

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, May 11, 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)

- i. Minutes – January 12, 2021 – Pre -meeting and Regular meeting

#### 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. **ZM20-00003, SP21-00002, & P21-0023 - 1613 Grove Street** – Landowner Lorven Investments, LLC has submitted applications seeking a Rezoning, a Special Use Permit, and a Critical Slope Waiver for approximately 0.652 acres of land, including multiple lots identified within City real estate records Real Estate Parcel Identification Numbers 23013000, 230134000, & 230135000 (collectively, “Subject Property”). The Subject Property has frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The applications propose to change the zoning district classification of the Subject Property from R-2 (Residential Two-Family) to R-3 (Residential Multifamily Medium Density) for the specific development described in the application, subject to one proffered development condition (“Proffer”). The Proffers include: (1) *Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended.* The Landowner’s application materials represent that the development will include restoration of the section of Rock Creek that runs through the Subject Property. The applicant is also seeking a Special Use Permit to increase the density from 21 Dwelling Units per Acre (DUA) to 43 DUA within the area of the Subject Property, as authorized by City Code Sec. 34-420 (Use Matrix, R-3 District). The proposed development consists of four apartment buildings with seven (7) two-bedroom units in each building. The total number of units would not exceed twenty-eight units. The Comprehensive Land Use Map for this area calls for Low Density Residential. The proposed development calls for disturbance of land within Critical Slopes area; this application also presents a request for a Critical Slope Waiver per City Code Sec. 34-1120(b)(6). Information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Rezoning, Special Use Permit or Critical Slopes applications may contact NDS Planner Matt Alfele by e-mail ([alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)) or by telephone (434-970-3636).

#### IV. **COMMISSION’S ACTION ITEMS**

*Continuing:* until all action items are concluded.

1. Presentation -Botanical Garden of the Piedmont

**V. FUTURE MEETING SCHEDULE/ADJOURN**

Tuesday June 8, 2021 – 5:00 PM	Pre-Meeting	
Tuesday June 8, 2021 – 5:30 PM	Regular Meeting	<u>Minutes</u> - February 9, 2021 – Pre-meeting and Regular meeting, March 9, 2021, April 13, 2021

**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

Site Plan – Grove Street PUD, Flint Hill PUD

Rezoning – 240 Stribling Avenue

Site Plan, Critical Slope Waiver – Lyman Street

Preliminary Discussion – Belmont Apartments SUP proposal

Entrance Corridor – Comprehensive Sign Plan Request – 916 E High Street

Rezoning, Special Permit - 1206 Carlton

Special Use Permit – Fire Station on 250 Bypass

**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](mailto: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](http://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](http://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.

January 12, 2021 Planning Commission Minutes are included as  
the last document in this packet.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING**  
**APPLICATION FOR A REZONING OF PROPERTY**  
**APPLICATION NUMBER: ZM20-00003**  
**DATE OF HEARING: May 11, 2021**

**Project Planner:** Matt Alfele, AICP

**Date of Staff Report:** April 26, 2021

**Applicant:** Lorven Investments LLC

**Applicant's Representative(s):** Justin Shimp, Shimp Engineering, P.C.

**Current Property Owner:** Lorven Investments LLC

**Application Information**

**Property Street Address:** 1613 Grove St. Ext., 1611 Grove St. Ext, and 0 Grove St. (Subject Properties)

**Tax Map & Parcel/Tax Status:** 230133000, 230134000, and 230135000 (real estate taxes paid current - Sec. 34-10)

**Total Square Footage/ Acreage Site: Approx.** 0.652acres (28,401square feet)

**Comprehensive Plan (General Land Use Plan):** Low Density Residential

**Current Zoning Classification:** R-2 (Residential Two-family)

**Proposed Zoning Classification:** R-3 (Residential Multifamily)

**Overlay District:** None

**Applicant's Request (Summary)**

Justin Shimp (Shimp Engineering, P.C., representing the owner, Lorven Investments, LLC) has submitted a Rezoning Application pursuant to City Code Sec. 34-41 seeking a zoning map amendment to change the zoning district classification of the above parcels of lands. The application proposes to change the zoning classification from the existing R-2 (Residential Two-family) to R-3 (Residential Multifamily) with one proffered condition. The applicant is also pursuing a Critical Slope Waiver (P21-0023) and a Special Use Permit (SP21-00002) as part of this development. All three applications are required for the development being proposed. The applicant is proposing four (4) apartment buildings with seven (7) two (2) bedroom units per building. The total number of residential units on site would not exceed twenty-eight (28) and the site would have a density of forty-three (43) DUA (Dwelling Units per Acre). The

applicant is also proposing improvement to Rock Creek that abuts the western edge of the property. These improvements include:

- Bank Stabilization
- Regrading of eroded areas
- Creation of aquatic habitats
- Introduction of native species of plantings

The applicant is also offering a draft proffer statement:

- Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended.

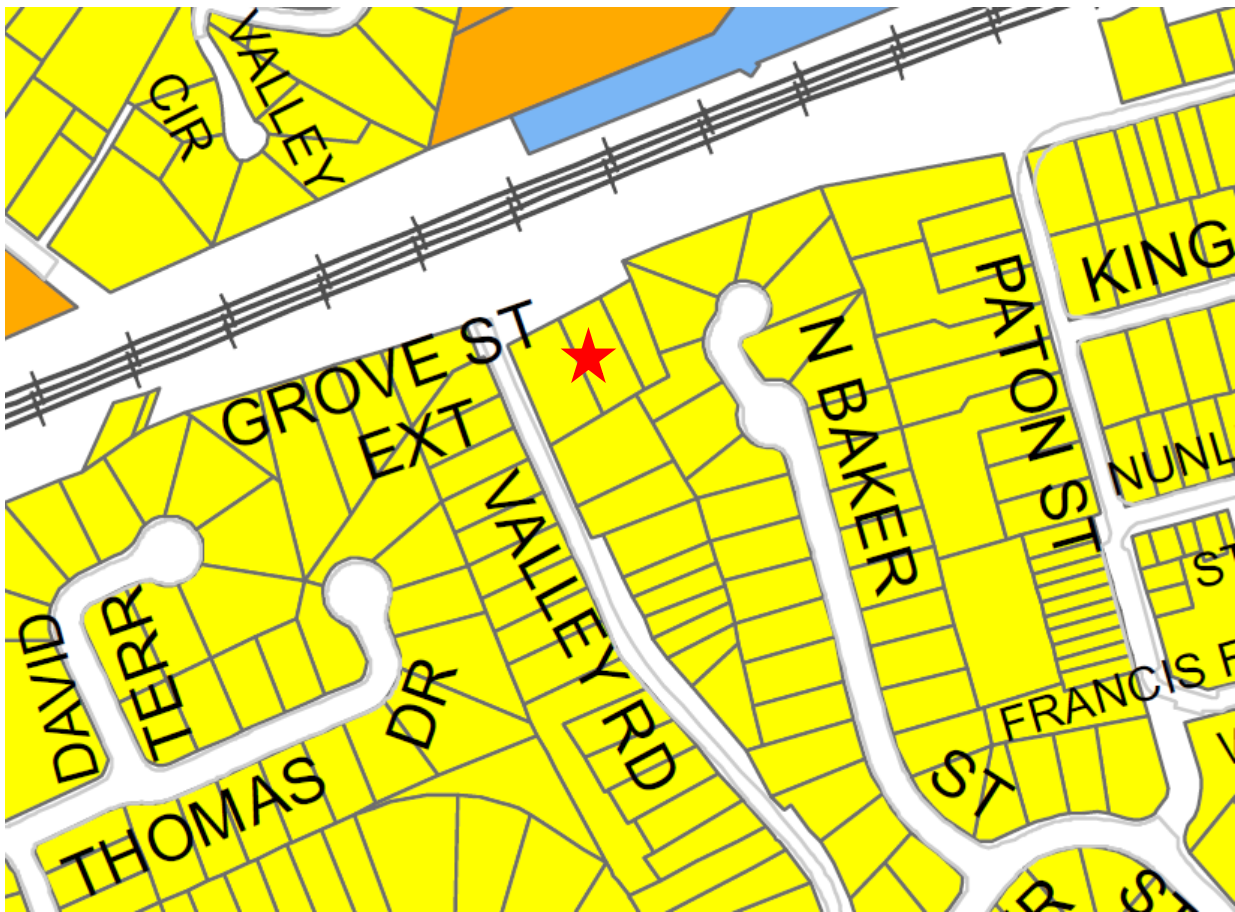
The Subject Property has road frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The Comprehensive Land Use Map for this area calls for Low Density Residential.

### **Vicinity Map**





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



**KEY: Yellow: Low Density Residential, Blue: Public or Semi-Public, & Orange: High Density Residential**

### **Standard of Review**

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is and make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning based on the factors listed in Z.O. Sec. 34-42(a):

- (a) All proposed amendments shall be reviewed by the planning commission. 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.

For applicant's analysis of their application per Sec 34-42 & Sec. 34-41(d) see **Attachment B**

**Sec. 34-42(a)(1): Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.**

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

**a. Land Use**

**2.1:** Respect natural resources and sensitive environmental areas, including designated flood plain areas, rivers, and streams.

**b. Environment**

**3.5:** Improve stream and vegetated buffer conditions to increase wildlife and aquatic habitat, groundwater recharge and stream base flow, decrease sedimentation and improve environmental aesthetics.

**c. Housing**

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

**3.3:** Achieve a mixture of incomes and uses in as many areas of the City as possible.

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

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

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

**a. Land Use**

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

**b. Housing**

**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.

Comprehensive Plan- Staff Analysis:

The Subject Properties are currently zoned R-2 which is one of the most restrictive residential zoning categories in the City. In the R-2 districts single-family detached, single-family attached, and two-family are the most prevalent building types. If the Subject Properties were developed by-right the max number of units would be six (6). This would be achieved by building a two-family unit on each lot. To do this the developer would need to build a City Standard road within the unimproved right of way (ROW) of Grove St. Ext., or do a boundary line adjustment to insure all three (3) lots had frontage on Valley Hill Rd. Ext. The 2013 Comprehensive General Land Use Plan indicates the Subject Properties remain low-density residential. The land use section of the comprehensive plan indicates all single or two-family type housing and a density less than fifteen (15) DUA is Low Density. A rezoning of the Subject Property to R-3 would be not be consistent with the 2013 Comprehensive General Land Use Plan as the housing type and density would not be consistent with the Low Density designation. As presented, the development would require one (1) affordable dwelling unit per Sec. 34-12. - Affordable dwelling units. If the property was developed by-right, no affordable units would be required. In addition, if the Subject Properties are developed by-right, no improvements would be required for Rock Creek. In any by-right development scenario, the portion of Rock Creek on, or fronting, the Subject Properties would be piped underground.

Streets that Work Plan

The Streets that Work Plan labels Valley Road Extended as "Local". Local streets are found throughout the city, and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards. The majority of Valley Road Extended is narrow with limited sidewalk and limited parking. Any by-right development on the site would be required to provide sidewalk, pay into the City's sidewalk fund, or request a waiver from City Council. In the applicant's draft Proffer Statement, they are offering to donate forty-eight thousand (\$48,000) dollars to the City's CIP fund for pedestrian improvements to Valley Road Extended. At this time Public Works has not studied or indicated any near-term CIP plans for Valley Road Extended.

Grove Street Extended is not identified within the Streets that Works Plan.

### Bike Ped Master Plan

The City's 2015 Bike Ped Master Plan calls for Valley Road Extended to be a "Shared Roadway". Shared Roadways are bicycle facilities that designate a vehicular travel lane as a shared space for people to drive and bicycle. This designation is demonstrated to all users through on-road pavement markings, known as "sharrows" or street signage indicating that people bicycling may use the full lane. These facilities do not provide any separation between people driving and bicycling and are best used on neighborhood streets or streets with a low level of bicyclist traffic stress. In addition, the plan calls for a "Greenway Underpass". This would be a tunnel under the railroad connecting Valley Road Extended with Valley Road. At this time no plans are under review or in development for this recommendation from the plan.

#### **Sec. 34-42(a)(2): Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.**

Staff finds that changing the zoning from R-2 to R-3 could have an impact to the general welfare of the entire community. The current fabric of the neighborhood is low density residential with single-family attached and two family dwelling units being the predominant housing type on Valley Road Extended. A change to R-3 would introduce density that runs counter to the City Land Use Map.

#### **Sec. 34-42(a)(3): Whether there is a need and justification for the change.**

According to the City's 2013 Comprehensive General Land Use Plan, this portion of the City should be Low Density Residential with a DUA under 15. A rezoning of the Subject Property from R-2 to R-3 would not be consistent with this standard and finds no need or justification to make the change.

