

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 18, 2022
Action Required:	Consideration of an application for a Rezoning
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	<b>ZM21-0004 – Park Street Christian Church PUD, Rezoning request for Park Street Christian Church</b>

**Background:**

Piedmont Housing Alliance, acting as agent for Park Street Christian Church, owners of Tax Map 47 Parcel 212 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Planned Unit Development (“PUD”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1, Single-Family Residential and is the location of Park Street Christian Church.

The proposed development plan disturbs critical slopes on the Subject Property as defined by Sec. 34-1120(b)(2). A Critical Slopes Waiver (P21-0126) is included as part of this PUD application.

**Discussion:**

The Planning Commission considered this application at their meeting on December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Discussion of drainage and utility infrastructure placement as shown on the conceptual plan. The applicants have proposed drainage and utility line placements within critical slope areas, although slope disturbance and tree clearing is minimized relative to the site.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 85 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/06b9b5aa-8d35-4dfb-9491-66f6dd1078ae.pdf?sv=2015-12-11&sr=b&sig=P95LHU%2FHWpyxzhOTGFD54fc85jMCYq%2BtFa%2By4I6%2F2cQ%3D&st=2021-12-21T14%3A41%3A51Z&se=2022-12-21T14%3A46%3A51Z&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 fifty new residential units to be offered exclusively as affordable housing for senior citizens. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street and Cutler Lane to the nearby Rivanna Trail.

**Community Engagement:**

Per Sec. 34-41(c)(2), the applicant held a community meeting on August 10, 2021. (A City Planner was unable to attend as an NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Increased traffic on Park Street and Cutler Lane will be a problem.
- Traffic counts provided in the traffic study are not considered accurate.
- New development north of Park Street will increase future traffic near this site.
- Concern over adequate parking for vehicles visiting the new apartment units.
- Concern over increased stormwater runoff and flooding related to the new construction.

The Planning Commission held a joint public hearing with City Council on this matter on December 14, 2021. Several members of the public spoke on the application. The members of the public raised concerns regarding:

- Traffic counts provided in the traffic study are not considered accurate.
- Concerns over increased traffic that would be generated by the development.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this rezoning.

**Recommendation:**

Staff recommends the application be approved.

The Planning Commission voted 5 to 0 to recommend the application be approved.

**Alternatives:**

City Council has several alternatives following a public hearing:

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

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM21-0004, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;

- (3) by motion, take action to deny the Rezoning;

Or

- (4) by motion, defer action on the Rezoning.

**Attachments:**

- A. Ordinance
- B. Final Proffer Statement

**BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE,  
VIRGINIA IN RE: PETITION FOR REZONING (City Application No. ZM-21-00004)  
STATEMENT OF PROFFER CONDITIONS  
TAX MAP PARCEL (TMP) 470002120**

ZMA Number and Name: 2021-00004 PHA-PSCC REDEVELOPMENT

Subject Property: TMP 470002120 (1200 Park Street)

Owner: Park Street Christian Church

Applicant: Piedmont Housing Authority (PHA)

Date of Proffer Signature: December 23, 2021

ZMA Request: 7.433 acres to be rezoned from R-1 Residential to Planned Unit Development

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

The undersigned is the Owner of land subject to the above-referenced rezoning petition (the “Subject Property”). The Owner, represented by the rezoning applicant, Piedmont Housing Authority (the “Applicant”), seeks to amend the current zoning of the Subject Property to Planned Unit Development (PUD), subject to certain voluntary development conditions set forth below, in order to develop affordable housing on the Subject Property (the “Project”).

The Owner hereby proffers and agrees that, if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved *Park Street Christian Church Property Senior Affordable Housing Planned Unit Development Application*, dated September 3, 2021, last revised November 15, 2021 (the “Application Plan”), and that the Subject Property shall also be subject the following conditions:

**1. AFFORDABLE HOUSING:**

- (a) The Owner shall cause one hundred percent (100%) of the residential units built on the Subject Property to be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium

Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. Should any units be for-sale units, the affordability period for each of such units shall be not less than forty (40) years from the date conveyed to its first resident owner(s).

