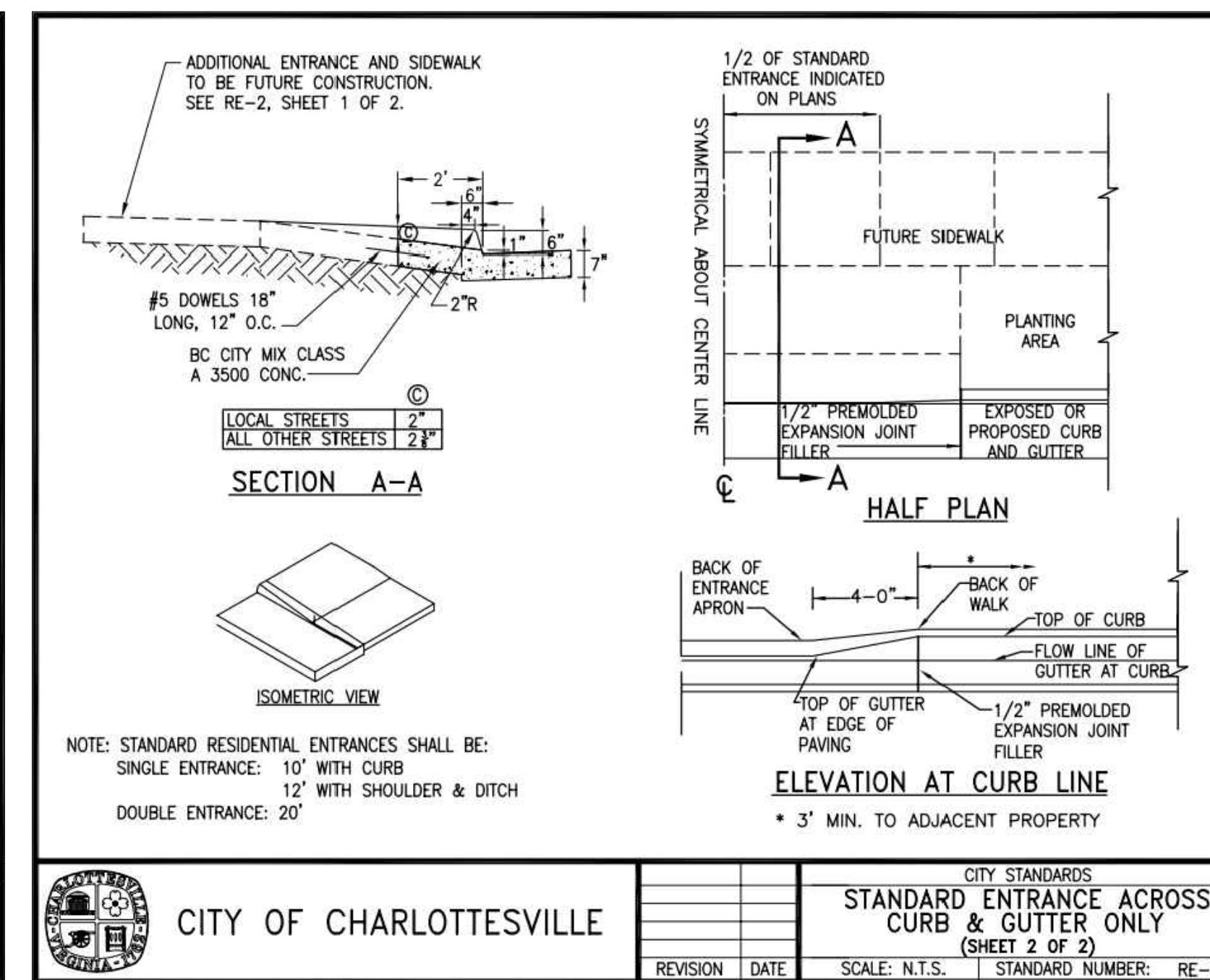
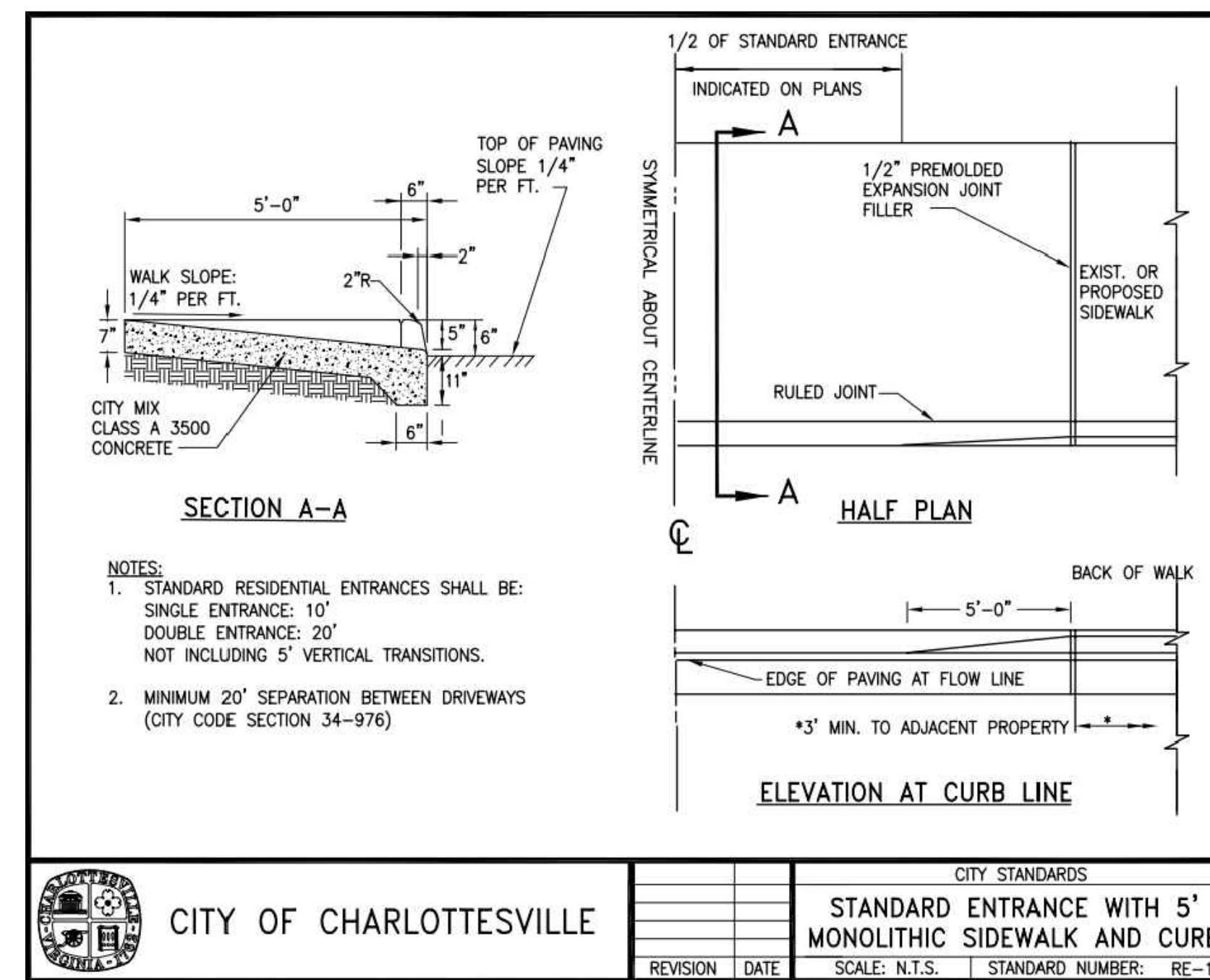
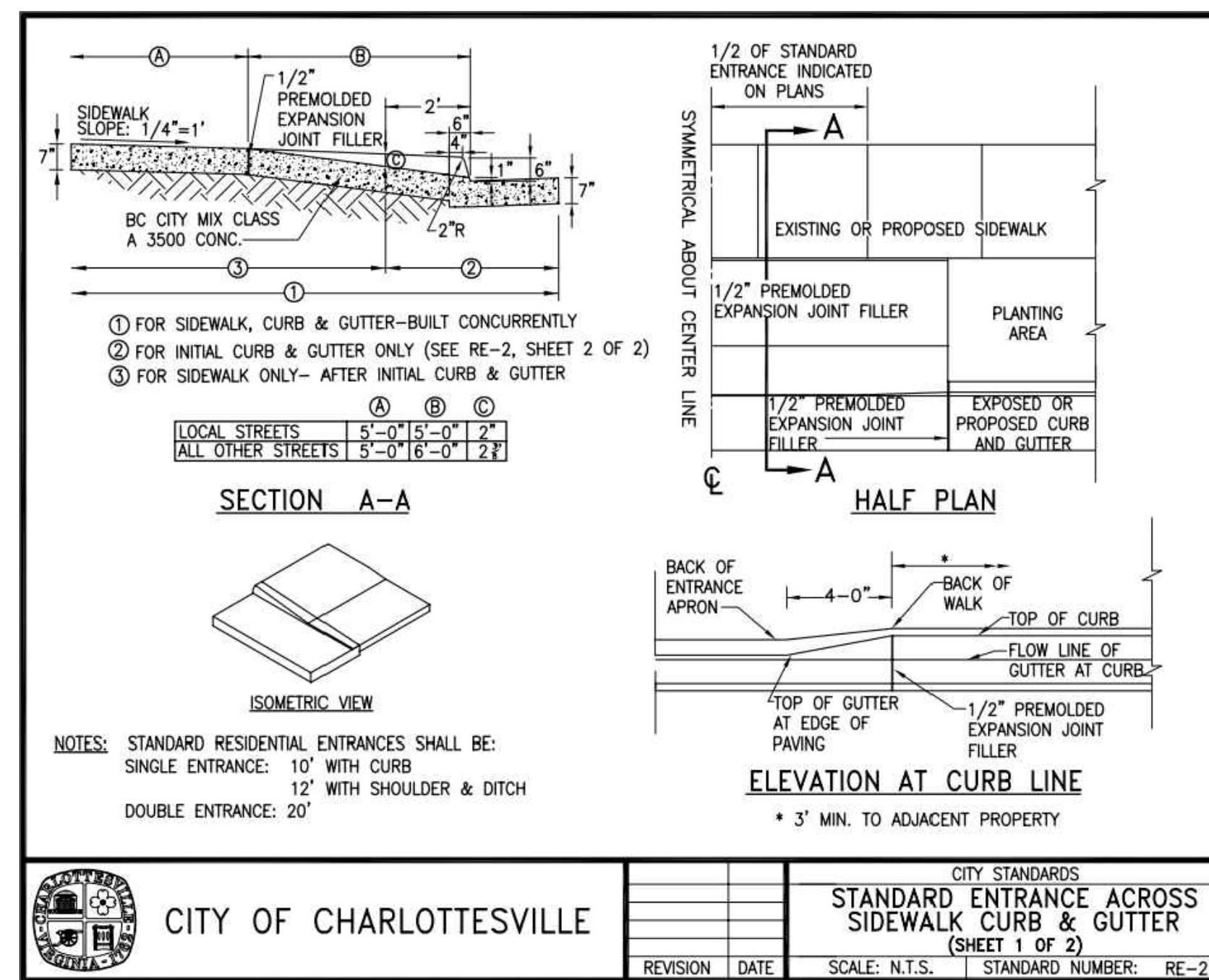
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2) 2024.05.16  
3) 2024.07.10

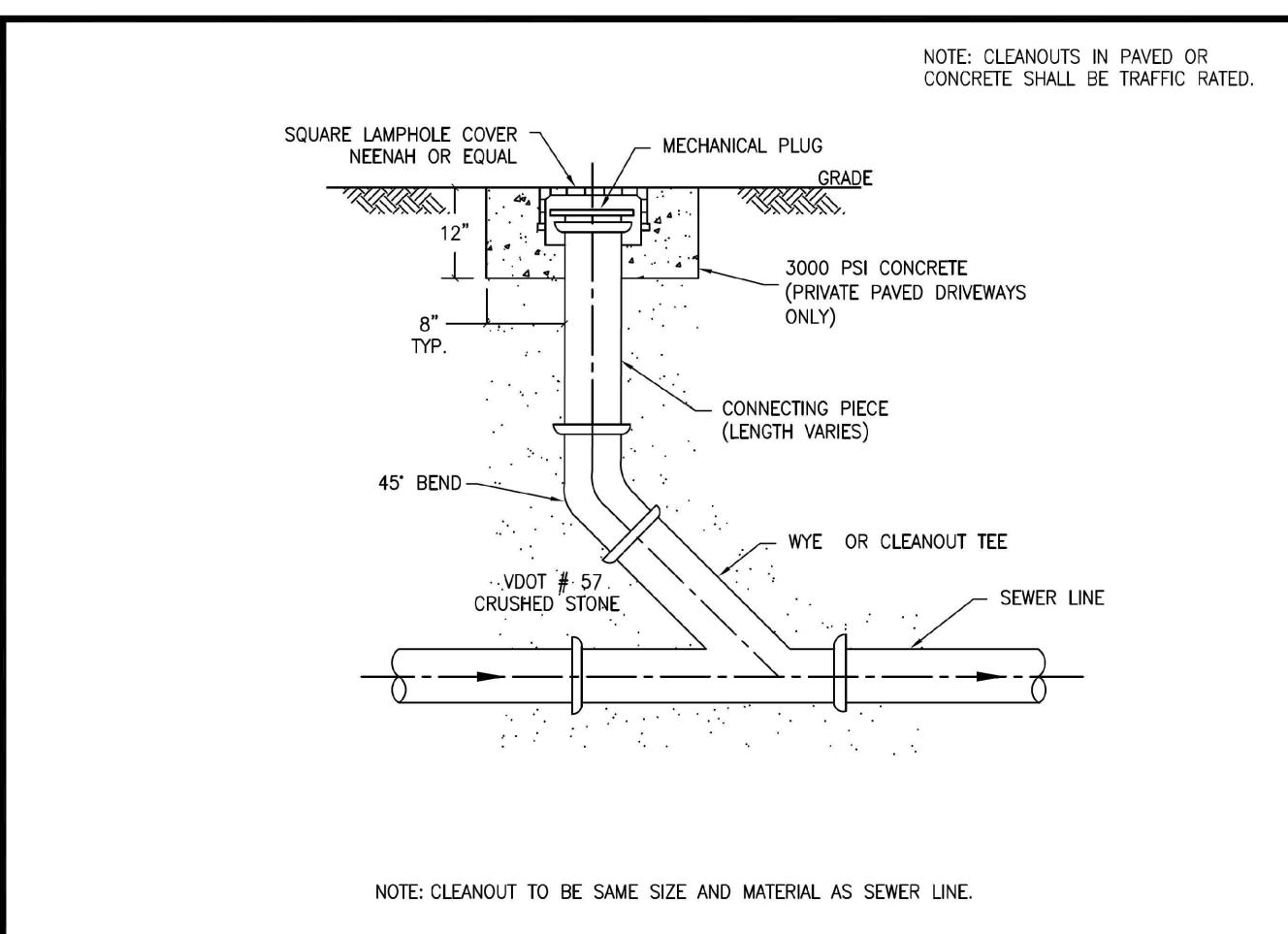
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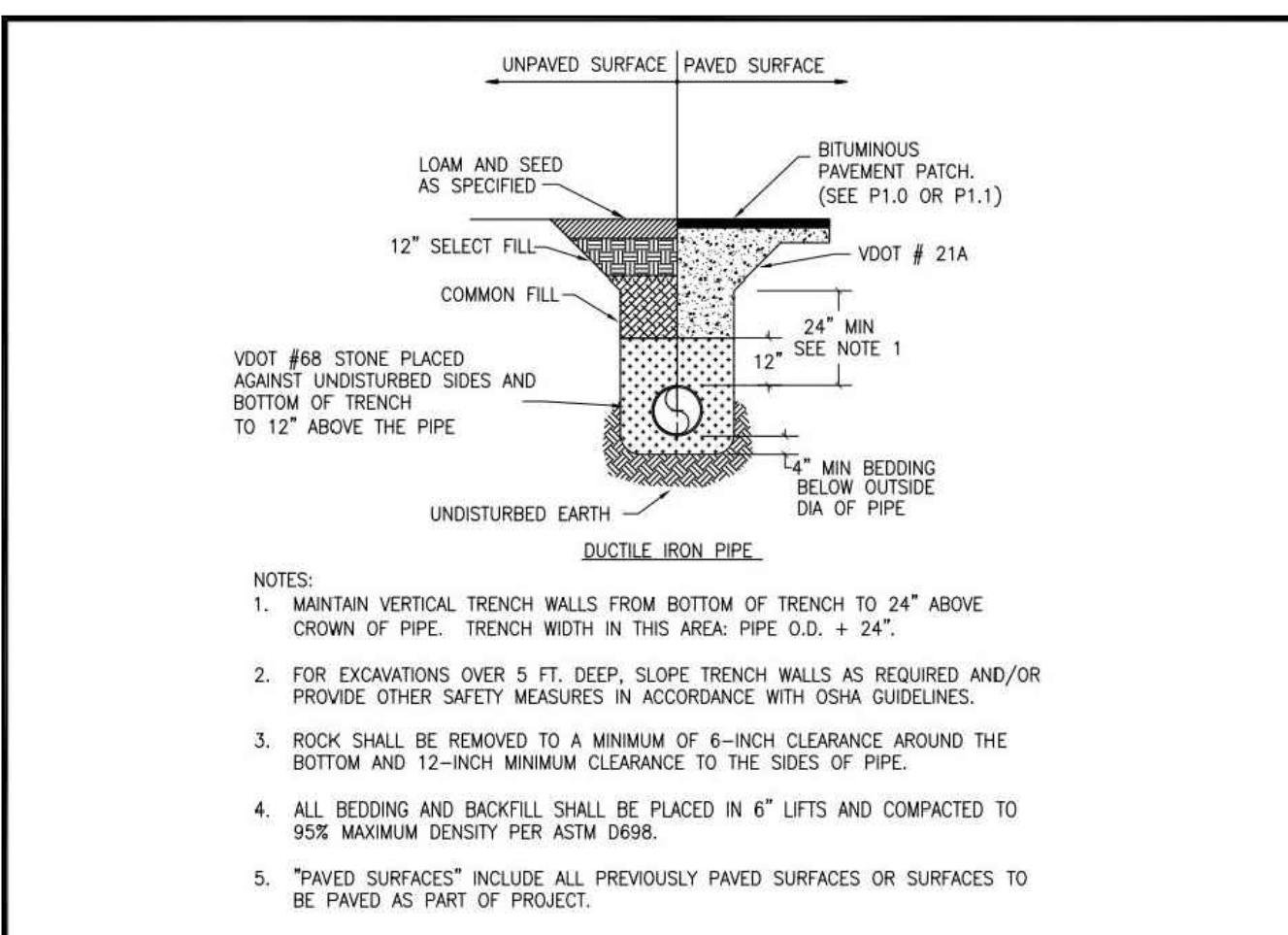
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# C13