#### **Sec. 34-42(a)(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.**

Most developments within the R-2 districts are exempt from site plan requirements per Sec. 34-802(a)(1), but due to the location of the Subject Properties, staff believes all public services and facilities would be adequate to support a by-right development. Should the Subject Properties be rezoned to R-3, most developments in this districts do require a site plan per Sec. 34-802. Should the Subject Properties be developed as presented, staff

believes all public services and facilities would be adequate to support the development, but more detail would be provided during the site plan review.

The purposes set forth per Z.O. Sec. 34-350(b) and (c) are:

**Two-family (R-2).** The two-family residential zoning districts are established to enhance the variety of housing opportunities available within certain low-density residential areas of the city, and to provide and protect those areas. There are two (2) categories of R-2 zoning districts:

**R-2,** consisting of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged. Included within this district are certain areas located along the Ridge Street corridor, areas of significant historical importance;

**Multifamily.** The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The basic permitted use is medium-density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses. There are three (3) categories of multifamily residential zoning districts:

**R-3,** consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged;

It is most likely that any development proposed on the Subject Properties would comply with the purposes set forth at the beginning of the proposed district classification. This cannot be fully determined until a proposed development is under site plan review.

As part of the rezoning, the applicant is proposing the following proffer: *Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended. As Public Works is not currently proposing any CIP work to Valley Road Extended, this contribution would not be used in the near future.*

\*Highlighted sections indicate physical characteristics that can be modified through a Special Use Permit per Sec. 34-162(a).

<p><b>Current R-2 Zoning</b> Consist of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged.</p>	<p><b>Proposed R-3 Zoning</b> Consist of medium-density residential areas in which medium-density residential</p>
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		developments, including multifamily uses, are encouraged.	
<b>Physical Characteristics</b>		<b>Physical Characteristics</b>	
<b>Front Setback</b>	25' min	<b>Front Setback</b>	25' min
<b>Side Setback</b>	5' min (Single Family Detached) 10' min (Single Family Attached) 10' min (Two-family) 50' min (Non-residential) 20' min (Corner Street Side)	<b>Side Setback</b>	1' for every 2' of height with a minimum of 10': Residential 0 – 21 DUA 1' for every 3' of height with a minimum of 10': Residential 22 – 43 DUA 1' for every 4' of height with a minimum of 10': Residential 44 – 87 DUA 25' min (Non-residential) 20' min (Corner Street Side)
<b>Rear Setback</b>	25' min (Residential) 50' min (Non-residential)	<b>Rear Setback</b>	25' min (Residential)
<b>Additional Yard and Setback Requirements</b>	None	<b>All Yards and Setbacks</b>	50' from the façade of any multifamily building to the boundary of any low-density residential district: 22 – 43 DUA 75' from the façade of any multifamily building to the boundary of any low-density residential district: 44 -87 DUA  Within a residential development containing any multifamily dwellings there shall be a minimum distance between the facade of the multifamily dwelling and the boundary of any low-density

			residential district, as follows: 50' for 22 – 43 DUA 75' for 44 -87 DUA
<b>Land Coverage</b>	No limit within setbacks	<b>Land Coverage</b>	75% max for 0 -21 DUA 80% max for 22 – 87 DUA
<b>Height</b>	35' max	<b>Height</b>	45' max
<b>Min Lot Size</b>	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft)(Single Family Attached) 7,200sqft (Two-family) No requirement (non-residential)	<b>Min Lot Size</b>	6,000sqft (Single Family Detached) 2,000sqft (average of 3,600sqft (Single Family Attached) 7,200sqft (Two-family) 2,000sqft (Townhouse) No requirement (Multifamily) No requirement (non-residential)
<b>Road Frontage</b>	50' (Single Family Detached and Two-family) 20' (Single Family Attached) No requirement (non-residential)	<b>Road Frontage</b>	50' (Single Family Detached and Two-family) 20' (Single Family Attached) 16' (Townhouse) No requirement (non-residential)
<b>Parking</b>	1 space per unit	<b>Parking</b>	1 space per unit up to 2 bedrooms

<b>Residential Use (by-Right)</b>	<b>R-2</b>	<b>R-3</b>
Accessory buildings, structures and uses	B	B
Adult assisted living	B	B
Amateur radio antennas, to a height of 75 ft.	B	B
Bed-and-breakfast Homestay	B	B
Bed-and-breakfast B & B		B
Multifamily		B
Dwellings Single-family attached	B	B
Dwellings Single-family detached	B	B
Townhouse		B

Dwellings Two-family	B	B
Family day home 1 – 5 Children	B	B
Family day home 6 – 12 Children		B
Residential Occupancy 3 unrelated persons	B	B
Residential Occupancy 4 unrelated persons	B	B
Residential density 1 -21 DUA		B
Residential Treatment Facility 1 – 8 residents	B	B

<b>Non-Residential Use (by-Right)</b>	<b>R-2</b>	<b>R-3</b>
Access to adjacent multifamily, commercial, industrial or mixed-use development or use		B
Accessory buildings, structures and uses		B
Houses of worship	B	B
Health clinic up to 4,000sqft GFA		B
Public health clinic		B
Attached facilities utilizing utility poles as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Daycare facility		B
Elementary School		B
High School		B
Colleges and universities		B
Libraries	B	B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	B
Utility lines	B	B

The Subject Properties are currently vacant. Should the lots be reoriented so all three have frontage on Valley Road Extended, they could accommodate six (6) units (three two-family dwellings) by-right under the existing zoning. The biggest difference between the existing R-2 zoning and the R-3 development the applicant is proposing is the change to multifamily. The current density is approximately nine (9) DUA. A change in the zoning to R-3 without a Special Use Permit would increase the by-right density to twenty-one (21) DUA resulting in a maximum of thirteen (13) units. With the SUP, the density would increase to forty-three (43) DUA for a maximum of twenty-eight (28) units. Nothing in the applicant’s proffer statement removes any of the existing R-3 by-right uses. The applicant may proffer the proposed

development that is subject to the SUP (SP21-00002), but should the rezoning be granted without the SUP or proffered residential development, the following uses would be by-right for the Subject Properties: Bed-and-breakfast B & B, Multifamily up to 21 DUA, Townhouse, Family day home 6 – 12 Children, Health clinic up to 4,000sqft GFA, Public health clinic, Daycare facility, Elementary schools, High schools, and Colleges. Staff finds that multifamily up to 21 DUA and townhouses could be appropriate uses but the other by-right R-3 uses would not.

**Zoning History of the Subject Property**

Year	Zoning District
1949	A-I Residence
1958	R-2 Residential
1976	R-2 Residential
1991	R-2 Residential
2003	R-2 Residential

**The Subject Property is bordered by:**

Direction	Use	Zoning
North	Unimproved section of Grove St. Ext. and the Railroad	NA
South	Two-family Residential unit	R-2
East	Two-family Residential unit	R-2
West	Two-family Residential unit	R-2

Staff finds a rezoning of the Subject Property would not be consistent with the patterns of development on Valley Road Extended. Staff is also concerned with some of the uses that would be by-right if the Subject Properties were rezoned.

**Public Comments Received**

*Community Meeting Required by Z.O. Sec. 34-41(c)(2) and the Community Engagement meeting Requirements during the COVID -19 Emergency approved by City Council on July 20, 2020*

On March 4, 2021 the applicant held a community meeting on Zoom from 6:00pm to 7pm. This meeting was well attended by the neighborhood and the following concerns were raised.

The meeting was recorded and is available to the public through the developer.

- Rezoning to R-3 and building an apartment complex is not in character with the neighborhood.
- The project has too much density.
- Parking will be an issue.
- Traffic on Valley Road Extended is already a problem due to the narrowness and an apartment building will make thing worse.
- It would be nice to see the kudzu gone and Rock Creek improved.

#### *Other Comments*

Staff has attached all comments received prior to the date of this staff report. Any comments received after the date of this report have been forwarded on to Planning Commission and City Council.

#### **Staff Recommendation**

Staff finds the proposed zoning change could contribute to some goals of the City's Comprehensive Plan such as increasing the City housing stock, restoring a portion of Rock Creek, and adding an affordable dwelling unit. But staff also finds that the proposed rezoning would not be consistent with the City future Land Use Map or the surrounding fabric of the neighborhood. Staff recommends denial of the rezoning request.

#### **Suggested Motions**

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

**OR,**

2. I move to recommend denial of this application to rezone the Subject Property from R-2 to R-3, on the basis that the proposal would not service the interests of the general public and good zoning practice.

#### **Attachments**

- A. Rezoning Application dated July 13, 2020
- B. Narrative dated April 15, 2021
- C. Draft Proffer Statement
- D. Community Comments (See Attachment E with the SUP Application)





# City of Charlottesville

## Application for Rezoning

**Project Name:** 1613 Grove St Ext

**Address of Property:** 1613 Grove St. Ext and 230134000/230133000

**Tax Map and Parcel Number(s):** 230135000 and ^ ^

**Current Zoning:** R2

**Proposed Zoning:** R3

**Comprehensive Plan Land Use Designation:** Low Density Residential

**Applicant:** Lorven Investments LLC

**Address:** 4776 Walbern Ct Chantilly, Va 20151

**Phone:** 703-856-0164 **Email:** nseri@yahoo.com

project contact: Shimp Engineering, Kelsey Schlein | (434)227-5140 | kelsey@shimp-engineering.com

**Applicant's Role in the Development (check one):**

**Owner**     **Owner's Agent**     **Contract Purchaser**

**Owner of Record:** same as applicant

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

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

(1) Signature [Signature] Print Narsimha Seri Date 07/13/2020

Applicant's (Circle One):  **LLC Member**  **LLC Manager**  **Corporate Officer (specify)** \_\_\_\_\_

Other (specify): \_\_\_\_\_

(2) Signature [Signature] Print Narsimha Seri Date 07/13/2020

Owner's (Circle One):  **LLC Member**  **LLC Manager**  **Corporate Officer (specify)** \_\_\_\_\_

Other (specify): \_\_\_\_\_

ZM20-00003



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 1613 Grove St. Ext

Pre-Application Meeting Date: March 12, 2020

Applicant's Representative: \_\_\_\_\_

Planner: Matt Aifele

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. Massing Plan
2. Traffic Study if needed (Talk to the City Traffic Engineer)
3. Talk to Amanda about the Bike and Ped Master Plan
4. \_\_\_\_\_
5. \_\_\_\_\_

Planner Signature: 



# City of Charlottesville

## Application Checklist

Project Name: 1613 Grove St.

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

- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 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.)
- Completed proffer statement
- All items noted on the Pre-Application Meeting Verification.

Applicant Lomen Investments LLC

Signature *[Signature]* Print NARSIMHA SERI Date 07/13/2020

By Its: Member

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



# City of Charlottesville

## Community Meeting

Project Name: 1613 Grove St

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 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: *Narsimha Seri* (NARSIMHA SERI) For Lomen Investments LLC

By:

Signature *Narsimha Seri* Print NARSIMHA SERI Date 07/13/2020

Its: \_\_\_\_\_ (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Personal Interest Statement

Project Name: 1613 Grove St.

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): \_\_\_\_\_

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Applicant: *fileddy* (NARSIMHA SERI) - For Loman Investments LLC

By:

Signature *fileddy* Print NARSIMHA SERI Date 07/13/2020

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

### Commonwealth of Virginia

#### City of Charlottesville

The foregoing instrument was subscribed and sworn before me this 13<sup>th</sup> day of JULY, 2020 by NARSIMHA R. SERI

Notary Signature *Mark R. Knight*

Registration #: 7026770 Expires APRIL 30, 2022





# City of Charlottesville

## Owner's Authorizations

(Not Required)

Project Name: 1613 Grove St.

### 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 rezoning application.

Owner: Lorven Investments LLC Date: 07/13/2020

By (sign name): *Narsimha Seri* Print Name: NARSIMHA SERI

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 rezoning, 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: \_\_\_\_\_

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

Owner: Lorven Investments LLC Date: 07/13/2020

By (sign name): *Narsimha Seri* Print Name: NARSIMHA SERI

Circle one:

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

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Disclosure of Equitable Ownership

Project Name: 1613 Grove St.

