

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Title:	SP21-00003 – Lyndhall Apartments, request for a Special Use Permit to increase residential density and modify setback requirements and parking standards

Background:

Chris Henningsen of Henningsen Kestner Architects, Inc, acting as agent for Richard Spurzem of Neighborhood Investments, LLC, owners of Tax Map 5 Parcel 48 (“Subject Property”) has requested a special use permit on the Subject Property to increase residential density to 48 DUA and modify side setback requirements of Section 34-353(a) and parking standards of Section 34-972(b)(6) per Section 34-162. The Subject Property is currently zoned R-3 and is a contributing structure of District H (Rugby Road—University Circle—Venable Neighborhood) Architectural Design Control District. The applicant proposes 16 multi-family residential units with eight (8) one (1)- bedroom units and eight (8) two (2)- bedroom units totaling 24 bedrooms.

Discussion:

The Planning Commission considered this application at their meeting on April 13, 2021. The discussion centered on:

- Side yard setback requirements of Section 34-353(a). The existing historic structure is non-conforming due to the side yard setback requirement that at least one (1) foot for every four (4) feet in building height for developments with a density of 44- 87 DUA, with a 10 foot minimum setback, is provided. The applicant requested the setback standard be altered to 10 feet minimum per Section 34-162 to eliminate the non-conformity.
- Parking standards of Section 34-972(b)(6). The proposed off-street parking area does not meet the required three (3) foot offset from side and rear property lines. The applicant requested the setback be altered to no minimum per Section 34-162 to permit installation.
- Parking requirements of Section 34-984 and the reduction allowances of Section 34-985. The Planning Commission discussed minimizing parking on-site. The Planning Commission discussed a reduction in the required number of parking spaces for the proposed multi-family residential units as permitted by Section 34-162 due to the proximity of a University Transit Service (UTS) bus stop.
- Bicycle parking spaces. The applicant has proposed eight (8) indoor bicycle parking spaces located in the basement and eight (8) outdoor bicycle parking spaces provided on

bicycle racks in front of the building. The Planning Commission discussed the potential use of proposed spaces, potential reductions permitted by Section 34-985(b), lockable spaces, and appropriate locations for bicycle parking.

- Outdoor patio space. The applicant proposed a 500 square foot patio space south of the building. The Planning Commission discussed whether memorializing the patio space in the Special Use Permit conditions was necessary. Discussion included the location of the patio between two (2) residential buildings with student housing and the importance of providing on-site gathering space for residents.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 5 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/b45632d2-be8b-48ea-b93f-643028af41e7.pdf?sv=2015-12-11&sr=b&sig=KaJTyqsz8PLhuAU63TkGTae5L3Q%2BvyPNqCRuwefpEt8%3D&st=2021-04-15T11%3A31%3A54Z&se=2022-04-15T11%3A36%3A54Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Alignment with City Council's Vision and Strategic Plan:

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. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.” The applicant proposes retaining a historic contributing structure while providing increased residential density in close proximity to the University of Virginia and community amenities such as Washington Park and the Corner shopping district.

Community Engagement:

Per Section 34-41(c)(2), the applicant held a community meeting on December 9, 2020. A City Planner was able to attend as a NDS representative. No neighborhood concerns were provided at the community meeting.

Several community members provided comments to staff via email. A common concern noted was the impact to neighborhood parking availability and traffic patterns as a result of the proposed increased residential density.

The Planning Commission held a joint public hearing with City Council on this matter on April 13, 2021. Two (2) members of the public spoke on the application. The members of the public raised concerns regarding:

- Changes to traffic on the circle due to increase of students living on the street. The community member noted students drive the wrong way down University Way (one-way street). The majority of students have cars, and the community member expressed concern that new residents would impact on-street parking availability.
- The property owner's focus on student housing, the lack of bicycle use by students, and the number of students that may reside on the subject property. The community member noted concerns regarding student behavior, and have previously engaged the University of Virginia on student behavior.

Budgetary Impact:

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

Recommendation:

Staff recommends the application be approved with conditions. The Planning Commission voted 5-0 to recommend the application be approved with conditions modified from the proposed staff 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 SP21-00003.”

- (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:

- A. Proposed Resolution

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
FOR PROPERTY LOCATED AT
64 UNIVERSITY WAY (LYNDHALL APARTMENTS)**

WHEREAS, landowner Neighborhood Investments, LLC (“Landowner”) is the current owner of certain land identified within the City’s real estate records by Real Estate Parcel Identification No. 050048000, currently having a street address of 64 University Way, and having an area of approximately 0.34 acre (14,810 square feet) (the “Subject Property”); and

WHEREAS, Landowner proposes to renovate the existing multifamily dwelling (“Building”) located on the Subject Property, to increase the number of dwelling units within the Building, and seeks a special use permit to authorize an overall residential density of 48 dwelling units per acre (DUA) within the area of the Subject Property, together with certain changes to the parking and landscaping within the Subject Property (collectively, the “Project”); and

WHEREAS, the Subject Property is located within the R-3 (Residential, medium-density residential) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-420, additional residential density may be authorized by City Council by means of a special use permit; and

WHEREAS, the Project is described in more detail within the Landowner’s application materials submitted in connection with SP21-00003, 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 April 13, 2021; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within the 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 subject to suitable regulations and safeguards; and

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, that a special use permit is hereby approved and granted to authorize residential density of up to 48 dwelling units per acre for a Project to be constructed within the Subject Property, subject to the following conditions:

1. Upon completion of the Project, the Building shall contain, in the aggregate, no more than 16 dwelling units, and not more than 24 bedrooms.
2. Pursuant to §34-162(a):
 - a. the side setbacks required by City Code §34-353(a) are hereby modified; all side setbacks shall be 10 feet, minimum;

- b. the off-street parking offset requirements required by City Code §34-972(b)(6) are hereby modified to require no minimum setback;
- c. the off-street parking requirements of City Code §34-984 are hereby modified to reduce required off-street parking spaces by two (2) spaces.

3. Outdoor lighting shall be provided only at building entrances. All outdoor lighting and light fixtures shall be full cut-off luminaires. Light spillover from luminaires onto public streets or abutting lots shall not exceed one-half (0.5) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of public right of way or public easement, whichever is closer to the luminaire.

4. A total of at least sixteen (16) bicycle parking spaces shall be provided within the area of the Subject Property, as follows:

- a. At least eight (8) bicycle lockers,
- b. At least eight (8) outdoor bicycle parking spaces on site.

5. The specific Project for which additional residential density is authorized by this special use permit is the Project described within the Application Materials, including, without limitation: the design, Building height, Building footprint, parking areas, landscaping and other characteristics described or depicted within the site plan exhibit dated January 15, 2021, included among the Application Materials. Except as may otherwise be required in order to comply with requirements of the zoning ordinance or the City's Standards and Design Manual, or with other conditions of this special use permit: any change in the material aspects of the Project that is inconsistent with the representations made within the Application Materials shall require a modification of this Special Use Permit. Without limiting the foregoing, the following are deemed material aspects of the Project for purposes of this special use permit approval:

- a. The number of dwelling units and bedrooms within the renovated Building, as authorized by the overall density approved within this special use permit,
- b. The height and footprint of the existing Building, and
- c. The size, location and configuration of the outdoor patio proposed to be established on the south side of the Building.

6. No construction or improvements shall be commenced prior to approval of a final site plan for the Project and approval of a permit authorizing land-disturbing activities pursuant to Section 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the erosion & sediment control plan and stormwater management plan (if required), as part of the overall plan for the development of the Subject Property, and no such demolition shall be undertaken as a stand-alone activity.