

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, January 12, 2021 at 5:30 P.M. Virtual Meeting

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 5:00 p.m.

Location: (Electronic/Virtual)

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: (Electronic/Virtual)

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

F. CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

G. Cville Plans Together - update

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

- 1. CP21-00001: Comprehensive Plan Amendment – Cherry Avenue Small Area Plan:** The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan, to include the contents of the Cherry Avenue Small area Plan as prepared by the Thomas Jefferson Planning District Commission and residents of the Fifeville neighborhood. The purpose of the Cherry Avenue Small Area Plan is to set a detailed vision for the Cherry Avenue Mixed Use Corridor and also includes all of the surrounding Fifeville neighborhood. The Study Area is approximately 330 acres divided between a Primary focus Area (Cherry Avenue corridor), a Secondary Focus Area (from Buford Middle School over to Prospect Avenue and the areas adjacent to the norther boundaries), and a Tertiary Focus Area (Forest Hills Park and the Rock Creek area). The Plan will serve as a guide for new development and redevelopment within the defined Study Area. This small area plan focuses on preferred models of growth and urban forms, as well as transportation and housing solutions, economic development opportunities and public amenities. The generally boundaries of the area included within the map for this Small Area Plan are; North – the CSX railway, South – Rock Creek and Valley Road Extension, East – Ridge Street and 5th Street Southwest, and West – CSX railway. A map of the area is shown on pages 5 (The Study Area) and page 28 (Context and Analysis) of the Plan document. The Cherry Avenue Small Area Plan may be viewed at <https://tjpc.org/reports-archive/cherry-avenue-small-area-plan/>

Following the joint public hearing, the Planning Commission may recommend to City Council that it should approve the Cherry Avenue Small Area Plan as presented, make recommendations for changes to the plan and recommend approval of the Cherry Avenue Small Area Plan with the recommended changes, or disapprove the proposed Cherry Avenue Small Area Plan as a Comprehensive Plan amendment.

IV. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded.

1. SP20-00001 - 1000 Monticello Road - Special Permit request deferred from December 2020
2. Zoning Text Initiation – Mixed Use in Downtown North

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday January 26, 2021 - 5:30PM		Cville Plans Together
Tuesday February 9, 2021 – 5:00 PM	Pre-Meeting	
Tuesday February 9, 2021 – 5:30 PM	Regular Meeting	<u>Minutes</u> – October 13, 2020 – Pre -meeting and Regular meeting <u>Minutes</u> – November 10, 2020 – Pre -meeting and Regular meeting <u>Entrance Corridor – Comprehensive Sign Plan Request</u> – 916 E High Street Charlottesville Capital Improvement Program FY 2022-2026

Anticipated Items on Future Agendas

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements, Accessory Dwelling Unit, Middle Density zoning and Affordable Dwelling Unit

Comp Plan Amendment – Community Vision Plan – Starr Hill

Site Plan – Grove Street PUD, Flint Hill PUD

Rezoning – 240 Stribling Avenue, 1613 Grove Street

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

During the local state of emergency related to the Coronavirus (COVID19), City Hall and City Council Chambers are closed to the public and meetings are being conducted virtually via a Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and www.charlottesville.gov/streaming. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: www.charlottesville.gov/zoom . You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
12/1/2020 TO 12/31/2020**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
 - a. Chi Psi Lodge - 167 Chancellor Street – December 2, 2020
 - b. CRHA South First Street Phase 2 (900-1000 1st Street S) – December 8, 2020
 - c. Friendship Court Phase I – December 8, 2020
- 3. Site Plan Amendments**
- 4. Subdivision**

City of Charlottesville
Department of Neighborhood Development Services
Staff Report



CITY COUNCIL AND PLANNING COMMISSION
JOINT PUBLIC HEARING

RE: Cherry Avenue Small Area Plan

Project Planner: Thomas Jefferson Planning District Commission
Chip Boyles, Executive Director
Sandy Shackelford, Director of Planning and Transportation
Nick Morrison, Planning Program Manager
Neighborhood Development Services
Alex Ikefuna, Director
Missy Creasy, Assistant Director
Matt Alfele, City Planner

Date of Staff Report: December 31, 2020

Background

The City's 2013 Comprehensive plan calls for identifying specific areas of the city where planning and design issues or investment opportunities may warrant additional study through the development of small area plans. The small area planning process is intended to examine these areas anew and holistically, with the full engagement of the public, elected and appointed officials and planning professionals. The resulting small area plan will provide the basis for future planning, urban design, investment decisions, and possible changes to zoning and the future land use plan. The small area plan will be appended to the Comprehensive Plan and reviewed for possible changes every five years.

The Cherry Avenue Small Area Plan is a policy document for the City of Charlottesville, intended to guide the actions of local decision-makers and City staff. The plan should serve as a to-do list, helping to determine changes to local land use codes, capital investments, development of recurring programs, and adoption of one-time initiatives. The Small Area Plan is also intended to serve as a guide for neighborhood residents, businesses and Fifeville stakeholders. Many of the plan recommendations are neighborhood-driven efforts that will require new partnerships with nonprofits and other community groups.

In 2015, the Fifeville Neighborhood Association assembled a committee to conduct a visioning exercise for the Cherry Avenue corridor. In 2016, Fifeville's community-driven effort convinced the City's Planning Commission to invest in a small area planning process for the corridor. In the spring of 2017, Charlottesville's Neighborhood Development Services (NDS) Department started talks with the Thomas Jefferson Planning District Commission (TJPDC), defining them as the outside

agency to develop the plan and manage public engagement with the official kick off to the planning process beginning in the fall of 2017.

The purpose of this plan is to determine what should be done in the future, in order to achieve the stated vision. As it is important to be thoughtful in determining those actions, the Cherry Avenue planning process was inclusive and intentional. The Fifeville Neighborhood Association assembled a Think Tank of residents that helped to engage the community and provide general input. With the help of those neighbors, the TJPDC held two open house events; convened various focus groups; conducted front porch discussions with Fifeville residents; attended community events with informational displays; and, presented the final product at an open community event. In addition, there were several interviews and discussions with neighborhood residents, stakeholders and businesses.

TJPDC staff collected hundreds of community comments and cataloged each into a searchable database. Many of those comments were consistent with previous planning efforts, dating back to the 1980s. Staff created a narrative of those comments, developing an index of statements and recommendations, found in Chapter 2. Throughout the planning process, staff collected and analyzed data, which resulted in additional recommendations. That research is described in Chapters 3 through 7. Staff also looked to other communities that face similar challenges, to develop a list of best practices, also added to the list of plan recommendations. Through technical and public vetting, the plan finally came into focus with a list of clear actions that will help to bring positive change to the Cherry Avenue corridor and Fifeville Neighborhood.

Adoption of this plan does not mark the completion of the Cherry Avenue process. The community-driven effort, which resulted in the Visioning Report, essentially served as Phase I, with initial outreach and identification of community issues. The Cherry Avenue Small Area Plan functions as a Phase II, with additional outreach, data analysis and recommendations for next steps. Implementation, which will include additional studies and outreach, and progression to funding of capital improvements and programming will be the third phase for achieving the community's vision.

Standard of Review

All amendments to the Comprehensive Plan shall be recommended, approved and adopted, respectively, in accordance with the requirements set forth within Title 15.2, Chapter 22, Article 3 of the Code of Virginia as amended.

Consistency with the Comprehensive Plan

The Cherry Avenue Small Area Plan complies with the City's 2013 Comprehensive Plan in the following areas:

Land Use

- Goal 1-Sense of Place: Enhance the sense of place through Charlottesville.
- Goal 2-Mixed Use: Establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout

Charlottesville.

- Goal 3-Public Space: Enhance formal public spaces of community interaction in Charlottesville that support the City's role as a center of urban vitality.
- Goal 5-Innovation: Explore progressive and innovative land use, design standards and zoning regulations to accomplish the City's vision.

Community Facilities

- Goal 7-Parks & Recreation (upgrades): Upgrade existing Park & Recreation infrastructure to modern standards and address the value and uses of natural areas.
- Goal 8-Parks & Recreation (expansion): Expand current inventory of the Park facilities.
- Goal 9-Parks & Recreation (use): Promote efficient use of all Park properties and recreation facilities.
- Goal 10-Parks & Recreation (best practices): Adopt customized Park and Recreation facility standards that support a livable community for the City and its partnering agencies, and perform consistent maintenance on all Parks and Recreation facilities.
- Goal 11-Parks & Recreation (Trails): Connect the park system to the community through the development of trails and through the effective and appropriate design of park and recreation facilities.
- Goal 12-Parks & Recreation (environment): Develop trails that are sensitive to the community's environmental system and cultural and historic resources.

Economic Sustainability

- Goal 1-Innovation: Create an entrepreneurial environment that fosters the creation and success of businesses.
- Goal 3-Partnerships: Build partnerships with private sector groups in order to maximize strategic capital investment in targeted areas in the City.

Housing

- Goal 2-Maintain & improve housing stock: Maintain and improve the City's existing housing stock for residents of all income levels.
- Goal 3-Grow the City's Housing Stock: Grow the City's housing stock for residents of all income levels.
- Goal 6-Importance of incentives: Establish a series of incentives to create new housing.
- Goal 7-Design options: Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones.
- Goal 8: Sustainability Principles: Ensure that the City's housing portfolio offers a wide range of choices that are integrated and balanced across the City to meet multiple goals including: increased sustainability, walkability, bikeability, and use of public transit, augmented support for families with children, fewer pockets of poverty, sustained local commerce and decreased student vehicle use.

Transportation

- Goal 1-Complete Streets: Increase safe, convenient and pleasant accommodations for pedestrians, bicyclists and people with disabilities that improve quality of life within the community and within individual neighborhoods.
- Goal 2-Land Use and Community Design: Improve transportation options and quality of life through land use and community design techniques.

- Goal 4-Efficient Mobility: Maintain an efficient transportation system that provides the mobility and access that supports the economic development goals of the City.
- Goal 5-Parking: provide parking to adequately meet demand and support economic vitality without sacrificing aesthetics, while minimizing environmental impacts and accommodating pedestrians, bicycles, transit users and disable individuals.
- Goal 6-Transit System: Create a transit system that increases local and regional mobility and provides a reliable and efficient alternative for Charlottesville’s residents.

Historic Preservation & urban Design

- Goal 1-Urban Design: Continue Charlottesville’s history of architectural and design excellence by maintaining existing traditional design features while encouraging creative, context-sensitive, contemporary planning and design.
- Goal 5-Neighborhood Conservation: Protect and enhance the existing character, stability, and scale of the city’s older neighborhoods.

Community Vision and Goals:

Cherry Avenue will be a vibrant mixed-use area that supports a diverse, thriving Fifeville community. New development and investment on Cherry Avenue and throughout the neighborhood will build a sense of community between long-time and newer residents and be accessible to residents at the most vulnerable end of the socio-economic scale.

1. Rebuild and strengthen the sense of belonging, inclusion, and community in Fifeville.
2. Lift up and preserve Fifeville’s legacy of African American leadership, and highlight Fifeville’s unique sense of place as a culturally diverse neighborhood.
3. Ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms.
4. Ensure low-income residents, people of color, and generational residents are able to remain in Fifeville and benefit from neighborhood investments.
5. Invest in empowerment and upward mobility for neighborhood residents at the most vulnerable end of the socio-economic scale.
6. Foster an inclusive and welcoming community through place-keeping, place-making, and beautification.
7. Encourage new development that advances equity, is financially and socially accessible to residents and represents Fifeville.
8. Provide a safe and more connected community that creates access and opportunities for residents.
9. Provide a transportation network that prioritizes safety and mobility for residents.
10. Increase health and well-being of neighborhood residents.

SWOT Analysis list:

To gain more insight into the specifics community comments, staff organized them into a S.W.O.T (Strengths, Weaknesses, Opportunities, and Threats) matrix. Strengths are existing features, amenities, and characteristics that contribute to a community’s success. These include intangible attributes as well as physical assets. Successful communities reinforce, protect, and build on all

their strengths. Weaknesses are existing features, conditions, or problems that hinder a community from realizing its goals. A community should consider ways to address or overcome these obstacles. Opportunities, unlike strengths and weaknesses, are more forward-looking and deal with larger forces. These are prospects that could help a community realize its goals. A community should consider ways to strategically take advantage of these opportunities. Threats, like opportunities, are more forward-looking. These future challenges could hinder the community from realizing its goals. A community should consider ways to avoid or mitigate threats.