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 Sateerh Nadinpally Address 11719 Popes Head Rd, Fairfax, VA 22030
- Name Mahondar Edla Address 25799 Busser Ct, Chantilly, VA 20152
- Name Kiran Bondugula Address 43376 Burnstead Dr, Ashburn, VA 20148
- Name Narsimha Seri Address 4776 Walburn Ct, Chantilly, VA 20151

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: Lorven Investments LLC

By:

Signature *[Handwritten Signature]* Print NARSIMHA SERI Date 07/13/2020

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



# City of Charlottesville

## Fee Schedule

Application Type	Quantity	Fee	Subtotal
Rezoning Application Fee	1	\$2000	\$2000
Mailing Costs per letter		\$1 per letter	TBD
Newspaper Notice		Payment Due Upon Invoice	TBD
<b>TOTAL</b>			<b>\$2000</b>

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_



**SHIMP ENGINEERING, P.C.**

Design Focused Engineering

**Project Narrative For:** ZMA and SUP 1613 Grove St Ext  
**Parcel Description:** Tax Map 23, Parcels 133, 134, 135  
**Initial Submittal:** July 14, 2020  
**Revision 1:** January 29, 2021  
**Revision 2:** April 15, 2021  
**Pre-App Meeting Date:** March 12, 2020

TAX MAP PARCEL NO.	ACREAGE	EXISTING ZONING	PROPOSED ZONING	COMP PLAN DESIGNATION
TMP 23-133	0.147	R-2	R-3	Low-Density Residential
TMP 23-134	0.239	R-2	R-3	Low-Density Residential
TMP 23-135	0.266	R-2	R-3	Low-Density Residential
<b>Total:</b>	0.652			

**Location:**

The parcels front an unimproved portion of Grove Street Extended with parcel 23-135 abutting Valley Road Extended. The properties are located within the Fifeville Neighborhood and are located along the edge of the land use map of the Cherry Avenue Small Area Plan Draft. The CSX railroad runs parallel to the properties' north boundaries.

**Project Proposal:**

Lorven Investments, LLC is the owner (the "owner") of tax map parcels 23-133, 23-134 and 23-135 in the City of Charlottesville (collectively, the "property"). On behalf of the owner, we request a rezoning and special use permit to allow for a cluster of neighborhood scale multi-family buildings with a total of 28 residential units on the property. To realize this housing opportunity, we request to rezone the property from Two-family Residential (R-2) to Multi-family Residential (R-3). Concurrent with the rezoning request, we request a special use permit for additional residential density of up to 43 dwelling units per acre. To accommodate a multi-family development on the property, the existing interior boundary lines will be vacated to create one .652 acre parcel (the "new parcel"). In conjunction with the special use permit request, and in accordance with modifications allowed by Sec. 34-162, we request a reduction of the northern side setback (adjacent to the unimproved portion of Grove St. Ext) of the new parcel to 5' and for an exception from Sec.34-353(B)(4) which requires the distance between the façade of a multifamily dwelling having between 22-43 DUA and the boundary of any low density residential district to be 50 feet.

We propose a cluster of four (4) neighborhood-scale multi-family buildings that in total will house 28 residential units. The buildings will be organized on the property in a skewed quadrant and will be constructed on the site to create different areas of outdoor leisure and recreation space between and

## Attachment B

around the buildings. Each building will have seven (7) units, with all of the units proposed as two bedroom units. Parking is provided on site, in accordance with City parking requirements, to serve the parking needs of future residents. The buildings are designed to relegate the parking from Valley Road Extended and most of the parking spaces are accommodated underneath the overhang of the buildings, limiting the amount of impervious surface on-site required to accommodate both the residential units and the required parking areas.

The site, including the banks of Rock Creek is currently overtaken with Kudzu, an invasive species, and the preliminary site plan included with this special use permit request demonstrates a native replanting design along the banks that will contribute to a robust canopy and green screen along Valley Road Extended.

The buildings are proposed at a height of 40', as shown in the elevations included with this submission package, and will not exceed 45' in height, the maximum by-right allowance for the R-3 Residential Zoning District. The property is bordered by R-2 zoned properties which are subject to a maximum height of 35'. Just across the railroad right-of-way, just north of the property, there are B-1 and UHD zoned properties which have a maximum height of 45' and 50' respectively. Although the maximum height in the R-3 district is 10' taller than the by-right height in the R-2 district, the grade of the property and proposed finished floor elevations of the buildings will greatly contribute to mitigating the 10' height differential between the existing and proposed zoning district on the property. The property sits at a lower elevation than most of its surrounding context; the proposed finish floor elevation of the buildings is between 436' and 438'. The finished floor elevation of the structure to the east is approximately 462', the finished floor elevation of the structure to the south is approximately 442', the approximate floor elevations of the properties opposite Valley St. are 440', and the ridge of the adjacent railroad right-of-way is 479'.

The project design will establish:

- 1) A neighborhood-scale multi-family housing development with off-street parking in close proximity to major regional employers
- 2) Greenspace and green screens, providing open space for future residents that is inviting and supports the enhancement of Rock Creek, and
- 3) Intentional recreational areas for residents that encourage outdoor leisure and play
- 4) Sidewalk improvements along the new parcel frontage along Valley Rd Ext that ultimately may be incorporated into a more robust pedestrian and bicycle improvements network if the multi-use tunnel under the railroad right-of-way, as called for in the Bike and Pedestrian Master Plan, is realized in the future and when additional sidewalk connections are made on Valley Road Extended.

### Public Need or Benefit

The Comprehensive Regional Housing Study and Needs Analysis completed by Partners for Economic Solutions in 2019 states in the executive summary that, "over the past two decades, housing prices in Planning District 10 have increased rapidly as new construction failed to keep pace with the increase in demand at all but the highest rent and price levels."<sup>1</sup> This proposed project will contribute to the "missing middle" housing stock and help to meet demand for housing in Charlottesville City limits.

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<sup>1</sup> "Comprehensive Regional Housing Study and Needs Analysis." Partners for Economic Solutions. March 22, 2019

### **Surrounding Uses:**

The new parcel will have frontage on Valley Road Extended. The property is bordered by two family residential structures to the east and south and by an unimproved section of Grove St. Ext and CSX railroad right of way to the north. Directly north of the CSX ROW is property owned by the University of Virginia that is subject to the “Brandon Avenue Master Plan.”

### **R-3 Justification**

The proposed development is consistent with the intent of the R-3 zoning district which states, “The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development” and that R-3 consists, “of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.” This project proposes a medium density multi-family development, consistent with the intent of the R-3 district.

Development of the property aligns with the goals and opportunities of the Fifeville Neighborhood as outlined in the Cherry Avenue Small Area Plan Draft. The SWOT analysis compiled by the neighborhood revealed that residents feel there is a lack of affordability in the neighborhood, pricing out long-term community members. While there is fear that development will change the neighborhood, community members still felt there is a strong opportunity to improve housing options within Fifeville. With new development, “additional housing may help residents remain in the community, even if they move to a new home within the neighborhood” (43). The multifamily development on Grove Street Extended could be an opportunity to address the challenge of meeting housing demand in the largely single-family zoning district in the Fifeville neighborhood. 1613 Grove Street is ideal for vacant lot development with effective density. The property is located at the end of Valley Road Extended’s block of duplexes and two-family dwelling units. A medium-density multifamily development would not be out of character in this portion of the neighborhood and will be designed in a manner to complement, not overshadow, the existing neighborhood context. Neighbors voiced that large-scale buildings, such as the developments on West Main Street, do not belong in Fifeville and although the proposed structures are approximately 40’, they generally appear as 3-story structures, as the attic unit that is accommodated within the gabled roof contributes to total height. With these site conditions, the structures would not be easily visible from main thoroughfares of the Fifeville neighborhood, minimizing overall impact to the small-town feel that community members seek to preserve, while demonstrating a different level of density that neighbors could experience. Allowing for this type of development where impact is minimal would help the community better understand the built condition of the desired density, affordability, and housing types they envision, without compromising the character of the neighborhood nor displacing any current residents. Developing this vacant lot to the proposed density standards would provide a current example for neighbors and help guide where similar developments could be appropriate for other areas of Fifeville.

Generous green screens will be planted at the edges of the property which will contribute to a robust landscape program on the site, adding to the tree canopy in the neighborhood while providing sufficient privacy for future residents. This will ensure that the tree and green space character of the neighborhood local streets will not only be preserved but enhanced.

### **Consistency with the Comprehensive Plan:**

The property is located within the Western portion of the Fifeville Neighborhood and is located on the Western-most edge of the Cherry Avenue Small Area Plan Draft. The property fronts an unimproved portion of Grove Street Extended and extends along Valley Road Extended. Rock Creek is located on the western edge of tax map parcel 23-135, parallel to Valley Road Extended.

## Attachment B

Although this area is designated as Low-Density Residential on the future land use map, the Cherry Avenue Small Area Plan Draft encourages re-examination of allowable uses in the zoning code and exploration of methods to increase the number of affordable housing options in low-density portions of the neighborhood. A zoning map amendment for this property will contribute to the enhancement of housing options in the neighborhood and this proposed design contributes to protecting the character of the area.

This rezoning will achieve the intent of several of the City's housing goals including: creating quality housing opportunities for all and growing the City's housing stock for residents of all income levels.

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.* A medium-density multi-family development on the property will bring a greater variety of housing units to the Fifeville Neighborhood and will contribute to a more mixed income neighborhood where residents have options to rent different sized units at different price points.

### Chapter 4 Environment

- *Goal 2: Promote practices throughout the City that contribute to a robust urban forest.* The preliminary site plan included with this rezoning request shows a landscape plan that would add a variety of native trees and plants to the site along the banks of Rock Creek, along the borders of the property, and internally in parking and recreational areas.
- *Goal 4: Improve public and private stormwater infrastructure while protecting and restoring stream ecosystems.* The proposed development will adhere to all local and state stormwater regulations. A native planting stream buffer is proposed along the banks of Rock Creek which will help to contribute to the restoration of the stream ecosystem. At present, the banks of the stream are unprotected from stormwater runoff and are overtaken by invasive plant species.

### Chapter 5 Housing

- *Goal 3: Grow the City's housing stock for residents of all income levels.* A medium-density multi-family development on this property is an opportunity to incorporate more housing options throughout the City and help the City attain its goal of achieving a mixture of incomes and uses in as many areas of the City as possible. Additionally, the proposed development triggers the City's affordable housing requirement and so one unit will be designated as affordable in accordance with Sec. 34-12 of the City's Zoning Ordinance.

### **Impacts on Public Facilities & Public Infrastructure:**

American Community Survey (ACS) 5 year estimates indicate the average household size in Charlottesville is 2.38 people<sup>2</sup>. Using the ACS average, a multi-family development with a maximum of 28 proposed units could potentially yield 67 new residents within Police District 7 and Ridge Street Station Fire District. It should be noted this household size is for all unit sizes and is not limited to two-

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<sup>2</sup> ACS 2013-2017 5 YR Estimates Table B25010 "Average Household Size of Occupied Housing Units by Tenure"

bedroom households. The number of people per dwelling unit in a two bedroom unit may be less than the overall household average.

Despite the additional density, vehicular trips generated by the development are expected to be minimal, and thus will not greatly impact congestion on Cherry Avenue, which is a concern expressed in the Cherry Avenue Small Area Plan. A CAT bus stop is located a short distance from the property at the intersections of Cherry Avenue and Valley Road Extended and the development intends to provide bike lockers for residents. It is expected that these two alternative transportation methods will lower the already low trip estimate.

The Charlottesville Bicycle and Pedestrian Master Plan has other pedestrian-friendly infrastructure proposed (the aforementioned greenway tunnel and multi-use pathway) that will connect Fifeville and the immediate property to Charlottesville, encouraging even more pedestrian trips in the future.

### **Impacts on Schools:**

This property lies within the Johnson 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.<sup>3</sup> 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 children per housing unit in Charlottesville.<sup>4</sup> Since 28 units are proposed on the site, it is estimated there may be an additional seven school-aged children within the development.

### **Impacts on Environmental Features:**

All design and engineering for improving the property will comply with applicable City and State regulations for erosion and sediment control and stormwater management. Rock Creek (located at the western portion of tax map parcel 23-135) will be protected during and after construction.

Stream restoration along Rock Creek near the property frontage is proposed as a component of this application. Currently, the banks of Rock Creek are overrun with Kudzu and don't have stabilization measures in place to ensure the integrity of the bank over the long term. The restoration plan included with this application proposes the installation of stabilization stones and native trees and grasses.

### **Compliance with USBC Regulations:**

The proposed project will comply with all applicable USBC regulations.

### **Proffers to Address Impacts:**

As a condition of rezoning approval, the owner will provide a cash contribution for improvements to pedestrian infrastructure along Valley Road Extended to improve pedestrian connectivity and safety along that street. The owner proposes to proffer a total of \$48,000 prior to issuance of certificate of occupancy of the seventh dwelling unit on the property.

The \$48,000 contribution is consistent with providing just over 700 linear feet of sidewalk per the City's 2019 sidewalk fund calculator which priced each linear foot of sidewalk at \$67.75.

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<sup>3</sup> ACS 2018 5 YR Estimates Table DP05 "ACS Demographic and Housing Estimates"

<sup>4</sup> ACS 2018 5 YR Estimates Table DP04 "Selected Housing Characteristics"

## Attachment B

Attachment C

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE:  
PETITION FOR REZONING (City Application No. ZMXX-XXXXX)  
STATEMENT OF **PRELIMINARY** PROFFER CONDITIONS

For 1613 Grove Street Ext.