(c) The affordability covenants of subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.

2. **TRANSPORTATION IMPROVEMENTS:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall (a) remove vegetation on the Subject Property to provide adequate sight distance for vehicles exiting the Subject Property to turn onto Cutler Lane; and (b) install a right out only direction curb island to permit right turn only out of the Project driveway onto Cutler Lane. The Owner shall grant a sight distance easement to the City of Charlottesville upon request by the City.
3. **PEDESTRIAN TRAILS:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owner shall dedicate to the City, at no cost to the grantee, a permanent fifteen-foot (15') wide pedestrian trail easement in the general locations shown on the Application Plan, as will be more fully determined during site planning and depicted on the final, approved site plan for the Project and on the subdivision plat or separate easement plat, to provide public pedestrian access to the Rivanna Trail.
4. **PARK STREET CROSSING:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy for the Project, the Owner shall provide a pedestrian street crossing at the southern intersection of Cutler Lane and Park Street, consisting of high-visibility pavement markings, ADA curb ramps, and advanced signage.

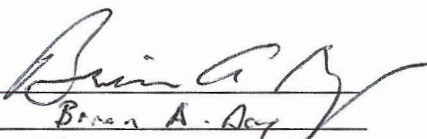
(Signature Page Immediately Follows)

**WHEREFORE**, the undersigned Owner stipulates and agrees that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated and request that the Subject Property be rezoned as requested, in conformance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 23 day of Dec, 2021.

**OWNER:**

**PARK STREET CHRISTIAN CHURCH**

By:   
Name: Brian A. Day  
Title: Church Trustee

**AN ORDINANCE  
APPROVING REZONING APPLICATION ZM21-00004  
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND  
LOCATED AT 1200 PARK STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL)  
TO PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”) SUBJECT TO  
PROFFERED DEVELOPMENT CONDITIONS**

**WHEREAS**, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Park Street Christian Church, the owner of the parcel of land designated on City Tax Map 47 as Parcel 212, and comprising 7.5 acres (collectively, the “Applicants”), seek a rezoning of such property from R-1 (Single Family Residential) to PUD (Planned Unit Development) (hereinafter the “Proposed Rezoning”) subject to proffered development conditions; and

**WHEREAS**, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00004; has reviewed the NDS Staff Report, public comments, 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 requires the Proposed Rezoning; that both the existing zoning classification (R-1) and the proposed zoning classification (PUD subject to 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, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-1 (Single Family Residential) to PUD (Planned Unit Development) the parcel of land designated on City Tax Map 47 as Parcel 212 (1200 Park Street), subject to the following proffered development conditions (“Proffers”), which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

**Approved Proffers**

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowners, which conditions shall

ZM21-00004

apply in addition to the regulations otherwise provided within the City's zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

**1. Affordable Housing:**

- (a) The Owner shall cause one hundred percent (100%) of the residential units built on the Subject Property to be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. Should any units be for-sale units, the affordability period for each of such units shall be not less than forty (40) years from the date conveyed to its first resident owner(s).
- (c) The affordability covenants of subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.

**2. Transportation Improvements:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall (a) remove vegetation on the Subject Property to provide adequate sight distance for vehicles exiting the Subject Property to turn onto Cutler Lane; and (b) install a right out only direction curb island to permit right turn only out of the Project driveway onto Cutler Lane. The Owner shall grant a sight distance easement to the City of Charlottesville upon request by the City.

**3. Pedestrian Trails:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owner shall dedicate to the City, at no cost to the grantee, a permanent fifteen-foot (15') wide pedestrian trail easement in the general locations shown on the Application Plan, as will be more fully determined during site planning and depicted on the final, approved site plan for the Project and on the subdivision plat or separate easement plat, to provide public pedestrian access to the Rivanna Trail.

**4. Park Street Crossing:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy for the Project, the Owner shall provide a pedestrian street crossing at the southern intersection of Cutler Lane and Park Street, consisting of high-visibility pavement markings, ADA curb ramps, and advanced signage.

**BE IT FURTHER ORDAINED THAT** the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.