Strengths

Caring and Diverse Neighborhood Residents
The Neighborhood's Convenient Location
Access to Community Parks and Amenities
Green Space and Trees
The Small-Town Character
The Walkable Streets

A Rich History and Strong Community Memories
Affordable Homes
Afterschool Programs in Nearby Schools
Positive Changes

Weaknesses

Safety Concerns for People Walking and Biking
Traffic: Speeding and Congestion
Inconveniences with Bus Service
Inadequate Parking
General Disrepair
The Presence of Litter
Lack of Access to After School Programs

Limited Food Access
Lack of Affordability
Vagrancy
Limited Park Capacity
Lack of Diverse Businesses
Lack of City Support
Fears of Change

Opportunities

An Active and Engaged Community
Community Events
Volunteerism and Neighbor Relationships
Growing Development Pressures
Improved Housing Options
Mixed-Use Development
More Business Variety
Improved Access to Food
Support for Entrepreneurs and Small-Business
Reinvestment in Vacant Lots
Attention from City Officials

Speed Reduction
Improved Bike and Pedestrian Safety
Convenient and Comfortable Public Transportation
Improved Lighting
Park Improvement
New Open Spaces
Beautification Efforts
Improve Access to After-School Programming
New Partnerships
Positive UVA Involvement
Telling Stories of Fifeville's Past

Threats

Gentrification
Incompatible Uses

Encroachment of Intensive Development
Increased Speeding and Congestion

Public Input and Other Comments Received

The Cherry Avenue Small Area Plan was crafted with the guidance from the Fifeville Neighborhood Association, the Cherry Avenue Think Tank, Fifeville residents, business owners, community leaders through focus groups, and the Cherry Avenue Small Area Plan Technical Committee over the course of three years. Within that three year period, these groups met more than twenty times for large events and almost monthly on a smaller scale. A full account of the public engagement process is available within the Neighborhood Feedback chapter of the plan, but below is a list of major touchpoints in the planning process:

- **2013:** 2013: Charlottesville Comprehensive Plan update calls for Small Area Plans
 - **2015:** Fifeville Neighborhood Association (FNA) forms the Cherry Avenue Committee
 - **2016:** FNA releases the Cherry Avenue Community Visioning Summary Report
 - **2016:** Charlottesville Planning Commission awards funding for the Cherry Avenue Small Area Plan to Fifeville
 - **2017:** Small Area Planning Process begins
- Think Tank Meetings:**
- **November 30, 2017:** Planning process overview, project background, and getting-to-know you exercise
 - **December 20, 2017:** Measures of success, update on UVA research, focus group topic identification
 - **January 25, 2018:** Brainstorm on focus group and tech committee, zoning discussion, project timeline
 - **February 15, 2018:** March open house event brainstorm
 - **March 22, 2018:** March open house event preparation
 - **April 19, 2018:** Open house debrief, visual zoning analysis review, Better Block planning session
 - **May 8, 2018:** Better Block walking tour of Cherry Ave
 - **May 24, 2018:** Review of Think Tank group structure, UVA student work conclusions
 - **June 21, 2018:** Focus Group report, zoning conversation, modeling exercise discussion
 - **July 19, 2018:** Preparation for August 26th Open House
 - **August 16, 2018:** August 26th Open House preparation
 - **September 2018:** Online meeting to review parking study and August feedback
 - **October 2018:** Review of public feedback, initial recommendations review
 - **November 2018:** Review of draft goals, objectives, and recommendations
 - **January 2019:** Draft plan update and project next steps
- Open Houses**
- **March 25, 2018** at Buford Middle School: Data gathering open house
 - **August 26, 2018** at Buford Middle School: Additional data gathering and education
 - **December 19, 2019** at the Cherry Avenue Shopping Center: Review of the draft plan
- Focus Groups**

- **June 6, 2018:** Transportation: Meeting with MPO staff, Think Tank Members, and staff from CAT, JAUNT, and Neighborhood Development Services.
- **June 13, 2018:** Education: Meeting with principals from Charlottesville High School, Jackson-Via, Johnson Elementary, and several Think Tank members.
- **June 2018:** Business Owners: In late June, staff visited every business along the Cherry Avenue commercial corridor to gain insight into the needs and desires of the business community.
- **June 11, 2018:** Community Youth: Meeting with a group of 25 rising 6th, 7th, & 8th graders from Abundant Life Ministries.

Front Porch Discussions

- **June 6, 2018:** 1109 Forest Hills Avenue
- **July 5th, 2018:** 34 6 ½ street
- **August 2, 2018:** 221 5th Street
- **August 15, 2018:** Greenstone Resident Meeting
- **August 25, 2018:** 780 Prospect Avenue
- **September 23, 2018:** 600 Dice Street.

Technical Committee

- **June 14, 2019**
- **September 12, 2019**

Planning Commission Work Sessions

- **June 28, 2016**
- **February 26, 2020**

Suggested Motions for Plan Approval

1. I move to approve the attached resolution as presented to amend the City's 2013 Comprehensive Plan to include the Cherry Avenue Small Area Plan, dated December 2020.

Or,

2. I move to approve the attached resolution with amendments to amend the City's 2013 Comprehensive Plan to include the Cherry Avenue Small Area Plan, dated December 2020.

Or,

3. I move to deny the deny amending the City's 2013 Comprehensive Plan to include the Cherry Avenue Small Area Plan, dated December 2020.

Project Website

<https://tjpd.org/wp-content/uploads/Cherry-Avenue-SAP-12-10-2020.pdf>

Attachments

Small Area Plan Summary Report Dated June 2020
Resolution

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
RECOMMENDING ADOPTION OF THE CHERRY AVENUE SMALL
AREA PLAN**

WHEREAS, on January 12, 2021 this Planning Commission and City Council jointly held a public hearing on the Cherry Avenue Small Area Plan proposed as an amendment of the City's Comprehensive Plan, after notice given as required by law,

NOW THEREFORE, BE IT RESOLVED that this Planning Commission hereby recommends to the City Council that it should approve the Cherry Avenue Small Area Plan dated December 2020 as an amendment to the City's Comprehensive Plan. A copy of the Cherry Avenue Small Area Plan recommended by the Commission is attached to this Resolution and is hereby certified to the City Council for its consideration in accordance with City Code Section 34-27 (b).

Adopted by the Charlottesville Planning Commission, the 12th day of January 2021.

Attest: _____

Secretary, Charlottesville Planning Commission

Attachment: Cherry Avenue Small Area Plan (**Link:**

<https://tjpc.org/reports-archive/cherry-avenue-small-area-plan/>

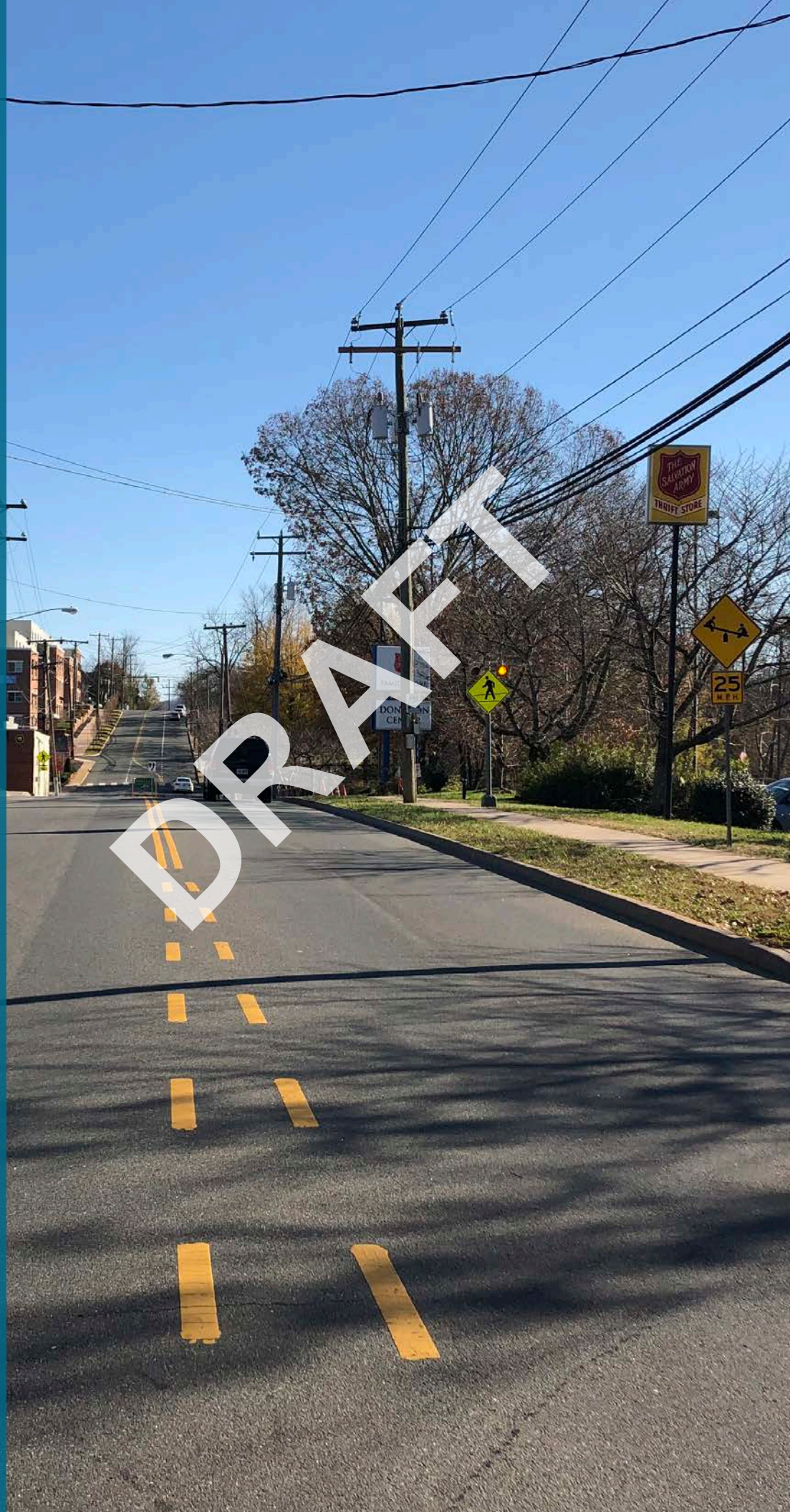
Cherry Avenue

Small Area Plan

Summary Report

June 2020

Developed on behalf of
the Fifeville Neighborhood
Association





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Acknowledgments

In September of 2017, the City of Charlottesville initiated the Cherry Avenue Small Area Planning effort. While the Thomas Jefferson Planning District Commission (TJPDC) conducted the planning work and managed the public engagement process, many groups and individuals contributed to the effort. The TJPDC would like to thank those who contributed their time, resources, and creativity to make the final plan possible. Additional appreciation goes to all those who will make the plan a reality.

- The Fifeville Neighborhood Association
- The Cherry Avenue Think Tank
- All Fifeville residents, business owners and community leaders who participated
- Charlottesville City Staff
- Charlottesville Planning Commission
- Charlottesville City Council

Welcome

“There is a saying from an old movie I like: ‘strange how one man’s life touches so many others and when he isn’t around it leaves a hole’. So we should be kind and friendly to the people we come in contact with everyday. I believe in this community.

As big as Fifeville is, we cross paths with our neighbors. We should come together and work to keep Fifeville a vibrant, historic, livable, economical, and safe community that its residents can be proud of.

As we move forward with the Cherry Avenue Small Plan, I do believe that this is what Fifeville can become, and each of us can do a little and get involved in our neighborhood associations and let our voices and concerns be heard about the issues surrounding us and our neighbors.”



-Carmelita Wood, Fifeville Neighborhood Association President, Think Tank Member, and community resident

“I love the fact that this is our neighborhood. People may infringe upon us, but we have the history. I walk through there [Cherry Avenue] every day and there are OG’s [long-time Fifeville residents] and there are the new cats that show them respect. What I would like in the future is for the younger generation to get the real history of what our parents and grandparents and great grandparents went through to even open up stores on Cherry Ave. How black women and men looked out for one another’s kids. And you wouldn’t be here if not for their struggles. Help the black community have equal opportunities to own our homes. Don’t just sell them to the highest bidder, give us a chance. Don’t keep putting up hotels; put up community center. Most of all, let the police know not everyone in a hoody or walking late is up to something. We still need equality, peace, happiness and the pursuit of justice. Sorry for rambling ... I love my neighborhood and this survey touched me.” ~ Cherry Avenue Survey Respondent, via email, 2015

Introduction

WHY NOW?

- Pressure of displacement of long-time residents and a need for affordable housing,
- Stresses on the neighborhood and its commercial corridor from commuter traffic,
- Large approved development under construction, anchoring the east and west ends of the corridor,
- Large numbers of vacant lots with potential for development along the corridor, and
- The ability to utilize the groundwork laid by the Fifeville Neighborhood Association (FNA) in the Cherry Avenue Community Visioning Summary Report (May 2016).
 - Available at: <https://fifevilleneighbor.wordpress.com/cherry-avenue/>

PLAN INTENT

The Cherry Avenue Small Area Plan sets a detailed vision for the Cherry Avenue corridor and the surrounding Fifeville neighborhood. It is a policy document, commissioned by the City of Charlottesville, intended to:

- Create a clear vision for the study area,
- Provide recommendations for making that vision happen, and,
- Guide the actions of City officials and community stakeholders.

STUDY AREA



Introduction Continued

TIMELINE

- 2013: Charlottesville Comprehensive Plan update calls for Small Area Plans**
 - The City of Charlottesville adopted an update to its citywide plan (the Comprehensive Plan), which sets local policies and provides a to-do list for local officials. That document called for additional plans for defined areas across the City.
- 2015: Fifeville Neighborhood Association (FNA) forms the Cherry Avenue Committee**
 - The Neighborhood Association formed the Cherry Avenue Committee, made up of residents and open to all neighborhood participants.
- 2016: FNA releases the Cherry Avenue Community Visioning Summary Report**
 - The Cherry Avenue Committee conducted a neighborhood-wide visioning effort for the future of Cherry Avenue, in response to FNA discussions about the future of the corridor. The resulting report outlined a vision, goals, desired uses and next steps.
- 2016: Charlottesville Planning Commission awards funding for the Cherry Avenue Small Area Plan to Fifeville**
 - Late in the summer, City Planning Commissioners designated the Cherry Avenue Corridor for its next small area planning initiative.
- 2017: Small Area Planning Process begins**
 - The City contracted with the TJPDC to run the process and develop the small area plan. The Fifeville Neighborhood Association formed a Think Tank of residents to guide the process.
 - March 2018: Community History Event**
 - A community meeting was held at Buford Middle School focused on Fifeville's past, allowing residents to tell their stories.
 - Summer 2018: Front Porch Discussions and Focus Groups**
 - A series of meetings in the community, including front porch discussions and focus groups.
 - August 2018: Community Open House**
 - The August 26th meeting was the largest gathering in the process allowing residents to participate in an interactive zoning and land use exercise.
 - Summer 2019: Cherry Avenue Technical Committee**
 - The Cherry Avenue Technical Committee, comprised of City staff, business owners, and Think Tank members met to review and revise the draft plan recommendations.
 - December 2019: Final Recommendations Open House**
 - A strong turn out of residents attended the open house event to review and prioritize the draft recommendations and discuss implementation actions moving forward.
- 2020: Adoption of the Small Area Plan into the Charlottesville Comprehensive Plan**
 - Add the Cherry Avenue Small Area Plan as an amendment to the Charlottesville Comprehensive Plan.
- 2020: Implementation of recommendations**
 - Charlottesville, the Fifeville Neighborhood Association, community stakeholders and their partners collaborate on recommendations from the Cherry Avenue Small Area Plan.

Neighborhood Vision

Cherry Avenue will be a vibrant mixed-use area that supports a diverse, thriving Fifeville Community. Development on Cherry Avenue will respect and preserve the history and culture of the Fifeville neighborhood. New development and investment on Cherry Avenue and throughout the neighborhood will build a sense of community between long-time and newer residents and be accessible and welcoming to residents at the most vulnerable end of the socio-economic scale.