City of Charlottesville Tax Map 23 Parcels 133, 134, 135

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

Lorven Investments, LLC is the owner (the “Owner”) of Tax Parcels 230133000, 230134000, 230135000 (collectively, the “Property”) which is the subject of rezoning application ZMXX-XXXXX, a project known as “1613 Grove Street Ext.” (the “Project”). The Owner seeks to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

In furtherance of the Project, the Owner hereby proffers for City Council’s consideration voluntary development conditions, which the Owner agrees are reasonable. The Owner agrees that, if the Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

**1. Valley Road Extended Sidewalk Improvements:**

- a. Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended.

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

By: \_\_\_\_\_

Lorven Investments, LLC Manager/Member

Print Name: \_\_\_\_\_

Owner’s Address: \_\_\_\_\_

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING**  
**APPLICATION FOR A SPECIAL USE PERMIT**  
**APPLICATION NUMBER: SP21-00002**  
**DATE OF HEARING: May 11, 2021**

**Project Planner:** Matt Alfele, AICP  
**Date of Staff Report:** April 27, 2021

**Applicant:** Lorven Investments LLC  
**Applicant's Representative(s):** Justin Shimp, Shimp Engineering, P.C.  
**Current Property Owner:** Lorven Investments LLC

**Application Information**

**Property Street Address:** 1613 Grove St. Ext., 1611 Grove St. Ext, and 0 Grove St. (Subject Properties)

**Tax Map & Parcel/Tax Status:** 230133000, 230134000, and 230135000 (real estate taxes paid current - Sec. 34-10)

**Total Square Footage/ Acreage Site:** 0.652acres (28,401square feet)

**Comprehensive Plan (General Land Use Plan):** Low Density Residential

**Current Zoning Classification:** R-2 (applicant is pursuing a rezoning to R-3 under application ZM20-00003)

**Overlay District:** None

**Applicant's Request (Summary)**

Justin Shimp (Shimp Engineering, PC., representing the owner, Lorven Investments, LLC) has submitted a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, which states that residential density up to forty-three (43) Dwelling Units per Acre (DUA) is permitted with a SUP. As part of this SUP the applicant is also requesting that yard requirements as listed in City Code Sec. 34-353(a) and 34-353(b)(4) be amended pursuant to City Code Sec. 34-162(a). The Subject Properties have street frontage on Valley Road Extended and the unimproved portion of Grove Street Extended. The proposed development is part of a packet of applications including a rezoning application (ZM20-00003) and a critical slope application (P21-0023).



The site plan (Attachment C) submitted with the application pursuant to City Code Sec. 34-41(d)(1) and (d)(6) depicts a development that would include twenty-eight (28) residential units. These units would be located within four (4) apartment buildings each having seven (7) two (2) bedroom units per building. The proposed density would be forty-three (43) DUA. In addition, the site plan shows a new (north) side yard of five (5) feet, (south) side yard of fourteen (14) feet, front yard of twenty-five (25) feet, and backyard of twenty-five (25) feet. Other improvements shown in the application include restoration of the portion of Rock Creek on the Subject Properties; and a cash contribution for pedestrian improvements along Valley Road Extended. See the applicants' narrative (Attachment B) and proffer statement from application ZM20-00003) for more information.

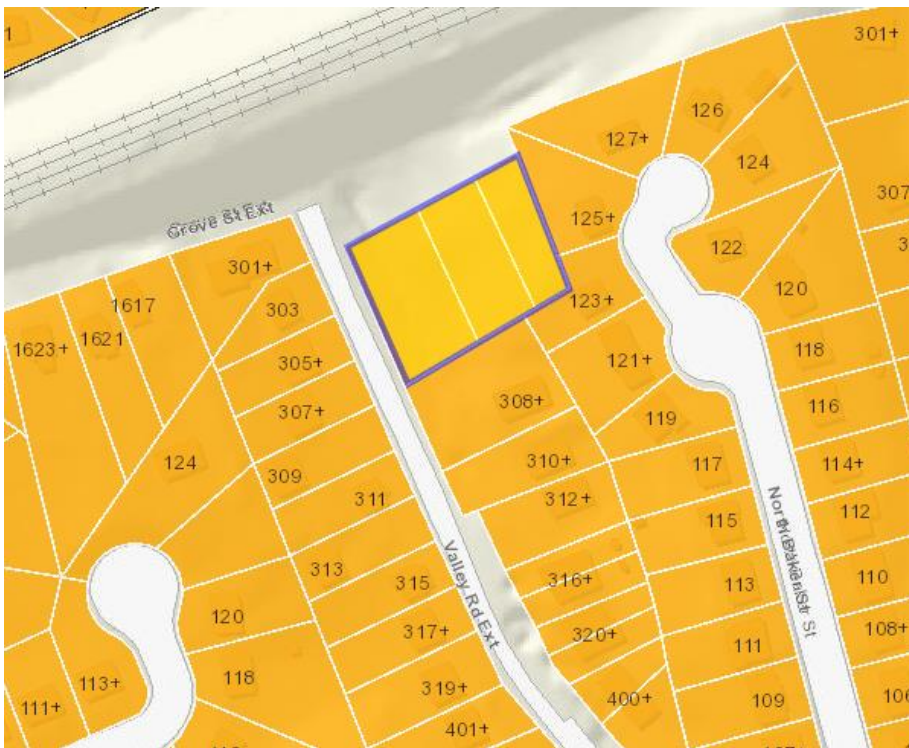
### **Vicinity Map**



**Context Map 1**

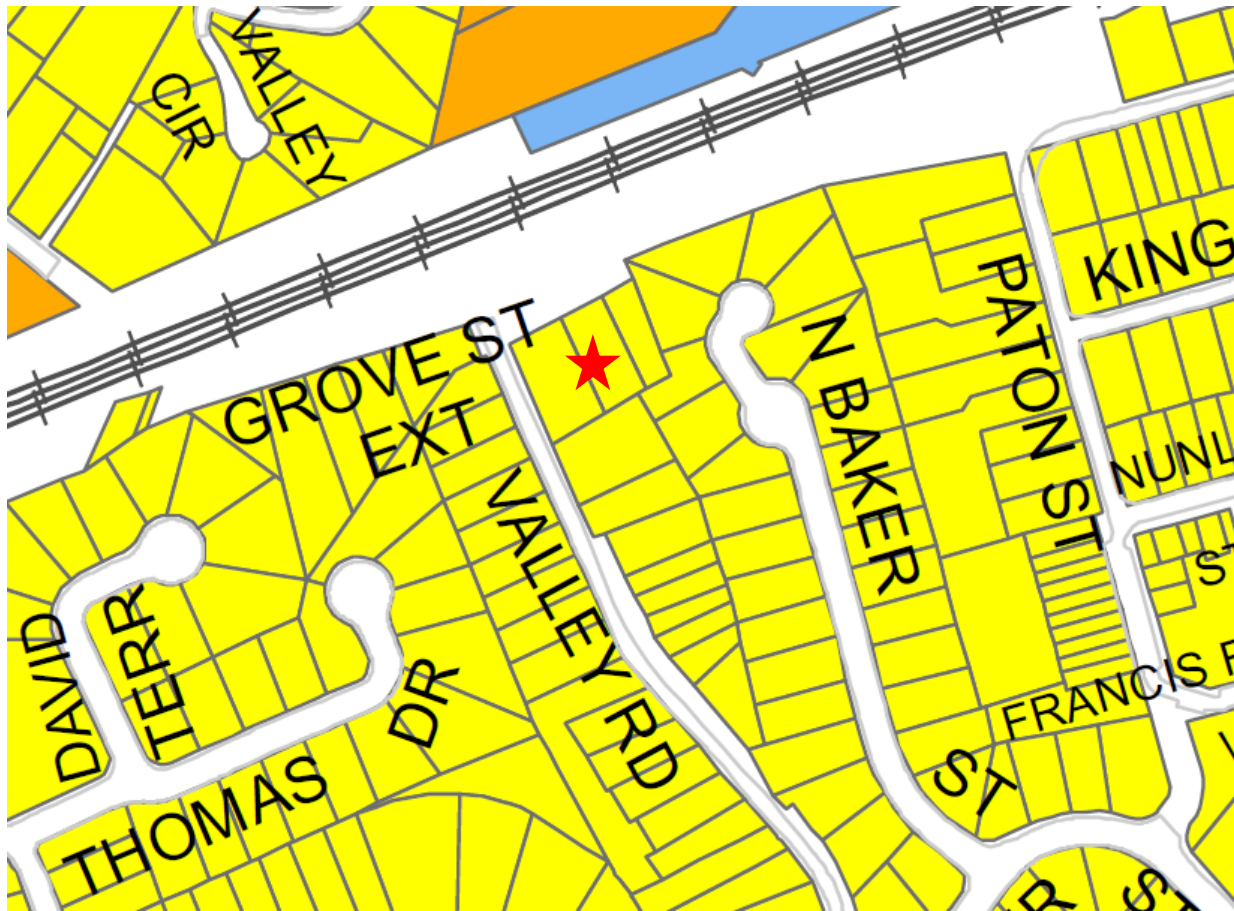


**Context Map 2- Zoning Classification**



**KEY - Orange: R-2**

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



**KEY: Yellow: Low Density Residential, Blue: Public or Semi-Public, & Orange: High 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 proposed 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 the applicants analysis of their application per City Code 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.**

TABLE The properties immediately surrounding the subject property are described as:

Direction	Use	Zoning
North	Unimproved section of Grove St. Ext. and the Railroad	NA
South	Two-family Residential unit	R-2
East	Two-family Residential unit	R-2
West	Two-family Residential unit	R-2

The current patterns of development within the neighborhood consist of single-family attached and two-family residential units. Although the area directly north of the railroad tracks encompass a mix of medium and high density residential developments, this area is separated by more than four hundred (400) feet, a steep grade change, and the barrier of the tracks. Staff finds that multifamily up to twenty-one (21) DUA within small units could be an appropriate use on the Subject Properties as it would blend with the current patterns of development at a more appropriate intermediate density. The unit count within a small twenty-one (21) DUA development would max out at thirteen (13) units for a site this size. Bedroom count and number of unrelated occupants would need to be factored into the DUA for a by-right development. In addition, townhouses could also be appropriate, but at a lower density due to a larger footprints for each row of units. Other by-right R-3 uses would not be appropriate for this location within the neighborhood.

**(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 request is in compliance:*

- a. Land Use**
  - 2.1:** Respect natural resources and sensitive environmental areas, including designated flood plain areas, rivers, and streams.
- b. Environment**
  - 3.5:** Improve stream and vegetated buffer conditions to increase wildlife and aquatic habitat, groundwater recharge and stream base flow, decrease sedimentation and improve environmental aesthetics.
- c. Housing**

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

**3.3:** Achieve a mixture of incomes and uses in as many areas of the City as possible.

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

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

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

**a. Land Use**

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

**b. Housing**

**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.

Comprehensive Plan- Staff Analysis:

The Subject Properties are currently zoned R-2 which is one of the most restrictive residential zoning categories in the City. In the R-2 districts single-family detached, single-family attached, and two-family are the most prevalent building types. If the Subject Properties were developed by-right the max number of units would be six (6). This would be achieved by building a two-family unit on each lot. To do this the developer would need to build a City Standard road within the unimproved right of way (ROW) of Grove St. Ext., or do a boundary line adjustment to insure all three (3) lots had frontage on Valley Rd. Ext. The 2013 Comprehensive General Land Use Plan indicates the Subject Properties remain low-density residential. The land use section of the comprehensive plan indicates all single or two-family type housing and a density less than fifteen (15) DUA is Low Density. A rezoning of the Subject Property to R-3 would be not be consistent with the 2013 Comprehensive General Land Use Plan as the housing type and density would not be consistent with the Low Density designation. As presented, the development would require one (1) affordable dwelling unit per Sec. 34-12. - Affordable dwelling units. If the property was developed by-right, no affordable units would be required. In addition, if the Subject Properties are

developed by-right, no improvements would be required for Rock Creek. In any by-right development scenario, the portion of Rock Creek on, or fronting, the Subject Properties would be piped underground.

#### Streets that Work Plan

The Streets that Work Plan labels Valley Road Extended as “Local”. Local streets are found throughout the city, and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community’s expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards. The majority of Valley Road Extended is narrow with limited sidewalk and limited parking. Any by-right development on the site would be required to provide sidewalk, pay into the City’s sidewalk fund, request a waiver from City Council, or request a waiver per Sec. 29-182(j)(5). How the Subject Properties were developed by-right would determine which path was taken. In the applicant’s draft Proffer Statement, they are offering to donate forty-eight thousand (\$48,000) dollars to the City’s CIP fund for pedestrian improvements to Valley Road Extended. At this time Public Works has not studied or indicated any near-term CIP plans for Valley Road Extended.