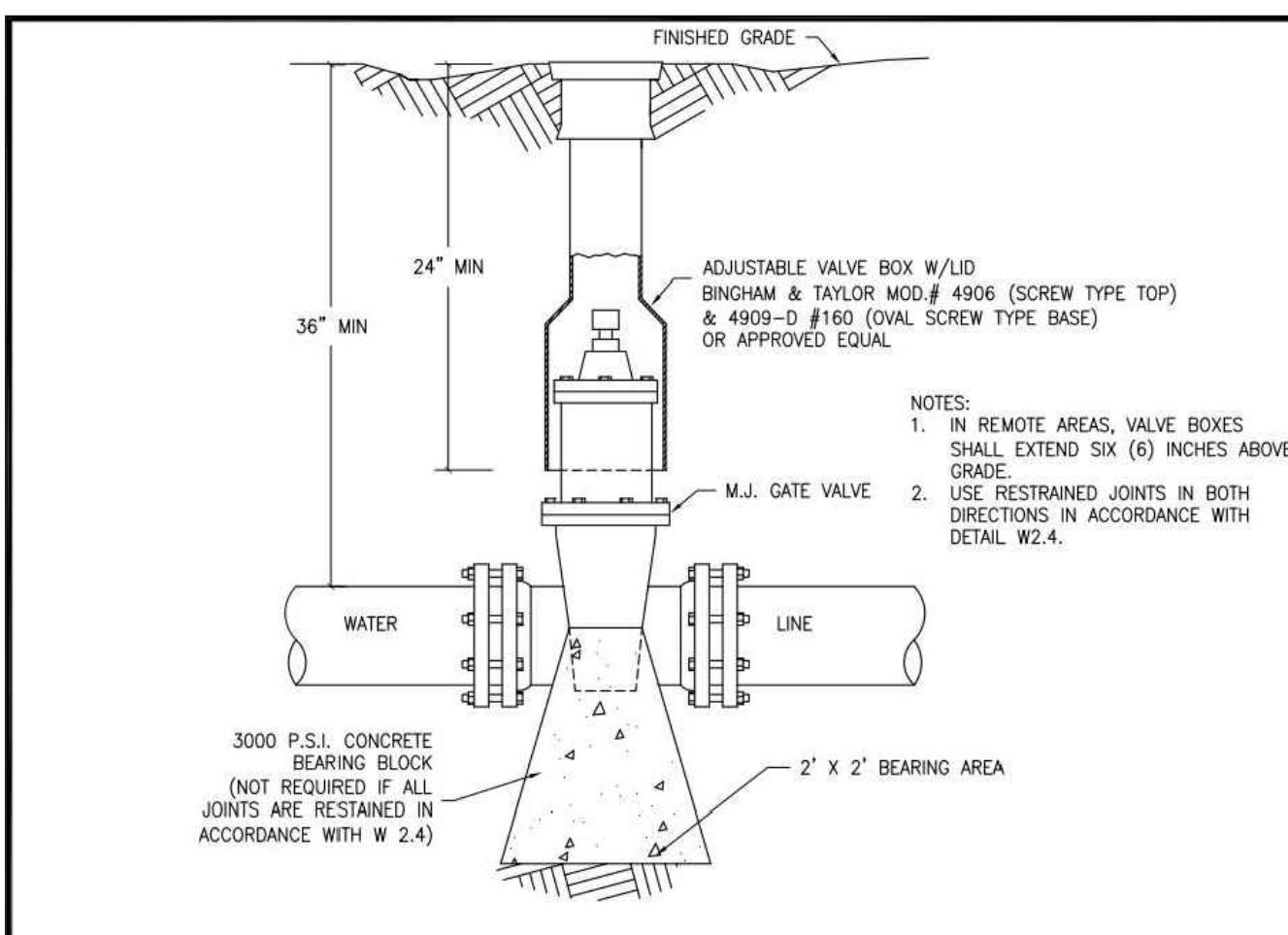




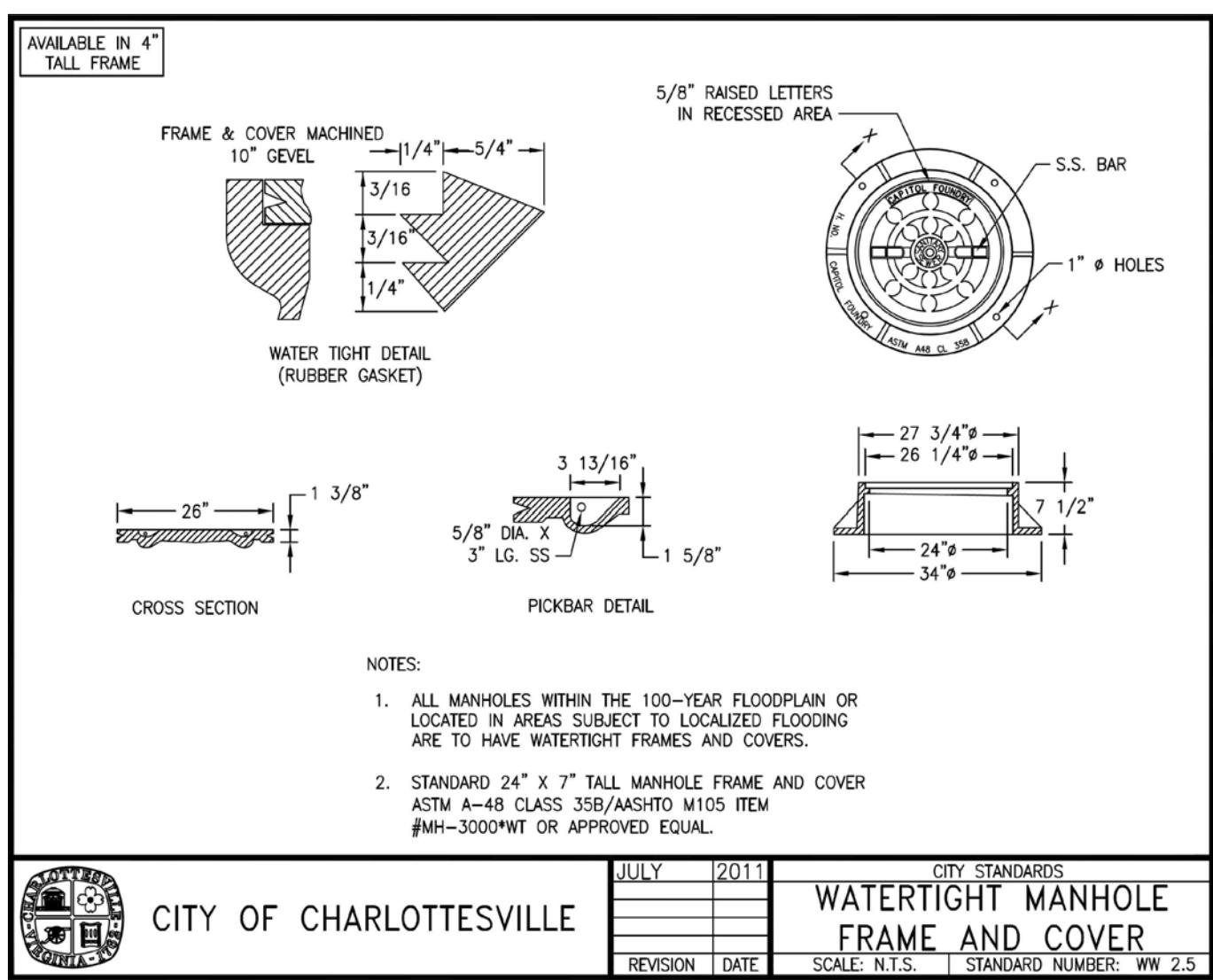
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REVISION DATE: N.T.S. STANDARD NUMBER: WW 5.1



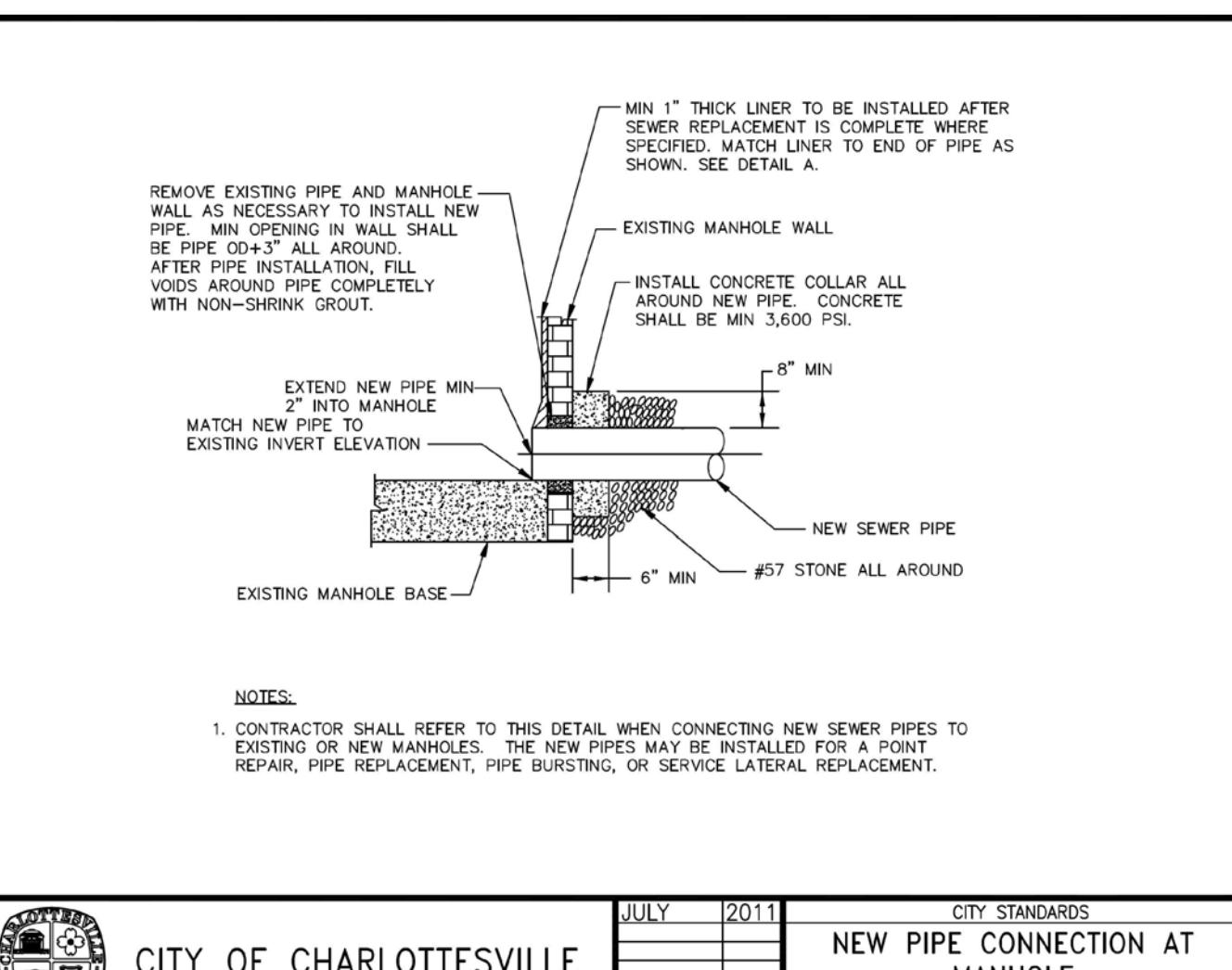
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PIPE TRENCH UNIVERSAL  
STANDARD SUBGRADE - TYPICAL  
REVISION DATE: N.T.S. STANDARD NUMBER: W 1.0



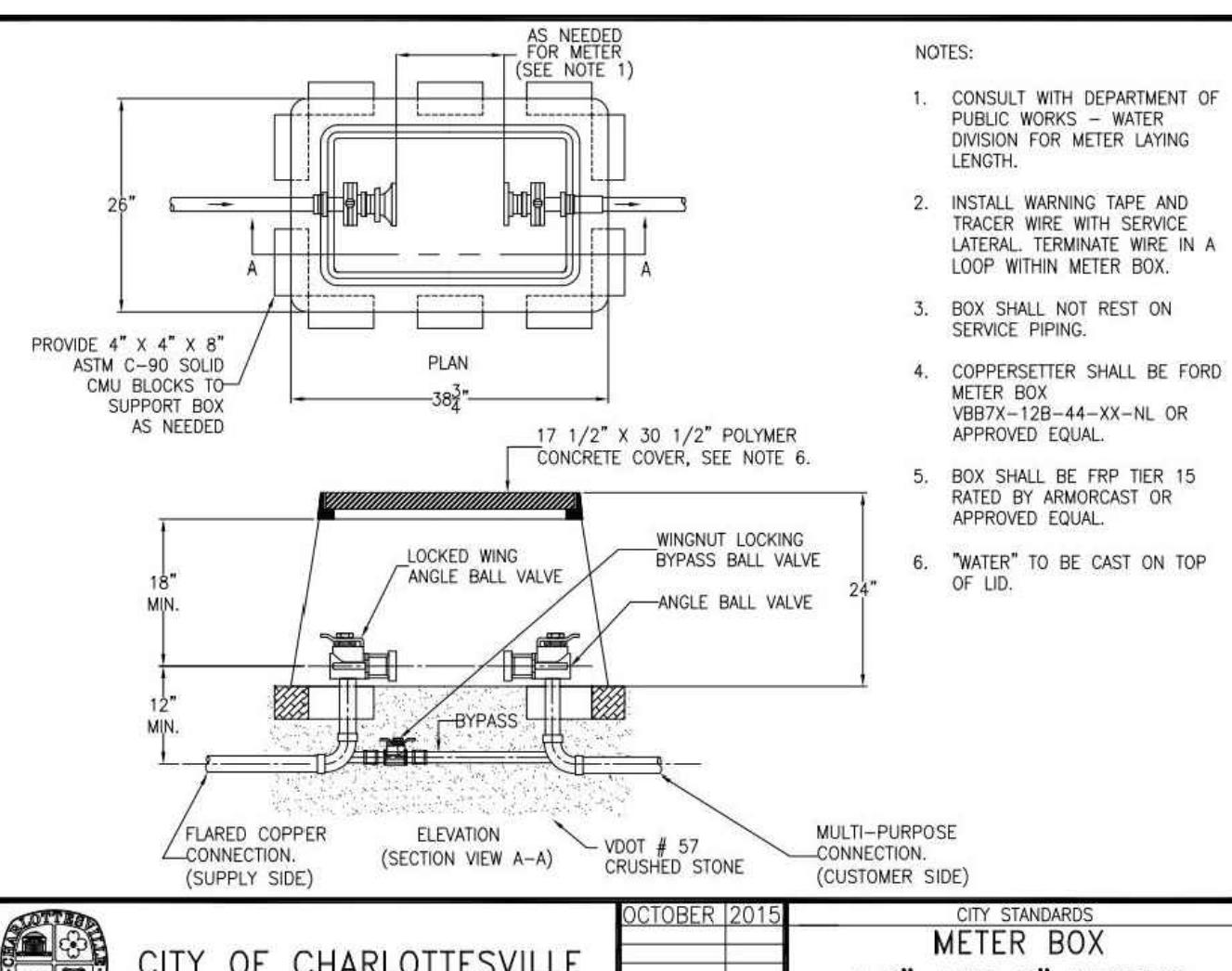
CITY OF CHARLOTTESVILLE JULY 2011 CITY STANDARDS  
GATE VALVE - TYPICAL  
REVISION DATE: N.T.S. STANDARD NUMBER: W 4.0



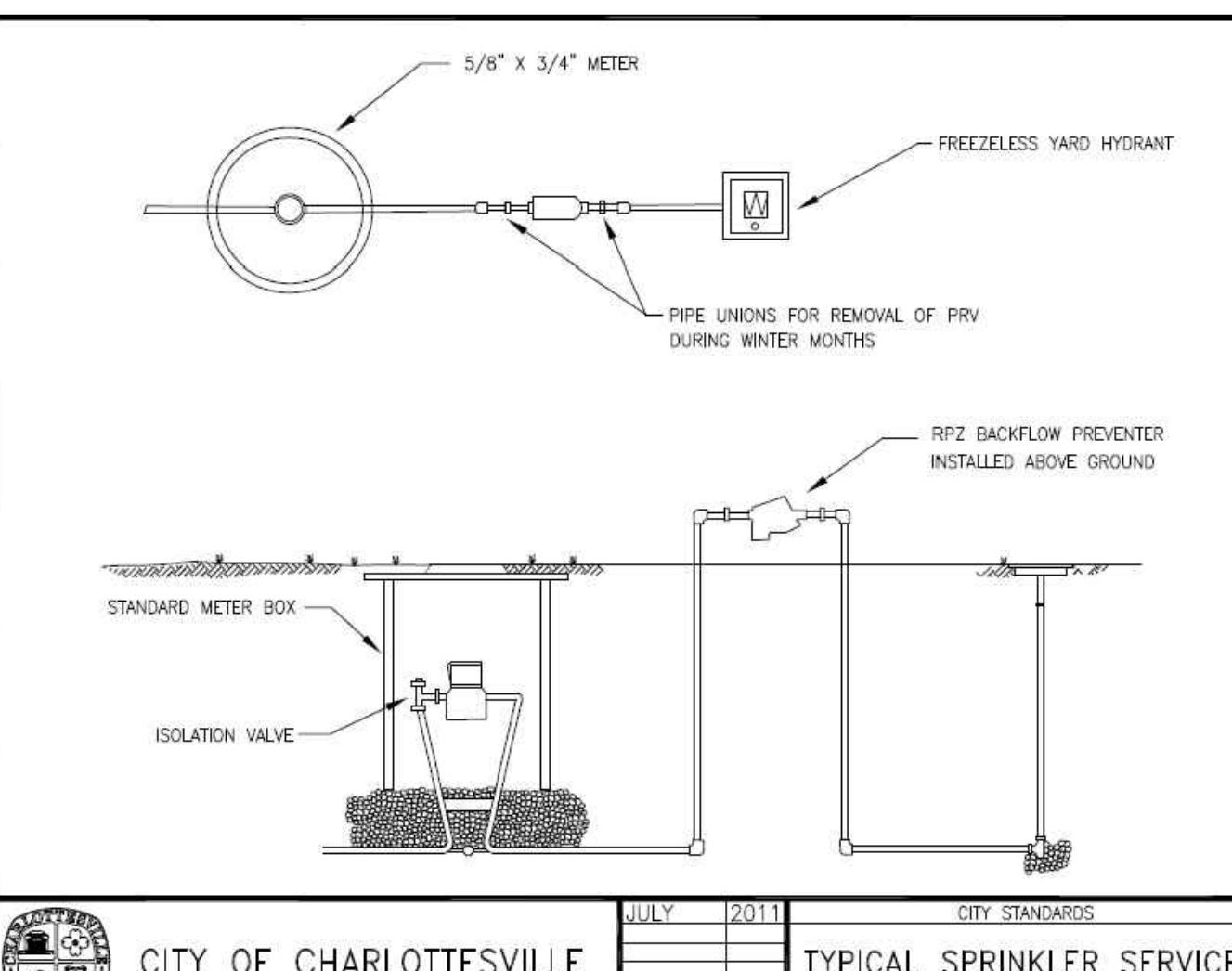
CITY OF CHARLOTTESVILLE JULY 2011 CITY STANDARDS  
WATERTIGHT MANHOLE  
FRAME AND COVER  
REVISION DATE: N.T.S. STANDARD NUMBER: WW 1.0