Image Credit: Nathan Walton



GOALS

- 1 Rebuild and strengthen the sense of belonging, inclusion, and community in Fifeville.
- 2 Lift up and preserve Fifeville's legacy of African American leadership, and highlight Fifeville's unique sense of place as a culturally diverse neighborhood.
- 3 Ensure that local land use laws encourage a vibrant, mixed-use corridor along Cherry Avenue while respecting the existing lower density historic housing forms.
- 4 Ensure low-income residents, people of color, and generational residents are able to remain in Fifeville and benefit from neighborhood investments
- 5 Invest in empowerment and upward mobility for neighborhood residents at the most vulnerable end of the socio-economic scale.
- 6 Foster an inclusive and welcoming community through place-keeping, place-making, and beautification.
- 7 Encourage new development that advances equity, is financially socially accessible to residents and represents Fifeville.
- 8 Provide a safe and more connected community that creates access and opportunities for residents.
- 9 Provide a transportation network that prioritizes safety and mobility for residents.
- 10 Increase health and well-being for all neighborhood residents.

Community Voices



"It's important to connect with people. Talk with them. Show them some love. Listen to each other. And look out for each other. That's what makes Fifeville a strong community."

-Howard Robinson, Fifeville Neighborhood Association Member, Cherry Avenue Think Tank member, and community resident



"Coming from a different culture, as an immigrant, this neighborhood specifically gives you the back home feeling."

-Mohammed Eitta, Cherry Avenue Think Tank Member and Boy Scout Troop #1437 Leader at the Islamic Society of Central Virginia



"Fifeville is not a cookie cutter neighborhood. It has so much history."

-Bethany Hurley, Fifeville Neighborhood Association Member and community resident



"If we just respect each other's diversity, and just really respect each other's opinions, I think we're gonna do good. This neighborhood is the greatest neighborhood in Charlottesville."

-Community Resident, at 2018 March History Event

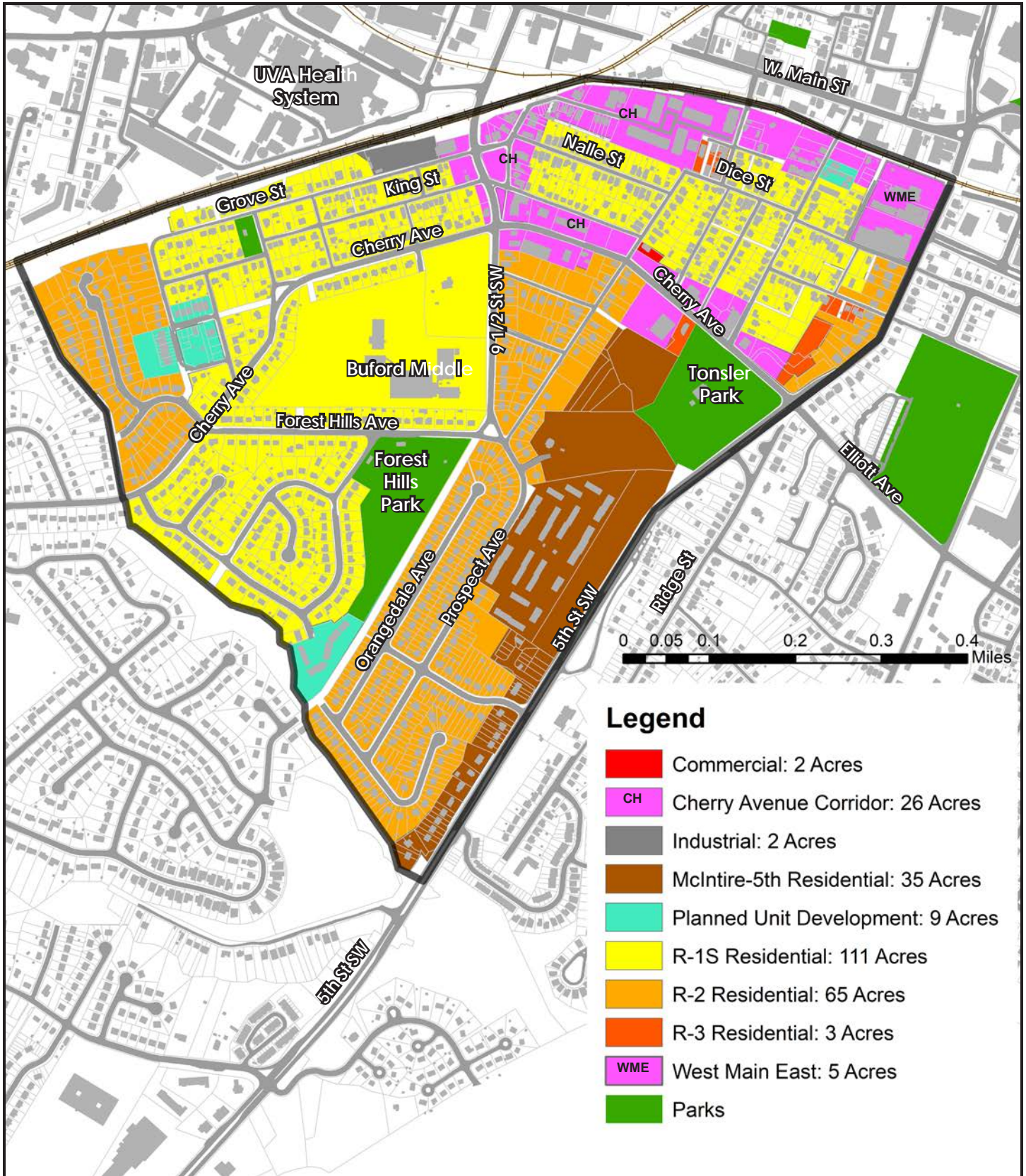


"A lot of changes have been made, but the community has to get involved together in order to make change work the way it should work."

- Richard Feero, Community resident and Director of Leadership at Abundant Life Ministries

Existing Zoning in Fifeville

The map below shows the existing zoning in Fifeville. The vast majority of the neighborhood is zoned low-density residential, with higher-density mixed uses located along Cherry Avenue, Roosevelt Brown Boulevard, and West Main Street. The Planned Unit Development (PUD) zoned areas are intended to encourage a mix of housing types and densities.



Future Land Use Chart

The 2016 Cherry Avenue Visioning Summary Report captures the characteristics and land uses that residents would and would not like to see in Fifeville. Those in bold represent top responses and asterisks indicate topics where consensus was not met and warrant further discussion. The desired uses listed in the chart were confirmed through extensive community engagement efforts.

	What Residents Would <u>LIKE</u> to See	What Residents Would <u>NOT</u> Like to See
Housing, Sense of Community & Belonging	<ul style="list-style-type: none"> • Preservation of existing housing • Affordable housing, including subsidized housing for low-income residents that is incorporated throughout the neighborhood (as opposed to being isolated) • For generational families to remain 	<ul style="list-style-type: none"> • Huge apartment buildings (like on Main Street) • Absentee landlords • Displacement of current residents • A divided community
Affordable Food	<ul style="list-style-type: none"> • An affordable grocery store, produce store, or co-op • Fruits and vegetables • Community garden • Farmer's market 	<ul style="list-style-type: none"> • Dilapidated grocery store with low quality goods • A grocery store that is too expensive for lower-income residents
Locally Owned and Operated Goods & Services	<ul style="list-style-type: none"> • Financial services (bank, ATM, affordable taxes) • Laundromat • Restaurants (McDonald's, Kentucky Fried Chicken, coffee shop- like Cville Coffee)* • Convenience stores to remain • Art spaces (studios) • Businesses that hire locally/pay a living wage • Health care facility, affordable day care for neighborhood children, flower shop, department store, Family Dollar • Non-profit community center (rented for a commercial kitchen, parties, gatherings, classes) • Maker space/business incubator 	<ul style="list-style-type: none"> • Hotel • Parking garage • Absentee landlords • Goods and services that are too expensive for lower-income residents • Chain restaurants*
History, Culture, & Art	<ul style="list-style-type: none"> • Preservation of history and culture (people and housing) • Standing exhibit of history • Historic signs and/or walking tours • Public art and murals 	
Walkability, Traffic, Public Transportation, & Parking	<ul style="list-style-type: none"> • Lower the speed limit to 25 mph • Flashing crosswalk at all crosswalks • Additional infrastructure for pedestrians/ bikes • More frequent bus service • Consider parking in back of commercial 	<ul style="list-style-type: none"> • Traffic congestion on Cherry Avenue and residential streets
Infrastructure, Aesthetics, & Design	<ul style="list-style-type: none"> • Cherry trees • Landscaping, flowers, and tree cover • Buildings at the present scale • Public trash and recycling cans along Cherry • Gazebo and botanical garden at Tonsler Park • Preserve and maintain old signs* 	<ul style="list-style-type: none"> • Large, blocky architecture that doesn't fit the neighborhood • Light pollution • Vacant lots • Old signs that are dilapidated*
Social Events & Programs	<ul style="list-style-type: none"> • A neighborhood block party • Use Tonsler amphitheater for performances, including showcasing neighborhood talent and live bands • Pop up events in vacant lots • After school programs and summer camps • Events for seniors, such as bingo 	
Safety	<ul style="list-style-type: none"> • Police walking in the neighborhood* • More people out walking • Police substation in community-friendly location • Respect training for police officers 	<ul style="list-style-type: none"> • Dilapidated grocery store • Increased presence of police (due to previous negative experiences)* • Police substation* • Drugs, prostitution, and loitering

Place-Keeping and Community Building

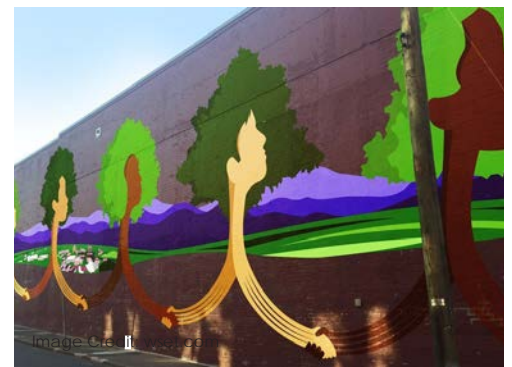
Fifeville's unique sense of place as a culturally diverse neighborhood will be preserved & enhanced.

SITUATION

Residents value Fifeville's proud history of African American leadership and the multicultural neighborhood it has become. Opportunities for neighbors to connect through community events such as concerts or festivals and the establishment of more community-oriented spaces on Cherry Avenue to gather for a meeting, a meal, or a family celebration are top priorities for residents.

OPPORTUNITY

Place-keeping, place-making, and beautification are tools that can be utilized to strengthen community bonds, inclusion, and equity. Beyond the simple preservation of space or buildings, these strategies weave together the stories and experiences of the people who call Fifeville home while looking to the future to foster an inclusive and accessible neighborhood to all. Strengthening the Fifeville Neighborhood Association presents an opportunity for strategy implementation.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.

- PK-1: Install community murals/public art displays.
- PK-2: Install signage and historic markers.
- PK-3: Build and strengthen relationships between community residents, non-profits, businesses, land owners, and other neighborhood institutions through community events and collaboration on community projects.
- PK-4: Develop a lighting plan for the Fifeville neighborhood.
- 🏆 PK-5: Strengthen participation in the Fifeville Neighborhood Association, and expand its capacity for leading community building and community development efforts.
- PK-6: Pursue funding opportunities with partner organizations.
- PK-7: Build and strengthen relationships between community institutions & potential developers.
- PK-8: Expand after-school programming for Fifeville youth, and center their voices in community building and community development efforts.
- PK-9: Implement Cherry Avenue corridor landscaping improvements.

Economic Development

Cherry Avenue will be a vibrant, mixed-use corridor that is financially & socially accessible to all.

SITUATION

Residents want to see a greater variety of resident-oriented businesses in the corridor and greater access to economic mobility. They cited lack of dining options, gathering spaces, and service-oriented businesses. New businesses should be inclusive of existing residents- especially low-income residents- by creating spaces where they feel comfortable and welcome. New development should also create opportunity for new, locally-owned businesses and support existing businesses and entrepreneurs.

OPPORTUNITY

Leveraging the expertise of the existing business community in Fifeville is an opportunity to evaluate and improve the systems in place for entrepreneurial start-up and retention. The Federal Opportunity Zone designation could help drive investment to Fifeville, but care would need to be taken to ensure that any new investment is consistent with the community's vision. Formalizing a business association specific to Cherry Avenue is another opportunity to drive equitable community investment.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.

- E-1: Provide skills-building opportunities and supports for Fifeville residents such as career development, budgeting and financial management classes, and renter and homeowner supports.
- E-2: Create a Fifeville food justice/community market feasibility report.
- E-3: Start a business association for Cherry Avenue businesses.
- E-4: Support/incentivize locally-owned, small, woman, and minority-owned business along Cherry Avenue and support/encourage existing businesses to stay in Fifeville.
- E-5: Explore founding a community development corporation or partnering with an existing one.
- E-6: Evaluate and leverage Opportunity Zone designation to attract capital investments consistent with community vision.
- 🏆 E-7: Increase access to supports for small businesses.
- E-8: Create incentives for the types of businesses and developments residents would like to see based on uses identified in the Future Land Use chart.

Housing

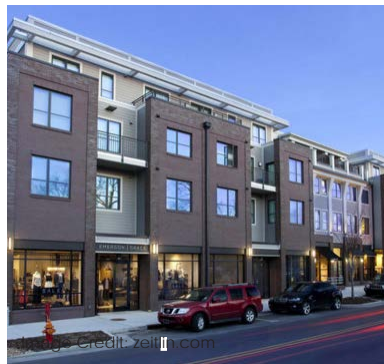
All Fifeville residents shall be able to remain and benefit from neighborhood investments.

SITUATION

Affordable housing-especially for low-income residents, people of color and generational residents- is a key issue. The residential character of Fifeville is central to the community's identity. While residents are interested in seeing economic development and commercial investment in Cherry Avenue, and hope to maintain and improve affordable housing options for all in Fifeville. They hope to maintain the ability to afford rent or own a home even as the community continues to develop and flourish.