Grove Street Extended is not identified within the Streets that Works Plan.

#### Bike Ped Master Plan

The City’s 2015 Bike Ped Master Plan calls for Valley Road Extended to be a “Shared Roadway”. Shared Roadways are bicycle facilities that designate a vehicular travel lane as a shared space for people to drive and bicycle. This designation is demonstrated to all users through on-road pavement markings, known as “sharrows” or street signage indicating that people bicycling may use the full lane. These facilities do not provide any separation between people driving and bicycling and are best used on neighborhood streets or streets with a low level of bicyclist traffic stress. In addition, the plan calls for a “Greenway Underpass”. This would be a tunnel under the railroad connecting Valley Road Extended with Valley Road. At this time no plans are under review or in development for this recommendation from the 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

While this development would not push the street over its theoretically maximum capacity, there are a couple of things that should be noted. First, Valley Road Extended is of substandard width (less than 20 feet) which makes it more difficult for vehicles to pass one another. Second, the current traffic on the street is approximately 600-700 vpd (vehicles per day) based on the number of residences. Adding an additional 28 units will increase this between 200-300 vpd. This will push the street very close to the 1,000 vpd threshold at which residents begin to perceive traffic as being unsafe, noisy and/or disruptive. For these reasons, Traffic Engineering would recommend denial of this proposal.

Parking

The application proposes no changes to parking requirements under Sec. 34-984. - Off-street parking requirements—Specific uses. The application is proposing twenty-eight (28) units with each unit having two (2) bedrooms. This would require one (1) parking space per unit for a total minimum requirement of twenty-eight (28) spaces. The preliminary site plan indicates this minimum will be met. Although this is the minimum requirement, staff believes parking from guest or occupants with additional cars will spill over to on street parking. As stated under the Traffic section, Valley Road Extended has a substandard width (less than 20 feet) that would not be conducive to additional on street parking. The preliminary site plan (Attachment C) indicates eight (8) on street parking spaces that would require drivers to back-in. This arrangement is not ideal, but has been allowed in other recent developments within the City. It should be noted that where back-in spaces have been permitted were all on one-way streets. The applicant would need to work with the City Traffic Engineer on this concept during final site plan review. This configuration would also require the applicant to request a sidewalk waiver from City Council or pay into the City's sidewalk fund per Sec. 29-182(j)(3) or (5).

Other Modes of Transportation

Currently CAT route four (4) serves the Subject Properties with a stop at the intersection of Cherry and Valley Road Extended. This stop is approximately 0.3 miles from the Subject Properties (about a five (5) minute walk). Per Sec. 34-881 this development will be required to provide bicycle storage and parking on site. As presented the

development will need to provide a minimum of fourteen (14) storage facilities. As described in the above Streets that Work Plan and Bike Ped Master Plan, Valley Road Extended is a “Shared Roadway”. Nothing in the proposed development would impact these plans.

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

The proposed multifamily development may result in additional ambient noise due to balconies on the units, parking, and the use of outdoor recreational space. A lighting plan has not been provided, but per Sec. 34-978, the parking facilities must be illuminated to provide safe pedestrian access at night. This requirement will be addressed during final site plan review. It is most likely that for a development this size lighting can be provided without impacting the neighboring homes.

The site plan (Attachment C) and the section plans (Attachment B) show the preliminary landscape plan and Rock Creek restoration. The site plan shows acceptable street trees varieties, but three (3) trees are located in the middle of proposed on-street parking spaces. There are also trees located within the City’s ROW and not on the Subject Properties as required outlined by Sec. 34-870(d). Due to the location of Rock Creek and proposed restoration, the NDS Director could grant approval of street trees within the City’s ROW based on Sec. 34-870(e). Although not indicated on the site plan, the development would require landscape buffers comprised of S-2 screening type per Sec. 34-872(a)(1)(a) on the southern and eastern sides of the Subject Properties. Should City Council grant the SUP new yard regulations per Sec. 34-162(a) the landscape buffer on the southern side of the Subject Properties would need to be fourteen (14) feet wide. The eastern (rear) buffer would need to be twenty (20) feet wide. Should the yard regulations not be altered, both buffers will need to be twenty (20) feet wide.

Within the narrative and section plans (Attachment B) are limited details on the proposed restoration of Rock Creek. These improvements include bank stabilization, regrading of eroded stream banks, addition of measures to slow water velocity and provide aquatic habitats, and the introduction of new planting. These plantings include river birch, bald cypress, viburnum, sedge, river oats, and elderberries. A portion of Rock Creek will be run through a culvert to allow access to the site. This is a common practice and is evident on other properties along Valley Road Extended. Should the Subject Properties be developed by-right, the majority of Rock Creek would be run through a pipe or culvert. This would be done to allow three (3) access points for each property. In the by-right scenario all, or a majority, of Rock Creek would be underground.



**c) Displacement of existing residents or businesses**

The site is currently vacant and 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 development would be completely residential with no known employment. It is possible that Provisional Use Permits could be issued in the future and are permitted in the R-3 Zoned districts.

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

The City's Comprehensive Plan identifies community facilities as fire protection, police enforcement, and emergency response services; public utilities and infrastructure; and public parks and recreation opportunities. These departments have reviewed the application and find the proposed development would be adequately served by community facilities. During the final site plan review additional information will be provided as to utility layout. It should be noted that streets are part of the community facilities as infrastructure. See the City's Traffic Engineer's comments in section 4(a).

In the rezoning application, a draft proffered statement (Attachment B) offers a contribution of forty-eight thousand dollars (\$48,000) to the City's Capital Improvement Program (CIP) for sidewalk improvements along Valley Road Extended. At this time Public Works has not studied or indicated any near-term CIP plans for Valley Road Extended.

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

The Subject Properties are currently vacant and any by-right development would not impact availability of affordable housing. Per Sec. 34-12 - Affordable dwelling units -the applicant will be required to provide one affordable unit on site or pay \$69,393.60 into the City's Affordable Housing Fund (Attachment D). The applicant has indicated they are going to provide an affordable unit on site. They are currently working with the City's Acting Housing Specialist on a Declaration of Affordable Housing Covenants.

**g) Impact on school population and facilities**

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.

**h) Destruction of or encroachment upon conservation or historic districts**

The Subject Properties are 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 zoning 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 four (4) new buildings at four (4) stories each above the grade of Valley Road Extended, as viewed from street frontages. The materials indicate the maximum height of the development would not exceed forty-five (45) feet. This would be ten (10) feet higher than the maximum height allowed in the surrounding R-2 district. Due to the grade of the surrounding properties, the proposed development built between forty (40) and forty-five (45) feet would be in scale with the neighborhood.

Without adjustments to the yard regulations under Sec. 34-162(a), the setback for this development would be; twenty-five (25) feet front yard, twenty-five (25) feet rear yard, fifteen (15) feet side yard (north) and fifty (50) feet side yard (south). With no development possible to the north of the Subject Properties, the applicant is requesting the setback be reduced to five (5) feet. They are also requesting the side setback to the south be adjusted down to fourteen (14) feet. The code requires any residential density of forty-three (43) DUA or higher as "high-density" with provide screening to protecting low-density districts. This is why under Sec. 34-872(a)(1)(a) a twenty (20) feet wide screening buffer of S-2 is required. In this case the property to the south of the Subject Properties sits far enough away that a fourteen (14) feet planting buffer would be sufficient. Staff finds that the massing and scale (related to height and setbacks) of this project, would be compatible with the surrounding neighborhood.

**(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;**

Should the Subject Properties be rezoned to R-3 per application ZM20-00003, a multifamily residential development could be harmonious with the purposes of the specific zoning district.

**Multifamily.** The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The basic permitted use is medium-density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses. There are three (3) categories of multifamily residential zoning districts:

**R-3**, consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged;

**(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. As noted earlier in this report, some aspects of the preliminary site plan will need to be updated to come into conformity with the zoning ordinance and subdivision regulations.

**(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 subject property is not within any design control district.

### **Public Comments Received**

*Community Meeting Required by Z.O. Sec. 34-41(c)(2) and the Community Engagement meeting Requirements during the COVID -19 Emergency approved by City Council on July 20, 2020*

On March 4, 2021 the applicant held a community meeting on Zoom from 6:00pm to 7pm. This meeting was well attended by the neighborhood and the following concerns were raised. The meeting was recorded and is available to the public through the developer.

- Rezoning to R-3 and building an apartment complex is not in character with the

neighborhood.

- The project has too much density.
- Parking will be an issue.
- Traffic on Valley Road Extended is already a problem due to the narrowness and an apartment building will make thing worse.
- It would be nice to see the kudzu gone and Rock Creek improved.

#### *Other Comments*

Staff has attached all comments received prior to the date of this staff report. Any comments received after the date of this report have been forwarded on to Planning Commission and City Council.

### **Staff Recommendation**

Staff recommends denial of the Special Use Permit as the increased density at this location would not be in line with the City Future Land Use Map and could have an adverse impact on the surrounding low density neighborhood and infrastructure.

### **Recommended Conditions**

Should the Special Use permit be approved, Staff recommends the following conditions:

1. Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
2. The restoration of Rock Creek as presented in the applicant's narrative dated July 14, 2020 and revised April 15, 2021.
3. Modifications of yard requirements to:
  - a. Front yard: Twenty-five (25) feet.
  - b. North Side yard: Five (5) feet.
  - c. South Side yard: Fourteen (14) feet.
  - d. Rear yard: Twenty-five (25) feet.

### **Suggested Motions**

1. I move to recommend approval of this application for a Special Use Permit for Tax Map & Parcels 230133000, 230134000, and 230135000 (1613 Grove Street Extended) to permit residential density up to forty-three (43) DUA and adjusted yard requirements as depicted on the site plan dated July 14, 2020 with the following listed conditions.
  - a. 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 for Tax Map & Parcels 230133000, 230134000, and 230135000 (1613 Grove Street Extended)

**Attachments**

- A. Special Use Permit Application received July 13, 2020
- B. Special Use Permit Narrative and Supporting Documents dated January 29,2021
- C. Site Plan dated April 15, 2021
- D. ADU Worksheet
- E. Public Comments received prior to the date of this report (any comments received after this report was prepared were sent directly to Planning Commission and City Council)



# City of Charlottesville

## Application for Special Use Permit

Project Name: 1613 Grove St. Ext.

Address of Property: 1613 Grove St. Ext.

Tax Map and Parcel Number(s): 230133000, 230134000, 23013500

Current Zoning District Classification: R-2 proposed R-3

Comprehensive Plan Land Use Designation: Low Density Residential

Is this an amendment to an existing SUP? no

If "yes", provide the SUP #: \_\_\_\_\_

Applicant: Lorven Investments LLC

Address: 4776 Walbern Ct Chantilly, Va 20151

Phone: 703-856-0164 Email: nseri@yahoo.com

project contact: Shimp Engineering, Kelsey Schlein | (434) 227-5140 | kelsey@shimp-engineering.com

Applicant's Role in the Development (check one):

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: same as applicant

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Reason for Special Use Permit: updated 2/21

Additional height: \_\_\_\_\_ feet 28

Additional residential density: 20 units, or 31 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 Narsimha Seri Date 07/13/2020

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

Other (specify): \_\_\_\_\_

(2) Signature [Signature] Print Narsimha Seri Date 07/13/2020

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

Other (specify): \_\_\_\_\_

SP 21-00002



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 1613 Grove St. Ext.

Pre-Application Meeting Date: March 12, 2020

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

Planner: Matt Alfele

Other City Officials in Attendance:

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

1. see rezoning application form

2.

3.

4.

5.

Planner Signature:



# City of Charlottesville

## Application Checklist

Project Name: 1613 Grove St. Ext.

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 *N. Serri* Print NARSIMHA SERI Date 07/13/2020

By Its: MEMBER

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





# City of Charlottesville

## Community Meeting

Project Name: 1613 Grove St. Ext.

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: Lomen Investments LLC

By:

Signature [Signature] Print NARSIMHA SERI Date 07/13/2020

Its: Member (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: Lorven Investments LLC Date 07/13/2020

By (sign name): *Narsimha Seri* Print Name: NARSIMHA SERI

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: \_\_\_\_\_

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

Owner: Lorven Investments LLC Date: 07/13/2020

By (sign name): *Narsimha Seri* Print Name: NARSIMHA SERI

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 Sateesh Nadimpally Address 11719 Poppen Head Rd, Fairfax, VA 22030  
 Name Mahendar Edla Address 25799 Buyer Ct, Chantilly, VA 20152  
 Name Kiran Bondugula Address 43376 Barnstead Dr., Ashburn, VA 20148  
 Name Narimha Seri Address 4776 Walburn Ct, Chantilly, VA 20151

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:** Lowen Investments LLC

**By:**

Signature [Signature] Print NARSIMHA SERI Date 07/13/2020

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



# City of Charlottesville

## Fee Schedule

Project Name: 1613 Grove St. Ext.