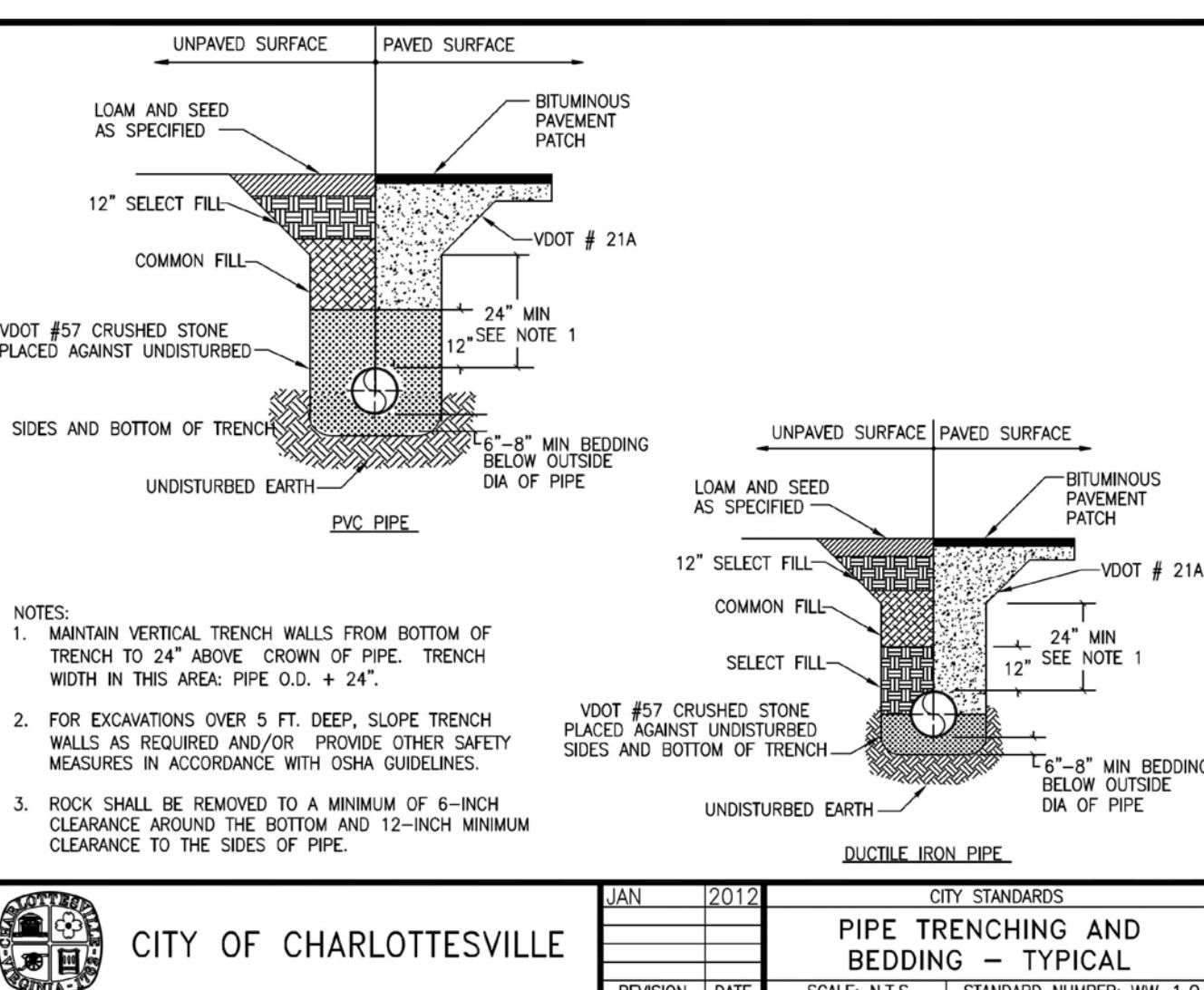
CITY OF CHARLOTTESVILLE JULY 2011 CITY STANDARDS  
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MANHOLE  
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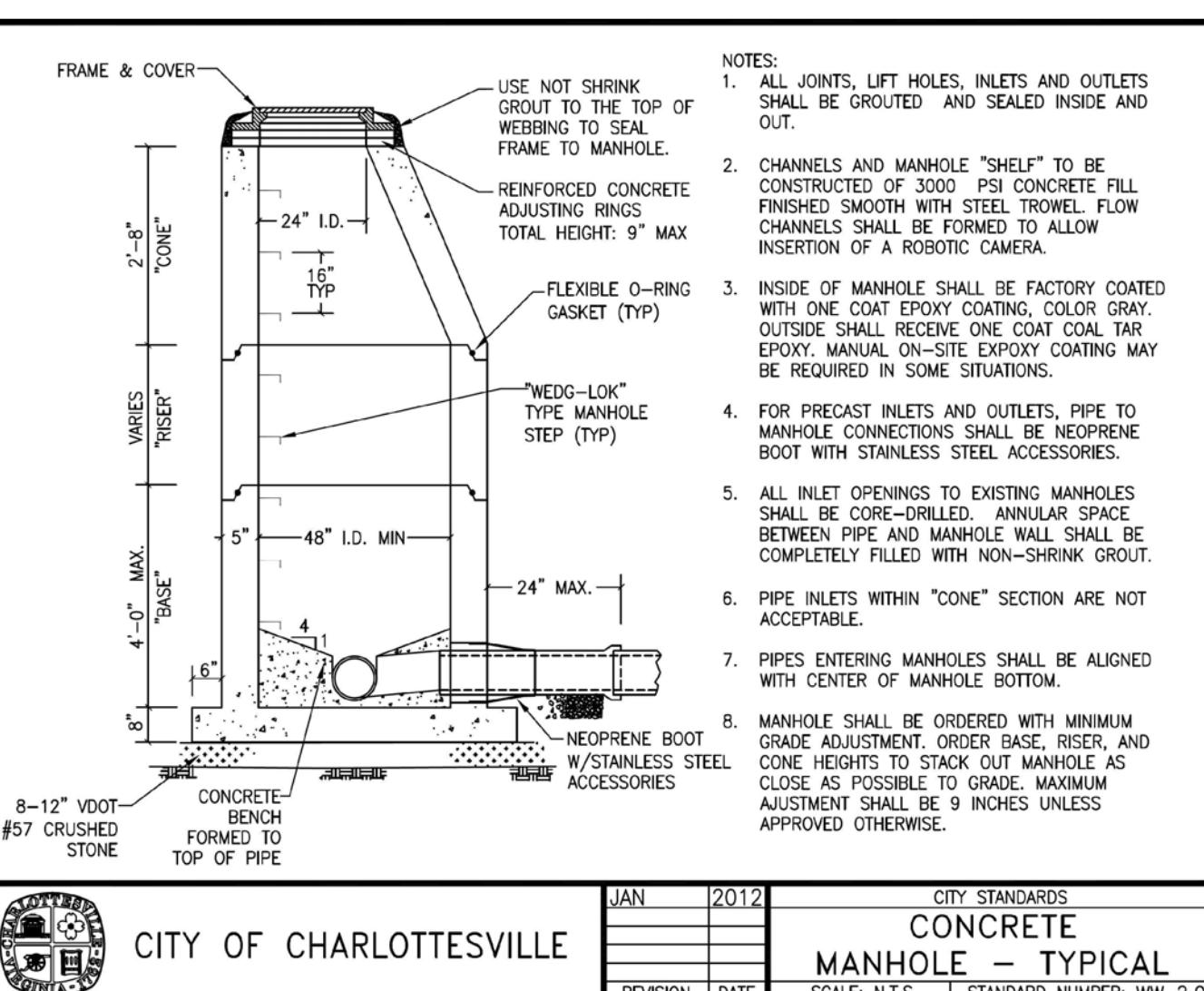
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METER BOX  
1.5" AND 2" METERS  
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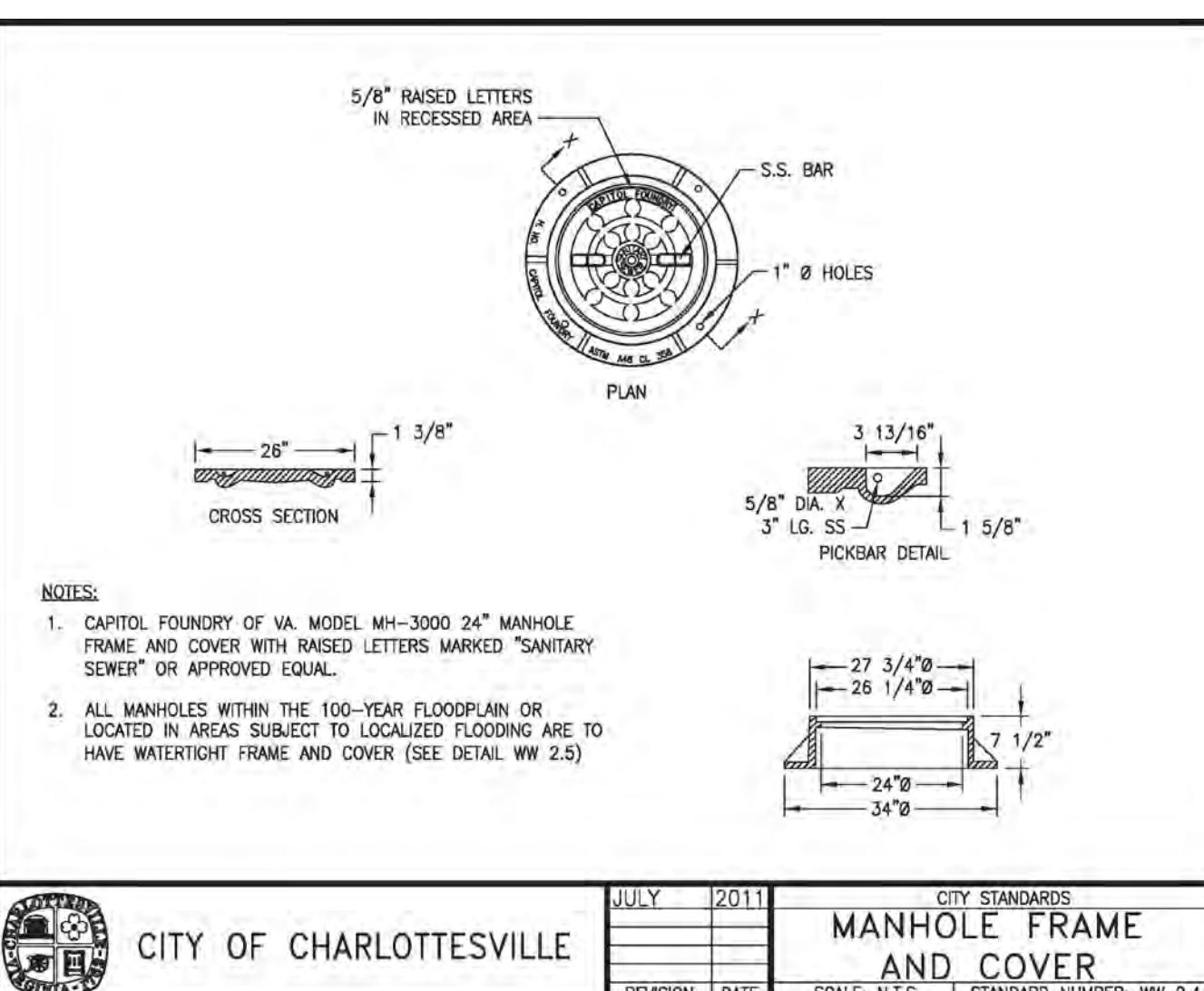
CITY OF CHARLOTTESVILLE JULY 2011 CITY STANDARDS  
TYPICAL SPRINKLER SERVICE  
REVISION DATE: N.T.S. STANDARD NUMBER: W 9.6



CITY OF CHARLOTTESVILLE JAN 2012 CITY STANDARDS  
PIPE TRENCHING AND  
BEDDING - TYPICAL  
REVISION DATE: N.T.S. STANDARD NUMBER: WW 1.0



CITY OF CHARLOTTESVILLE JAN 2012 CITY STANDARDS  
CONCRETE  
MANHOLE - TYPICAL  
REVISION DATE: N.T.S. STANDARD NUMBER: WW 2.0



CITY OF CHARLOTTESVILLE JULY 2011 CITY STANDARDS  
MANHOLE FRAME  
AND COVER  
REVISION DATE: N.T.S. STANDARD NUMBER: WW 2.4

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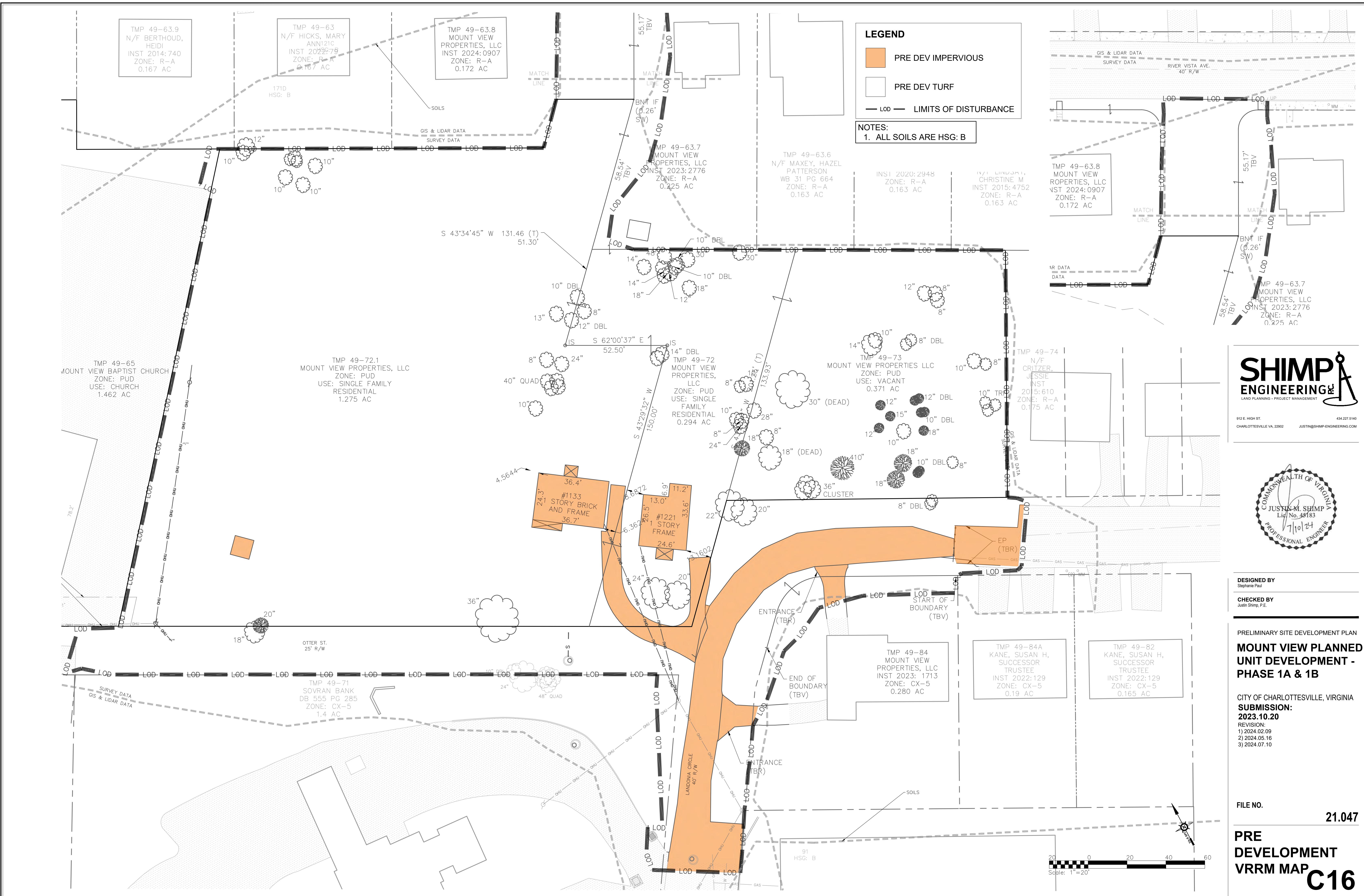
DESIGNED BY  
Stephanie Paul

CHECKED BY  
Justin Shimp, P.E.

PRELIMINARY SITE DEVELOPMENT PLAN  
**MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B**

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2023.10.20  
REVISION:  
1) 2024.02.09  
2) 2024.05.16  
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FILE NO.  
21.047  
**UTILITY DETAILS**





Site Results (Water Quality Compliance)					
Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.

Site Treatment Volume (ft<sup>3</sup>) 7,422

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
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	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
TP LOAD REMAINING (lb/yr)	0.00	0.00	0.00	0.00	0.00

NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)					
FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	4.66	TP LOAD REDUCTION REQUIRED (lb/yr)	3.34	TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00
TP LOAD REMAINING (lb/yr)	4.66	REMAINING TP LOAD REDUCTION REQUIRED (lb/yr)	3.34		
Total Phosphorus					
FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	4.66	TP LOAD REDUCTION REQUIRED (lb/yr)	3.34	TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00
TP LOAD REMAINING (lb/yr)	4.66	REMAINING TP LOAD REDUCTION REQUIRED (lb/yr)	3.34		
Total Nitrogen (For Information Purposes)					
POST-DEVELOPMENT LOAD (lb/yr)	33.36	NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00	REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	33.36

Virginia Runoff Reduction Method Worksheet

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

Site Summary

Project Title: Mount View Planned Unit Development - Phase A1  
Date: 4/5/19  
Total Disturbed Acreage: 2.61

Site Land Cover Summary					
Pre-Re-Development Land Cover (acres)					
	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.24	0.00	0.24	0.52
Impervious Cover (acres)	0.00	0.21	0.00	0.21	0.62
Total	0.00	0.45	0.00	0.45	1.00

Post-Re-Development Land Cover (acres)					
	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.58	0.00	0.58	1.22
Impervious Cover (acres)	0.00	1.05	0.00	1.05	2.15
Total	0.00	1.63	0.00	1.63	3.26

Site Tv and Land Cover Nutrient Loads					
	Final Post-Development (Post-ReDevelopment & New Impervious)	Post-ReDevelopment	Post-Development New Impervious	Adjusted Pre-ReDevelopment	
					TP Load per acre (lb/acre/yr)
Site No.	0.79	0.00	0.95	0.60	
Total Runoff Volume (ft <sup>3</sup> )	7,422	1,145	1,145	0.91	1.79
TP Load (lb/yr)	4.66	0.72	0.94	0.72	
Total TP Load Reduction Required (lb/yr)	3.34	0.14	0.20		
Final Post-Development Load (Post-ReDevelopment & New Impervious)	33.36	11.09	11.09		
TP Load (lb/yr)	4.66	0.72	0.94	0.72	

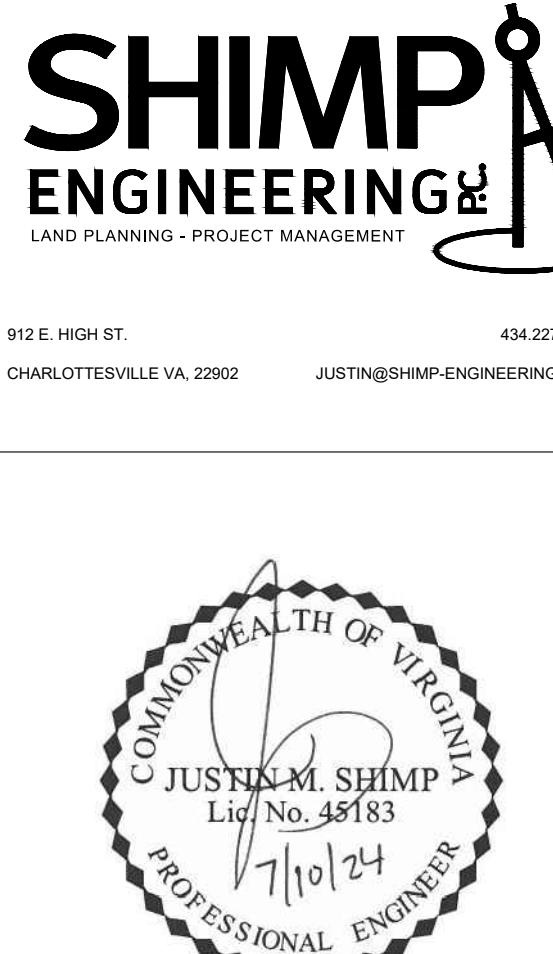
Site Compliance Summary						
	Maximum TP Load Required Before Pre-ReDevelopment Load					
Total TP Load Required (lb/yr)	20%					
Total Runoff Volume Reduction (ft <sup>3</sup> )	0					
Total TP Load Reduction Achieved (lb/yr)	0.00					
Total TP Load Reduction Achieved (lb/yr)	0.00					
Remaining Post-Development TP Load (lb/yr)	4.66					
Remaining TP Load Reduction Required (lb/yr)	3.34					

Drainage Area Summary					
	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E
TP Load Reduced (lb/yr)	0.00	0.00	0.00	0.00	0.00
TP Load Reduced (lb/yr)	0.00	0.00	0.00	0.00	0.00

Drainage Area Compliance Summary					
	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E
TP Load Reduced (lb/yr)	0.00	0.00	0.00	0.00	0.00
TP Load Reduced (lb/yr)	0.00	0.00	0.00	0.00	0.00

Runoff Volume and CN Calculations					
	1-year storm	3-year storm	50-year storm		
Target Rainfall Event (in)	0.00	0.00	0.00		
Drainage Areas	RV & CN	Drainage Area A	Drainage Area B	Drainage Area C	Drainage Area D
CN	0	0	0	0	0
RR (in)	0	0	0	0	0
1-year return period	0.00	0.00	0.00	0.00	0.00
2-year return period	0.00	0.00	0.00	0.00	0.00
10-year return period	0.00	0.00	0.00	0.00	0.00
RR (in)	0	0	0	0	0

Project Name:	Mount View Planned Unit Development - Phase A1	Date:	10/20/2023	CLEAR ALL (Ctrl+Shift+F8)				
Site Information		Linear Development Project?		No				
Post-Development Project (Treatment Volume and Loads)		Enter Total Disturbed Area (acres) →		2.61				
		Check: TRUE						
		BMP Design Specifications List: 2013 Draft Stds & Specs						
		Land cover areas entered correctly?		✓				
		Total disturbed area entered?		✓				
Pre-Re-Development Land Cover (acres)		A Soils		B Soils	C Soils	D Soils	Totals	
Forest/Open Space (acres) – undisturbed		0.00		0.00	0.00	0.00	0.00	
Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed		2.40		0.00	0.00	0.00	2.40	
Impervious Cover (acres)		0.21		0.00	0.00	0.00	0.21	
				2.61	0.00	0.00	2.61	
Post-Development Land Cover (acres)		A Soils		B Soils	C Soils	D Soils	Totals	
Forest/Open Space (acres) – undisturbed		0.00		0.00	0.00	0.00	0.00	
Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed		0.58		0.00	0.00	0.00	0.58	
Impervious Cover (acres)		2.03		0.00	0.00	0.00	2.03	
				2.61	0.00	0.00	2.61	
Constants		Runoff Coefficients (Rv)		A Soils		B Soils	C Soils	D Soils
Actual rainfall (inches)		43		0.02		0.03	0.04	0.05
Target Rainfall Event (inches)		1.00		Managed Turf		0.15	0.20	0.22
Total Phosphorus (TP) EMC (mg/L)		0.26		Impervious Cover		0.95	0.95	0.95
Total Nitrogen (TN) EMC (mg/L)		0.28				0.95	0.95	0.95
Total TP Load (lb/yr)		0.41				0.90	0.90	0.90
P (unless correction factor)								
LAND COVER SUMMARY – PRE-REDEVELOPMENT		Land Cover Summary-Pre		Land Cover Summary-Post		Land Cover Summary-Post		LAND COVER SUMMARY – POST DEVELOPMENT
Pre-ReDevelopment		Listed		Adjusted <sup>1</sup>		Post-ReDevelopment		Land Cover Summary-Post
Forest/Open Space Cover (acres)		0.00		0.00		Forest/Open Space Cover (acres)		0.00
Weighted Averages		0.00		0.00		Weighted Averages		0.00
% Forest		0%		0%		% Forest		0%
Managed Turf Cover (acres)		2.40		0.58		Managed Turf Cover (acres)		0.58
Weighted Rv(rv)		0.20		0.20		Weighted Rv (r/t)		0.20
% Managed Turf		92%		73%		% Managed Turf		73%
Impervious Cover (acres)		0.21		0.21		Impervious Cover (acres)		0.21
Rv(Impervious)		0.95		0.95		Rv(Impervious)		0.95
% Impervious		8%		7%		% Impervious		7%
Total Site Area (acres)		2.61		0.79		Final Site Area (acres)		0.79
Site Rv		0.26		0.40		Final Post Dev Site Rv		0.40
Treatment Volume and Nutrient Load		Pre-ReDevelopment Treatment Volume (acre-ft)		0.0566		Final Post-Development Treatment Volume (acre-ft)		0.1704
Pre-ReDevelopment Treatment Volume (cubic feet)		2,467		1,145		Final Post-Development Treatment Volume (cubic feet)		7,422
Pre-ReDevelopment TP Load (lb/yr)		1.55		0.72		Final Post-Development TP Load (lb/yr)		4.66
Pre-ReDevelopment TP Load per acre (lb/acre/yr)		0.59		0.91		Final Post-Development TP Load per acre (lb/acre/yr)		1.79
Baseline TP Load (lb/yr)		0.41		0.32		Max Reduction Required for Post-ReDevelopment Load		20%
TP Load Reduction Required for Post-ReDevelopment Load (lb/yr)		0.14		0.14		TP Load Reduction Required for Post-ReDevelopment Load (lb/yr)		0.14
Post-Development Requirement for Site Area		TP Load Reduction Required (lb/yr)		3.34		TP Load Reduction Required for New Impervious Area (lb/yr)		3.20
Nitrogen Loads (Informational Purposes Only)		Pre-ReDevelopment TN Load (lb/yr)		11.09		Final Post-Development TN Load (Post-ReDevelopment & New Impervious) (lb/yr)		33.36



DESIGNED BY  
Stephanie Paul

CHECKED BY  
Justin Shimp, P.E.