OPPORTUNITY

The City's effort to re-examine affordable housing policy offers an opportunity for neighborhood-specific strategies focused on the creation and preservation of affordable housing to be evaluated. It is important that the Fifeville community be involved in this process and build upon the work completed in the small area plan. The regional affordability study being conducted by the TJPDC will also contain targeted affordability recommendations that could benefit Fifeville.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: *Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.*

- 🏆 H-1: Promote use of accessory dwelling units as affordable housing by revisiting the City's accessory dwelling unit policy.
- 🏆 H-2: Identify properties for housing development under Charlottesville Affordable Housing Fund and local housing non-profits.
- 🏆 H-3: Inform residents of existing housing programs and services.
- H-4: Protect historically significant homes.
- H-5: Identify and implement strategies to increase the number of affordable units in low-density portions of the neighborhood.
- H-6: Improve protections for renters with the aim of reducing displacement and eviction.
- H-7: Fund affordable housing initiatives designed to help current residents and their families to remain in the neighborhood.
- H-8: Develop list of area residents willing to volunteer skills/equipment to aid with home maintenance.
- H-9: Develop incentives including density bonuses and expedited review for projects that create new affordable units.

Land Use

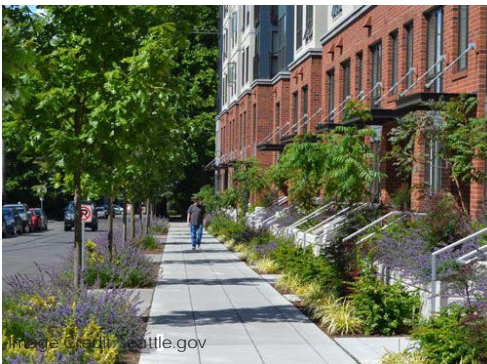
New development in Fifeville will be neighborhood-scaled & advance equity.

SITUATION

Fifeville is experiencing development pressure, with large-scale development happening on its periphery. Residents fear that displacement and gentrification could be the by-products of increased growth in Fifeville. There is also concern that the existing land use and zoning policies lack a focus on smart, intentional growth. The largely single-family zoning is also a challenge for increasing affordable housing in the neighborhood.

OPPORTUNITY

Fifeville residents want smart growth. Residents want to ensure that any new development is scaled appropriately, fosters inclusion and equity, and represents the neighborhood. The vacant parcels along Cherry Avenue have the potential to serve as catalyst projects that could spur investment in the neighborhood and ensuring collaborative community involvement is essential. The City's Comprehensive Plan update is an opportunity to reexamine current zoning and implement change.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.

- 🏆 LU-1: Re-examine allowable uses in the zoning code.
- LU-2: Explore traditional and creative opportunities to provide access to necessary services in the neighborhood.
- 🏆 LU-3: Include Cherry Avenue zoning review as a specific deliverable in City-wide zoning update.
- LU-4: Explore opportunities for public/private partnerships to acquire property along Cherry Avenue to serve as a catalyst for community-driven development.
- LU-5: Re-examine massing regulations along Cherry Avenue to support a respectful transition between more intensive development along Cherry Avenue and the existing historic low-density housing.

Transportation

The transportation network in Fifeville will be safe, connected, & accessible to all residents.

SITUATION

The Cherry Avenue corridor serves as the primary link for north-bound commuters traveling towards the University of Virginia Health System. As such, this increased travel demand has led to increased congestion along the corridor, concerns over bicycle and pedestrian safety, and cut-through traffic on residential streets. A lack of complete sidewalk infrastructure throughout the Fifeville neighborhood and higher demand for limited parking are also concerns for the community.

OPPORTUNITY

As redevelopment occurs along the corridor, opportunities exist to reduce curb cuts and increase sidewalk widths to make the corridor more pedestrian friendly. Increasing access and connectivity in the Fifeville is a top community priority and on-going trail planning activities can serve as a model for future projects identified in the recommendations list.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.

- T-1: Create bike and pedestrian connection between Tonsler & Forest Hills Park.
- T-2: Add sidewalks on 6 1/2 Street, 6th Street, and 9th Street.
- T-3: Widen turn lane on Cherry Avenue at Ridge Street intersection and look at feasibility of adding a bicycle climbing lane.
- T-4: Conduct formal speed/traffic study from the City on Cherry Avenue, Prospect Avenue, Forest Hills Avenue, and intersection of Cherry Avenue and 7 1/2 Street.
- 🏆 T-5: Clearly mark 6 1/2 Street as one-way.
- T-6: Explore options to improve visibility along Dice Street.
- 🏆 T-7: Relocate CAT bus stop farther from crosswalk on Cherry Avenue.
- T-8: Add covered bus shelters where appropriate.
- T-9: Explore opportunities for creative traffic calming investments that articulate the neighborhood's history and culture while also reducing speed and cut-through traffic.
- 🏆 T-10: Add multi-use path between Tonsler Park and Greenstone on 5th.
- T-11: Expand transit service by providing more frequent service intervals.
- T-12: Add trail connection from Tonsler Park to 7 1/2 Street (per Tonsler Park Master Plan).
- T-13: Develop infrastructure asset inventory.
- T-14: Promote alternative commuting options.
- T-15: Open bike connection through Forest Hills Park to Antionette/Shamrock
- T-16: Identify locations where driveway entrances could be eliminated/redesigned to improve pedestrian safety.

Parks and Recreation

Fifeville will preserve & enhance its public spaces to strengthen community & foster inclusion.

SITUATION

Three parks in Fifeville serve as the main public gathering places for the neighborhood, and their role in fostering connection and community is vital. Recent investments such as the splash pad at Tonsler Park are welcome additions; however, many residents cited concerns over general upkeep and maintenance of the parks, a lack of covered outdoor seating, and safe connections to an between the parks.

OPPORTUNITY

Easy wins exist for adding park amenities, such as bleachers to the basketball courts, and increasing park maintenance and upkeep. These can help serve as a catalyst for the community to build on its successes and focus discussions on long-term improvements, such as the expansion of the community center at Tonsler Park and activation of potential future park space at Cherry Avenue and Rockcreek Road.



RECOMMENDATIONS

● High Priority ● Medium Priority ● Low Priority

🏆 Easy Win: Easy wins identify strategies that build off of existing efforts, require less capital funding, and could be implemented in a more immediate time frame.

- PR-1: Expand, renovate, or reconfigure the community building at Tonsler Park.
- 🏆 PR-2: Add covered outdoor seating at Tonsler Park.
- 🏆 PR-3: Add seating/bleachers to the basketball courts at Tonsler Park.
- 🏆 PR-4: Add removable soccer goals to open field at Forest Hills Park.
- 🏆 PR-5: Improve trash collection in parks and public areas.
- 🏆 PR-6: Open the gate at the back of Tonsler Park to the multi-use path between Tonsler Park and Greenstone on 5th.
- PR-7: Upgrade the existing baseball field at Tonsler Park.
- PR-8: Develop a spring community event and activate the amphitheater space at Tonsler Park.
- PR-9: Activate city park space at Cherry Avenue and Rockcreek Road intersection and explore possible site for community garden.
- PR-10: Add a snack bar or other alternative to vending machines at both community parks.
- PR-11: Add additional basketball courts at Forest Hills Park.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION REGULAR AGENDA ITEM
APPLICATION FOR A SPECIAL USE PERMIT
APPLICATION NUMBER: SP20-00001
DATE OF AGENDA: January 12, 2021

Project Planner: Brian Haluska

Date of Staff Report: November 23, 2020 (*Revised January 4, 2021*)

Applicant: Piedmont Realty Holdings III, LLC

Applicant's Representative(s): Kelsey Schlein of Shimp Engineering

Current Property Owner: Piedmont Realty Holdings III, LLC

Application Information

Property Street Address: 1000 Monticello Road ("Subject Property")

Tax Map & Parcel/Tax Status: 570036000 (real estate taxes paid current - Sec. 34-10)

Total Square Footage/ Acreage Site: Approx. 0.81 acres (35,283 square feet)

Comprehensive Plan (General Land Use Plan): Neighborhood Commercial Corridor (Mixed Use)

Current Zoning Classification: Neighborhood Commercial Corridor

Overlay District: None

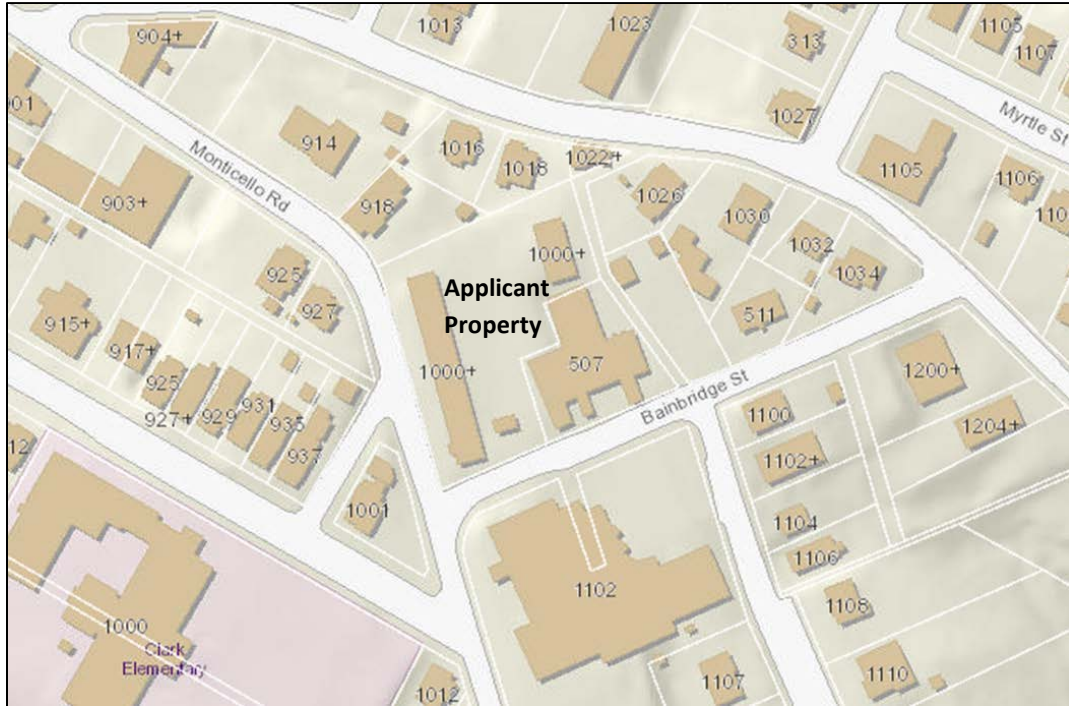
Applicant's Request (Summary)

The applicant requests a Special Use Permit (SUP) pursuant to City Code Sec. 34-700, which states that residential density up to 43 DUA is permitted with an SUP. The subject property has street frontage on Monticello Road and Bainbridge Street. Under the NCC zoning classification, 17 dwelling units could be developed by right on this site (21 DUA), per Z.O. Sec. 34-700 (Density).

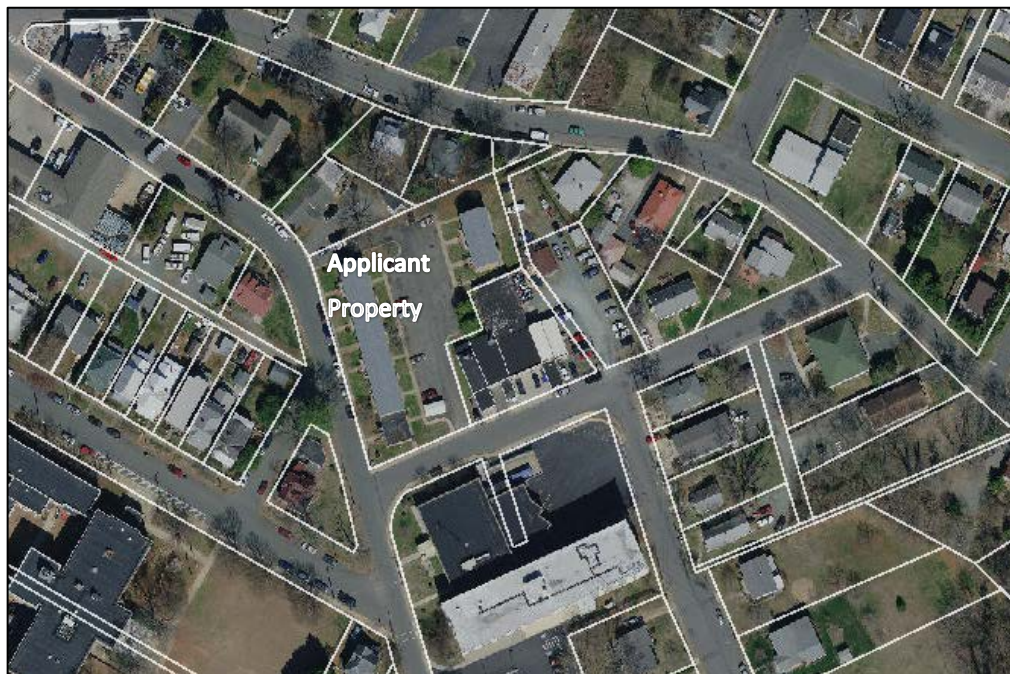
The site plan (Attachment C) submitted with the application depicts a development that would include 34 dwelling units as part of a multi-family residential project; since the development site is 0.81 acres, the proposed density is 42 DUA. See proposal narrative (Attachment A) and site plan submitted by the applicant pursuant to Z.O. Sec. 34-41(d)(1) and (d)(6).

The application narrative describes the construction a new, 11-unit building on the site, which currently contains 23 existing multi-family units, for a total of 34 units. The applicant further proposes that 9 of the 11 new units on the site will be designated affordable housing units.

