

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



Agenda Date:	August 2, 2021
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
<b>Title:</b>	<b>ZM-21-00001 1206 Carlton Avenue</b>

**Background:**

Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a rezoning application to rezone 1206 Carlton Avenue (“Subject Property”) from the existing residential use (R-2) to multifamily residential use (R-3) with no proffers. The rezoning application requested (in conjunction with SUP application SP-21-00004) is to accommodate a proposed eight (8) unit apartment building on the subject property that would not be permitted under the current zoning. The subject property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain eight (8) dwellings with a mix of one and two-bedroom units with eight (8) parking spaces.

In addition to the rezoning application, Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a special use permit application (SUP) for a residential density of thirty-one (31) DUA ( Dwelling Units per Acres). An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3 through ZM-21-00001. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Sec. 34-162 from the required thirteen (13) feet to eight (8) feet to accommodate the location of the proposed building.

**Discussion:**

The Planning Commission discussed this matter at their July 13, 2021 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The Planning Commission expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street and wanted to know the rent range for the units. The applicant stated that the one and two bedroom units would be in the range of \$1,100 to \$1,500 a month.

During the discussion, Planning Commission talked through additional conditions such as larger street trees. The Commission stated this type of housing is “missing middle” and would support more housing opportunities in the neighborhood. The Commissioners were concerned with putting more units on Carlton Avenue, but did not feel it was the applicant’s responsibility to improve offsite infrastructure - that should be the City responsibility.

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

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on July 13, 2021.

During the July 13<sup>th</sup> Public Hearing, ten members of the public spoke. Many of the speakers were concerned with overflow parking and that the density was too high. Safety for pedestrians on Carlton Avenue, disruption to the character of the neighborhood, and traffic were also major concerns for many of the speakers. Other speakers were in favor of the rezoning and SUP. They felt the scale was consistent with the neighborhood and the development would provide the type of housing the City needs.

Staff received only a few emails regarding this project and they were forwarded to Planning Commission and City Council. The main concern noted related to inadequate parking for this project.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendations:**

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Lahendro seconded the motion.

- Mr. Habbab: Yes
- Mr. Lahendro: Yes
- Mr. Mitchell: Yes
- Ms. Russell: Yes
- Mr. Solla-Yates: Yes
- Mr. Stolzenberg: Yes

The motion passed 6 - 0

**Alternatives:**

City Council has several alternatives:

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

**Attachments:**

A. Ordinance

B. Link to the Staff Report and background information from the July 13, 2021 Planning Commission meeting:

<https://charlottesvilleva.civicclerk.com/web/Player.aspx?id=1179&key=-1&mod=-1&mk=-1&nov=0>

**AN ORDINANCE  
REZONING PROPERTY LOCATED AT 1206 CARLTON AVENUE  
FROM R-2 (RESIDENTIAL TWO-FAMILY) TO R-3 (RESIDENTIAL MULTI-  
FAMILY)**

**WHEREAS**, Management Services Inc. (“Applicant”) is the owner of that certain property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127 (“Property”), and the Applicant seeks a rezoning of such property from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family) (the “Proposed Rezoning”); and

**WHEREAS**, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on July 13, 2021, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, notice of the July 13, 2021 public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

**WHEREAS**, on July 13, 2021, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, on August 2, 2021, this City Council considered: the matters addressed within the Application and Staff Report, comments received from the public (including those received at the public hearing), and the Planning Commission’s recommendation; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2 Residential Two-Family) and the proposed zoning classification R-3 (Residential Multi-Family) 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, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated on City Tax Map 57 as Parcel 127, consisting of approximately 0 .26 acre, from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family).

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect the rezoning set forth within this ordinance.