PRELIMINARY SITE DEVELOPMENT PLAN  
MOUNT VIEW PLANNED  
UNIT DEVELOPMENT -  
PHASE 1A & 1B

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION:  
2023.10.20  
REVISION:  
1) 2024.02.09  
2) 2024.05.16  
3) 2024.07.10

FILE NO.  
21.047  
VRM  
CALCULATIONS  
C18

## PROJECT PROPOSAL

Mount View Properties LLC, Route 250 Houses LLC, and Mount View Baptist Church (collectively, the “owners”) own 3.4 acres of land in Charlottesville’s Locust Grove Neighborhood. The land is comprised of tax parcels 49-65, 49-721, 49-72, and 49-73 (collectively, the “property”). On behalf of the owners, we request to rezone the property from R-2 Residential to Planned Unit Development (PUD) to realize a residential development and to allow for complementary non-residential uses to take shape on the property at some point in the future. The PUD development plan proposes two blocks; Block 1 is approximately 1.4 acres and is the site of Mount View Baptist Church and Block 2 is approximately 2.0 acres and is currently comprised of an open field at the rear of Mount View Baptist Church, two single family dwellings, and a vacant parcel. Mount View Baptist Church plans to remain in operation if this PUD is approved however, approval of this PUD will give the church the opportunity to diversify the use of their property. The PUD development plan permits certain non-residential uses in Block 1 such as a preschool and an artist’s studio, with the preschool being the most desirable potential use for the church that they would like to establish in the future. If the church were to pursue these uses in Block 1, they would most likely utilize a portion of their basement level to serve such uses however, Block 1 has sufficient area to accommodate an additional structure in front of the existing parking lot and adjacent to the existing church building.

The development plan also permits residential density in Block 1, the church has expressed a desire to be able to build a few units at some point in the future that could serve parishioners in need of housing, provide potential church employee housing, or provide the church with an opportunity to have an additional revenue stream by operating a rental property. Although the church has no immediate plans to construct housing in Block 1, approval of this PUD would maintain the opportunity to realize housing in Block 1 at some point.

Block 2 envisions a unique residential development that is anchored by a central greenspace. A maximum of 60 units are proposed within five structures that are integrated into the landscape. The buildings utilize the slope of the site to minimize the scale and form of the structures; many of the structures, which are proposed to have three floors, will be comprised of two stories and a basement level. This building form is sensitive to the existing context, building height is minimized in areas that are in closest proximity to one-story residential structures. The buildings in the northern portion of the site will appear as two-story structures from the existing residences just north of the property that front on River Vista Avenue and will appear as three story units from the central greenspace, interior to the site. The units that are proposed to front along Landonia Circle are the only units currently proposed as slab on grade construction on the site however, the structure will step down to two stories along its sides to soften the scale of the structure in comparison to the existing residential units along Landonia Circle. The units along the southern portion of the property front along what is currently an unimproved portion of Otter Street; these units are directly behind Bank of America and are proposed to be two stories above grade facing the interior of the site and appear as three stories from the Otter St. right-of-way. These structures are not adjacent to or directly across from any existing residential structures.

The residential units will be a mixture of efficiency, one, two, and three bedroom units. From the exterior, the units will appear as a series of linked townhomes with separate doors, porches, and facade treatments. This variation in facade finishes and details will contribute to the human-scale feel of this development.

The development will have two points of vehicular access, one from Landonia Circle and one

from River Vista. Having multiple points of access will contribute to distributing trips from the site to various streets that are largely integrated into an existing grid network rather than having all traffic from the site concentrated through one point of access. The Landonia Circle entrance will provide convenient access to Route 250 West and easy access downtown as well as access to 250 East from the Locust Avenue ramp, without having to cross over the Route 250 median; the River Vista entrance will provide another route to Downtown. This project intends to improve the inadequate portion of Landonia Circle serving this development which would open access to Route 250 from Landonia for nearby residents, offering another way to Route 250 for residents along Coleman or Landonia and other residential streets, rather than driving River Vista to access Route 250. The exact scope of proposed improvements to Landonia Circle will be determined at site plan. This project also proposes to construct a multi-use path within the portion of the Otter Street right-of-way that is adjacent to this site creating an additional point of access for pedestrians and cyclists.

Within Block 1, up to 6,000 sf of daycare facility use may take shape with the church. While daycare facilities are typically associated with increased trip generation occurring the morning and evening peak hour, the daycare facility within Mount View presents a unique opportunity in providing child care services within an established neighborhood that is walkable for many residents. While Mount View proposes to develop up to 72 units, the surrounding neighborhood is comprised primarily of single-family detached housing, a housing type that typically has higher averages of children affiliated with it. A daycare facility would be a great service for the community that should be located in and accessible to residential neighborhoods.

## JUSTIFICATION OF PUD (SEC. 34-43(a)(3) CITY CODE)

One of the three major initiatives adopted in Charlottesville’s Affordable Housing Plan is to “adopt progressive and inclusionary zoning reforms” (Charlottesville Affordable Housing Plan adopted March 2021, 9). Charlottesville’s comprehensive zoning rewrite is currently in the works however that comprehensive rewrite will take time and in the interim before that rewrite is adopted, the strong demand for housing in Charlottesville remains. Changing the zoning on this property from R-2 to PUD will contribute to growing and diversifying the City’s housing stock; the R-2 district is one of the City’s lowest density and most restrictive zoning districts. Developing this property, which has convenient access to major transportation corridor Route 250, is well connected within an established gridded network of streets, is a large contiguous parcel, and is directly behind a commercial center, as an R-2 development is a missed opportunity for integrating alternative housing types into areas of the City where it historically hasn’t been realized. There is a strong need for housing in the Charlottesville that is well-documented in various City documents such as the adopted 2021 Comprehensive Plan, 2021 Affordable Housing Plan, and the 2018 Housing Needs Assessment prepared by FBCI and PES which states that “housing demand significantly exceeds the available supply.” There is a need for this zoning change and it is justified.

## SATISFACTION OF PUD OBJECTIVES (SEC. 34-490 CITY CODE)

The following is an analysis of how this project will satisfy PUD objectives in Sec. 34-490 of the City of Charlottesville’s Zoning Ordinance:

- (1) *To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;*

## PROJECT NARRATIVE

# MOUNT VIEW

## PLANNED UNIT DEVELOPMENT

Sheet 1 of 4

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

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Submitted 08 February 2022

project: 21.047

The Mount View PUD establishes an effective design program that takes advantage of the land opportunities that are available on a relatively large contiguous tract; the shared green spaces, the proposed multi-use path, and this approach to residential density would not be realized in the underlying R-2 zoning district.

(2) *To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.*

The Mount View PUD proposes residential buildings flanked along the edges of the property, a central greenspace that ties together the development, and purposeful placement of screening buffers. The buildings internal to the site are largely connected with sidewalks and the PUD is connected to the greater neighborhood context by the two new proposed entrances to the site and the proposed construction of the multi-use path within the Otter St. right-of-way. There are no identified environmentally sensitive features on the property.

(3) *To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;*

The Mount View PUD will establish a range of unit sizes including efficiency; one, two, and three bedroom units.

(4) *To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;*

Although there are no single-family dwellings proposed within this PUD, this proposal does promote efficient use of land on a relatively large site in the City that is well connected to nearby transportation networks and destinations. The proposed open space within the PUD will meet the 15% requirement.

(5) *To provide for developments designed to function as cohesive, unified projects;*

The Mount View PUD will function as a cohesive, unified project. Sidewalks connect residential units, parking areas, and green spaces in Block 2 to one another. A sidewalk proposed along the shared boundary between Blocks 1 and 2 will connect the blocks with another. The central green space is not only accessible to future residents of Block 2 but it is sited in a location where it is also accessible from Block 1, and is fairly centrally located within the PUD as a whole. Block 2 is slated to continue operating as a church for the foreseeable future however, this PUD allows for the opportunity for complementary limited commercial uses to take shape within that block as well. The limited allowable commercial uses, such as a preschool or an artist's studio are complementary to the residential development proposed within Block 2 and the surrounding residential context, as the uses allowable would directly serve many residents in the area.

(6) *To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;*

The property is uniquely sited to function as a transitional site between Route 250 and the commercial uses that front along that heavily-traveled corridor just south of the property and

the less intense residential areas just north of the property. As a property positioned between commercial and residential development, a residential development of greater intensity than much of the surrounding residential context is appropriate for this site as the development proposed is in accordance with the existing transect of development where the most intense development is along Route 250 and less intense development takes shape just north of the property. The development will be harmonious with the existing uses and character surrounding the property.

(7) *To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;*

There are no streams or critical slopes on the property and so there is no proposed disturbance to those environmentally sensitive features with this development plan. There are several mature trees on the property, mostly concentrated along the eastern portion of what is proposed as Block 2, that are slated to be removed with this development however, the landscape plan provided with this application proposes a robust landscape plan that will result in 10-year tree canopy in excess of half an acre.

Mount View Baptist Church is rightfully named, as there are Mountain Views of the Southwest Mountains from the site. The church is at a high point on the property and the site slopes downhill from St. Clair Avenue and the church building location. Since much of the site is at a lower elevation than the adjacent properties to the north and west and the height limitation is set to be consistent with R-2 district, impacts to scenic resources are expected to be minimal.

(8) *To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and*

The massing diagrams presented with this PUD application demonstrate coordinated architectural styles internally as well as with adjacent properties along the perimeter of the development.

(9) *To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;*

Coordinated pedestrian linkages are provided throughout the development to connect internal buildings. A sidewalk is provided adjacent to the new entrance proposed off of River Vista and a new multi-use path is proposed within the Otter St. ROW to connect the development to areas further west. The proposed sidewalk improvements along River Vista Avenue will establish a complete pedestrian connection between the project and the existing CAT bus stop at the intersection of Calhoun St. and St. Clair Ave.

(10) *To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.*

The sidewalk proposed adjacent to the new entrance that will connect to River Vista will connect to the south side of River Vista Ave. The sidewalk network on the south side of River Vista Ave between its intersection with St. Clair Ave. and the property is proposed to be completed with this project; there is a CAT bus stop at the intersection of Calhoun St. and St. Clair Ave that is approximately 850' walking distance from the property.

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

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## CONSISTENCY WITH THE COMPREHENSIVE PLAN

It is noted in the recently adopted 2021 Charlottesville Comprehensive Plan that “one of the primary goals of [the] Comprehensive Plan update is to support the opportunity to provide more housing in all neighborhoods in the city [...].” The Locust Grove Neighborhood is primarily developed with single family detached and some duplex/attached residences. Several main thoroughfares, such as River Road, Route 250, and Park Street define boundaries of this neighborhood and in recent years, housing types other than single family detached have begun to take shape along these corridors. New apartments along River Road are nearing completion and the recently approved MACAA and Park St. Christian Church rezonings will see the construction of multi-family and single family attached dwellings at deeply affordable rates. The Comprehensive Plan supports the opportunity to provide more housing in all neighborhoods in the city and this project will help to realize that goal.

This project is consistent with various goals and objectives put forth in the Comprehensive Plan:

### *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.*

This project plans for effective density in building forms that are context aware of the historic building patterns surrounding the property. This PUD will establish infill development on relatively large contiguous parcel in the City. The regulations of the PUD allow for a mix of uses and allows for the existing church building to be adapted in a way to serve multiple users.

### *Goal 6. Design Excellence*

*Continue Charlottesville's history of architectural and design excellence by maintaining traditional urban design features and valuing historic resources while encouraging creative, context-sensitive, contemporary planning and design that supports the goals of the Comprehensive Plan.*

The massing renderings presented with this PUD application demonstrate a creative, context-sensitive design in a location that is well-connected, transit accessible, and in close proximity to jobs, schools, and neighborhood amenities.

### *Objectives for Residential Areas*

*Foster walkable, bikeable, and transit accessible neighborhoods.*

The property is within a 15-20 minute walk to downtown and within a 5 minute walk of River Road. There's a CAT bus stop several hundred feet away from the property.

*Increase opportunities to develop diverse housing options near schools, parks, shopping districts, and employment centers.*

This project would increase diverse housing options in this portion of the Locust Grove neighborhood. The property is directly behind a commercial strip and is within a 10 minute walk of Burnley-Moran elementary school.

The property is designated as General Residential on the land use map. This category sets forth form guidelines that buildings should be up to 2.5 stories and recommendations for new infill

housing and for consideration of townhomes on a site-specific basis. Most of the buildings on the site utilize the grade to provide for two above grade stories over a basement, minimizing the scale of the proposed buildings in relation to the surrounding context. The structures will appear as a series of townhomes, although the interior of the buildings will be divided into various unit types.

## PROJECT NARRATIVE

# MOUNT VIEW PLANNED UNIT DEVELOPMENT

Sheet 3 of 4

## ANALYSIS OF IMPACTS ON PUBLIC FACILITIES AND INFRASTRUCTURE

American Community Survey (ACS) 5 year estimates indicate the average household size in Charlottesville is 2.38 people. Using the ACS average, a multi-family development with a maximum of 72 proposed units could potentially yield 171 new residents within Police District 3 and the Bypass Fire. It should be noted this household size is for all unit sizes and is not limited to multi-family households. The number of people per dwelling unit in this development especially in efficiency, one, and two bedrooms units may be less than the overall household average.

The traffic study included with this PUD submission provides an analysis of projected impacts to roadways.

### Impacts on Schools:

This property lies within the Burnley-Moran Elementary School district. After attending neighborhood elementary schools, all Charlottesville students attend Walker Upper Elementary School, Buford Middle School, and Charlottesville High School.

ACS 2018 5 year estimates show that there are an estimated 4,800 residents between the ages of 5-17 within City limits. By dividing this estimate by the number of occupied housing units in the city, 18,613, it can be approximated that there are approximately .26 children per housing unit in Charlottesville. Since a maximum of 72 units are proposed on the site, it is estimated there may be an additional 19 school-aged children within the development.

### Impacts on Environmental Features:

All design and engineering for improving the property will comply with applicable City and State regulations for erosion and sediment control and stormwater management.

## ANALYSIS OF FURTHERANCE OF THE ZONING ORDINANCE & GENERAL WELFARE (SEC. 34-43(a)(2) CITY CODE)

Sec. 34-3 lists the purposes of the Zoning Ordinance below are descriptions of how this development proposal will further the purposes of Chapter 34 and the general welfare of the entire community:

*(1) To provide for adequate light, air, and convenience of access, and to protect against obstruction of light and air;*

This development proposal is well integrated into a City block network and will have convenience of access without having significant transportation impacts on the nearby corridors. Adequate light and air will not be compromised with this development proposal.

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

Revised 8 June 2022

Revised 20 May 2022

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*(2) To regulate and restrict the location of trades, industries and residences;*

This PUD proposal is predominantly residential however, some limited commercial uses are proposed; the commercial uses, such as a daycare facility or a small retail space are proposed at neighborhood-scale and will provide services to directly serve the surrounding neighborhood.

*(3) To reduce or prevent congestion in the public streets, to facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel;*

This development proposal is not expected to have a significant impact on public streets. The Mount View PUD proposes several roadway improvements to increase connectivity in the neighborhood; the travelway through the development will connect River Vista to Landonia Circle and if the PUD is approved, the developer and City Staff would work together to realize the full Circle connection. Additionally, the multi-use path proposed within Otter Street will create a new connection for pedestrians and cyclists.

*(4) To facilitate the creation of a convenient, attractive and harmonious community, to protect against overcrowding of land and undue density of population in relation to the community facilities existing or available, and to protect the natural beauty and special features of the city;*

The Mount View PUD proposes a creative housing development that will contribute to varying the housing stock in the Locust Grove neighborhood.

*(5) To provide for safety from fire, flood, crime and other dangers, and to facilitate the provision of adequate public safety services, disaster evacuation, civil defense, and flood protection;*

This property does not lie within a floodplain. All building construction will comply with the then-current building code.

*(6) To facilitate the provision of water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;*

The Mount View PUD is anchored by a central greenspace and will meet PUD requirements for open space. The City currently has adequate water and sewer capacity to serve this project.

*(7) To protect and enhance the character and stability of neighborhoods;*

The Mount View PUD will contribute to the character of the Locust Grove neighborhood by diversifying the housing stock, which is primarily two-family and single family detached; the neighborhood character will be enhanced by welcoming neighbors into the area who may desire an alternate unit type or who may not be able to afford to live in the larger units that currently surround the property. The Mount View PUD will also contribute to the stability of this neighborhood by offering smaller units than what is currently available that may be desirable to those individuals looking to age in place in their neighborhood while reducing their maintenance responsibilities.

*(8) To protect against destruction of or encroachment upon historic areas;*

The Mount View PUD will not contribute to the destruction of historic areas.

*(9) To encourage economic development activities that provide desirable employment and enlarge the tax base;*

The Mount View PUD proposes neighborhood-scale commercial activity that could provide desirable employment. This new housing opportunity in the City will allow for new residents to live in the City closer to existing employment centers.

*(10) To provide a balance of housing opportunities suitable for meeting the current and future needs of residents of the city;*

The Mount View PUD proposes a housing opportunity that will contribute to meeting residents' housing needs.

*(11) To protect and maintain the environmental quality in the city.*

All development affiliated with the Mount View PUD will comply with applicable local and state environmental protections related to erosion and sediment control and stormwater management.

## PROFFERS

The owners have proffered seven affordable units, committed to restricting construction traffic from River Vista, committed to providing a screening fence, and to install sidewalk improvements on River Vista Avenue.

