

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 5, 2021
Action Required:	Resolution; Consideration of an application for a Special Use Permit
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	<b>SP21-00001 – Harris Street Apartments, request to amend a Special Use Permit to increase residential density</b>

**Background:**

Chris Virgilio of C’ville Business Park, LLC, owners of Tax Map 34, Parcels 90B, 90C, and 90.1 (“Subject Property”) has requested a special use permit on the Subject Property to increase the maximum permitted residential density from 43 dwelling units per acre to 50 dwelling units per acre. The Subject Property is currently zoned IC – Industrial Corridor and is the location of the Habitat Store. The applicant is requesting that this application amend an existing SUP (SP19-00010) granted by City Council on March 16, 2020.

**Discussion:**

The Planning Commission considered this application at their meeting on March 9, 2021. The discussion centered on the applicability of the previously approved affordable housing conditions.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 13 at the following link:

<https://charlottesvilleva.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=918>

**Alignment with City Council’s Vision and Strategic Plan:**

The City Council Vision of Economic Sustainability states that, “The City has facilitated significant mixed and infill development within the City.”

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

**Community Engagement:**

Per Sec. 34-41(c)(2), the applicant held a community meeting on February 17, 2021. Four members of the public were present. Neighborhood concerns gathered from the community meeting are listed below.

- The potential rents within the building.
- The type of businesses that would be targeted for the new commercial space.
- The logistics of constructing a building around operating businesses.

The Planning Commission held a joint public hearing with City Council on this matter on March 9, 2021. Several members of the public spoke on the application. The members of the public raised concerns regarding:

- The impact of the building on the traffic on adjacent streets.
- The removal of mature trees on the site, and the requirements for the replacement of tree canopy.
- The conditions on the affordable units presented by the applicant.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

**Recommendation:**

Staff recommends the application be approved.

The Planning Commission voted unanimously to recommend the application be approved with modifications to the proposed conditions.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Special Use Permit within SP21-00001, based on a finding that the proposed permit is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit;

Or

- (4) by motion, defer action on the Special Use Permit.

**Attachment/s (1):**

A. Proposed Resolution

Link to the March 9, 2021 Planning Commission Materials:

<https://charlottesvilleva.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=918>

**RESOLUTION**  
**AMENDING AND REENACTING APPROVING A SPECIAL USE PERMIT**  
**FOR PROPERTY LOCATED AT**  
**1221, 1223 and 1225 HARRIS STREET**

**WHEREAS**, landowner CVILLE BUSINESS PARK, LLC is the current owner (“Landowner”) of certain land identified on 2019 City Tax Map 34 as Parcels 90B, 90C, and 90.1 (City Real Estate Parcel Identification Nos. 340090B00, 340090C00, and 340090100, and current street addresses of 1221, 1223 and 1225, respectively) and having, collectively, an area of approximately 2.446 acres (106,547 square feet) (the “Subject Property”), and

**WHEREAS**, Landowner proposes to redevelop the Subject Property for a specific project, described as follows: by constructing a mixed use building at a height of up to six (6) stories, containing: retail space on the ground floor facing Allied Street, commercial space on the ground floor facing Harris Street, up to ~~105~~ 120 residential dwelling units above the ground floor, and underground parking (the “Project”), for an overall density within the area of the Subject Property of up to 50 dwelling units per acre (DUA); and

**WHEREAS**, the Subject Property is located within the Industrial Corridor zoning district;

**WHEREAS**, the Project is described in more detail within the Applicant’s application materials dated submitted in connection with SP21-00001, SP19-00010 and a site plan exhibit dated December 16, 2019, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on March 9, 2021 ~~February 11, 2020~~; and

**WHEREAS**, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within its Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project; and

**WHEREAS**, upon consideration of the Planning Commission’s recommendation, the Staff Report, public comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-457(b)(5)(a.), 34-458(b), and 34-480, a special use permit is hereby approved and granted to authorize one mixed use building, with a height of up to six (6) stories and containing up to ~~120~~ 105 residential dwelling units above the ground floor, within the Subject Property, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as described within the December 16, 2019 site plan exhibit submitted as part of the Application Materials, as modified within the narrative application materials submitted with SP21-00001, and as required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
  - a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a six-story Mixed Use Building, containing up to 120 ~~105~~ residential dwelling units, ground floor commercial floor area, and underground parking, with overall residential density of up to 50 DUA within the area of the Subject Property.
  - b. The highest point of the Building, as defined within City Code §34-1100(a), shall not exceed an elevation of 510 feet above sea level. Exclusions from measurement of building height shall be those referenced within §34-1101(a).
  - c. The commercial space on the ground floor of the Building facing Allied Street shall be designed, occupied and used for retail uses; either retail or commercial uses may occupy the ground floor of the Building facing ~~Harris Allied~~ Street. The ground floor area to be used and occupied for retail uses shall be no less than that depicted in the December 16, 2019 site plan exhibit submitted as part of the Application Materials.
  - d. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
  - e. The applicant shall provide a preliminary traffic study of the immediate area surrounding the building, as well as traffic impact on Allied Street, Harris Street and the intersection of Harris Street and McIntire Road. The scope of the traffic study shall be approved by the City Traffic Engineer prior to submission, and must be submitted to the City for review and comment prior to the approval of the final site plan for the project.
2. Within the Building, five (5) affordable dwelling units shall be provided for rental by low- or moderate-income persons, as follows: three (3) one-bedroom units and two (2) two-bedroom units. Each of these units shall be an “affordable dwelling unit” as defined in City Code §34-12 throughout a period of ten (10) years.
3. During the first two months for which dwelling units are leased within the Building, five (5) dwelling units shall be reserved for lease to persons who hold housing choice

*vouchers. Prior to commencement of this initial leasing period, Landowner shall notify the Charlottesville Redevelopment and Housing Authority that the 5 reserved units are, or will be, available to persons with vouchers.*