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	
<b>TOTAL</b>	1		\$1,500

### 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:** ZMA and SUP 1613 Grove St Ext  
**Parcel Description:** Tax Map 23, Parcels 133, 134, 135  
**Initial Submittal:** July 14, 2020  
**Revision 1:** January 29, 2021  
**Revision 2:** April 15, 2021  
**Pre-App Meeting Date:** March 12, 2020

TAX MAP PARCEL NO.	ACREAGE	EXISTING ZONING	PROPOSED ZONING	COMP PLAN DESIGNATION
TMP 23-133	0.147	R-2	R-3	Low-Density Residential
TMP 23-134	0.239	R-2	R-3	Low-Density Residential
TMP 23-135	0.266	R-2	R-3	Low-Density Residential
<b>Total:</b>	0.652			

**Location:**

The parcels front an unimproved portion of Grove Street Extended with parcel 23-135 abutting Valley Road Extended. The properties are located within the Fifeville Neighborhood and are located along the edge of the land use map of the Cherry Avenue Small Area Plan Draft. The CSX railroad runs parallel to the properties' north boundaries.

**Project Proposal:**

Lorven Investments, LLC is the owner (the "owner") of tax map parcels 23-133, 23-134 and 23-135 in the City of Charlottesville (collectively, the "property"). On behalf of the owner, we request a rezoning and special use permit to allow for a cluster of neighborhood scale multi-family buildings with a total of 28 residential units on the property. To realize this housing opportunity, we request to rezone the property from Two-family Residential (R-2) to Multi-family Residential (R-3). Concurrent with the rezoning request, we request a special use permit for additional residential density of up to 43 dwelling units per acre. To accommodate a multi-family development on the property, the existing interior boundary lines will be vacated to create one .652 acre parcel (the "new parcel"). In conjunction with the special use permit request, and in accordance with modifications allowed by Sec. 34-162, we request a reduction of the northern side setback (adjacent to the unimproved portion of Grove St. Ext) of the new parcel to 5' and for an exception from Sec.34-353(B)(4) which requires the distance between the façade of a multifamily dwelling having between 22-43 DUA and the boundary of any low density residential district to be 50 feet.

We propose a cluster of four (4) neighborhood-scale multi-family buildings that in total will house 28 residential units. The buildings will be organized on the property in a skewed quadrant and will be constructed on the site to create different areas of outdoor leisure and recreation space between and

## Attachment B

around the buildings. Each building will have seven (7) units, with all of the units proposed as two bedroom units. Parking is provided on site, in accordance with City parking requirements, to serve the parking needs of future residents. The buildings are designed to relegate the parking from Valley Road Extended and most of the parking spaces are accommodated underneath the overhang of the buildings, limiting the amount of impervious surface on-site required to accommodate both the residential units and the required parking areas.

The site, including the banks of Rock Creek is currently overtaken with Kudzu, an invasive species, and the preliminary site plan included with this special use permit request demonstrates a native replanting design along the banks that will contribute to a robust canopy and green screen along Valley Road Extended.

The buildings are proposed at a height of 40', as shown in the elevations included with this submission package, and will not exceed 45' in height, the maximum by-right allowance for the R-3 Residential Zoning District. The property is bordered by R-2 zoned properties which are subject to a maximum height of 35'. Just across the railroad right-of-way, just north of the property, there are B-1 and UHD zoned properties which have a maximum height of 45' and 50' respectively. Although the maximum height in the R-3 district is 10' taller than the by-right height in the R-2 district, the grade of the property and proposed finished floor elevations of the buildings will greatly contribute to mitigating the 10' height differential between the existing and proposed zoning district on the property. The property sits at a lower elevation than most of its surrounding context; the proposed finish floor elevation of the buildings is between 436' and 438'. The finished floor elevation of the structure to the east is approximately 462', the finished floor elevation of the structure to the south is approximately 442', the approximate floor elevations of the properties opposite Valley St. are 440', and the ridge of the adjacent railroad right-of-way is 479'.

The project design will establish:

- 1) A neighborhood-scale multi-family housing development with off-street parking in close proximity to major regional employers
- 2) Greenspace and green screens, providing open space for future residents that is inviting and supports the enhancement of Rock Creek, and
- 3) Intentional recreational areas for residents that encourage outdoor leisure and play
- 4) Sidewalk improvements along the new parcel frontage along Valley Rd Ext that ultimately may be incorporated into a more robust pedestrian and bicycle improvements network if the multi-use tunnel under the railroad right-of-way, as called for in the Bike and Pedestrian Master Plan, is realized in the future and when additional sidewalk connections are made on Valley Road Extended.

### Public Need or Benefit

The Comprehensive Regional Housing Study and Needs Analysis completed by Partners for Economic Solutions in 2019 states in the executive summary that, "over the past two decades, housing prices in Planning District 10 have increased rapidly as new construction failed to keep pace with the increase in demand at all but the highest rent and price levels."<sup>1</sup> This proposed project will contribute to the "missing middle" housing stock and help to meet demand for housing in Charlottesville City limits.

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<sup>1</sup> "Comprehensive Regional Housing Study and Needs Analysis." Partners for Economic Solutions. March 22, 2019

### **Surrounding Uses:**

The new parcel will have frontage on Valley Road Extended. The property is bordered by two family residential structures to the east and south and by an unimproved section of Grove St. Ext and CSX railroad right of way to the north. Directly north of the CSX ROW is property owned by the University of Virginia that is subject to the “Brandon Avenue Master Plan.”

### **R-3 Justification**

The proposed development is consistent with the intent of the R-3 zoning district which states, “The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development” and that R-3 consists, “of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.” This project proposes a medium density multi-family development, consistent with the intent of the R-3 district.

Development of the property aligns with the goals and opportunities of the Fifeville Neighborhood as outlined in the Cherry Avenue Small Area Plan Draft. The SWOT analysis compiled by the neighborhood revealed that residents feel there is a lack of affordability in the neighborhood, pricing out long-term community members. While there is fear that development will change the neighborhood, community members still felt there is a strong opportunity to improve housing options within Fifeville. With new development, “additional housing may help residents remain in the community, even if they move to a new home within the neighborhood” (43). The multifamily development on Grove Street Extended could be an opportunity to address the challenge of meeting housing demand in the largely single-family zoning district in the Fifeville neighborhood. 1613 Grove Street is ideal for vacant lot development with effective density. The property is located at the end of Valley Road Extended’s block of duplexes and two-family dwelling units. A medium-density multifamily development would not be out of character in this portion of the neighborhood and will be designed in a manner to complement, not overshadow, the existing neighborhood context. Neighbors voiced that large-scale buildings, such as the developments on West Main Street, do not belong in Fifeville and although the proposed structures are approximately 40’, they generally appear as 3-story structures, as the attic unit that is accommodated within the gabled roof contributes to total height. With these site conditions, the structures would not be easily visible from main thoroughfares of the Fifeville neighborhood, minimizing overall impact to the small-town feel that community members seek to preserve, while demonstrating a different level of density that neighbors could experience. Allowing for this type of development where impact is minimal would help the community better understand the built condition of the desired density, affordability, and housing types they envision, without compromising the character of the neighborhood nor displacing any current residents. Developing this vacant lot to the proposed density standards would provide a current example for neighbors and help guide where similar developments could be appropriate for other areas of Fifeville.

Generous green screens will be planted at the edges of the property which will contribute to a robust landscape program on the site, adding to the tree canopy in the neighborhood while providing sufficient privacy for future residents. This will ensure that the tree and green space character of the neighborhood local streets will not only be preserved but enhanced.

### **Consistency with the Comprehensive Plan:**

The property is located within the Western portion of the Fifeville Neighborhood and is located on the Western-most edge of the Cherry Avenue Small Area Plan Draft. The property fronts an unimproved portion of Grove Street Extended and extends along Valley Road Extended. Rock Creek is located on the western edge of tax map parcel 23-135, parallel to Valley Road Extended.

## Attachment B

Although this area is designated as Low-Density Residential on the future land use map, the Cherry Avenue Small Area Plan Draft encourages re-examination of allowable uses in the zoning code and exploration of methods to increase the number of affordable housing options in low-density portions of the neighborhood. A zoning map amendment for this property will contribute to the enhancement of housing options in the neighborhood and this proposed design contributes to protecting the character of the area.

This rezoning will achieve the intent of several of the City's housing goals including: creating quality housing opportunities for all and growing the City's housing stock for residents of all income levels.

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.* A medium-density multi-family development on the property will bring a greater variety of housing units to the Fifeville Neighborhood and will contribute to a more mixed income neighborhood where residents have options to rent different sized units at different price points.

### Chapter 4 Environment

- *Goal 2: Promote practices throughout the City that contribute to a robust urban forest.* The preliminary site plan included with this rezoning request shows a landscape plan that would add a variety of native trees and plants to the site along the banks of Rock Creek, along the borders of the property, and internally in parking and recreational areas.
- *Goal 4: Improve public and private stormwater infrastructure while protecting and restoring stream ecosystems.* The proposed development will adhere to all local and state stormwater regulations. A native planting stream buffer is proposed along the banks of Rock Creek which will help to contribute to the restoration of the stream ecosystem. At present, the banks of the stream are unprotected from stormwater runoff and are overtaken by invasive plant species.

### Chapter 5 Housing

- *Goal 3: Grow the City's housing stock for residents of all income levels.* A medium-density multi-family development on this property is an opportunity to incorporate more housing options throughout the City and help the City attain its goal of achieving a mixture of incomes and uses in as many areas of the City as possible. Additionally, the proposed development triggers the City's affordable housing requirement and so one unit will be designated as affordable in accordance with Sec. 34-12 of the City's Zoning Ordinance.

### **Impacts on Public Facilities & Public Infrastructure:**

American Community Survey (ACS) 5 year estimates indicate the average household size in Charlottesville is 2.38 people<sup>2</sup>. Using the ACS average, a multi-family development with a maximum of 28 proposed units could potentially yield 67 new residents within Police District 7 and Ridge Street Station Fire District. It should be noted this household size is for all unit sizes and is not limited to two-

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<sup>2</sup> ACS 2013-2017 5 YR Estimates Table B25010 "Average Household Size of Occupied Housing Units by Tenure"



bedroom households. The number of people per dwelling unit in a two bedroom unit may be less than the overall household average.

Despite the additional density, vehicular trips generated by the development are expected to be minimal, and thus will not greatly impact congestion on Cherry Avenue, which is a concern expressed in the Cherry Avenue Small Area Plan. A CAT bus stop is located a short distance from the property at the intersections of Cherry Avenue and Valley Road Extended and the development intends to provide bike lockers for residents. It is expected that these two alternative transportation methods will lower the already low trip estimate.

The Charlottesville Bicycle and Pedestrian Master Plan has other pedestrian-friendly infrastructure proposed (the aforementioned greenway tunnel and multi-use pathway) that will connect Fifeville and the immediate property to Charlottesville, encouraging even more pedestrian trips in the future.

**Impacts on Schools:**

This property lies within the Johnson 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.<sup>3</sup> 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 children per housing unit in Charlottesville.<sup>4</sup> Since 28 units are proposed on the site, it is estimated there may be an additional seven school-aged children within the development.

**Impacts on Environmental Features:**

All design and engineering for improving the property will comply with applicable City and State regulations for erosion and sediment control and stormwater management. Rock Creek (located at the western portion of tax map parcel 23-135) will be protected during and after construction.

Stream restoration along Rock Creek near the property frontage is proposed as a component of this application. Currently, the banks of Rock Creek are overrun with Kudzu and don't have stabilization measures in place to ensure the integrity of the bank over the long term. The restoration plan included with this application proposes the installation of stabilization stones and native trees and grasses.

**Compliance with USBC Regulations:**

The proposed project will comply with all applicable USBC regulations.

**Proffers to Address Impacts:**

As a condition of rezoning approval, the owner will provide a cash contribution for improvements to pedestrian infrastructure along Valley Road Extended to improve pedestrian connectivity and safety along that street. The owner proposes to proffer a total of \$48,000 prior to issuance of certificate of occupancy of the seventh dwelling unit on the property.

The \$48,000 contribution is consistent with providing just over 700 linear feet of sidewalk per the City's 2019 sidewalk fund calculator which priced each linear foot of sidewalk at \$67.75.

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<sup>3</sup> ACS 2018 5 YR Estimates Table DP05 "ACS Demographic and Housing Estimates"

<sup>4</sup> ACS 2018 5 YR Estimates Table DP04 "Selected Housing Characteristics"

## Attachment B

Attachment B

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE:  
PETITION FOR REZONING (City Application No. ZMXX-XXXXX)  
STATEMENT OF **PRELIMINARY** PROFFER CONDITIONS

For 1613 Grove Street Ext.