Vicinity Map



Context Map 1

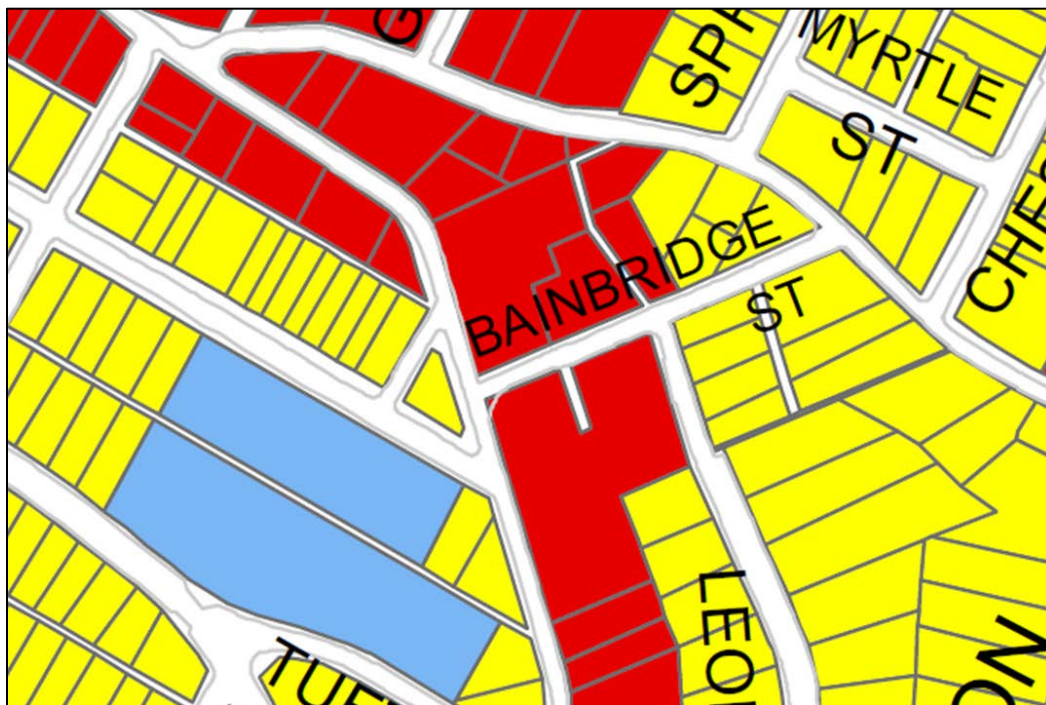


Context Map 2- Zoning Classifications



KEY - Yellow: R1-S, Light Orange: R-2, Orange: R-3, Red: B-2, Maroon: B-3, Purple: NCC, Grey: M-I

Context Map 3- General Land Use Plan, 2013 Comprehensive Plan



KEY – Red: Neighborhood Commercial, Blue: Public/Semi-Public, Yellow: Low Density Residential

Standard of Review

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

Section 34-157 of the City’s Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff’s analysis of those factors, based on the information provided by the applicant.

FOR APPLICANTS ANALYSIS OF THEIR APPLICATION PER SEC 34-157 SEE ATTACHMENT B

(1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.

The properties immediately surrounding the subject property are described as:

Direction	Use	Zoning
North	Office Building/Residential	NCC
South	Industrial	M-I
East	Commercial/Residential	NCC/B-3
West	Residential	NCC/R-1S

The buildings immediately surrounding the subject property are mostly one (1) to two (2)-story buildings, primarily functioning as residences or offices. The subject property is on the eastern edge of the Belmont commercial district, which is characterized by one (1) to two (2)-story buildings with commercial uses. Most of these properties are zoned Neighborhood Commercial Corridor mixed use.

Staff Analysis: The proposed use of the property depicted in the site plan and other application materials is a residential building containing multiple dwelling units (“multi-family dwelling”). The surrounding area is a mix of commercial buildings and single family detached dwelling units. The proposed use is harmonious with the existing patterns of use within the neighborhood, and is not a change to the current use of the property.

(2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.

Below are specific areas of the Comprehensive Plan for which the development is in compliance:

a. Land Use

3.2: [...] Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors.

b. Housing

1.2: Evaluate the effect of reduced transportation costs and improved energy efficiency on housing affordability.

3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.

3.2: Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.

3.4: Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications.

3.5: Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.

3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.

7.1: To the greatest extent feasible, ensure affordable housing is aesthetically similar to market rate.

7.3: Encourage appropriate design so that new supported affordable units blend into existing neighborhoods, thus eliminating the stigma on both the area and residents.

8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.

8.5: Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.

c. Transportation

2.1: Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas and other activity centers to promote the option of walking and biking.

2.3: Improve walking and biking conditions by discouraging and/or minimizing curb cuts for driveways, parking garages, etc. in new development and redevelopment.

Below are specific areas of the Comprehensive Plan for which the development may not be in compliance:

d. Land Use

2.1: When considering changes to land use regulations, respect nearby residential areas.

Comprehensive Plan- Staff Analysis:

The General Land Use Plan calls for the subject property and areas immediately north and east to be Neighborhood Commercial land use, and the areas directly north and west of the subject property to be Mixed Use land use. The General Land Use Plan calls for Low Density Residential land uses in the vicinity of the subject property (see Context Map 3 above). The Comprehensive Plan specifies that Neighborhood Commercial areas are intended to have building forms that mirror that of low density residential zones, but with some additional commercial uses compatible with residential areas. Low Density Residential is described as single or two-family housing types, with a density of no greater than 15 dwelling units per acre (DUA). High density residential is noted as land to be occupied by multi-family residential types of housing. Residential density up to 21 DUA, which is considered high density by the aforementioned materials, is allowed by-right in the NCC zone.

Several goals in the Comprehensive Plan speak to a desire to have density as appropriate in locations that will foster developments that are walkable and bikeable to the downtown area and other centers of employment, entertainment, and education. The subject property is on the eastern edge of the Belmont commercial area, and is less than a mile from the downtown core of the City. Creating more density and housing options near the downtown core will reduce commuter congestion and may open up housing options in other parts of the City. It is reasonable to permit a moderate level of density at this location, if proper conditions are applied.

Many of the goals in the Housing chapter of the Comprehensive Plan deal with the preference for affordability in new housing projects. The applicant has proposed to make 9 units in the new construction portion of the site affordable at 80% AMI meets these goals.

The applicant has proposed a building that is 3-4 stories in height, which would be taller than any of the buildings in the Belmont commercial area, but would be comparable in

height to the tallest building on the Virginia Industries for the Blind location adjacent to the Subject Property.

Streets that Work Plan

The May 2016 Streets that Work Plan (approved September 2016 as an amendment to the Comprehensive Plan) labels Monticello Road and Bainbridge Street both as a *Local Street* typology.

The full Streets That Work plan can be viewed at:

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work/streets-that-work-plan>

Local Streets are characterized as the majority of the street network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for Neighborhood B streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for Neighborhood B streets. Sidewalks and on-street parking are noted as the highest priority street elements.

The Streets That Work Plan states that driveways should be designed to provide a continuous and level clear walk zone across the vehicular path and encourage vehicles to yield to pedestrians on the sidewalk. The proposed site plan would eliminate the existing vehicle entrance to the Subject Property on Monticello Road, which would reduce the length of the curb cut along that street. No change is shown on the Bainbridge Street frontage.

Staff Analysis: Based on the current application package, staff concludes that the pedestrian network along the development frontage is, as represented in this application, consistent with the Streets that Work Plan.

(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.

Based on the information contained within the application, the proposed development would likely comply with applicable building code regulations. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

(4) Potential adverse impacts, including, but not necessarily limited to:**a) Traffic or parking congestion**Traffic

The applicant shows an existing total daily trip generation of 124 trips for the site. The proposed additional units would increase this to 182 trips, or a 45% increase.

Peak-hour traffic: As shown in the trip generation (Table on Page C1 in Attachment C), the morning peak hour would have 12 trips, 75% of which would be exiting the site. The afternoon peak hour would have 15 trips, with 60% entering the site.

Staff Analysis: The City Traffic Engineer has reviewed the preliminary site plan and had no concerns regarding the changes to the automobile access to the site and the increase in traffic on the adjacent streets.

Vehicular Access

The site currently has vehicular access from Monticello Road and Bainbridge Street. The proposed plan would close the vehicle access from Monticello Road.

Staff Analysis: Staff has no concern regarding the change in vehicle access.

Parking

The existing 23 units require 24 parking spaces. The additional 11 units will each require a single space per unit. The proposed site plan shows a total 35 parking spaces on site.

Staff Analysis: Based on the information provided in the project proposal narrative and site plan, it appears that the minimum parking requirements of the zoning ordinance can be met for the proposed development. Adjacent streets also permit on-street parking.

Other Modes of Transportation

The subject property is on Charlottesville Area Transit's Route 3, and is a short walk from stops on Route 1. The proposed development is also served by a complete (but mostly un-buffered) sidewalk network immediately adjacent to the subject property. Crosswalks in the general vicinity are typically unmarked.

Staff Analysis: The subject property's proximity to two bus lines, as well as the existing sidewalks in the neighborhood offer several alternative modes of transportation to automobiles.

b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment

The proposed development may result in increased noise, as a result of the proposed multi-family development. The upper stories include balconies, which are a potential source of additional ambient noise in the neighborhood; however, there are no statistics indicating that, overall, the noise generated by 11 dwelling units in a mid-rise apartment building would exceed noise anticipated from an equivalent number of single-family dwellings. As to noise from motor vehicles, the trip generation figures provided by the applicant (Attachment C) will not appreciably increase the noise and fumes from automobile traffic to and from the building.

Staff Analysis: The impacts are consistent with what can be expected in a mixed-use neighborhood.

c) Displacement of existing residents or businesses

The proposed project would not displace any residents or businesses.

d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base

The proposed project is not proposing the removal of any structures, and would add 11 residential units to the City's housing stock. Staff does not anticipate any discouragement of economic development activities.

e) Undue density of population or intensity of use in relation to the community facilities existing or available

Staff Analysis: The proposed development will necessarily result in some increased demand on physical facilities and services provided. Some of these impacts, such as impacts on the City's water and sewer facilities, and public streets/ sidewalks, can be adequately evaluated and addressed during the site plan process, and final site plan approval is dependent on confirmation of adequate facilities or improvements provided by the applicant to ensure adequacy. A preliminary review of the proposal indicates the City's existing water and sewer facilities are likely to be adequate to serve the proposed development.

The subject property is located less than a mile from many amenities in the downtown area, including the Downtown Mall, Court Square, McIntire Library, Court Square Park, and Market Street Park. In addition, the subject property is within walking distance of Belmont, Rives and Meade Parks.

Staff believes park and recreation opportunities available in proximity of the subject property can adequately accommodate the proposed increase in density created by the development.

f) Reduction in the availability of affordable housing in the neighborhood

The application as presented would increase the availability of affordable housing in the neighborhood. *The applicant has proposed a condition as a part of the SUP that would designate 5 of the 11 new units as affordable. The condition also lays out the guidelines for these units, which was the principal reason for this item being deferred at the Commission's previous meeting.*

g) Impact on school population and facilities

The proposed project site plan (Attachment C) indicates the new residential units will be one (1) and two (2) bedroom units. The project narrative (Attachment B) indicates that the site is within the Clark Elementary attendance zone.

Staff Analysis: Because housing is open to all, there is a possibility that families with children could take residence here. Therefore, some impact could be created on school population and facilities is possible. The unit type and size, however, are likely to be less attractive to families with school-aged children, and any impact on school population from the proposed development is anticipated to be minimal.

h) Destruction of or encroachment upon conservation or historic districts

The subject property is not within any design control district.

i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant

Based on the information contained within the application, the proposed development would likely comply with applicable federal and state laws. As to local ordinances (zoning, water protection, etc.), it generally appears that this project, as detailed in the application, can be accommodated on this site in compliance with applicable local ordinances; however, final determinations cannot be made prior to having the details required for final site plan and building permit approvals. Specific Z.O. requirements reviewed preliminarily at this stage include massing and scale (building height, setbacks, stepbacks, etc.) and general planned uses.

j) Massing and scale of project

The application materials depict a new building containing three (3) stories above the surface of the subject property, viewed from the Monticello Road street frontage, and stepping down to four stories above grade further into the site. The building elevations in Attachment E show a building height of 41.5 feet. NCC zoning regulations (Z.O. Sec. 34-697(2)) restrict by-right building height to 45 feet, max. The applicant has revised these elevations in response to the Planning Commission's input at their meeting on December 8, 2020.

Per Z.O. Sec. 34-698(b)(1), the subject property has no required front setback, with a maximum 10 foot setback on Monticello Road and Bainbridge Street. Per Z.O. Sec. 34-698(b)(4), no setback is required on the side or rear lot lines.

The applicant has indicated that all on-site parking will be accessed via the existing entrance on Bainbridge Street. The existing entrance on Monticello Road will be removed as a part of the construction of the new building.

Staff Analysis: The 3 story height of the new construction on Monticello Road will be a change to the Belmont commercial zone, as this building will become a focal point for anyone looking east from "downtown Belmont" As mentioned above, the height of this building is similar to that of the adjacent industrial property, rather than the one (1) and two (2) story buildings in the commercial core of the neighborhood.

The proposed construction on the site is within the by-right limits of the NCC zoning, and the impact of the new construction is not directly related to the SUP request for additional residential density.

(5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

The description for NCC states the district is established as "a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods." (Z.O. Sec. 34-541(8)).

The NCC zone allows for single-family, two-family, and multi-family residential development by-right. The proposed project is an addition to an existing multi-family residential development, which staff believes to be appropriate for the district.

(6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and

Based on the information contained within the application, the proposed development would likely comply with applicable local ordinances. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

The project is not located in a design control district.

Public Comments Received

As required by Z.O. Sec. 34-41(c)(2), the applicant held an online community meeting on October 8, 2020 beginning at 6:00pm. Property owners within 500 feet and the Belmont-Carlton Neighborhood Association were notified of the meeting per requirements in Section 34-41(c)(2). The letter provided by the applicant can be found in Attachment F.

Several members of the public were in attendance. The attendees expressed concern about the impact to traffic on site, as well as along Monticello Road. Monticello Road is a narrow road with many competing users, including cars, pedestrians, and delivery vehicles. The attendees felt that the impact of the additional traffic from this proposed development must be considered along with other proposals in the corridor, and that Monticello Road must be closely monitored to make sure it meets the needs of all users.

Attendees also asked questions about the overall level of affordability being provided by the new residential units and the number of bedrooms in the units.

The Planning Commission and City Council held a joint public hearing on this matter on December 8, 2020. Several members of the public spoke, mostly in opposition to the request. Commenters opposed the increase in density on the grounds that the building was out of character with the surrounding neighborhood and the zoning district classification.