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

Revised 8 June 2022

Revised 20 May 2022

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**ADJ. PARCEL INVENTORY**

Sheet 1 of 13

Parcel	Owner	Address	Zone
48-95.1	ALISON, JANE, TRUSTEE JANE ALISON REVOCABLE LIVING TR	964 LOCUST AVE	R-1S
48-104	WINNER, ANTHONY, TRUSTEE	950 LOCUST AVE	R-1S
48-98	NAGRAJ, VIJAY PETER	1100 CALHOUN ST	R-1S
48-103	SHEPPE, SUZANNE S, TRUSTEE	929 ST CLAIR AVE	R-1S
48-98.1	WHITED, SHANN	1102 CALHOUN ST B	R-1S
48-99	RAMAZANI, DAVID K	1104 CALHOUN ST	R-1S
48-102.1	WHITED, SHANN	0 CALHOUN ST	R-1S
48-107	FARIELLO, JENNIFER L CONKLIN, CHRISTIAN J	940 LOCUST AVE	R-1S
48-100	GIBBS, JENNIFER LOUISE	1106 CALHOUN ST	R-1S
48-102	FOSTER, ROBERT D, JR	931 ST CLAIR AVE	R-1S
49-28	DFWM, LLC	1004 ST CLAIR AVE	R-1S
48-108	ALLER, JAMES DAVID & SUZANNE R	932 LOCUST AVE	R-1S
48-101	PITRE, DWAYNE	933 ST CLAIR AVE	R-1S
49-30	BURBAGE, AMANDA CURRERI, MATTHEW	1203 BELLEVIEW AVE	R-1S
49-31	SWINSON, LINDA JEAN	1205 BELLEVIEW AVE	R-1S
49-29	CONNORS, BRADLEY D & KARA L B	1201 BELLEVIEW AVE	R-1S
48-104.3	HICKS, ALVIN S	927 ST CLAIR AVE	R-1S
49-32	KLOOSTERMAN, ANDREW S & ROSEN, PAMELA	1207 BELLEVIEW AVE	R-1S
48-109	DAVIS, JAMES H & MARGARET A	930 LOCUST AVE	R-1S
49-33	DOWDY, DENNIS R	1209 BELLEVIEW AVE	R-1S
48-104.2	SOLOMOND, JOHN PAUL, TRUST	925 ST CLAIR AVE	R-1S
49-33.1	MEHLICH, NANCY E	1211 BELLEVIEW AVE	R-1S
49-34	ROSENTHAL, FAYE S & JERRY S, TRUSTEES	1213 BELLEVIEW AVE	R-1S
48-110	FARLEY, ROBERT C JR & PATRICIA C	918 LOCUST AVE	R-1S
49-51	SUGG, WILLIAM N	930 ST CLAIR AVE	R-2
48-104.1	SNOW-AUST, LAURA K & AUST, ELIJAH S	923 ST CLAIR AVE	R-1S
49-35	HOWE, GRAHAM W & ELIZABETH	1215 BELLEVIEW AVE	R-1S
48-105	SCHRANK, ELIZABETH E	921 ST CLAIR AVE	R-1S
48-113	WARFIELD-BROWN, ROSALIND	912 LOCUST AVE	R-1S
48-106	LAURIE, GORDON W & SUSAN M	919 ST CLAIR AVE	R-1S
49-37	NYIMA, JAMYANG	1217 BELLEVIEW AVE	R-1S
48-118	ALLER, JAMES D & SUZANNE R	910 MARTIN ST	R-1S
49-50	WARD PROPERTIES, LLC	1206 BELLEVIEW AVE	R-2
49-52	STURGILL, BEATTIE GRAHAM	1203 RIVER VISTA AVE	R-2
49-38	RICHARDSON, JAMES	1219 BELLEVIEW AVE	R-1S
49-49	HUNT, MARTHA M	1210 BELLEVIEW AVE	R-2
48-114	WARFIELD-BROWN, ROSALIND	0 LOCUST AVE	R-1S

Parcel	Owner	Address	Zone
49-53	BROWN, EDWIN H, JR & TAVIA K F	1205 RIVER VISTA AVE	R-2
48-111	MARTIN, LAWRENCE J, ETAL	911 MARTIN ST	R-1S
49-39	FRASER, DYLAN R BOSLEY, JAYME C	1225 BELLEVIEW AVE	R-1S
49-53.1	DOUGLAS, GREGORY & VIRGINIA MARIE C	1207 RIVER VISTA AVE	R-2
49-40	DOWDY, CARRIE C	1227 BELLEVIEW AVE	R-1S
48-108.1	KANE, CATHERINE F	913 ST CLAIR AVE	R-1S
49-53.2	JOLLY, W F & BARBARA N	1209 RIVER VISTA AVE	R-2
48-112	ROBERTS, GREGORY W & MARY E	907 MARTIN ST	R-1S
49-64	RONAYNE, THOMAS J, III & ELIZABETH HAMPTON	922 ST CLAIR AVE	R-2
49-53.3	TENNYSON, LINDSEY M	1211 RIVER VISTA AVE	R-2
49-53.4	MYERS, THOMAS R & DIANE E	1213 RIVER VISTA AVE	R-2
48-119	RUSSO, EDWARD A	909 ST CLAIR AVE	R-1S
48-117.1	EICHER, CORY L & SHERRY P	908 MARTIN ST	R-1S
48-115	ROBERTS, GREGORY W & MARY E	0 MARTIN ST	R-1S
49-65	MOUNT VIEW BAPTIST CHURCH	908 ST CLAIR AVE	R-2
49-63.9	BERTHOUD, HEIDI	1206 RIVER VISTA AVE	R-2
48-117	SIMON, ROBERT T	906 MARTIN ST	R-1S
49-63	HICKS, ALVIN S	1210 RIVER VISTA AVE	R-2
48-120	HAND, JASON W & ELIZABETH S	907 ST CLAIR AVE	R-1S
48-116	MAXEY, BETTY JO	904 MARTIN ST	R-1S
49-63.8	WALTON, STUART K	1212 RIVER VISTA AVE	R-2
48-121	MCDERMOTT, GAIL E HANCHAK, LAINA N	905 ST CLAIR AVE	R-1S
48-124	CITY OF CHARLOTTESVILLE	0 MARTIN ST	R-1S
48-122	SISSON, TERRE G	901 ST CLAIR AVE	R-1S
49-63.7	HARVEY, ALLAN LEE	1216 RIVER VISTA AVE	R-2
49-63.6	MAXEY, HAZEL PATTERSON	1218 RIVER VISTA AVE	R-2
49-101	YOUNG, JOSEPH D D'URSO, LAURA M	1300 BELLEVIEW AVE	R-2
48-123	CITY OF CHARLOTTESVILLE	0 ST CLAIR AVE	R-1S
49-63.5	RYANN, MELINA	1220 RIVER VISTA AVE	R-2
49-63.4	LINDSAY, CHRISTINE M	1222 RIVER VISTA AVE	R-2
49-66	SMITH, CHARLES R & ANNA D	902 ST CLAIR AVE	R-2
51-100.1	MCNAB, JENNA	1010 LONG ST	R-1S
49-63.3	ROWLAND, DONNA & PATTI LONG	1224 RIVER VISTA AVE	R-2
49-58	AGEE, JOHN B & ELAINE	912 COLEMAN ST	R-2
49-69	THACKER, RONNIE S & JUDY G	900 ST CLAIR AVE	R-2
49-72	WRIGHT & NAPIER, LLC	1221 LANDONIA CIR	R-2
51-100	HAMLETT, LEROY R JR & T J MICHIE TR	1012 LONG ST	R-1S
49-69.A	WARD, DAVID J & VIRGINIA V	1128 OTTER ST	R-2

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

Revised 8 June 2022

Revised 20 May 2022

Submitted 08 February 2022

project: 21.047

**OUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
500' RADIUS

**ADJ. PARCEL INVENTORY**

Sheet 2 of 13

Parcel	Owner	Address	Zone
49-63.2	FELDMAN, GARY A & DEBRA J TULER	1226 RIVER VISTA AVE	R-2
49-69.1	LEE, HSIU CHU	1130 OTTER ST	R-2
49-72.1	WRIGHT & NAPIER, LLC	1133 OTTER ST	R-2
49-63.1	BLAKE, LINDA D & DANIEL E	1228 RIVER VISTA AVE	R-2
51-101	STURGEON, KYLE A & SHIRLEY, LAUREN S	1014 LONG ST	R-1S
49-69.2	SZAKOS, JOSEPH A & KRISTIN LAYNG	1132 OTTER ST	R-2
49-73	LANDONIA, LLC	0 LANDONIA CIR	R-2
49-59	KIRSCHNICK, DAVID M	926 COLEMAN ST	R-2
49-71	SOVRAN BANK	1205 LONG ST	B-1
51-94.1	BARNARD, CHRISTOPHER & PAMELA	841 ST CLAIR AVE	R-1S
51-102	FLEMING, JACOB L & LINDSAY J	1016 LONG ST	R-1S
49-60	THOMAS, ROY S JR & NELLIE P	908 COLEMAN ST	R-2
49-74	CRITZER, JESSIE	1205 LANDONIA CIR	R-2
49-75	CRITZER, PAUL C	1207 LANDONIA CIR	R-2
49-62	TSERING, PASANG & NGAWANG DOLKAR	904 COLEMAN ST	R-2
49-76	DEANE, ELLIS R, JR & VIVIAN C	1209 LANDONIA CIR	R-2
51-103	JACKSON, TREATROUS & KEITH GROOMES, JR	1200 LONG ST	R-2
49-84	HENRY, THOMAS E, TRUSTEE	1200 LANDONIA CIR	R-2
49-77	TAYLOR, WILLIAM E & MARGARET C	902 COLEMAN ST	R-2
49-95	RIVERVIEW LAND AND DEVELOPMENT, LLC	921 RIVER RD	CC
51-104	CARTER, NANCY D	1202 LONG ST	R-2
49-84.A	HENRY, THOMAS E, TRUSTEE	1202 LANDONIA CIR	R-2
51-113	SIPE, MARGARET B	840 ST CLAIR AVE	R-2
49-78	DIXON, MATTHEW J	900 COLEMAN ST	R-2
51-105	CARTER, NANCY D	1206 LONG ST	R-2
49-82	HENRY, THOMAS E, TRUSTEE	1204 LANDONIA CIR	R-2
51-106	CARTER, NANCY D	1210 LONG ST	R-2
49-79	LONG STREET LLC	909 LANDONIA CIR	B-1
49-85	KIMCO, L C	1305 LONG ST	B-2
51-114	BARNARD, PAMELA G	838 ST CLAIR AVE	R-2
51-112	BROWN, JASON T & PHEOBE B	1205 MOWBRAY PL	R-2
51-107	CARTER, NANCY D	1212 LONG ST	R-2
51-111	K & C RESIDENCES LLC	1207-09 MOWBRAY PL	R-2
51-108	CARTER, NANCY D & MATTHEW R, JR	1214 LONG ST	R-2
51-110	WRIGHT, MORGAN G C & JESSIE J	1211 MOWBRAY PL	R-2
50-1	CITY OF CHARLOTTESVILLE	1300 LONG ST	R-2
49-94	TIGER, FUEL COMPANY	0 LONG ST	B-2

Parcel	Owner	Address	Zone
49-94.1	TIGER FUEL COMPANY	1315 LONG ST	B-2
51-99.A	SAGA HOMES, LLC	1008 LONG ST	R-1S
51-99	USMANOV, ZAKARYA & OLIMZHON	1006 LONG ST	R-1S
49-48	FISHER, LARA L	1212 BELLEVIEW AVE	R-2
49-53.5	DEMAIO, EDWARD K & FRANCES M	1215 RIVER VISTA AVE	R-2
49-54	1217 RIVER VISTA AVE CVILLE, LLC	1217 RIVER VISTA AVE	R-2
49-47	WELCH, CAMERON R	1214 BELLEVIEW AVE	R-2
49-54.1	FOSTER, DWIGHT & IRENE	1219 RIVER VISTA AVE	R-2
49-55.1	DUFFY, AIMEE E BOUDOURIS, KATHRYN L	1221 RIVER VISTA AVE	R-2
49-45	MORRIS, DONNA M & LORI A HANGER	1220 BELLEVIEW AVE	R-2
49-46	KORMAN, AMANDA F SIMALCHIK, BRIAN T	1218 BELLEVIEW AVE	R-2
49-55	COMFORT, JASON E & CARRIE A	1223 RIVER VISTA AVE	R-2
49-44	WAMPLER, ERIC M	1222 BELLEVIEW AVE	R-2
49-55.2	HUCK, JENNIFER A & ADAM F SLEZ	1225 RIVER VISTA AVE	R-2
49-43	LUDWIG, DALE & CHRIS ANN	1226 BELLEVIEW AVE	R-2
49-56	BABER, JAMES A & NATALIE A	1227 RIVER VISTA AVE	R-2
49-42	LANG, PEARON, JR & JEAN, TRUSTEES	1228 BELLEVIEW AVE	R-2
49-41	HICKS, RANDOLPH L	1230 BELLEVIEW AVE	R-2
49-57	LACE LEAF, LLC	1229 RIVER VISTA AVE	R-2
49-57.1	GORMAN, TIMOTHY P & SUSAN H & FISHER, LARA L	1231 RIVER VISTA AVE	R-2

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

Revised 8 June 2022

Revised 20 May 2022

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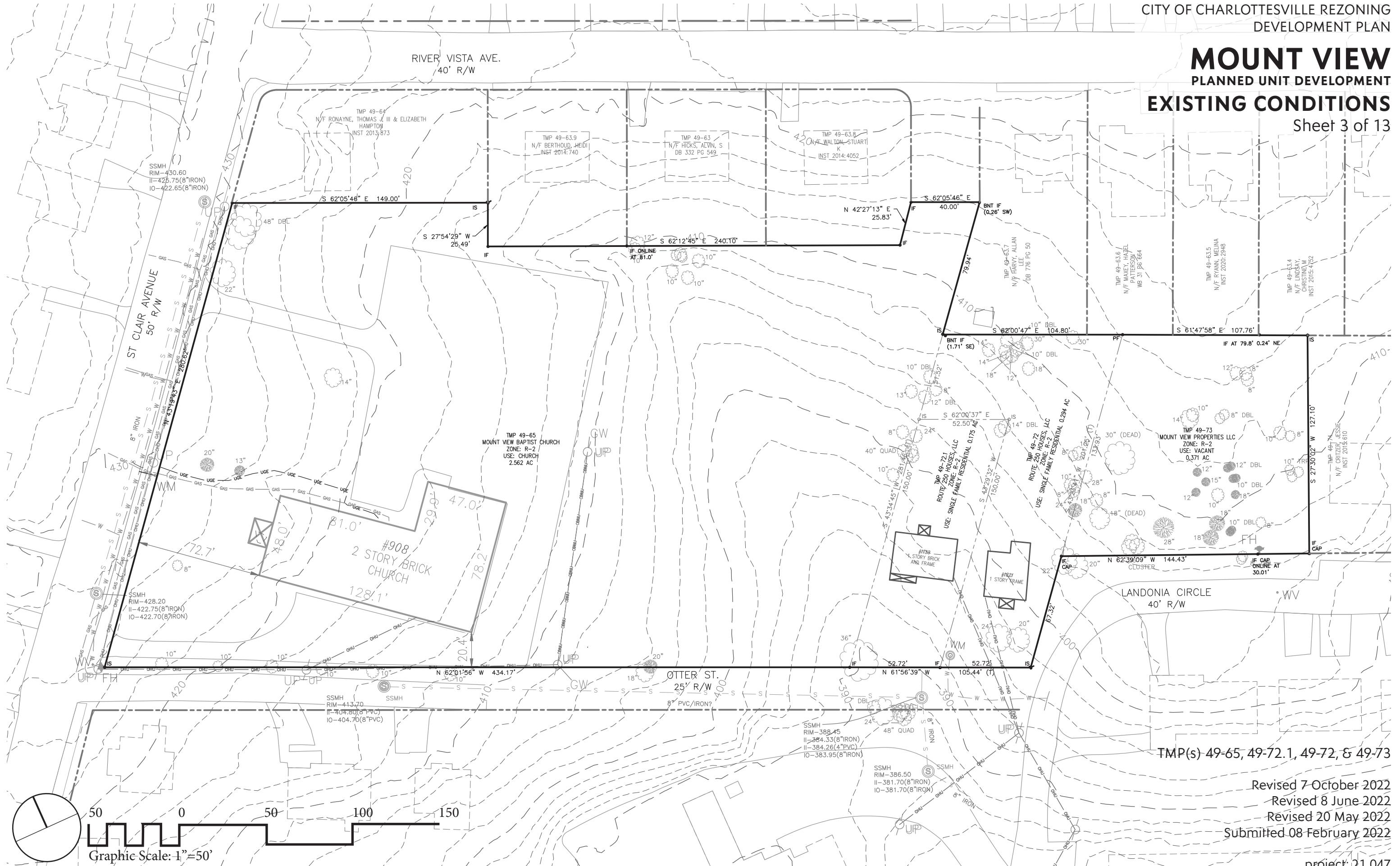
project: 21.047

# MOUNT VIEW

## PLANNED UNIT DEVELOPMENT

### EXISTING CONDITIONS

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**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**BLOCK NETWORK**

Sheet 4 of 13



"A"	Ancillary Use	"S"	Special Use Permit
"B"	By-Right	"T"	Temporary Use Permit
"P"	Provisional Use Permit		Change Proposed Between Existing R-2 Zoning & PUD

1. Existing R-2 zoning included for reference purposes only

USE TYPES			
Residential & Related Uses	Existing R-2 Zoning <sup>1</sup>	Block 1 Mount View Baptist Church	Block 2 Residential
Accessory apartment, external	P	B	
Accessory apartment, internal	P	B	
Accessory buildings, structures and uses	B	B	B
Adult assisted living:			
1–8 residents	B	B	
Dwellings:			
Multifamily		B	B
Single-family attached	B	B	
Single-family detached	B	B	
Two-family	B	B	
Family day home:			
1–4 children	B	B	B
5–12 children	P	P	P
Home occupation	P	P	P
Occupancy, residential:			
3 unrelated persons	B	B	B
4 unrelated persons	B	B	B

USE TYPES			
Non-Residential: General & Misc. Commercial	Existing R-2 Zoning <sup>1</sup>	Block 1 Mount View Baptist Church	Block 2 Residential
Accessory buildings, structures and uses		B	B
Art studio, GFA 4,000 SF or less		B	
Art workshop		B	
Assembly (indoor):			
Houses of worship	B	B	B
Assembly (outdoor):			
Temporary (outdoor church services, etc.)	T	T	
Daycare facility	S	B	
Offices:			
Property management			B
Parking:			
Surface parking lot		A	A
Surface parking lot (more than 20 spaces)		A	A
Temporary parking facilities		T	T
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	B	B
Utility lines	B	B	B

USE TYPES			
Non-Residential: Retail	Existing R-2 Zoning <sup>1</sup>	Block 1 Mount View Baptist Church	Block 2 Residential
Accessory buildings, structures and uses		B	B
Consumer service businesses:			
Up to 2,000 SF, GFA		B	
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)		T	
Other retail stores (non-specified):			
Up to 2,000 SF, GFA		B	

