

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



Agenda Date:	September 19, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Special Use Permit request at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue (1 reading)

Background

Aspen Topco II Acquisitions, LLC (Contract Purchaser) represented by Mitchell/Matthews Architects and Planners has submitted an application requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-420, 34-353(3), and Sec. 34-162(a), which allows increased residential density, additional height, and modifications to parking and setbacks for properties located at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA,” or the “Subject Properties”). The Subject Properties are identified as Tax Map and Parcels 170104000, 170103100, and 170103000, respectively, and owned by Norman Lamson, Trustee of the Gadiant Land Trust Agreement. The Subject Properties have street frontage on Jefferson Park Avenue, Observatory Avenue, and Washington Avenue, and a by-right density of 21 dwelling units per acre (DUA). The applicant is looking to increase density to 70 DUA, increase height from a by-right 45 feet to 75 feet, reduce the rear-yard setback from the required 75 feet to 36 feet, and reduce the onsite parking by 22% from what is required under Sec. 34-984. The SUP is required in order to accommodate the development being proposed for a 119-unit multifamily building with underground parking. The Subject Property is zoned R-3 (medium-density residential with an Entrance Corridor overlay).

Discussion

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on May 10, 2022, on this matter. In addition to the Public Hearing, the Planning Commission, in the role of Entrance Corridor Review Board (ERB), also deliberated on this proposal. The Planning Commission and City Council had the following comments and concerns:

- Although parking along Washington and Observatory is controlled by permits, the current regulations allow anyone to park during the evenings and weekends. Thought should be given to amending the code to make permit parking in this area 24/7.
- Concern was raised regarding the limited sight distance cars have when turning on to JPA from Washington and Observatory. This issue can be alleviated during site plan review, according to the City’s Traffic Engineer.
- Trash storage and removal is a concern, given the large size of the project.
- Concern was raised related to the massing and scale of the building and the impact it could have

on the surrounding neighborhood.

- Concerns were raised with the Streets That Work guidelines for only three (3) feet of planting space between the sidewalk and JPA. Consideration should be given to five (5) feet of planting space in order to better accommodate streetscape trees.

The Planning Commission and City Council had a long conversation related to this project. They recognized the need for more dwelling units in the City, particularly in the University area, but expressed concerns about the massing and scale of the building and how this project would relate to the existing homes in the neighborhood. It was determined that most of the massing and scale issues could be addressed and mitigated when the project comes back to ERB for design review and a Certificate of Appropriateness (COA). The inclusion of affordable housing units on-site was also a major point of discussion. Pursuant to Code Sec. 34-12, the applicant must either provide affordable housing units, on- or off-site, or pay into the City's affordable housing fund. City Council would prefer affordable housing units over a cash-in-lieu payment, or a larger payment to better reflect the true cost of building affordable units. The overall takeaway from the Public Hearing for both City Council and the Planning Commission was that a by-right development on the Subject Properties would not meet the City's needs, but the SUP request could be adjusted to create a better development.

[Link to the recording of the Public Hearing](#)

Much of what the ERB discussed is reflected in the notes above. Regarding specific design elements, the ERB expressed that the impact of increased height (primarily, the building's massing) is a concern at the side elevations, along Observatory Avenue and Washington Avenue, respectively, which must be addressed during the design review. The ERB acknowledged the impact can be mitigated during the design review process. However, they sought to clarify whether having to mitigate an impact established it as adverse or if being able to mitigate an impact established it was not adverse. In brief, they discussed whether the recommendation to City Council should stress the adverse impact or the positive result of mitigation, with staff suggesting the latter. Ultimately, as represented in the approved motion, the ERB concluded the increased height will result in an adverse impact, but the impact can be mitigated during the design review process.

The ERB voted 7-0 to find the impacts of increased height and related massing and scale will adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; however, these impacts can be mitigated during the required design review process .

Staff note: The ERB discussion, as timed on the video, occurred between 04:05:00 and 04:24:00, approximately. [Link](#)

Link to Planning Commission Public Hearing [Link to May 10, 2022 Public Hearing](#)

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

Per Sec. 34-41(c)(2), the applicant held a community meeting on December 7, 2021, and was well-attended by twelve (12) members of the community. (A City Planner was able to attend as a NDS

representative). A recording of the meeting can be found at the link below:

[Link](#)

Staff received a number of emails and phone calls expressing concerns about the development. Below is an outline of these concerns:

- Lack of on-street parking: Observatory and Washington Avenues already deal with a lack of on-street parking that impacts everything from trash pickup to blocking driveways.
- Parking will be inadequate for the development and impact the surrounding neighborhood.
- The scale of the building will be much larger than any of the surrounding buildings.
- The project will place too much density in one place.
- The development will remove existing trees that are part of the urban forest.
- Students living in the development will increase car traffic, and not walk or take the bus.
- The residents will have visitors, which will further impact parking in the neighborhood.
- The new development will create too much impervious surface and not be environmentally friendly.
- The setback should not be reduced.

Any emails received by staff regarding this project have been forwarded to the Planning Commission and City Council or can be found as attachment D to the staff report.

On May 10, 2022, the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting, allowing the public to participate online or in person. During the Public Hearing, fourteen (14) members of the public participated. Below is an outline of their comments:

- Parking, trash, traffic, and shadows cast by the building will be major issues.
- Pedestrians will cross JPA across from the Subject Properties, regardless of whether a crosswalk is located there, potentially creating a dangerous situation.
- Removing the large existing trees will contribute to climate change and potentially create a “heat island.”
- The proposed development will alter the charm and character of the neighborhood.
- The proposed development is too large and does not match the scale of the neighborhood.
- Fire and Rescue will have problems getting down Observatory Avenue.
- The development will create much-needed student housing close to the University.
- The proposed development needs more affordable housing units, but would help address some of the City’s housing needs.
- More housing is needed in this part of the City and this development will help with that.

Budgetary Impact

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

Recommendation

The Planning Commission voted 4-3 to recommend the application be approved.

Suggested motion: “I move the RESOLUTION Granting a Special Use Permit for Property Located at 2005 - 2007 Jefferson Park Avenue and 104 Observatory Avenue, City Tax Map 17 Parcels 103, 103.1 and 104”

Alternatives

City Council may deny or indefinitely defer the requested Special Use Permit:

(1) Denial: "I move to deny the special use permit requested within zoning application no. SP22-00001"

(2) Deferral: "I move to defer Council action on zoning application no. SP22-00001"

Attachments

1. Resolution_SUP_2005 JPA