The Planning Commission granted the applicant's deferral request to revise the suggested condition language regarding the potential provision of affordable dwelling units in the building.

Other comments

Staff was included on several messages from adjacent residents to the applicant. These messages raised concerns about the height of the proposed building, potential noise from HVAC units, the small setbacks on the proposed building, and the traffic impact from the change to the layout of the parking and the additional residential units.

Staff Recommendation

Staff recommends the Planning Commission focus on the following items during review: impact to the surrounding neighborhood, increased traffic, access, and the pedestrian experience.

Recommended Conditions

Staff recommends that a request for higher density could be approved with the following conditions:

1. Up to 42 dwelling units per acre (DUA) are permitted on the subject property.
2. *The owner and applicant is committing to providing five (5) affordable housing units at HUD Fair Market Rent (FMR) rates. The affordable units will be provided and rented in accordance with the attached document titled "Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental" (the "ADU Regulations"). It is intended for all affordable units to remain as rentals throughout the affordable term defined in the ADU Regulations however, if any affordable units are sold during the affordable term then those units shall be provided and sold in accordance with the regulations of the section titled "Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale".*

Suggested Motions

1. I move to recommend approval of this application for a Special Use Permit in the NCC zone at 1000 Monticello Road to permit residential development with additional density with the following listed conditions.
 - a. The two (2) conditions recommended by staff
 - b. [alternative conditions, or additional condition(s)...list here]

OR,

2. I move to recommend denial of this application for a Special Use Permit in the NCC zone at 1000 Monticello Road.

Attachments

- A. Special Use Permit Application received July 14, 2020
- B. Special Use Permit Narrative dated July 14, 2020 and Revised January 5, 2021
- C. Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental dated January 5, 2021
- D. Site Plan received July 14, 2020 and revised January 5, 2021
- E. Special Use Permit Application Exhibit dated July 14, 2020
- F. Proposed Elevations dated December 23, 2020
- G. Community Meeting notification letter dated September 24, 2020



City of Charlottesville

Application for Special Use Permit

Project Name: Belmont Heights

Address of Property: 1000 Monticello Road

Tax Map and Parcel Number(s): 570036000

Current Zoning District Classification: NCC

Comprehensive Plan Land Use Designation: Neighborhood Commercial

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: _____

Applicant: Piedmont Realty Holdings III, LLC

Address: 6535 Woodbourne Ln Crozet, Va 22932

Phone: _____ Email: drew@thinkpiedmont.com

Applicant's Role in the Development (check one): project contact: Shimp Engineering, Kelsey Schlein | kelsey@shimp-engineering.com | (434)227-5140

Owner Owner's Agent Designer Contract Purchaser

Owner of Record: same as applicant

Address: _____

Phone: _____ Email: _____

Reason for Special Use Permit:

Additional height: _____ feet

Additional residential density: 11 units, or 42 units per acre

Authorize specific land use (identify) _____

Other purpose(s) (specify City Code section): _____

(1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print Andrew C. Howard Date 7.15.2020

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____

(2) Signature _____ Print _____ Date _____

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: Belmont Heights

Pre-Application Meeting Date: July 13, 2020

Applicant's Representative: Shimp Engineering, P.C.

Planner: Brian Haluska

Other City Officials in Attendance:

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. _____

2. _____

3. _____

4. _____

5. _____

Planner Signature: Brian J. Haluska



City of Charlottesville

Application Checklist

Project Name: Belmont Heights

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature

Print

Andrew C. Hollman

Date

7-15-2020

By Its:

MANAGER - PIEDMONT REALTY HOLDINGS III LLC

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



City of Charlottesville

Community Meeting

Project Name: Belmont Heights

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted _____, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Piedmont Realty Holdings III LLC

By:

Signature

Print

ANDREW HOLZWORTH

Date

7.15.2020

Its:

MANAGER - PIEDMONT REALTY HOLDINGS III LLC

(Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Piedmont Realty Holdings Date _____

By (sign name): _____ Print Name: _____

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Kelsey Schlein or Justin Shimp

Name of Corporate or other legal entity authorized to serve as agent: Shimp Engineering, P.C.

Owner: Piedmont Realty Holdings III LLC Date: 7.15.2020

By (sign name): [Signature] Print Name: Andrew C. Harwood

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Andrew Holzwarth Address 6335 Woodbourne Lane Crozet

Name Michelle Holzwarth Address Va 22932

Name _____ Address _____

Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Piedmont Realty Holdings III LLC

By:

Signature [Handwritten Signature]

Print Andrew C. Holzwarth Date 7.15.2020

Its: Manager (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

Project Name: Belmont Heights

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)	1	\$ 1,500	\$1,500
Special Use Permit (Mixed Use/Non-Residential)		\$ 1,800	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

SHIMP ENGINEERING, P.C.

Design Focused Engineering

Project Narrative For: Belmont Heights SP2020-000001

Parcel Description: 570036000

Initial Submittal: July 14, 2020

Revision Date: January 5, 2021

	ACREAGE	EXISTING ZONING	PROPOSED ZONING	COMP PLAN DESIGNATION
TMP 57-36	.81	NCC	NCC with SUP for additional density	Neighborhood Commercial

Location:

TMP 57-36 has a physical address of 1000 Monticello Rd in Charlottesville, Va. The property is located in Charlottesville’s Belmont Neighborhood, within Belmont’s Neighborhood Commercial Corridor.

Project Proposal:

Piedmont Realty Holdings is the owner (the “owner”) of tax map parcel 57-36 in the City of Charlottesville (the “property”). On behalf of the owner, we request a special use permit to allow for additional density for a total of 11 additional residential units on the property. The property is currently zoned Neighborhood Commercial Corridor (NCC) and special use permits may permit density up to 43 DUA. Presently, there are 23 multi-family units on the property and this proposal would allow for a total of 34 units on the .81 acre parcel, for a total of 42 DUA on the property. The 11 additional units are proposed as a mixture of studio, one and two bedroom units and would be housed in a new single multi-family structure on the northern portion of the property where, at present, there is an interior travel way and parking area on the property. There will be no displacement of existing residents during the construction of the additional building on the property; this proposal has sited the new building on an underutilized portion of the property. Of the 11 additional units requested, five of them will be designated as affordable, as proposed as a condition of approval by the owner and applicant. Further discussion of the affordable housing provision is provided later in this project narrative.

The building will adhere to the maximum height requirements for the NCC District, 45’ and will meet applicable setbacks within the district.

The project design will establish:

- 1) Redevelopment of an underutilized portion of an existing multi-family property
- 2) A modern building design with historic elements like soldier courses and paned windows that is of a scale and design palette that compliments the existing neighborhood fabric
- 3) Building placement and stepback design that frames the street and existing pedestrian infrastructure in front of the site

Consistency with the Comprehensive Plan:

The development is consistent with the Comprehensive Plan in the following ways:

Chapter 1 Land Use

- *Goal 5.5 Revise the Future Land Use Map so that it represents the desired vision for the City's future. Pay special attention to increasing the supply of affordable housing, increasing employment opportunities for all citizens, and encourage the development of mixed income neighborhoods throughout the City.* This project designates 45% of the proposed units as affordable at HUD Fair Market Rental Rates (FMR) which is affordable to those making approximately 65% of the Area Median Income (AMI) contributing to increasing the supply of affordable housing in the City. This project is within walking distance of several local employers including the restaurants in “downtown” Belmont and Charlottesville City Schools. This is an ideal opportunity to redevelop underutilized multi-family zoned property to provide additional units, of which the nearly half are affordable, in close proximity to employment opportunities and neighborhood amenities.

Chapter 5 Housing

- *Goal 3: Grow the City's housing stock for residents of all income levels.* This project proposes both market rate and affordable units; this mixture of price points will directly contribute to growing the city's housing stock for residents of all income levels.

Impacts on Public Facilities & Public Infrastructure:

American Community Survey (ACS) 5 year estimates indicate the average household size in Charlottesville is 2.38 people¹. Using the ACS average, a multi-family development with a maximum of 11 proposed units could potentially yield 26 new residents living on the property.

The impacts on transportation infrastructure from 11 additional units will be minimal. Using ITE trip generation estimates for multi-family development, it is estimated that the proposed 11 additional units will contribute to five additional trips in the AM peak hour (7-9 a.m.) and six additional trips in the PM peak hour (4-6 p.m.). Given the location, it is plausible many residents will choose to walk or bike to conduct most of their daily errands and social interactions.

Since this project is proposed to be constructed on a portion of the site that is an existing travel way and parking area, there is no proposed increase in impervious surfaces on the property and therefore, there will not be a greater impact on stormwater infrastructure than the existing conditions.

Impacts on Schools:

This property lies within the Clark Elementary School district. After attending neighborhood elementary schools, all Charlottesville students attend Walker Upper Elementary School, Buford Middle School, and Charlottesville High School.

ACS 2018 5 year estimates show that there are an estimated 4,800 residents between the ages of 5-17 within City limits.² By dividing this estimate by the number of occupied housing units in the city, 18,613, it can be approximated that there are approximately .26 school-aged children per housing unit in Charlottesville.³ Since 11 units are proposed on the site, it is estimated there will be an additional two school-aged children within the development.

¹ ACS 2013-2017 5 YR Estimates Table B25010 “Average Household Size of Occupied Housing Units by Tenure”

² ACS 2018 5 YR Estimates Table DP05 “ACS Demographic and Housing Estimates”

³ ACS 2018 5 YR Estimates Table DP04 “Selected Housing Characteristics”

Affordable Housing Commitment:

The owner and applicant is committing to providing five (5) affordable housing units at HUD Fair Market Rent (FMR) rates. The affordable units will be provided and rented in accordance with the attached document titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” (the “ADU Regulations”). It is intended for all affordable units to remain as rentals throughout the affordable term defined in the ADU Regulations however, if any affordable units are sold during the affordable term then those units shall be provided and sold in accordance with the regulations of the section titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale” in the attached document.

Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental

(1) **Owner's CAU Commitment.** The Owner shall construct and reserve within the Project affordable dwelling units as noted on the preliminary site plan titled "Belmont Heights" prepared by Shimp Engineering, P.C. dated July 14, 2020 last revised January 5, 2021. The affordable dwelling units noted on the site plan include any minimum number of Committed Affordable Units required by City Code §34-12, and any additional number of units Owner has represented within its special use permit application narrative that will be affordable units, all of which are referred to herein as "CAUs".

(a) **Minimum Number of Committed ADUs**--The minimum number of ADU's required by City Code 34-12, and any additional affordable dwelling units, shall all be set forth within a written CAU Commitment executed by the Owner prior to approval of any site plan or subdivision plat for the Project, or if no such approval is required, then prior to issuance of any building permit. The square footage reserved for CAUs shall be configured and designed as follows:

- (i) The CAU Commitment shall specify a total square footage to be devoted to CAUs as well as a minimum number of bedrooms to be provided within the reserved CAUs.
- (ii) Each CAU shall have substantially similar exterior quality and appearance as other dwelling units within the Project. Also, to the maximum extent possible, CAUs will incorporate energy efficient design to increase durability, and operational efficiency—thereby promoting continued affordability.

(b) **Administrative**

Any CAU(s) required by City Code 34-12 shall be subject to the City's Standard Operating Procedure (SOP) adopted July 1, 2015, and the Schedules referenced in that SOP, notwithstanding any provision to the contrary within this narrative.

(c) **Minimum Term of Affordability**

The written CAU Commitment shall include the Minimum Term of Affordability (the "Term") during which the affordable dwelling units will remain affordable, which shall be a term of ten (10) years.

(d) The details of the CAU Commitment shall be noted by the Owner on the final building construction plans prepared for submission in connection with an application for final building permit approval ("Final Proposed Construction Plans"). Specific CAUs do not have to be identified on the construction plans. The Owner will submit the Final Proposed Construction Plans to the HDS for review, *prior to* submission to the Building Official. The HDS will review the Final Proposed Construction Plans within five (5) business days of receipt, for compliance with the

requirements of Paragraph (1)(a), above. If the Final Proposed Construction Plans include adequate notation of the CAU Commitment as set forth within Paragraph (1)(a), above, then the HDS shall provide written verification to the Owner and to the Building Official. Before a CO is issued, the Owner must specify which units will be designated as affordable for the purposes of the CAU Commitment.

- (e) If the Final Proposed Construction Plans do not include a notation that meets the specifications set forth within Paragraph (1)(a) above, or if the Building Official does not have written verification from the HDS that the CAU Commitment is adequately set forth within the plans, then the Building Official shall not approve a building permit.
- (f) Prior to the issuance of the first certificate of occupancy for any building or unit within the Project, the Owner shall specify to the HDS which specific dwelling units will be designated as CAUs, and the Owner shall cause to be recorded among the land records of the City of Charlottesville, Virginia, a written instrument sufficient to
 - (i) give third parties notice of the Owner's obligations under SP2020-000001 and the Owner's CAU Commitment within the development, and (ii) to assure that Owner's CAU Commitment within the development will be binding on the Owner and his heirs, successors and assigns, in a manner that will implement the requirement of Sec. 34-12(c) for each CAU to be and remain an affordable unit for the duration of the Term of Affordability..
- (g) Following approval of a certificate of occupancy, and from time to time throughout the Term of Affordability, the Owner shall have the right to change the units designated as being reserved as CAUs, following advance written notice to the HDS and a determination by the HDS that the change will not lessen or remove the CAU Commitment. Alternative units proposed should be consistent with the initial CAU Commitment per Paragraph (1)(a)(i), above, based on a determination by the HDS.
- (h) If an otherwise qualified tenant residing in a CAU has an increase in income that exceeds the HUD guidelines specified in Paragraph (2)(a)(i), that CAU unit will still be considered as meeting the CAU Commitment for a period of three (3) years commencing on January 1 of the calendar year succeeding the year in which the income increased subject to the rent provisions at 2(a)(iii)(A).
- (i) The Owner must keep current records for CAUs at all times and the HDS must be provided access to such records at reasonable times, at the location where the records are kept, upon request by the HDS.
- (j) If at any time prior to the end of the Term of Affordability, the Project is converted to a condominium, or other form of individual ownership, the CAU Commitment shall continue in full force and effect and the required number of CAUs shall be leased to Qualified Tenants throughout the Term of Affordability, or, in the alternative, the CAUs may be sold to buyers meeting the current HUD Guidelines, as specified in Paragraph (2)(a)(i). Upon a sale of any such converted CAU, the

requirements set forth in Schedule 2 to these Regulations shall apply to the remaining Term of Affordability.