TMP(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

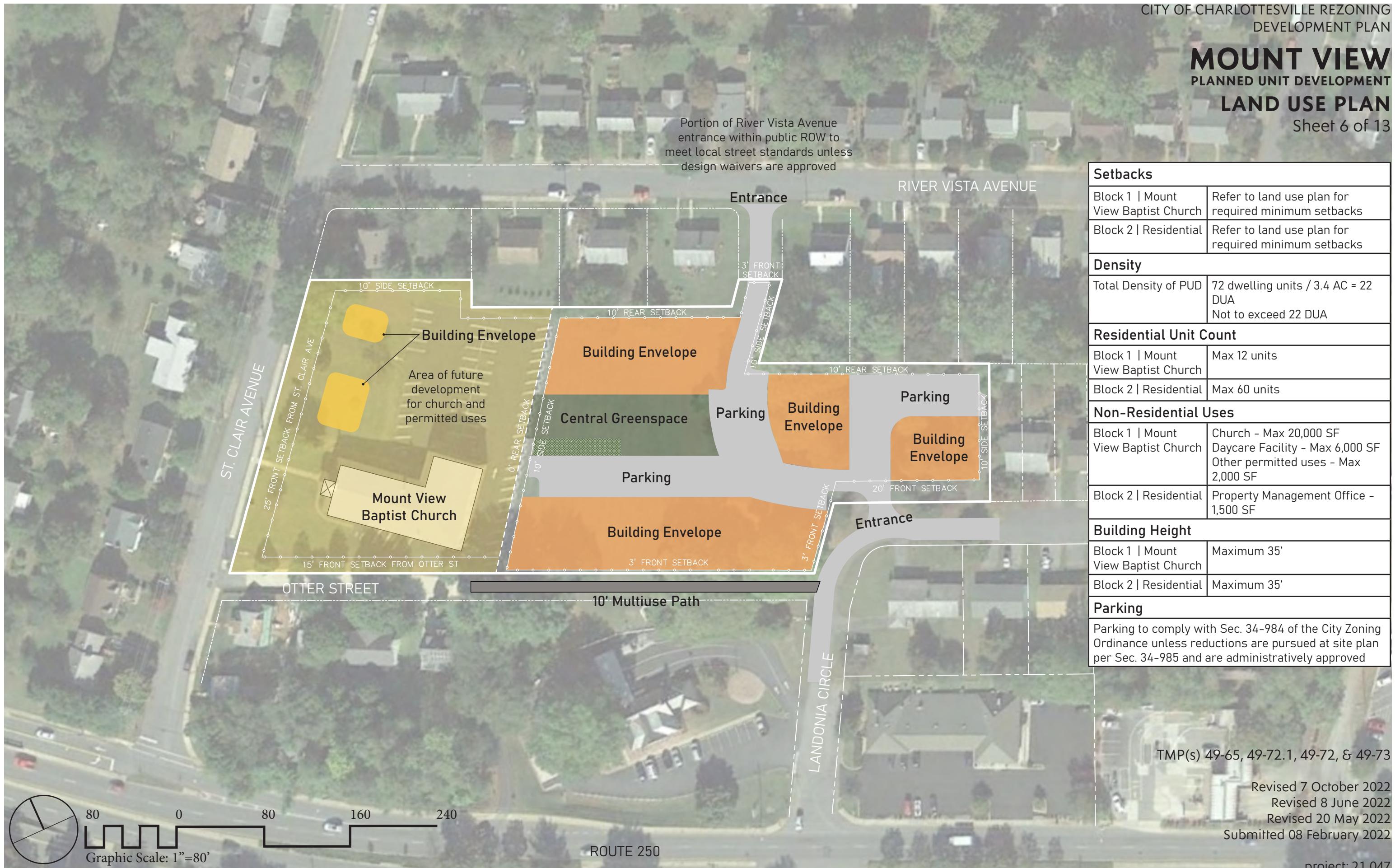
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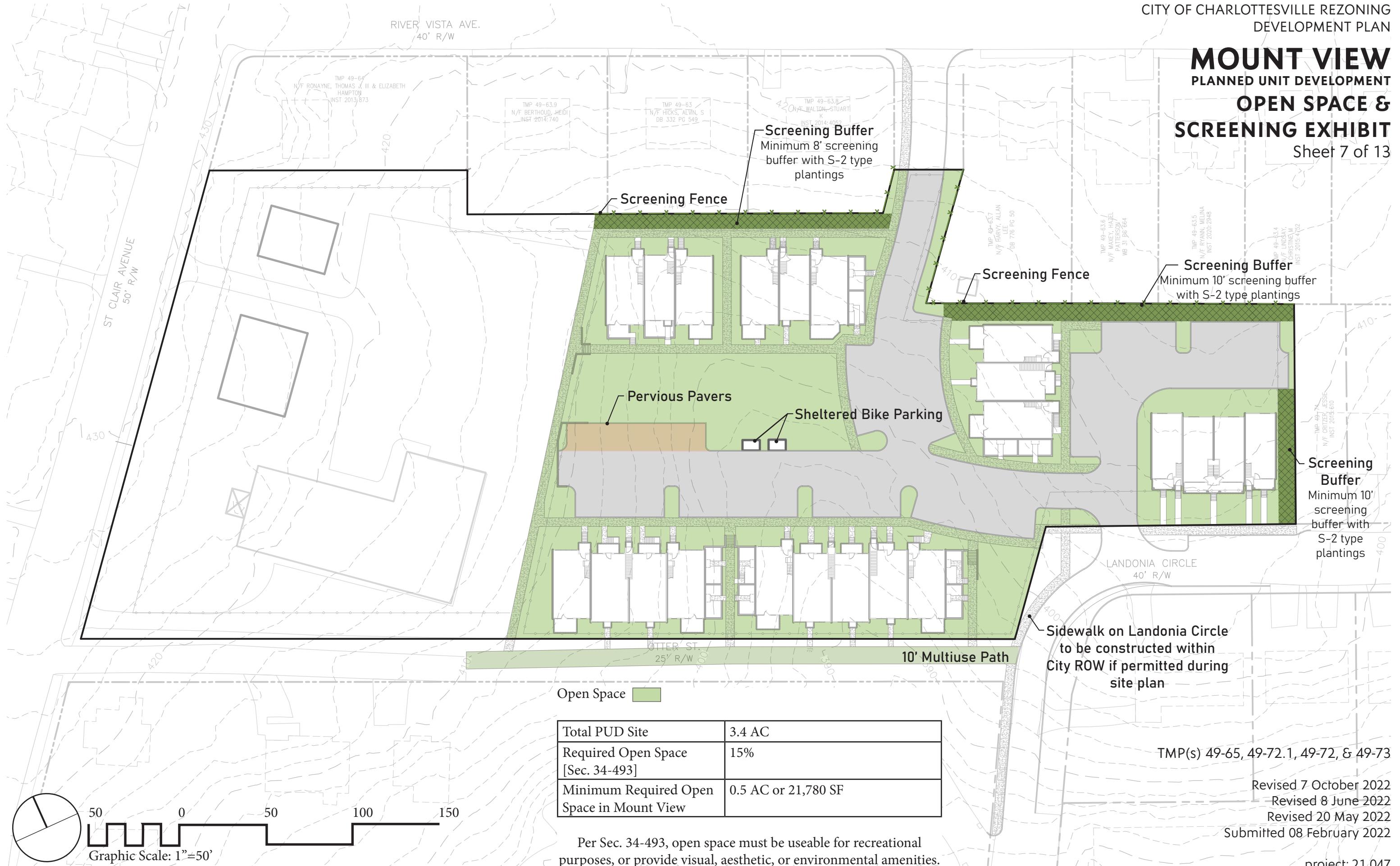
**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**LAND USE PLAN**

Sheet 6 of 13



# OUNT VIEW PLANNED UNIT DEVELOPMENT OPEN SPACE & CREENING EXHIBIT

Sheet 7 of 13



Per Sec. 34-493, open space must be useable for recreational purposes, or provide visual, aesthetic, or environmental amenities.

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**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**LANDSCAPE PLAN**  
Sheet 8 of 13

Plant Symbol	Planting Type	Botanical Name	Common Name	Quantity	Total Height(10 Yrs) in 10 Yrs	Canopy SF	Total Canopy SF
●	Large Deciduous Tree	Betula nigra	River Birch	16	25	397	6352
●	Large Deciduous Tree	Platanus x acerifolia	London Planetree	8	28	368	2944
●	Large Deciduous Tree	Tilia americana	American Basswood	15	26	191	2865
●	Large Deciduous Tree	Ulmus americana	American Elm	7	25	397	2779
●	Evergreen Tree	Cryptomeria japonica	Cryptomeria	6	25	123	738
●	Medium Deciduous Tree	Carpinus betulus	European Hornbeam	6	20	177	1062
●	Ornamental Tree	Cercis canadensis	Eastern Redbud	14	17	124	1736
●	Ornamental Tree	Cornus kousa	Kousa Dogwood	20	15	128	2560
●	Ornamental Tree	Magnolia x soulangeana	Saucer Magnolia	8	17	145	1160
●	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	5	19	130	650
●	Evergreen Shrub	Ilex glabra	Inkberry Holly	13	6	23	299
●	Evergreen Shrub	Viburnum x burkwoodii	Burkwood Viburnum	70	8	22	1540
●	Evergreen Shrub	Rhododendron	Azalea	36	4	10	—
●	Evergreen Shrub	Prunus laurocerasus 'Schipkaensis'	Skip Cherry Laurel	83	4	10	—
●	Deciduous Shrub	Cornus sericea	Red Twig Dogwood	31	8	72	2232
●	Deciduous Shrub	Salix discolor	Pussy Willow (Male)	18	6	64	1152
●	Deciduous Shrub	Viburnum nudum	Possumhaw Viburnum	33	6	28	924
●	Deciduous Shrub	Fothergilla major	Large Fothergilla	23	6	20	460
●	Deciduous Shrub	Lindera benzoin	Spicebush	7	6	23	161
				TOTAL SF:	29614		

Landscape coverage requirements shall comply with Sec. 34-869(b)(2) of the City Zoning Ordinance





**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**MASSING DIAGRAM**

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TMP(s) 49-65, 49-72.1, 49-72, & 49-73

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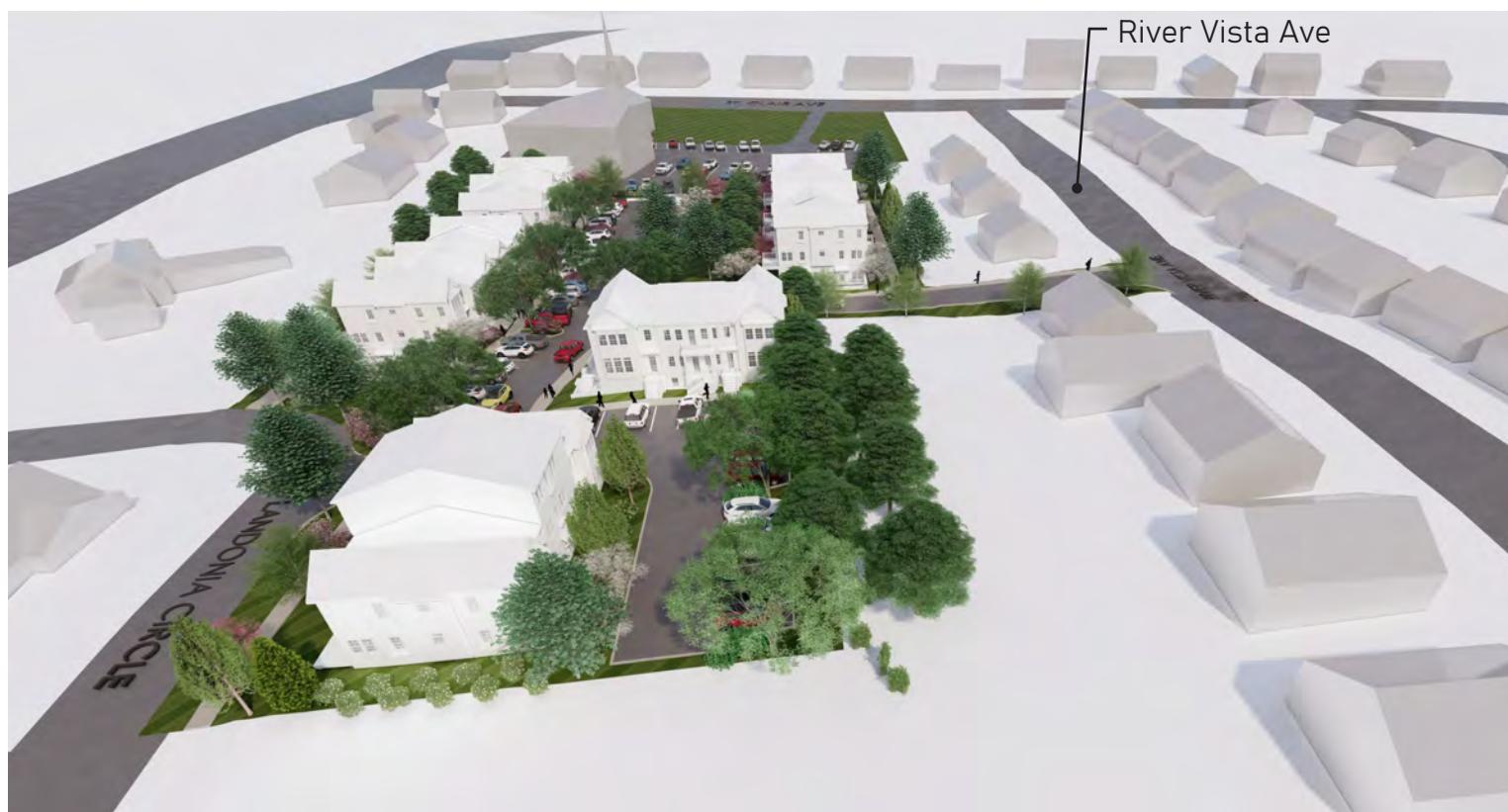
**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**MASSING DIAGRAM**  
Sheet 11 of 13



**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**MASSING DIAGRAM**  
Sheet 12 of 13



**MOUNT VIEW**  
PLANNED UNIT DEVELOPMENT  
**MASSING DIAGRAM**  
Sheet 13 of 13





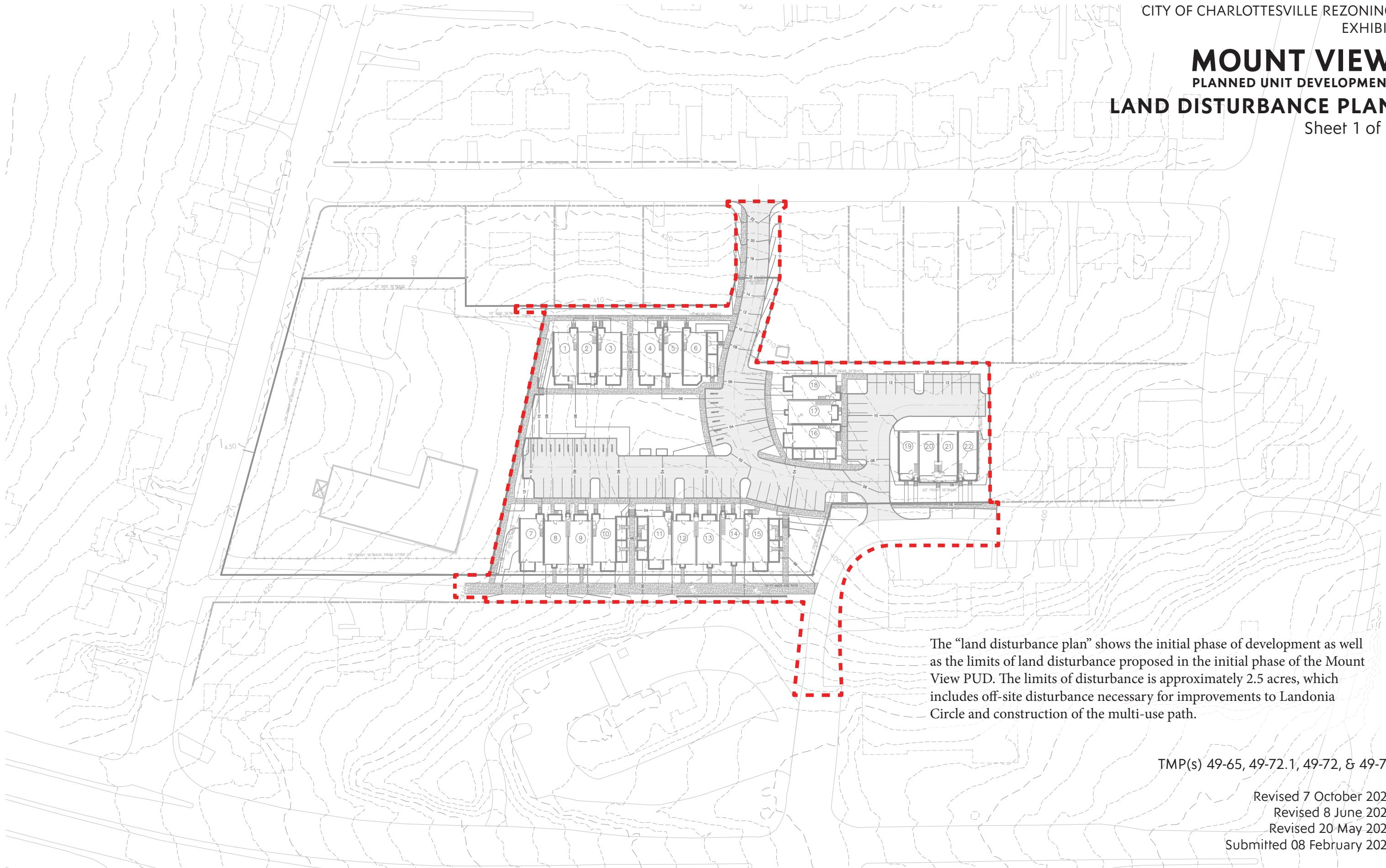
# **MOUNT VIEW**

## **PLANNED UNIT DEVELOPMENT**

# **LAND DISTURBANCE PLAN**

Sheet 1 of 1

Sheet 1 of 1



The “land disturbance plan” shows the initial phase of development as well as the limits of land disturbance proposed in the initial phase of the Mount View PUD. The limits of disturbance is approximately 2.5 acres, which includes off-site disturbance necessary for improvements to Landonia Circle and construction of the multi-use path.

TMPS(s) 49-65, 49-72.1, 49-72, & 49-73

Revised 7 October 2022

revised 8 June 2022

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Submitted 08 February 2022

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**ORDINANCE****APPROVING A REZONING, SUBJECT TO PROFFERED DEVELOPMENT  
CONDITIONS, OF PROPERTY LOCATED AT 908 ST. CLAIR AVE, 1133 OTTER ST,  
1221 LANDONIA CIRCLE, AND 1201 LANDONIA CIRCLE  
TO ESTABLISH A PLANNED UNIT DEVELOPMENT (“MOUNT VIEW PUD”)**

**WHEREAS** in order to facilitate a specific development referred to as the Mount View Planned Unit Development (the “Project”), Shimp Engineering, as the agent of Mount View Baptist Church, Mount View Properties, LLC, and Route 250 Houses, LLC (collectively “Landowner”), has submitted rezoning application ZM22-00002, proposing a change in the zoning classification of certain land fronting on St. Clair Avenue, Otter Street, Landonia Circle, and River Vista Avenue, identified within the City’s real estate assessment records by Real Estate Parcel Identification Nos. 490065000, 490072100, 490072000, and 490073000 (collectively, the “Subject Property”); and

**WHEREAS** the Subject Property is currently zoned “R-2” and the Landowners are requesting City Council to rezone and designate the Subject Property as a Planned Unit Development (“PUD”), subject to the provisions of the PUD Development Plan and further subject to development conditions proffered by the Landowners, all as set forth within the application materials for ZM22-00002, submitted by the Landowners through their agent (the “Proposed Rezoning”); and

**WHEREAS** a joint public hearing on the Proposed Rezoning was conducted by City Council and the Planning Commission on September 13, 2022, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS** City Council has considered the proposal for the Project set forth within the application materials for ZM22-00002, the Staff Report, comments received from the public, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS** this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification (R-2) and the proposed PUD zoning district classification, inclusive of the PUD Development Plan and the proffered development conditions, are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED by the Council of the City of Charlottesville, Virginia** that the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and is hereby amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-2 to PUD the parcels of land identified within the City’s tax assessment records by Real Estate Parcel Identification No. 490065000, 490072100, 490072000, and 490073000 (the land currently having the addresses of 908 St. Clair Avenue, 1133 Otter Street, 1221 Landonia Circle, and 1201 Landonia Circle), subject to the PUD Development Plan for the Mount View PUD, and subject further to development conditions proffered by the Landowners, which are hereby accepted by this City Council and set forth following below:

## **Approved Proffers**

In furtherance of the Project, and if the Subject 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:**

The Landowner shall provide affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (“HUD”). For the purposes of this Proffer, the term “affordable” means that the cost of rent, including tenant-paid utilities, does not exceed 30% of the monthly income of a 60% AMI household.
  - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate income households having income less than or equal to 60 percent of the AMI.
- b. The Owners shall cause seven (7) dwelling units constructed within the Project to be For-Rent Affordable Dwelling Units (the “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 Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers 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 ninety nine (99) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Required 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. The Required Affordable Dwelling Units shall be comprised of four efficiency units, one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit.
- iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners 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.
- iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of a certificate of occupancy of the 59<sup>th</sup> dwelling unit.
- v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
- vi. The Owners shall provide a marketing plan to the Office of Community Solutions prior to issuance of the first certificate of occupancy for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.

c. The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi 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

2. **CONSTRUCTION ENTRANCE:** Construction entrances for site development and construction on the Property shall not connect to River Vista Avenue.

**3. SCREENING FENCE:** A screening fence shall be installed by the Landowners in the locations shown on Sheet 7 of the Development Plan submitted by Shimp Engineering dated February 8, 2022 last revised October 7, 2022 (the “Development Plan”).