City of Charlottesville Tax Map 23 Parcels 133, 134, 135

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

Lorven Investments, LLC is the owner (the “Owner”) of Tax Parcels 230133000, 230134000, 230135000 (collectively, the “Property”) which is the subject of rezoning application ZMXX-XXXXX, a project known as “1613 Grove Street Ext.” (the “Project”). The Owner seeks to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

In furtherance of the Project, the Owner hereby proffers for City Council’s consideration voluntary development conditions, which the Owner agrees are reasonable. The Owner agrees that, if the Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

**1. Valley Road Extended Sidewalk Improvements:**

- a. Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended.

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

By: \_\_\_\_\_

Lorven Investments, LLC Manager/Member

Print Name: \_\_\_\_\_

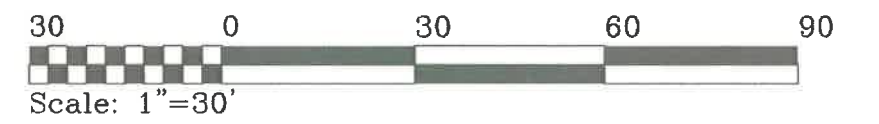
Owner’s Address: \_\_\_\_\_



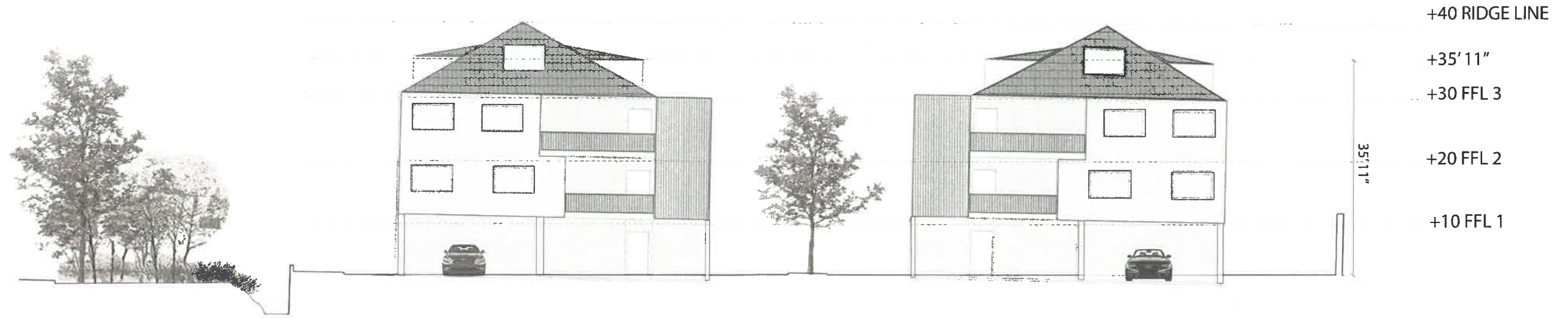
SECTION A



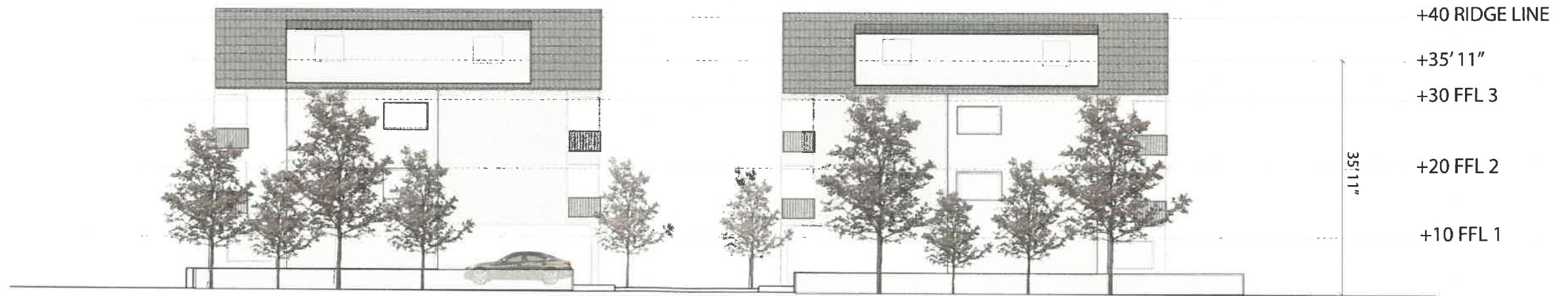
SECTION B



Attachment B

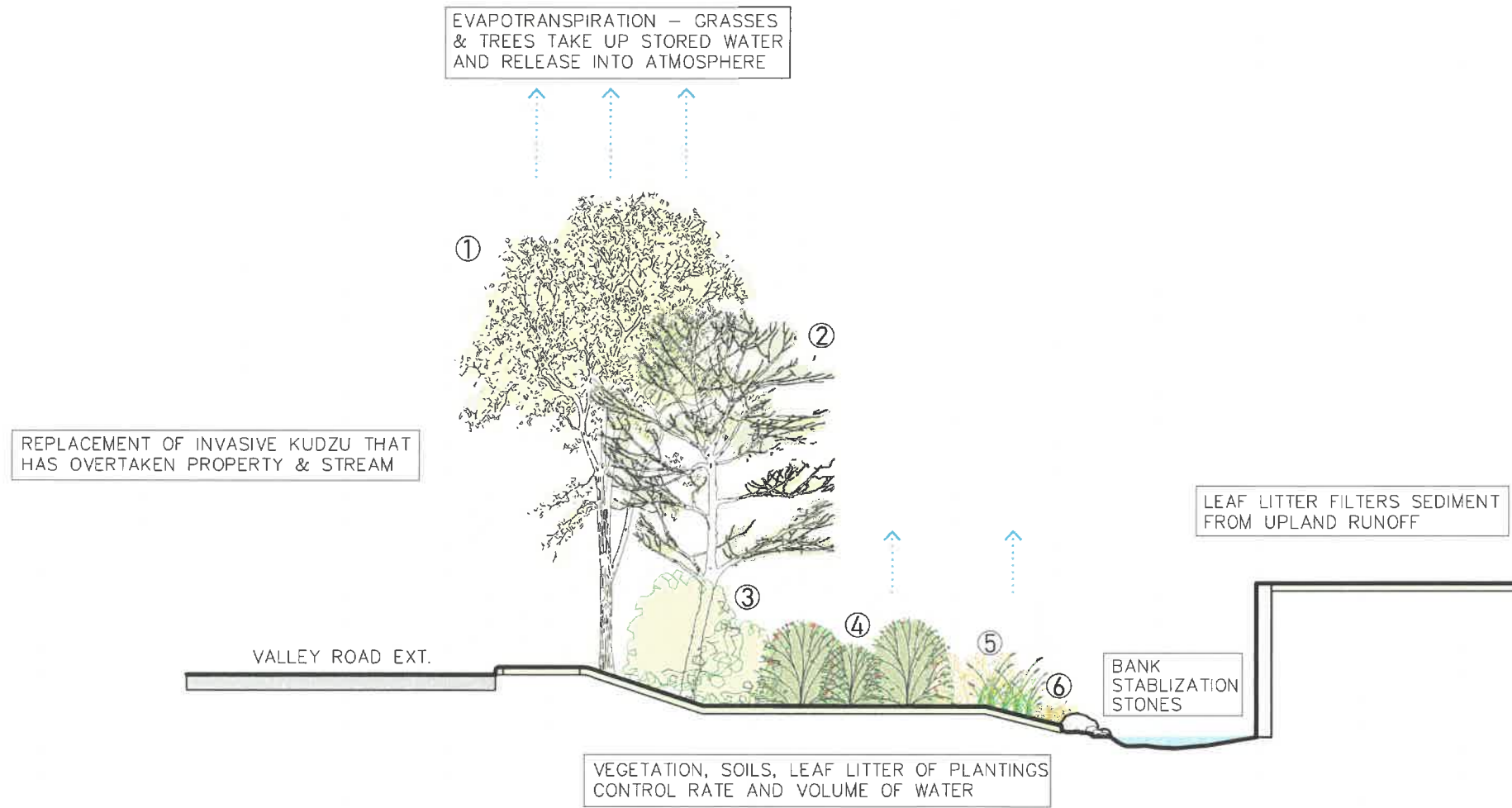


EAST-WEST SECTIONAL ELEVATION

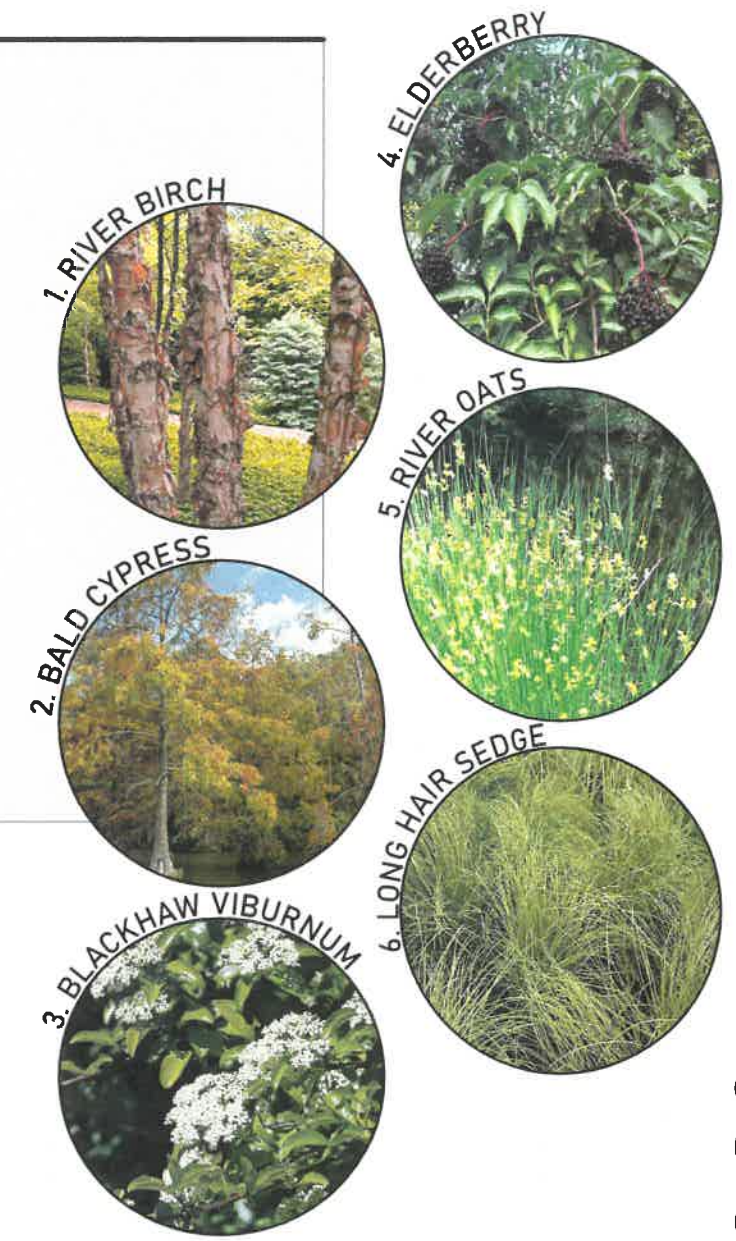


FRONT ELEVATION (WEST)

Scale 1:20



Graphic Scale: 1"=10'



Graphic Scale: 1"=20'

PRELIMINARY SITE PLAN
1613 GROVE STREET

TAX MAP 23, PARCEL 133, 134, 135
CHARLOTTESVILLE, VIRGINIA

LEGEND

Table with columns: EXISTING, NEW, DESCRIPTION. Lists various site plan symbols and their corresponding descriptions, including boundaries, setbacks, topography, floodzone, and utilities.

OWNER/DEVELOPER

Lorven Investments, LLC
4776 Walbern Court
Chantilly, VA 20151

ZONING

R-2 Residential; R-3 rezoning application submitted in conjunction with the preliminary site plan

SETBACKS

Per R-3 setback regulations:
FRONT MINIMUM: 25'
SIDE MINIMUM: 14"
REAR MINIMUM: 25'
\*Northern side setback to be reduced to 5'; SP submitted in conjunction with the preliminary site plan

SOURCE OF TITLE

DB 2020 PG 578

SOURCE OF BOUNDARY AND TOPOGRAPHY

Boundary information obtained from plat of record
Topographic information provided by City of Charlottesville GIS

FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective February 4, 2005 (Community Panel 51003C0269D), this property does not lie in a floodplain.

WATER & SANITARY SERVICES

Site is served by City of Charlottesville public water and sewer.
All waterline shutdowns must be coordinated with and performed by the City, and the developer must hand out notices affected customers at least 48 hours in advance.