(2) **Terms and Conditions for Rentals.** Owner shall offer the CAUs for rental to Qualified Tenants, subject to Owner's standard form lease agreement. These regulations are not intended to conflict with State and Federal requirements. The HDS has the option of subordinating the following if in conflict. Otherwise, terms and conditions applicable to such rentals shall be as follows:

(a) Qualified Tenants.

For the purposes of these regulations, the term "Qualified Tenant" shall mean a tenant whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development¹ ("HUD Guidelines").

- (i) In determining whether or not to approve a Qualified Tenant for a lease agreement, the Owner may apply its typical credit (including any minimum income requirement) and background check requirements to tenants of CAUs; however, any requirement for a minimum income shall be suspended: (i) for participants in the Housing Choice Voucher program, or (ii) if Owner's typical minimum income requirement exceeds 80 percent of Median Income.
- (ii) Upon the commencement of each tenancy of a CAU, the Owner shall document that the tenant meets the criteria for a "Qualified Tenant." Thereafter, Owner shall document the tenant's continued eligibility for status of a Qualified Tenant on an annual basis.
 - A. If a CAU tenant's household income increases above the limit for a Qualified Tenant, then such tenant may be permitted a grace period by the Owner to remain in the same unit for a period of up to three (3) additional years, subject to yearly increases in the current rent (as of the beginning of the grace period) based on the percentage increase in HUD fair market rents for the most recent calendar year. After the three (3) year period, the Owner may allow the tenant to remain in the same unit; however, the Owner shall provide the City with notice that they are amending the prior CAU designation to transfer the CAU status of that particular unit to a different unit within the Project. Nothing within these regulations shall preclude the Owner from allowing a tenant whose household income increases above the limit to move to a different, non-CAU designated unit within the Project, subject to a lease at market rent at the conclusion of the three (3) year grace period.
 - B. Each lease agreement for a CAU shall contain a provision stating that the tenant's failure to meet the criteria for a Qualified Tenant, or the Tenant's failure or refusal to provide information necessary for recertification, will constitute non-compliance with the lease and that the lease may be

terminated for such non-compliance.

- C. In the event that a previously qualified tenant is being evicted or removed for non-compliance, the Owner will continue to be considered in compliance with these regulations if the Owner is diligently pursuing possession of the CAU through available legal means.
- D. No later than January 31 of each year, the Owner shall provide to the HDS a Committed Affordable Unit Occupancy Annual Report that includes data

¹For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

on each CAU (“Annual Report”). The Annual Report shall include tenant identification information showing name, address, date and term of current lease, current household size, and current income level. There is no specified format; therefore, any report generated to meet a similar requirement may be used as long as the CAUs are identified and required information is included. . Upon request the HDS or other authorized representative of the City shall be permitted by the Owner to inspect the owner’s books and records that are the source of information contained in the Annual Report, including, without limitation:

- (i) tenant's rental application;
- (ii) tenant’s signed lease agreement;
- (iii) tenant’s income verification and supporting documentation;
- (iv) tenant’s Occupancy Affidavit to verify use as primary domicile.

E. The City or its designee shall have the right, following reasonable notice to the Owner and subject to the rights of the tenants under their leases and applicable law, to inspect the CAUs.

(b) Maximum Monthly Rent.

- (i) The maximum monthly rent for a CAU will be established based on the HUD Fair Market Rent (FMRs) By Unit Bedrooms.
 - (ii) If Owner requires tenants to pay their own utility charges, the maximum monthly rent will be reduced by a Utility Allowance. The Utility Allowance shall be determined with reference to the federal guidelines titled “*Allowances for Tenant Furnished Utilities and Other Services*”, published by HUD for the Charlottesville, Virginia/Central Virginia Region.
 - (iii) It is the responsibility of the Owner (and not the City) to establish rents for the CAUs in accordance with these regulations. Upon request, the HDS will review
-

Owner's maximum monthly rent calculations for compliance with these regulations.

- (iv) Owner shall not increase the maximum monthly rent for any CAU more frequently than once per year of a lease term. Annual rent increases (adjustments) for CAUs shall be based on the household income of a Qualified Tenant and subject to current HUD Guidelines, as applicable, minus any applicable Utility Allowance. Tenants shall be given a minimum of 30 days' advance written notice of any proposed rent increase.
- (v) When a CAU becomes vacant, maximum monthly rent shall be determined in accordance with these regulations, as of the Median Income per HUD guidelines and other regulations/procedures in effect as of the date of commencement of the new Qualified Tenant's lease.
- (c) Acceptance of Vouchers. Owner must accept HUD Housing Choice Vouchers from otherwise Qualified Tenants. However, Owner shall not be required to give any preference or priority to prospective tenants with such vouchers over other applicants for the same CAU.
- (d) Occupancy Requirements. Owner may establish rental occupancy requirements for CAUs, if such occupancy requirements have been established for the other units within the Project. However, for any Qualified Tenant who relies on federal or state vouchers or other funding to cover some or all of his maximum monthly rent, Owner's occupancy requirements shall not be more restrictive than any federal or state guidelines applicable to the tenant's funding source (for example, the guidelines of section 3-23 of the 4350.3 HUD Occupancy Handbook, applicable to certain Housing Vouchers).
- (e) Lease Terms. Initial leases for the CAUs shall provide for a minimum term of one (1) year, after which time the lease term may be done on an annual, bi-annual, or monthly basis.
- (f) Access to amenities. Occupants of the CAUs shall have full access and right to use all amenities and facilities available to other tenants within the Project, subject to any rules, regulations and conditions established by the Owner to govern such use and access.
- (g) Customary Fees. Tenants of a CAU may be required to pay any customary fees and charges imposed on Owner's other tenants, such as fees for garage or other parking spaces (if applicable), security deposit, move-in fee, move-out deposit, utility deposit, pet fees, etc.

(3) Marketing Plan.

- (a) Marketing, "Initial Lease Up". Owner shall conduct a pre-occupancy marketing

program for the CAUs (the “Pre-Occupancy Marketing Program”), commencing at least 45 days prior to the issuance of any certificate of occupancy for any building containing a CAU or for any individual dwelling unit within such building. This Program does not have to be separate and distinct from marketing initiatives undertaken for other efforts, as long as the information is consistent with CAU requirements noted at 3(a)(i)(B) below.

- (i) Information regarding the Pre-Occupancy Marketing Program shall be submitted to the HDS for approval.
 - A. At a minimum, the Pre-Occupancy Marketing Program shall identify a schedule of advertisements/outreach efforts that are intended to reach the target market. If the City of Charlottesville develops a program / database for listing CAUs, the Owner will be required to utilize it. If any of the CAUs are handicapped accessible, those Accessible units shall be advertised on websites targeted to individuals and agencies seeking information on the availability of such units within the City of Charlottesville.
 - B. Any advertisement/outreach effort shall include the following information:
 - 1. The rental price range of the CAUs;
 - 2. The income ranges needed to qualify for the CAUs;
 - 3. A note that HUD Housing Choice Vouchers are accepted;
 - 4. If the CAUs include any handicapped accessible units or incorporate universal design; and
 - 5. The Equal Housing Opportunity logo.
 - C. The HDS’s approval shall be given upon a finding that the written Pre-Occupancy Marketing Program includes the minimum requirements and has otherwise been reasonably designed to effectively reach prospective tenants who may meet the criteria of a Qualified Tenant.
- (ii) The Pre-Occupancy Marketing Program shall contain a component specifically designed to reach potentially Qualified Tenants with physical disabilities, who may be interested in leasing the accessible CAUs, (if applicable).

(b) Duration of Pre-Occupancy Marketing Program. Owner may cease its Pre-Occupancy Marketing Effort once all CAUs are leased to Qualified Tenants.

(4) Processing of Lease Applications

- (a) Owner shall process applications for leases of the CAUs on a first-come, first-served basis, except for the preference described following below.
- (b) If any accessible CAUs (if applicable) are vacant, despite Pre-Occupancy Marketing

Program efforts, then those accessible CAUs may be leased to Qualified Tenants without disabilities. Thereafter, individuals with disabilities who apply to become tenants of the CAUs shall be given preference in leasing the accessible units until such time as no other CAU non-accessible units, of the same unit type, are available. Upon initial lease-up, the units shall be the last CAUs of each unit type (one-bedroom, two-bedroom, etc.) held vacant if they are not leased to persons with disabilities. Upon subsequent vacancy of the units, the re-marketing effort shall conform to section (3)(a)(i), with the further stipulation that the accessible units shall be marketed for 30 days before being released to a non-disabled household.

(5) Remarketing

- (a) After the conclusion of the first and each subsequent tenancy of a CAU,
 - (i) Owner shall re-market the CAU using the same efforts described in the Pre-Occupancy Marketing Plan (section 3 herein), or
 - (ii) Owner shall lease the CAU to a Qualified Tenant on its Waiting List. (Owner shall not be required to maintain any Waiting List; however, if Owner maintains a Waiting List that includes prospective Qualified Tenants for the CAUs, and re-lets a vacant CAU to a Qualified Tenant on the waiting list, then the Owner shall not be required to re-market the CAU).
- (b) Any re-marketing effort shall continue for a period of 60 days following the conclusion of the prior tenancy, or until a Qualified Tenant has obtained a lease for the CAU, whichever first occurs.

(6) [Reserved]

Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale

(1) Owner's CAU Commitment. The Owner shall collaborate and work with the HDS to outline the components of the CAU Commitment as provided for at Sec. 34.12, and to provide a plan for implementation of the CAU Commitment within the Project. All units committed will need to be incorporated into the written CAU Commitment based on the following:

- (a) The Owner and HDS shall calculate the minimum square footage of GFA to be reserved within the Project for CAUs, based on the requirements of Sec. 34-12(a), and that minimum GFA shall be specified within the CAU Commitment.
- (b) The CAU Commitment shall describe the terms, conditions and arrangements by

which the affordable dwelling requirements of Sec. 34-12 and the zoning approvals for the Project will be committed as affordable: (i) to households with incomes at 80 percent or less of the area median income during the Term of Affordability, and (ii) the specific length of the Term of Affordability for the required CAUs, which shall not be less than ten (10) years. If a Term of Affordability of less than 10 years is desired, then the written CAU Commitment must be approved by City Council.

- (c) The written CAU Commitment will need to be approved by the HDS and executed by the Owner, prior to approval of any site plan or subdivision plat, or if no such approval is required for the Project, then prior to issuance of any building permit. The HDS will approve a proposed CAU Commitment Agreement, upon a determination that the Agreement sets forth an implementation plan adequate to meet the obligations set forth in (1)(a) and (1)(b), above.

(2) Terms and Conditions for Sale of CAUs. Owner shall offer the CAUs for sale to Qualified Purchasers. It is the intention of the City within these Regulations to allow maximum flexibility to the Owner and the HDS for creating a plan for the successful implementation of the CAU Commitment within the development. Therefore, specific terms and conditions applicable to such sales are not prescribed by these Regulations, but should be tailored to the specific Project, as outlined within a written CAU Commitment.

Final details of the Owner's plan for pricing and financing may be submitted to the HDS for approval as an addendum to the CAU Commitment, prior to issuance of any certificate(s) of occupancy for the development, if sufficient data is not available to establish these details prior to site plan or subdivision approval.

(a) Qualified Purchasers.

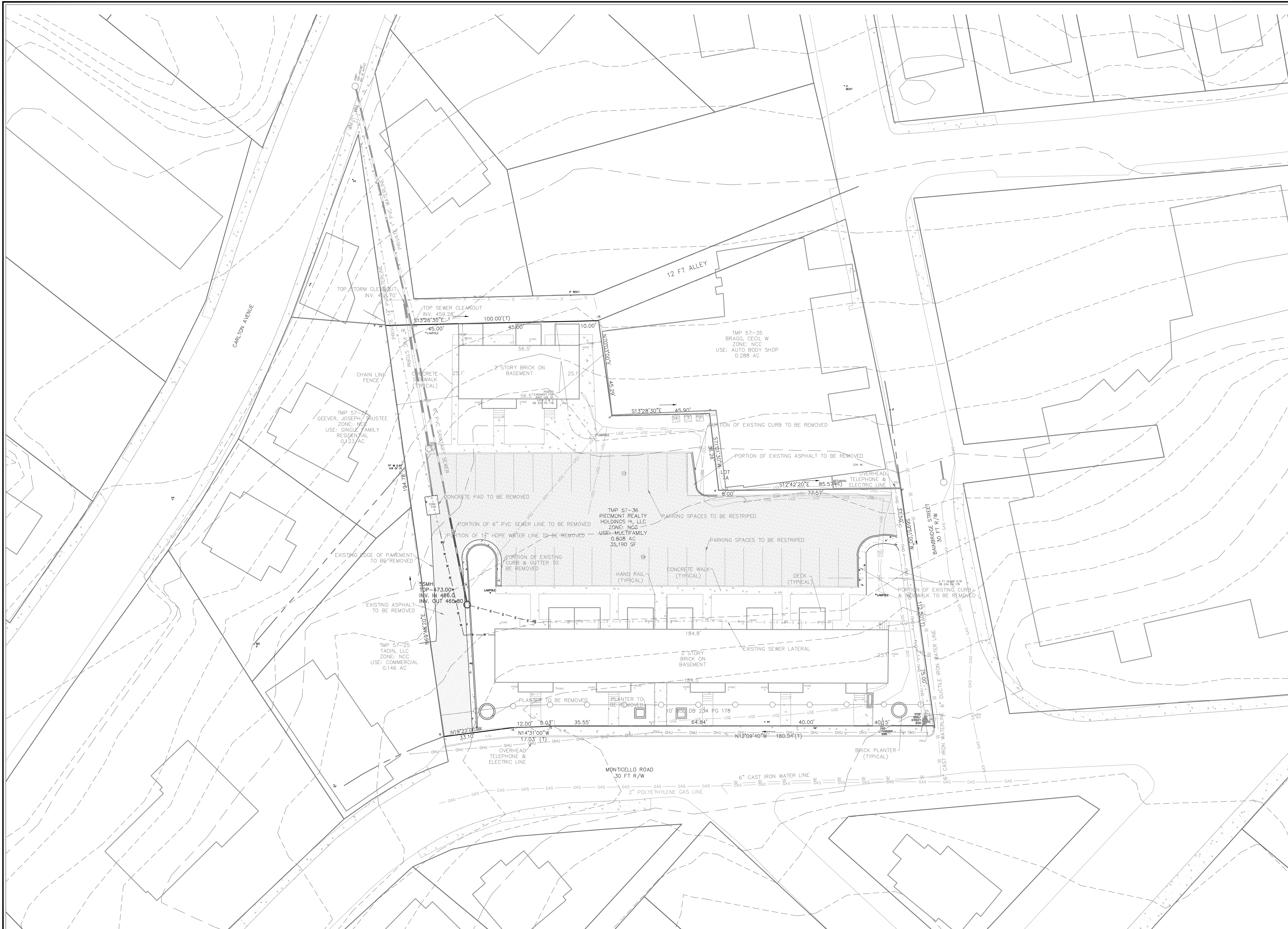
- (i) For the purposes of these regulations, the term "Qualified Purchaser" shall mean a purchaser whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development³ ("HUD Guidelines").
- (ii) For each sale of a CAU, it shall be the obligation of the Owner to verify the Purchaser meets the requirements of paragraph (2)(a)(i), above. Receipt of information sufficient for Owner to make this verification shall be a condition of the Owner's obligation to close the sale, and this condition shall be stated in the written purchase/sale agreement between owner and any prospective Qualified Purchaser.