- a. The screening fence may be comprised of masonry, composite, painted or stained lumber, or an alternate material approved by the City’s Director of Neighborhood Development Services (“NDS”) or their designee. Chain link and screening mesh are expressly prohibited as screening fence materials.
- b. The screening fence shall be a minimum of six (6) feet in height, unless a lesser height is agreed upon by the Owners and the owners of adjacent property where the screening fence is installed along the common boundary line. If a lesser height is agreed upon, record of this agreement must be presented in writing to the City’s Director of Neighborhood Development Services or their designee.
- c. If, at the time of construction of the screening fence, an adjacent owner has already erected a fence along the common boundary line, the screening fence may be waived in the location where the adjacent owner’s fence is constructed if the adjacent owner prefers their existing fence instead of the screening fence to be installed by the Owners. The adjacent owner must state, in writing, their preference for their existing fence to the Owners and the Director of NDS for the screening fence requirement to be waived.
- d. The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2; the limits of Block 2 are shown on Sheet 4 of the Park Street PUD Development Plan.

**4. RIVER VISTA SIDEWALK IMPROVEMENTS:** The Landowner shall construct a sidewalk to City standards within the River Vista public right-of-way, adjacent to parcels 4900638000 and 490064000, in order to establish a continuous pedestrian connection between the Subject Property’s entrance from River Vista Ave continuing northwest to the intersection of River Vista Ave and St. Clair Avenue. The sidewalk shall be constructed prior to the issuance of certificate of occupancy of the tenth (10<sup>th</sup>) dwelling unit within the Project and shall be conveyed to the City for acceptance and maintenance. If, at the time of construction, sufficient right-of-way does not exist to accommodate the construction of the sidewalk, and the Owners cannot reasonably obtain an easement from the respective owners of tax parcels 49000638000 and 490064000 to permit the construction of the sidewalk, then the Owners shall make a cash contribution to the City’s Sidewalk Fund in an amount equal to the construction of 270 linear feet of sidewalk by using the then current Sidewalk Fund Calculator. The cash contribution shall be made prior to the issuance of certificate of occupancy of the tenth (10<sup>th</sup>) dwelling unit within the Project.

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

Approved by Council  
December 19, 2022



Kyna Thomas, MMC  
Clerk of Council

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA

IN RE: PETITION FOR REZONING (City Application No. ZM22-00002)

STATEMENT OF FINAL PROFFER CONDITIONS

For MOUNT VIEW PUD

City of Charlottesville Tax Map 49 Parcels 65, 721, 72, and 73

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE

Mount View Properties, LLC is the owner of Tax Parcel 490073000. Route 250 Houses LLC is the owner of Tax Parcels 490072000 and 490072100. Mount View Baptist Church is the owner of Tax Parcel 490065000. Mount View Properties LLC, Route 250 Houses LLC, and Mount View Baptist Church (collectively, the “Owners”) seek to rezone their aforementioned respective properties (collectively, the “Property”) which are the subject parcels of rezoning application ZM22-00002, a project known as Mount View PUD (the “Project”). The Owners seek to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owners covenants and warrants that it is an authorized signatory of the Owners for this Proffer Statement.

In furtherance of the Project, the Owners hereby proffer for City Council’s consideration voluntary development conditions, which the Owners agree are reasonable. The Owners agree 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:**

The Owners shall provide affordable housing within the Project, as follows:

- a. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term “affordable” means that the cost of rent, including tenant paid utilities, does not exceed 30% of the monthly income of a 60 percent AMI household.
  - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than or equal to 60 percent of the AMI.
- b. The Owners shall cause seven (7) dwelling units constructed within the Project to be For-Rent Affordable Dwelling Units (the “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 Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers 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 twenty (20) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Required 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. The Required Affordable Dwelling Units shall be comprised of four efficiency units, one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit.
- iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners 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.
- iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 59<sup>th</sup> dwelling unit.
- v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
- vi. The Owners shall provide a marketing plan to the Office of Community Solutions prior to issuance of the first certificate of occupancy for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.

- c. The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi 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.

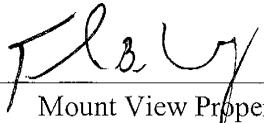
**2. Construction Entrance:** Construction entrances for site development and construction on the Property shall not be permitted to connect to River Vista Avenue.

**3. Screening Fence:** A screening fence shall be installed in the locations shown on Sheet 7 of the Development Plan prepared by Shimp Engineering, P.C. dated February 8, 2022 last revised October 7, 2022 (the "Development Plan").

- a. The screening fence may be comprised of masonry, composite, painted or stained lumber, or an alternate material approved by the Director of Neighborhood Development Services (“NDS”) or its designee. Chain link and screening mesh are expressly prohibited as screening fence materials.
- b. The screening fence shall be a minimum of six feet in height, unless a lesser height is agreed upon by the Owners and the owners of adjacent property where the screening fence is installed along the common boundary line. If a lesser height is agreed upon, record of this agreement must be presented in writing to the Director of NDS or its designee.
- c. If, at the time of construction of the screening fence, an adjacent owner has erected a fence along the common boundary line, the screening fence requirement may be waived in the location where the adjacent owner’s fence is constructed if the adjacent owner prefers their existing fence instead of the screening fence to be installed by the Owners. The adjacent owner must state, in writing, their preference for their existing fence to the Owners and the Director of NDS for the screening fence requirement to be waived.
- d. The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2; the limits of Block 2 are shown on Sheet 4 of the Development Plan.

**4. River Vista Sidewalk Improvements:** The Owners shall construct a sidewalk to City standards within the River Vista public right-of-way adjacent to tax parcels 49000638000 and 4900064000 to establish a continuous pedestrian connection between the Property’s entrance from River Vista Ave continuing northwest to the intersection of River Vista Ave and St. Clair. The sidewalk shall be constructed prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project and shall be conveyed to the City for acceptance and maintenance. If, at the time of construction, sufficient right-of-way does not exist to accommodate the construction of the sidewalk, and the Owners cannot reasonably obtain an easement from the respective owners of tax parcels 49000638000 and 4900064000 to permit the construction of the sidewalk, then the Owners shall make a cash contribution to the City’s Sidewalk Fund in an amount equal to the construction of 270’ linear feet of sidewalk calculated by using the then current Sidewalk Fund Calculator. The cash contribution shall be made prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project.

**WHEREFORE**, the undersigned Owners stipulate and agree that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and request that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

By:   
Mount View Properties LLC

Print Name: Samuel B. Craig

Owner's Address: 338 Bib Rd W Charlottesville VA 22901

By: Tom May  
Route 250 Houses LLC

Print Name: Lynwood Napier

Owner's Address: 17 Octagon Bounds Road, Potomac, MD 22963

By: Robert R. Henry, Jr. Trustee  
Mount View Baptist Church, Trustee

Print Name: Robert R. Henry, Jr.

Owner's Address: 607 Davis Ave., Charlottesville, VA 22901

By: John R. Leavell  
Mount View Baptist Church, Trustee

Print Name: John R. Leavell

Owner's Address: 1032 Martin St. Charlottesville VA 22901

CITY OF CHARLOTTESVILLE

**Department of Neighborhood Development Services**

City Hall Post Office Box 911

Charlottesville, Virginia 22902

Telephone 434-970-3182

Fax 434-970-3359

[www.charlottesville.gov](http://www.charlottesville.gov)



March 11, 2024

Shimp Engineering, P.C.

Attn: Justin Shimp

912 E High Street

Charlottesville, VA 22902

RE: Mount View PUD Minor Modification Request Approval

Dear Applicant:

This letter is in response to your application dated February 8, 2024 requesting an administrative approval of a minor modification to the Mount View PUD. In your request, you propose to further divide Phase 1 of the development into Phases 1A and 1B. The request confirms each phase (1A and 1B) will meet all PUD requirements per Section 34-517(a)(6) and confirms Proffer 3 (screening requirements) and Proffer 4 (River Vista sidewalk improvements) will be implemented as a part of Phase 1A.

Based on the information included in the application for a minor modification, it appears to me that the requested modification will not create any violation of the requirements of Article V (Planned Unit Development Districts) and does not materially alter the character or concept of the approved plan of development. Therefore, this minor modification request is approved as permitted by Section 34-519(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "James Freas".

James Freas, AICP

Director of Neighborhood Development Services

C: Mount View Properties, LLC, Attn: Brice Craig: [Brice.craig@craigbuilders.com](mailto:Brice.craig@craigbuilders.com)

Read Brodhead, Zoning Administrator

Carrie Rainey, City Planner



**CITY OF CHARLOTTESVILLE**  
*To be a place where everyone thrives*

## **PLANNING COMMISSION REGULAR MEETING**

**DATE OF MEETING: August 13, 2024**

### **Results of Study Researching Public Art and Memorials Commission**

Public art can encompass a broad range of expression, media, materials, and functionality. It can come in many forms including murals, statues, performances, and writings. Public art, and the process of creating public art, can help cities engage residents, create safer streets, and thrive economically. Community identity, cultural understanding, and connection to place can all be strengthened by public art. Public art in Charlottesville is already an important component of the City's culture and legacy. Beautiful murals liven the pedestrian experience in Downtown Charlottesville and Ix Art Park boasts interactive art for the whole family. Charlottesville is home to a collaborative network of non-profit arts organizations, art galleries, and workshops. Reflective and sometimes conflictive conversations around monuments and memorials mark Charlottesville's public art history, and provide incentive for a community led decision process around the design and placement of public art.

The City has made decisions around public art in different ways, all of which informed the development of this policy. From 1988 to 2017 Piedmont Council of the Arts served as the designated local arts agency for Charlottesville. They coordinated the development of the area's first-ever cultural plan, titled Create Charlottesville (CreateCville) in 2014, and in 2015 helped create an economic impact assessment. This assessment found that arts and culture organizations generated \$5,717,000 for local governments in the greater Charlottesville area and supported the equivalent of 2,131 full-time jobs. More recently Charlottesville's PLACE Committee was tasked, among other things, with reviewing and advising on proposals for public art. However, this committee is no longer active. Organizations such as Art in Place and the Bridge Progressive Arts Institute have provided numerous art installations and public art resources in partnership with the City, including a Map of Murals in Charlottesville. However, in 2024 there is no existing public or private body responsible for managing public art in the city.

Charlottesville's Comprehensive Plan (2021) includes the following strategy under Goal 8, "Encourage community vitality and interaction through the incorporation of both private and publicly funded art into public spaces, neighborhoods, signage, gateways, and nodes of development. Ensure neighborhood engagement and involvement in this process." In alignment with this goal, and others from the City's Comprehensive Plan, research was conducted investigating public art processes in Charlottesville.

The outcome of this research is a draft outline of an ordinance creating a Public Art and Memorials Commission, and a document outlining what a public art process could entail. This draft includes the roles of City organizations as they pertain to public art and guidelines for the Public Art and Memorials Commission. This policy draft provides guidelines and procedures that would allow the Commission to advance public art initiatives immediately while a more comprehensive Public Art Plan is formed over time. In this draft the Public Art and Memorials Commission would have two key responsibilities:

1. The Commission would be tasked with creating a Public Art Program and Public Art Master Plan in-line with community values and the Charlottesville Comprehensive Plan.
2. The Commission would function as a public art advisor to City Council responsible for commissioning (when applicable), monitoring, and approving new public art projects.

### **Potential Role of the Planning Commission in Public Art Process**

There are two common roles that planning commissions play in public art programs.

- 1) The Planning Commission becomes involved when Public Art requires a site plan and/or structural elements, such as statues (this would not include public art like murals, utility box wraps, etc). This is how Falls Church's model operates.
- 2) The Planning Commission supplies one ex officio member who may report back to the Commission and represent them in Public Art meetings. This option allows the Planning Commission to be involved when they see fit. This is what the draft proposes.

### **Attachments**

1. Draft Public Art and Memorials Ordinance
2. Draft Public Art Procedures and Guidelines

## DRAFT Public Art and Memorials Ordinance

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that there is hereby created a Public Art and Memorial Commission, composed of five (5) members appointed by City Council, to act as an advisory body to the Planning Commission and City Council. The Public Art and Memorial Commission will additionally have two (2) ex officio members, one a member of City Council and one a member of the Planning Commission. The purpose and charges of the Public Art and Memorial Commission are stated on the attached document titled, "Public Art Administrative Procedures.".

The composition of this commission shall be as follows:

Two (2) members shall have specific expertise in the arts as practicing artists, as curators of visual art, arts educators, and/or professional administrators working in the field.

One (1) shall be a professional in fields relevant to design including cultural planning, environmental design, landscape architecture, or urban design.

One member (1) shall represent the public at large, as an arts consumer or participant, and reside in a Core Neighborhood Corridor Overlay as defined by Charlottesville Development Code.

One (1) shall be a representative from a prominent arts and culture organization in Charlottesville.

Two (2) ex officio members, one (1) a member of City Council and one (1) a member of the Planning Commission.

The term of each member would be three (3) years, renewable for a second term, or until a successor takes office.

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# DRAFT Public Art Procedures and Guidelines

## 1.0 Introduction

### 1.1 Intent

The intent of the Public Art and Memorial Commission (PAM Commission) is to guide the development and execution of a Public Art Program in the City of Charlottesville, curate and maintain the Public Art Collection, and advise City Council on art related matters.

### 1.2 Definitions

**Artist** - A person who has an established reputation of artistic excellence in the visual, performance, literary, and/or media arts who produces art as a profession or hobby.

**Commission** - An original piece of art that is created by an artist for the City as a result of the public art development process, or the process of requesting an artist to create an original artwork for the City.

**Deaccession** - The act of removing an artwork from the City's Public Art collection.

**Maintenance** - All activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located.

**Public Art** - Public art is a work of art created by an artist, or a design element created by an artist collaborating with a design team, that is visually accessible to the public. Public art should encompass the broadest possible range of expression, media, and materials, and may possess functional as well as aesthetic qualities. Public art must be located in places that are openly accessible and visible to anybody who is interested.

**Public Art Collection** - The entire body of public art that is accumulated by the City through commissioning or through donation as approved by City Council. Artworks in the collection are owned by the City of Charlottesville.

**Public Art Program** - All City activities related to planning for, commissioning, maintaining, and accepting public art including community engagement in the development of public art.

## 2.0 Forming a Public Art Program

This section outlines responsibilities of the PAM Commission in regards to forming a Public Art Program and a Public Art Master Plan.

### [Creation of a Master Plan](#)

The Master Plan should reflect the intention of the Public Art Program within the City, and guide the City's actions regarding public art. This plan should include the City's Vision, Goals, and Core Values for public art. The creation of a shared vision should reflect the Charlottesville community and be formed through a process of public engagement. Similarly, Core Values should reflect the Charlottesville community and align with values in Charlottesville's Comprehensive Plan. These Core Values should be used by the PAM Commission to guide decision making. The Goals of the Public Art Program in Charlottesville should be realistic, in pursuit of the City's shared vision for public art, and temporal. The City's vision, goals, and core values for public art should be incorporated into the Comprehensive Plan when able in the form of a Public Art Master Plan.

This Master Plan should also consider:

- Defining "Public Art"
- A map of current and potential public art spaces

### [Funding](#)

The PAM Commission, in discussion with private organizations, City Council, and City Staff, should consider diverse and sustainable funding options for Charlottesville's Public Art Program. This may include direct city funding as well as both private and public grant funding.

### [Creation of a Memorials Policy](#)

In the event that Charlottesville chooses to install a Memorial on City property, a Memorials Policy would provide a standard measure for review of prospective donated memorials to ensure that only memorials of the highest standard of excellence are accepted. This includes ensuring memorials align with the City's Public Art Vision and Core Values. The policy should define the types of donations that the City will accept and establish criteria for review and acceptance of these objects.

### [Creation of Procedures](#)

The PAM Commission should guide the development and periodic review of public art policy and make recommendations to the Planning Commission and the City Council for changes as needed. The PAM Commission should additionally create an internal set of functional procedures and responsibilities to complete the charges in this document. The guidelines in this document should be used until the development of new or revised guidelines.

These public art policies and procedures will pertain to art commissioned by and through the Public Art and Memorials Commission, as well as to gifts and donations of public artwork to the City. The scope of this policy should be a topic of ongoing discussion between the Public Art and Memorials Commission, the City Manager's office, the City Council, Neighborhood Development Services, Parks and Recreation, and the Planning Commission. Any agreements the City develops with site owners, site managers and other partners for Public Art Collection projects should be consistent with these policies developed by the PAM Commission and the City.

### 3.0 Roles and Responsibilities

The following guidelines pertain to the roles and responsibilities of actors in the Public Art Program.

## Public Art and Memorials Commission

1. Review the scope of each Public Art Collection project in the art selection process based on the goals, values, and vision established by the Public Art and Memorials Commission.
2. Helps to identify appropriate locations for City-initiated art.
3. Recommend to City Council the artist(s) to be commissioned for Public Art Collection projects or the purchase of an existing work of art.
4. Recommend to City Council the final design proposal for each City project.
5. Guide the management of the City's Public Art Collection and make recommendations regarding proposed gifts and loans to/from the Collection and works of art proposed for deaccessioning from the Collection.
6. Advise Developers and City staff on artist selection and concept proposals for site plan-initiated art projects when requested.
7. Advise the City as necessary on management practices for city owned art, including deaccessioning and maintenance.

## PAM Commission Liaison

Supports the administrative procedures of the PAM Commission and serves as a Project Manager. Maintains records and ensures proper documentation of public art projects. Acts as a liaison between the PAM Commission and the City. This position will be appointed by Charlottesville Parks and Recreation.

## Planning Commission

Reviews recommendation of artists, final design proposals, and acquisition of public art by the PAM Commission at the discretion of the Planning Commission prior to approval by City Council.

## Historic Resources Commission

When projects in the Public Art Collection reflect or reference historic events, figures, or narratives the Historic Resources Committee should be consulted.

## Neighborhood Development Services

Ensure that developers of Site Plan initiated art understand the City's public art policies and the goals, values, and vision established by the Public Art and Memorials Commission. May serve as advisor for streetscape public art and the development of public art projects intended to enliven the street and/or provide traffic calming measures.

## Parks and Recreation

Charlottesville Parks and Recreation will provide staffing for the PAM Commission and general oversight of the Public Art Program.

## City Council

Oversee implementation of the Public Art Policy and Guidelines and reviews, modifies and approves changes to the documents based on the recommendations of the Planning Commission and the PAM Commission. Final approval by City Council is required of any acquisition into the City's Public Art Collection.

## City Attorney

Reviews agreements and other legal instruments with artists, developers, and site representatives as necessary for legal sufficiency and adherence to City, state, and federal policies.

## 4.0 Project Selection

The following guidelines provide structure for the evaluation and selection of projects for the Public Art Collection.

### 4.1 Site Selection

The City of Charlottesville may either

1. choose a location where artwork would be a valuable addition to the community and solicit proposals from artists for that specific site or
2. identify or receive appropriate artwork then determine which City-owned site (if any) would be the best location(s) for installing that artwork.

Criteria to be used for site selection should include:

- Lack of conflict with the principal purpose of the location;
- Suitability of the artwork's scale and character to the location;
- Environmental suitability of the artwork in the location;
- Presence of residents and visitors to enjoy the artwork and to deter vandalism;
- Parking or other accessibility concerns; and
- Costs to establish and maintain at site and availability of secure funding sources.

The City may choose to create a working inventory of the current artworks and potential site locations throughout the city.

## 4.2 Artist Selection

The City of Charlottesville is committed to ensuring that artists are selected in a well-documented and equitable process, selected artists are the best candidates for the specific project, and that the process is flexible and responsive to a project's needs and conditions. It is the goal of the City to develop art projects of the highest caliber that meet the diverse needs of Charlottesville residents.

Each of the methods for artist selection will vary depending upon the type of project and specific project requirements and goals. Any of these methods can be used to select one artist/team, or to develop a pool of artists to be used for multiple projects over time. The method of selection should be selected and approved by the PAM commission.

Artists should generally be selected through a public process using one of the following methods:

### **Open Competitions**

Open competitions use widely advertised calls for proposals that can include one, two, or three stages. Artists are typically asked to submit preliminary proposals along with their background and credentials. In a multi-stage competition, a selection jury may determine a list of artists who are paid proposal development fees to further develop their ideas. This method often engages a wide range of artists to participate.

### **Request for Proposals (RFP) or Request for Qualifications (RFQ)**

This process entails the circulation and advertisement of the RFP/RFQ that outlines the requirements and criteria for a particular project, inviting qualified artists to apply. Responses to an RFP/RFQ are reviewed and a single winner is chosen and granted the contract. Similar to open competitions, selected artists may be chosen for the development of more detailed proposals.

### **Invitational Competition**

These invitational competitions (sometimes called limited competitions) involve inviting a small number of artists to participate in the competition. Based on reputation and experience, these artists are

selected and paid to develop a proposal for a specific site. This method is often employed in relation to time sensitive projects as the City can quickly engage an artist with experience working through the public art process.