(b) Sales/Purchase Price and Financing Arrangements.

³ For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

The Sales Price and the Financing Arrangements shall be detailed within an Addendum to the CAU Commitment, which must be approved by the HDS prior to issuance of any certificate(s) of occupancy for any buildings or dwelling units within the development. It is the intention of these regulations to allow maximum flexibility for the Owner and prospective Qualified Purchasers to arrange for the purchase and financing of a CAU through arrangements that are best suited to the circumstances of a particular transaction. Any number of financing and sales arrangements may satisfy the Owner's obligations under City Code Sec. 34-12 and the provisions of these regulations.

(3) Re-Sale of CAUs. The CAU Commitment will describe how re-sale of CAUs will be handled so that the Term of Affordability can be satisfied.



912 E. HIGH ST. CHARLOTTEVILLE VA, 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM



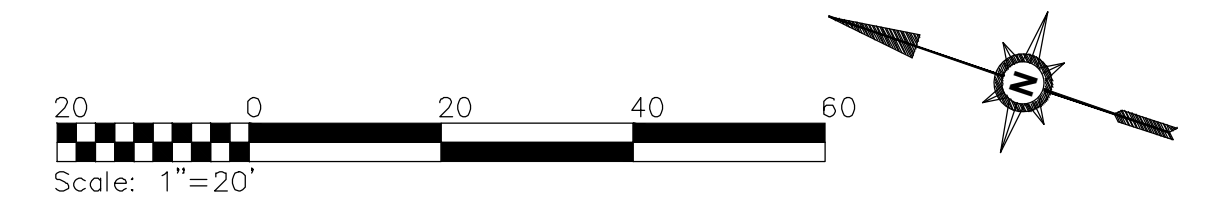
PRELIMINARY SITE PLAN
CITY OF CHARLOTTEVILLE, VA
BELMONT HEIGHTS

SUBMISSION:
2020.07.14
REVISION:
2020.11.09
2020.01.05

FILE NO. 20.020

EXISTING CONDITIONS

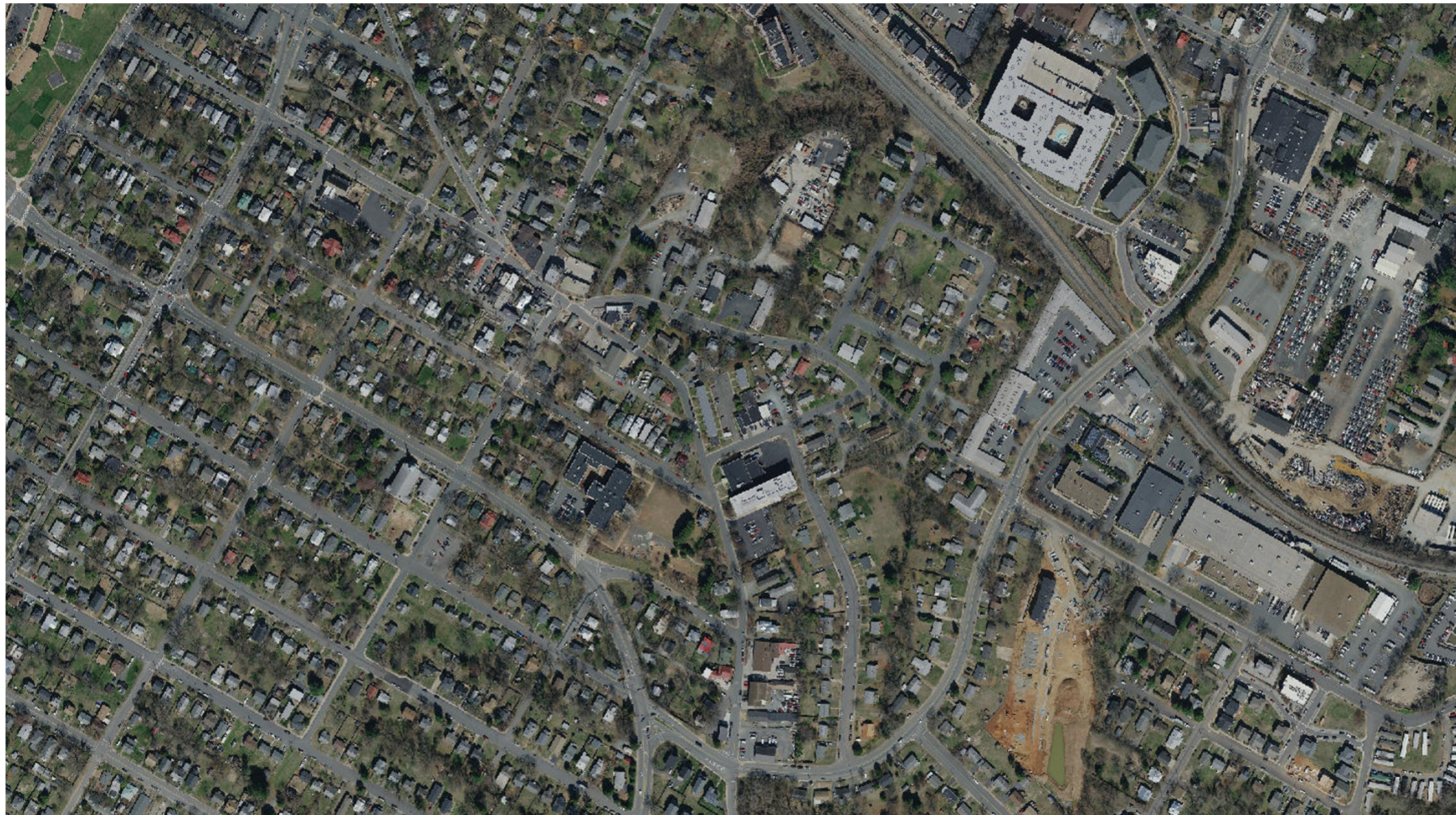
SHEET C2 OF 3



C2

BELMONT HEIGHTS SITE CONTEXT

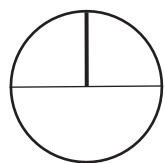
Sheet 1 of 4



TMP(s) 23-133, 23-134, 23-135

SUBMITTED 14 JULY 2020

project: 20.010



BELMONT HEIGHTS

SITE & SPECIAL USE PERMIT INFO

Sheet 2 of 4

OWNER/DEVELOPER

Piedmont Realty Holdings
6535 Woodbourne Lane
Crozet, VA 22932

TMP(s)

57-36

ACREAGE

0.808

NEIGHBORHOOD

Belmont

CRITICAL SLOPES

No critical slopes are present on the property.

FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0288D), this property does not lie within a floodplain.

USE

EXISTING: Multifamily
PROPOSED: Multifamily; 11 units proposed (9 affordable units, 2 market rate units)

ZONING

EXISTING: Neighborhood Commercial Corridor
PROPOSED: Neighborhood Commercial Corridor, with special use for increased density, <43 DUA

DENSITY

COMPREHENSIVE PLAN DESIGNATION: Neighborhood Commercial
PROPOSED: 11 units proposed + 23 units existing = 34 total units, 42 DUA

BUILDING HEIGHT

Per Section 34-353 of the Charlottesville Zoning Ordinance, a maximum building height of 45' shall be permitted

SETBACKS

Per Section 34-698 of the Charlottesville Zoning Ordinance, setbacks shall be permitted as follows:
PRIMARY STREET* FRONT MINIMUM: None
PRIMARY STREET* FRONT MAXIMUM: 10'
SIDE & REAR ADJACENT TO ANY OTHER DISTRICT:
None

*Primary street: Monticello Road

TMP(s) 23-133, 23-134, 23-135

SUBMITTED 14 JULY 2020

project: 20.010

SHIMP ENGINEERING, P.C.

BELMONT HEIGHTS SITE OVERVIEW

Sheet 3 of 4

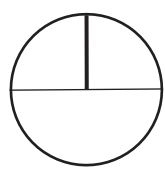


TMP(s) 23-133, 23-134, 23-135

SUBMITTED 14 JULY 2020

project: 20.010

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WEST ELEVATION (MONTICELLO ROAD)
1/8" = 1'

NORTH ELEVATION (ADJACENT LOT)
1/8" = 1'



SOUTH ELEVATION (PARKING LOT)
1/8" = 1'

EAST ELEVATION
1/8" = 1'







1000 Monticello Road Multifamily
Proposed Site Plan



Building Renderings



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR INITIATION OF ZONING TEXT AMENDMENT

DATE OF THE MEETING: January 12, 2021

Project Planner: Carrie Rainey

Date of Staff Report: January 4, 2021

Origin of Request: Request to Planning Commission from property owner's representative

Applicable City Code Provision: Section 34-41

Initiation Process

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city's zoning district regulations, district boundaries, or zoning district classifications of property. A zoning text amendment may be initiated by: (1) Resolution of the City Council; or (2) Motion of the Planning Commission. (See City Code Section 34-41(a), which is based on Virginia Code Section 15.2-2286(a) (7)).

Discussion

Commissioner Stolzenberg has proposed the Planning Commission initiate a zoning text amendment to modify the requirements for residential density regulated by Section 34-600(a) and the requirements for mixed use development residential occupation regulated by Section 34-602. Bolded text denotes proposed modifications:

Sec. 34-600. - Density.

- (a) *Mixed use*. For mixed use buildings and developments having twenty-five (25) percent to seventy-five (75) percent of the gross floor area designed and occupied for residential use, residential density shall not exceed forty-three (43) DUA; however, up to one hundred twenty (120) DUA may be allowed by special use permit. **Mixed-use buildings may exceed seventy-five (75) percent of gross floor area designed and occupied for residential use if commercial uses are provided at ground level.**

Sec. 34-602. - Mixed-use developments.

No less than twenty-five (25) percent ~~and no more than seventy-five (75) percent~~ of the gross floor area of a mixed-use building or development shall be designed and occupied for residential use.

Standard of Review

If initiated, the Planning Commission shall review and study each proposed amendment to determine:

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
3. Whether there is a need and justification for the change; and
4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Proposed Discussion Points for the Planning Commission:

1. Should this proposed zoning text amendment be incorporated into the current *Cville Plans Together* project to revise the zoning code upon completion of an updated Comprehensive Plan and Affordable Housing Plan?
2. Should the requirements of the Downtown North (DN) Mixed Use Corridor District be reviewed independently or in combination with similar requirements for the other Mixed Use Corridor Districts?

Appropriate Motions

1. For approval the Planning Commission may decide to initiate a zoning text amendment, by making the following motion:
 "I move to initiate considerations of amendments to City Code Chapter 34 (Zoning Ordinance), Article VI, Division 4, to change code requirements pertaining to density and mixed use developments.
2. Decline to initiate the process. (No motion is needed; if the Commission does not adopt a motion to initiate, then the proposal will not proceed)

Attachments

- A. Email correspondence from Commissioner Stolzenberg

§ 34-600 / § 34-602 Downtown North ZTA

Rory Stolzenberg <rory.stolzenberg+planning@gmail.com>

Mon 12/28/2020 4:26 PM

To: Rainey, Carrie <raineyc@charlottesville.gov>

Cc: Creasy, Missy <CreasyM@charlottesville.gov>; Mitchell, Hosea <hosealmitchell@gmail.com>

**** WARNING: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Carrie,

It's going to take me a few more hours to complete a full writeup due to work constraints, but I wanted to at least get you the proposed ZTA wording we discussed this morning.

Sec. 34-600. - Density.

- (a) *Mixed use.* For mixed use buildings and developments having twenty-five (25) percent to seventy-five (75) percent of the gross floor area designed and occupied for residential use, residential density shall not exceed forty-three (43) DUA; however, up to one hundred twenty (120) DUA may be allowed by special use permit. **Mixed-use buildings may exceed seventy-five (75) percent of gross floor area designed and occupied for residential use if commercial uses are provided at ground level.**

Sec. 34-602. - Mixed-use developments.

No less than twenty-five (25) percent ~~and no more than seventy-five (75) percent~~ of the gross floor area of a mixed-use building or development shall be designed and occupied for residential use.

Additional considerations:

- May want to add a lower bound to ground floor commercial space, to ensure that we get a substantial amount of commercial area rather than a tiny space inserted to meet the requirement. (Analogous to the single Apex studio to satisfy the any-amount-of-residential requirement, but with commercial space instead.)
- Optionally could add "**on a primary street**" or "**on a primary or linking street**" to the end of § 34-600(a) if we want to discourage commercial use on neighborhood streets or if it would reduce your workload by reducing the number of affected properties.
- We may want to restrict the new clause in § 34-600(a) to buildings/developments over 43 DUA (i.e. ones subject to a special use permit), but I don't see that as strictly necessary.

Please let me know if you have any questions.

Thanks,
Rory