#### **Direct Commission**

This method may be used in specific circumstances where an artist is invited to create a site-specific work of art, or a direct purchase of an existing work of art is made.

### **4.3 Criteria for the Selection of Artwork**

The Commission should consider the following questions when conducting reviews of proposed artwork:

#### **Aesthetic Quality and Artistic Merit**

- What has the artist accomplished with the work and does it align with the proposed project goals?
- Does the work under consideration have artistic merit?
- Is the work relevant to the City, its values, culture and people and does it contribute to the fabric of the City? Is the work an integral component of the overall project?
- Is the work of art appropriate for the community it serves?

#### **Placement and Location**

- What is the relationship of the work to the site? Is it appropriately scaled?
- Will the work help to anchor and activate the site and enhance the surrounding area?
- Will there be convenient public access to the site?
- Will additional parking or access accommodations be required?
- What are the utility requirements of the artwork?
- Is the artwork compatible with the surrounding community and environment?

#### **Materials, Fabrication, Handling, and Installation**

- Are there any environmental impacts of the art?
- Are the projected costs accurate and realistic?
- Have written estimates been obtained from qualified technical support and fabrication contractors?
- Does a certain site present any special obstacles to installation?
- Can the work easily be removed if necessary?

#### **Maintenance Requirements**

- Does the project's budget adequately account for future maintenance requirements?
- What are the existing or projected maintenance requirements of the work? Are they excessive or cost-prohibitive?
- Is the work suitable for outdoor display or special indoor environments?
- Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?

- What are the artist's suggestions for protection of the work from vandalism? Does the design of works of art take into consideration issues associated with public spaces such as security, theft, vandalism, etc.?

#### Liability and Safety

- Is any aspect of the work a potential safety hazard?
- Does the work meet building code requirements?
- Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
- Will fencing or other types of security measures be required?

### 4.4 Donations and Gifts

Donated and gifted art can greatly expand and enhance the City's Public Art Collection. Donations may come in the form of previously completed artwork, commissions of new artwork, or financial gifts to acquire public art for the community. The PAM Commission should make recommendations to Council on the acceptance of donations and gifts. In addition to the guidelines noted in Section 4.1 - 4.3 of this document, the following considerations should be made by the PAM Commission when making recommendations on donations and gifts of public art into the Public Art Collection.

### 4.5 Standards for Acceptance of a Gift or Donation

Donated artwork should be reviewed based on a variety of factors, including factors detailed in *Section 4.3 Criteria for the Selection of Artwork*. The following standards should also apply for the acceptance of public art gifts and donations.

#### Budget

Consideration should include an evaluation of the donor's proposed budget and the artist's ability to successfully complete the project within the proposed budget. Consideration for budget should include the proposal and maintenance. Acceptance should be contingent upon receipt by the City of payment from the donor for all costs associated with the gift not covered by the donor directly, such as transportation, installation and maintenance, unless otherwise agreed to in writing by the City.

#### Unrestricted Gifts

Proposed gifts to the City should be clear and unrestricted unless otherwise agreed to in writing by the City.

#### Artwork Design

Only 'one-of-a-kind' artworks should be considered, with the exception of prints, photographs or other limited edition artworks of high quality. Any change to the design or concept made by the artist or donor of the gift must be reviewed by the PAM Committee and approved by the City Council.

#### Ownership of Accepted Artwork

Gifts of public artwork that are accepted by the City should be owned by the City as part of its Public Art Collection. In accepting an artwork into its collection, the City should not be bound by any agreement with a donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of an artwork should prevent the City from approving subsequent deaccessioning (removal, relocation, and/or sale) of such artwork, if it serves the City's best interest to do so. If deaccessioning is proposed, the PAM Commission should make a recommendation to the City Council for final action.

In submission of a gift or donation, the donor should provide:

- Exact dimensions and weight of the artwork,
- Photographs of existing art or illustrations of proposed art,
- Materials used and the resiliency of these materials,
- Date and process of construction,
- State of the art, including if repairs are necessary,
- Site and installation requirements,
- Proposed budget for installation and maintenance,
- Deaccessioning plan and budget,
- Legal proof of the donor's authority to donate the artwork.

City staff should consider the PAM Commission's recommendations to accept or reject proposed gifts for final action. For all gifts and donations, the appropriate department of the City, depending on the proposed location, should engage a formal agreement between the City, donor, and artist. Agreements should include the following:

- Funding, fabrication, installation, maintenance, and budget requirements,
- Transfer of title,
- Donor and artist's rights,
- Project supervision and management,
- Identification and/or donor acknowledgment plaque details,
- Timeline for project,
- Deaccessioning plan, and
- Additional documentation as seen necessary.

## 5.0 Project Management

Once a public art project for the Public Art Collection has been selected by the PAM Commission and funding has been identified, the Project Manager should coordinate management and provide regular updates to the PAM Commission. Project management should involve the following tasks:

Work with the artist to develop a project timeline;

- Seek relevant project consultation as needed;
- Work with the artist and Staff to define a long term maintenance plan;
- Develop a contract between all involved parties and the City;
- Establish City ownership;
- Receive necessary approvals as required;
- Describe and mitigate any public safety requirements; and
- Define any other relevant factors and tasks associated with a project.

## 5.1 Documentation

The City should maintain documentation of the City's public art initiatives and Public Art Collection. The City should include the subsequent information for each public art project in the Public Art Collection.

1. An accession record including:
  - Accession date
  - Title
  - Artists and their contact information
  - Medium
  - Dimensions
  - Location
  - Donor contact information, if applicable
  - Any relevant contracts between the City and involved parties
  - Budget, including maintenance, and funding sources
1. A photographic record of the artwork

The Deed of Gift or Loan Agreement, if applicable

Any applicable copyright agreements

Conservation or historical records, if applicable

A maintenance and deaccessioning plan

Deaccession record (when applicable) including:

- Object and donor history,
- Photographs, and
- Conditions and circumstances of deaccessioning.

## 6.0 Deaccessioning Guidelines

The PAM Commission, Planning Commission, and City Council should review the City's public art at their discretion. The City should only dispose of public art when it is in the interest of the public and as a means to improve the quality of the Public Art Collection.

Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the premature removal of artwork. The need for relocation or temporary removal from public

display does not automatically require deaccession. Prior to the deaccession of any work, the PAM Commission, Planning Commission, and City Council must carefully consider the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the community at-large. The City should deaccession and sell or otherwise dispose of artworks in its collection in accordance with the Visual Artist's Act of 1990 (17 U.S.C. 1064 and 113(d)).

Proceeds from any sale or auction of a work from the Public Art Collection should be used for the purpose of acquiring or maintaining other art for the Public Art Collection, or used towards the purpose for which the original work of art was acquired.

## 6.1 Criteria for Deaccessioning

Public art in the Public Art Collection may be deaccessioned when conditions require or when such action would improve or refine the Public Art Collection. Reasons for deaccessioning may include, but are not limited to situations where:

- The use of the site has changed, the artwork is no longer appropriate, and the artwork cannot be reasonably protected or maintained;
- The artwork's annual maintenance cost is deemed excessive;
- The artwork has been damaged beyond reasonable repair;
- The artwork requires extensive conservation or restoration that is cost-prohibitive;
- The artwork is deemed inappropriate or requires removal because of new developments in the direction of the City's plan for public art; and
- The artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

## 6.2 Procedure for Deaccessioning

1. A written recommendation from Charlottesville City Staff or the PAM Commission should be presented to City Council and include; the artwork being recommended for deaccessioning, the reason for deaccession (see 5.1 Criteria for Deaccessioning), and an endorsement of the artworks deaccessioning from both the City and the PAM Commission.
2. Upon approval of deaccession from City Council, City staff should work with the PAM Commission to determine the manner of disposition.
  - a. Sale at Public auction is strongly encouraged.
  - b. Where sale of artwork is not viable, disposal can be considered.
  - c. Artwork may be placed, through gift, exchange or sale, in another tax-exempt public institution wherein it may serve the purpose for which it was acquired initially by the City.
  - d. There may be an exchange of artwork as the PAM Commission deems appropriate.
  - e. A work of art may be sold privately under the following circumstances:
    - If the artwork is offered at public auction and no bids are received, or if the bids are rejected.
    - If bids have been rejected, the artwork should not thereafter be sold through private sale for less than the amount of the highest bid received.
    - If the PAM Commission determines that the artwork may be sold on terms more advantageous to the City if sold through private sale.

- If the artist of the artwork chooses to purchase it at the original purchase price.

3. An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the City of Charlottesville (See 5.1 Documentation, Deaccession record).

## 7.0 Private and Developer-Initiated Projects

Public art in private development is encouraged and helps to build a sense of place, aesthetic value, and community within the development process. The PAM Commission may function as an advisor to NDS and/or private developers during site plan approvals that include public art.

### 7.1 Public Art Commissioned as Part of the Development Process

Proposals for the inclusion of public art as part of a development process should be forwarded by NDS to the PAM Commission Staff Liaison and to the PAM Commission at the discretion of the Staff Liaison.

Applications should include all relevant information available at the time of application. The public art review process should be carefully integrated into the overall development review process to provide predictability to the developer, staff, and the general public. The PAM Commission should make a recommendation as to whether the proposed artwork should be approved, conditionally approved, or denied. This decision should be based on the Vision and Core Values determined by the PAM Commission as well as the guidelines detailed in this document.

This advisory structure may be particularly helpful in review processes under Charlottesville Development Code 2.10.12 that requires public art as a part of development to be reviewed by Neighborhood Development Services to confirm any mural or art display is not considered a sign.



## CITY OF CHARLOTTESVILLE

*To be a place where everyone thrives*

## PLANNING COMMISSION REGULAR MEETING

**DATE OF MEETING: August 13, 2024**

### **Result of Study Into Charlottesville Street Tree Policy and Best Practices**

Charlottesville's current policies around tree protection and preservation include the most effective aspects of policies that are allowed in Virginia. Charlottesville's new development code includes the strongest possible tree canopy cover requirements for new development allowed in Virginia and a progressive permitting system for tree removal.

In 2013 Charlottesville adopted a Tree Preservation Ordinance, which allowed the designation and protection of heritage, memorial, specimen, and street trees. Many municipalities in Virginia have adopted versions of this ordinance with slight variations. The attached document is an outcome of research into Charlottesville's current tree policies. It marks the main differences and imagines Charlottesville's code with similar language to model municipalities, particularly Arlington. Updating the language may make this ordinance clearer and stronger. However, after talking with practitioners different language does not seem to have significant effects on the implementation of the ordinance.

Other findings from research:

- VDOF and various municipalities in Virginia (particularly NOVA) are holding a conference this Fall to discuss Virginia's tree canopy, best practices, and tree policy.
- Most municipalities have additional staff capacity to handle tree removal permits, which allows more effective procedures and conversations to occur (including Norfolk and Arlington).
- Research around tree BMPs indicate there may be technical updates to Charlottesville's BMPs that would align and clarify City standards.
  - This research has centered around the following documents: Charlottesville Standards and Design Manual, Charlottesville Zoning Code, Charlottesville's Best Management Practices for Tree Preservation, Transplanting, Removal and Replacement, Arlington Tree Conservation Guide, Arlington Landscape Standards, and ANSI Tree Care Standards.

### **Markup of Charlottesville's Tree Conservation Ordinance**

As an outcome of policy research conducted, the attached Markup of Charlottesville's Tree Conservation Ordinance includes additions and changes. Many of these changes were taken from the [Arlington Tree Ordinance](#) which differs in a few main ways from Charlottesville's. These are the key areas that have been added to the existing Charlottesville ordinance in the attached document:

- Provisions for protection of trees on public property.
- No requirement for the consent of private property owners for designation of a tree unless the tree is on a single family parcel.

Key to the attached document:

The current ordinance in use by Charlottesville is written in black.

Code from [Virginia Ordinance § 10.1-1127.1.](#) is in blue (and therefore should not be altered).

Additions are written in green.

The following excerpt is from Section A of Virginia Code [§ 10.1-1127.1. Tree conservation ordinance](#), which gives authority for the creation of Charlottesville's current Tree Conservation Ordinance.

“The governing body of any county, city or town may adopt a tree conservation ordinance regulating the preservation and removal of heritage, specimen, memorial and street trees, as defined under subsection B of this section, when such preservation and removal are not commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops. Such ordinance shall consider planned land use by the property owner, may include reasonable fees for the administration and enforcement of the ordinance and may provide for the appointment by the local governing body of an administrator of the ordinance.”

## **Attachments**

1. Draft Markup of Charlottesville's Tree Conservation Ordinance

DRAFT

**DRAFT Markup of Charlottesville's Tree Conservation Ordinance**

**AN ORDINANCE**

**TO ADD A NEW ARTICLE TO CHAPTER 18 (PARKS AND RECREATION) OF  
THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO BE NUMBERED ARTICLE II AND NAMED — “TREE CONSERVATION”,  
REGULATING THE PRESERVATION AND REMOVAL OF HERITAGE,  
SPECIMEN, MEMORIAL AND STREET TREES.**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that Chapter 18 (Parks and Recreation) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained to incorporate Sec. 18-1 under a new heading of Article I (Parks), and add a new Article II (Tree Conservation) to Chapter 18, all to read as follows:

**CHAPTER 18. PARKS AND RECREATION**

**ARTICLE I. PARKS**

**Sec. 18-1. Time, place or manner of park use**

....

**Secs. 18-2 – 18.4. Reserved.**

**ARTICLE II. TREE CONSERVATION**

**Sec. 18-5. Authority.**

This ordinance is enacted pursuant to Code of Virginia Sec. 10.1-1127.1, as amended.

**Sec. 18-6. Purpose and Intent.**

There is hereby established a tree conservation ordinance to secure protection for a portion of the City’s urban forest and the ecosystem services that this forest provides **by protecting trees on city property and** regulating the designation, preservation and removal of heritage, memorial, specimen and street trees located within the City.

**Sec. 18-7. Administration and Enforcement.**

The Director of the Department of Parks and Recreation, or his or her designee, shall be the Administrator of this ordinance.

Any person or entity that knowingly violates any provision of this article **by causing, contributing to, or permitting injury to or removal or destruction of a Heritage, Memorial, Specimen, or Street Tree** shall be subject to a **civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation.** Civil penalties shall be imposed by the issuance

of a civil summons returnable in the General District Court by the Administrator or his or her designee.

**Sec. 18-8. Definitions.**

For the purpose of this ordinance, the following definitions shall apply:

*Heritage tree* means any tree that has been individually designated by City Council to have notable historic or cultural interest.

*Memorial tree* means any tree that has been individually designated by City Council to be a special commemorating memorial.

*Specimen tree* means any tree that has been individually designated by City Council to be notable by virtue of its outstanding size and quality for its particular species.

*Street tree* means any tree that has been individually designated by City Council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

**Sec. 18-X. Trees on Public Property.**

(a) **Treatment of Trees.** The planting, pruning, maintaining, removal, or other treatment of trees upon the streets, public right-of-way, other City-owned public lands, and public vehicular or public pedestrian access easements where the City is responsible for the maintenance of such easement, except public school sites, shall be under the direction of the Administrator. Such planting, pruning, removal, or other treatment shall be in accord with the ---- and shall not be performed without the Administrators approval if such planting, pruning, removal, or other treatment is performed by other than City employees or City contractors or agents. *[can add in portion designating different allowances to volunteer maintenance contractors]*. Permission is not required for routine watering and mulching of City-owned trees.

**(b) Injury to or Removal of Trees.**

- (i) It shall be unlawful for any person, including any person employed by or under contract to any utility company, to destroy, cut down, girdle, break, bend, wound, or in any manner injure or remove any tree or shrub upon any public right-of-way, and other City-owned public land, or any public vehicular or public pedestrian access easements where the City is responsible for the maintenance of such easement without the written permission of the Administrator. Any persons violating this Section shall be guilty of a Class 3 Misdemeanor.
- (ii) The Administrator shall not remove or permit removal of all or any part of any tree or shrub unless the Administrator has determined that the action proposed is

necessary or desirable and will not be contrary to any City policy or plan or ordinance for or related to trees or other vegetation.

### **Sec. 18-X. Replacement.**

(a) When warranted in the judgment of the Administrator, a tree removal permit applicant, in accordance with Chapter 34 - 4.9.1, may be required to replace, in accordance with a tree replacement plan, any tree being removed with a suitable replacement tree elsewhere on the site. In determining whether the replacement of trees is reasonable and shall be required, the Administrator shall consider the intended use of the property together with an evaluation of the following:

- (1) Existing tree coverage, size and type;
- (2) Number of trees to be removed;
- (3) Area to be covered with structures, parking and driveways;
- (4) Grading plan and drainage requirements; and
- (5) Character of the site and its environs.

### **Sec. 18-9. Designation.**

(a) Application

(i) **By Written Request.** Any person may submit a written request to the Administrator seeking designation by ordinance of a tree located on ~~public or~~ private property as a heritage, memorial, specimen or street tree. The request must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree. Any submission for designation of a tree ~~on parcels used for a single-family dwelling~~ by a person who is not the property owner must include written consent of the property owner for the submission. The Administrator, upon receipt of such a request, shall forward a copy to the Tree Commission for review and recommendation to the City Arborist.

(ii) **By Tree Commission.** The Tree Commission may submit a written recommendation to the Administrator seeking designation by ordinance of a tree located on public property or on private property ~~if the owner of such property consents, excluding parcels used for a single-family dwelling unless the owner of such property provides written consent to the designation of such tree, as a~~ heritage, memorial, specimen or street tree. The recommendation must describe the tree in question, its location and the factors which support its designation as a heritage, memorial, specimen or street tree. The Administrator, upon receipt of such a request, shall forward a copy to the City Arborist. ~~In cases of a tree on~~ private property the Administrator shall notify the owner of the property on which the tree is located by certified mail as soon as practicable once the recommendation is received by the City Arborist.

(b) Report and Hearing

- (i) The City Arborist shall provide a written report and recommendation on any proposed designation to City Council, which shall include the written recommendation of the Tree Commission and consider the planned land use by the owner of the property on which the tree is located.
- (ii) City Council shall hold quarterly public hearings to consider all then-pending applications for designation, however any application initially submitted to the Administrator less than forty-five (45) days prior to a regularly scheduled public hearing shall not be heard until the next such quarterly hearing. The Clerk of Council shall send notice of the scheduled hearing to any owner of property upon which a tree being considered for designation is located by certified mail at least fourteen (14) days prior to the hearing. The owner of property may request an extension of the hearing date for up to six months.
- (iii) A property owner shall not destroy a tree proposed for designation pursuant to this Section pending final City Council decision or a decision by the City Arborist or their designee not to recommend designation.
- (iv) City Council, after consideration of the report and recommendation of the City Arborist and any additional information that it deems relevant, and after conducting a public hearing, may designate by ordinance the subject tree as a heritage, memorial, specimen or street tree.

(c) Designation of a tree under this ordinance does not impose any additional obligation upon the City to inspect, maintain or take any other action with regard to such tree.

**Sec. 18-10. Conservation.**

(a) A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this ordinance. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by City Council. City Council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the property owner. A request to remove or take other action upon any designated tree shall be submitted and acted upon in the same manner as a request for designation in section 18-9

(b) The City Manager may permit the removal of a heritage, memorial, specimen or street tree if the City Arborist determines that the tree is dead, has become irreversibly diseased or irreversibly damaged by natural causes, or that the tree endangers the health, safety and/or welfare of the public that cannot be mitigated in accordance with accepted industry standards of tree risk assessment and management.

(c) Any City department or contractor engaged by the City shall, prior to conducting any land disturbing activity, ascertain whether the drip line of any tree designated pursuant to this ordinance as heritage, memorial, specimen, or street tree lies within fifty feet of the land disturbing activity. Upon making such a determination, the City department shall alert the City Arborist.

If the City Arborist determines that the proposed land disturbing activity may damage or destroy the tree, then the City department responsible for the proposed work, if unable to alter plans to avoid such results, shall submit a request to proceed with the proposed activity to the Tree Commission, which shall make a recommendation to the City Council. City Council may direct the City department to take additional precautionary measures to protect the tree, or approve the removal of the tree, or direct that the activity not be conducted.

#### **Sec. 18-11. Exceptions.**

The provisions of this ordinance shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

#### **Sec. 18-12. Takings**

In the event that the application of this ordinance regulating the removal of heritage, memorial, specimen or street trees results in any taking of private property for a public purpose or use, the City shall compensate by fee or other consideration the property owner for such taking, to the extent that such claim is recognized and compensable under state or federal law, and in accordance with the provisions of Chapter 2 of Title 25.1 of the Code of Virginia.

#### **Sec. 18-13—18-20. Reserved**