CITY PERMITS

- 1. The contractor shall be responsible for obtaining a street cut permit from the City.
2. A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces, and roadways; and is subject to approval by the City Traffic Engineer.
3. The contractor shall provide adequate pedestrian barriers and circulation during construction.

FIRE MARSHAL'S NOTES

- SITE PLAN:
1. VSFPC 505.1-The building street number to be plainly visible from the street for emergency responders.
2. VSFPC 506.1 - An approved key box shall be mounted to the side of the front or main entrance.
3. VSFPC 506.1.2 - An elevator key box will be required if the building has an elevator.
4. VSFPC 507.5.4 - Fire hydrants, fire pump test header, fire department connections or fire suppression system control valves shall remain clear and unobstructed by landscaping, parking or other objects.
5. VSFPC 503.2.1 - Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
6. Buildings four or more stories in height shall be provided with not less than one standpipe for use during construction.
7. VSFPC 912.2.1 the fire department connection shall be located on the street side of the structure unless otherwise approved by the fire code official.
8. SFPC 507.5.1.1-Hydrant for standpipe system-Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet of fire department connections.
9. VSFPC 503.2.1 Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
10. VSFPC 3312.1 An approved water supply for fire protection shall be made available as soon as combustible material arrives on site.
11. VSFPC 905.3.1 If the floor level of the highest story is more than 30 feet above the lowest level of fire department vehicle access, then a Class I standpipe must be installed in addition to the sprinkler system.
12. VSFPC 3311.1 Where a building has been constructed to a height greater than 50 feet or four (4) stories, at least one temporary lighted stairway shall be provided unless one or more of the permanent stairways are erected as the construction progresses.
13. VSFPC 503.3 Marking Fire Lanes, The location and method of marking fire lanes shall be clearly indicated on the submitted plan.
14. VSFPC 3313.1 Where required-Buildings four or more stories in height shall be provided with not less than one standpipe for use during construction.
15. VSFPC 507.5.1.1 Hydrant for standpipe system-Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet of the fire department connections.

CONSTRUCTION & DEMOLITION:

- 1. VSFPC 310.3; 310.5 - Smoking to be allowed in only designated spaces with proper receptacles.
2. VSFPC 3304.2 - Waste disposal of combustible debris shall be removed from the building at the end of each workday.
3. IFC 1410.1-Access to the building during demolition and construction shall be maintained.
4. VSFPC 3304.6 - Operations involving the use of cutting and welding shall be done in accordance with Chapter 35, of the Virginia Statewide Fire Prevention Code, addressing welding and hotwork operations.
5. VSFPC 3315.1 - Fire extinguishers shall be provided with not less than one approved portable fire extinguisher at each stairway on all floor levels where combustible materials have accumulated.
6. VSFPC 3310.1 - Required vehicle access for fire fighting shall be provided to all construction or demolition sites.

RECREATIONAL AREA

(28) 2-bedroom units proposed; 5,600 sq. ft. of adult and 560 sq. ft. of child recreational space required.
25% or 1,180 sq. ft. of indoor or weather-protected facilities are required.
4,565 sq. ft. of adult recreational area is provided on-site.
4,460 sq. ft. of natural amenity area is provided with restoration of Rock Creek.
780 sq. ft. of child recreational area is provided.
1,252 sq. ft. of covered recreational area is provided.

AFFORDABLE HOUSING

In accordance with Sec. 34-12, one (1) affordable unit shall be provided as the FAR on the site is 1.03 which exceeds the City's 1.0 FAR affordability threshold.

BUILDING HEIGHTS

Maximum allowable: 45', proposed height: 40'

EXISTING USE

Vacant

PROPOSED USE

4 apartment buildings - total 28 units
Residential density of 43 DUA

LAND USE SCHEDULE

Table with columns: EXISTING, Area, %. Lists existing site components like Building, Pavement, Sidewalk, Open space.

Table with columns: PROPOSED, Area, %. Lists proposed site components like Building, Pavement, Sidewalk, Open space.

PARKING SCHEDULE

Multifamily dwellings: 2 bedrooms, 1 space per unit
Site is served by City of Charlottesville public water and sewer.
28 spaces required
28 spaces provided

ITE Trip Generation

Table with columns: Use, ITE Code, IV, AM (In, Out, Total), PM (In, Out, Total), Daily Total. Shows trip generation for Multifamily Housing.

ITE Trip Generation, 10th Generation Edition reflects AM and PM peak hour traffic.

SIGNS

All signs and pavement shall conform with the latest edition of the MUTCD Guidelines.
A sign permit must be issued in accordance with the City of Charlottesville Sign Regulations prior to placement of any signs on-site.

GENERAL NOTES

- 1. All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
2. The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct.
3. The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements.
4. The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
5. Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility.
6. All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
7. An erosion and sediment control plan is required with this site plan.
8. All slopes and disturbed areas are to be fertilized, seeded and mulched.
9. Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
10. All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
11. Unless otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
12. All material inside concrete forms shall be clean and free of all rocks and other loose debris.
13. Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising.
14. All existing curbs, curb and gutters and sidewalks to be removed shall be taken out to the nearest joint.
15. Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2016.
16. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
17. Contact information for any necessary inspections with City: E&S Inspector, NDS- 970-3182 (for the E&S inspections) Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc) Water and Sanitary Sewer-Public Works 970-3800 Street cut, Public Works 970-3800 Other public ROW issues-City Engineer 970-3182.
18. Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City inspector shall be repaired at the contractor's expense.
19. A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.
20. Per the Virginia Department of Health Waterworks Regulation (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc) shall have a backflow prevention device installed within the facility.
21. All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, or grease shall install a grease trap.
22. Please contact the Regulatory Compliance Administrator at 970-3032 with any questions regarding the grease trap or backflow prevention devices.

VICINITY MAP SCALE: 1"=1000'



Map provided by Google.com



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



- SHEET INDEX
C1 COVER
C2 EXISTING CONDITIONS
C3 PRELIMINARY PLAT
C4 SITE PLAN
C5 LANDSCAPE PLAN

PRELIMINARY SITE PLAN
CITY OF CHARLOTTESVILLE, VA
1613 GROVE STREET

SUBMISSION: 2020.07.14
REVISION: 2021.01.29, 2021.04.15

APPROVALS

Director of Neighborhood Development Services Date

FILE NO. 20.010

COVER

SHEET C1 OF 5



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 CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM



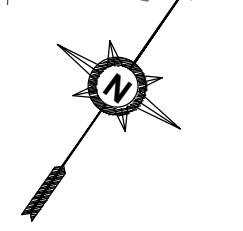
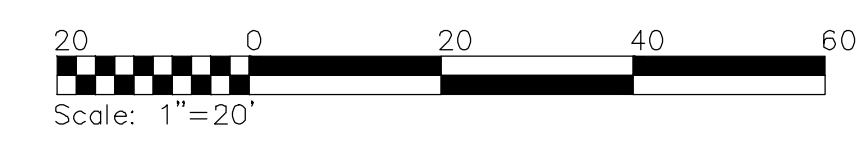
PRELIMINARY SITE PLAN  
 CITY OF CHARLOTTESVILLE, VA  
**1613 GROVE STREET**

**SUBMISSION:**  
 2020.07.14  
**REVISION:**  
 2021.01.29  
 2021.04.15

FILE NO. 20.010

**EXISTING CONDITIONS**

SHEET C2 OF 5



**C2**



# Attachment C



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PRELIMINARY SITE PLAN  
CITY OF CHARLOTTEVILLE, VA  
**1613 GROVE STREET**

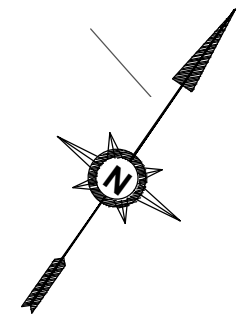
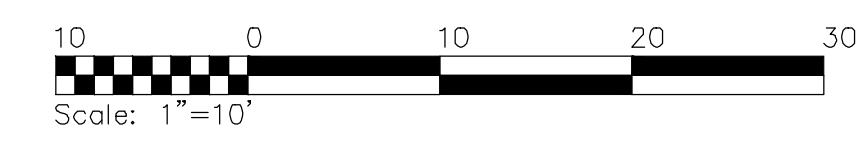
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2020.07.14  
**REVISION:**  
2021.01.29  
2021.04.15

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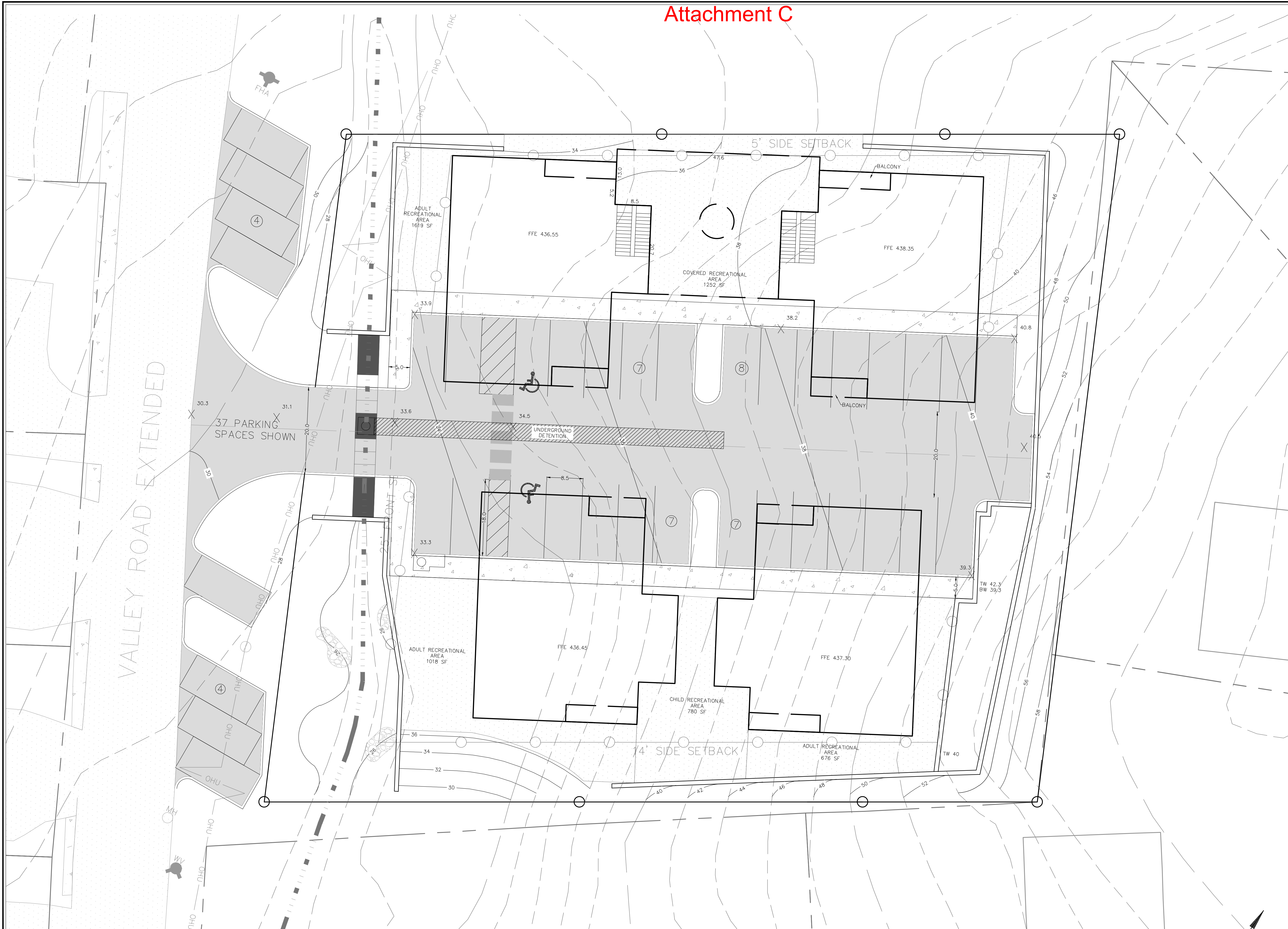
**PRELIMINARY PLAT**

SHEET C3 OF 5

# C3



Attachment C



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PRELIMINARY SITE PLAN  
 CITY OF CHARLOTTEVILLE, VA  
**1613 GROVE STREET**

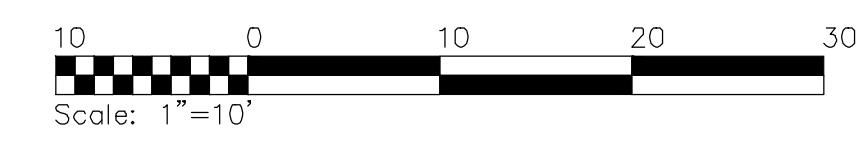
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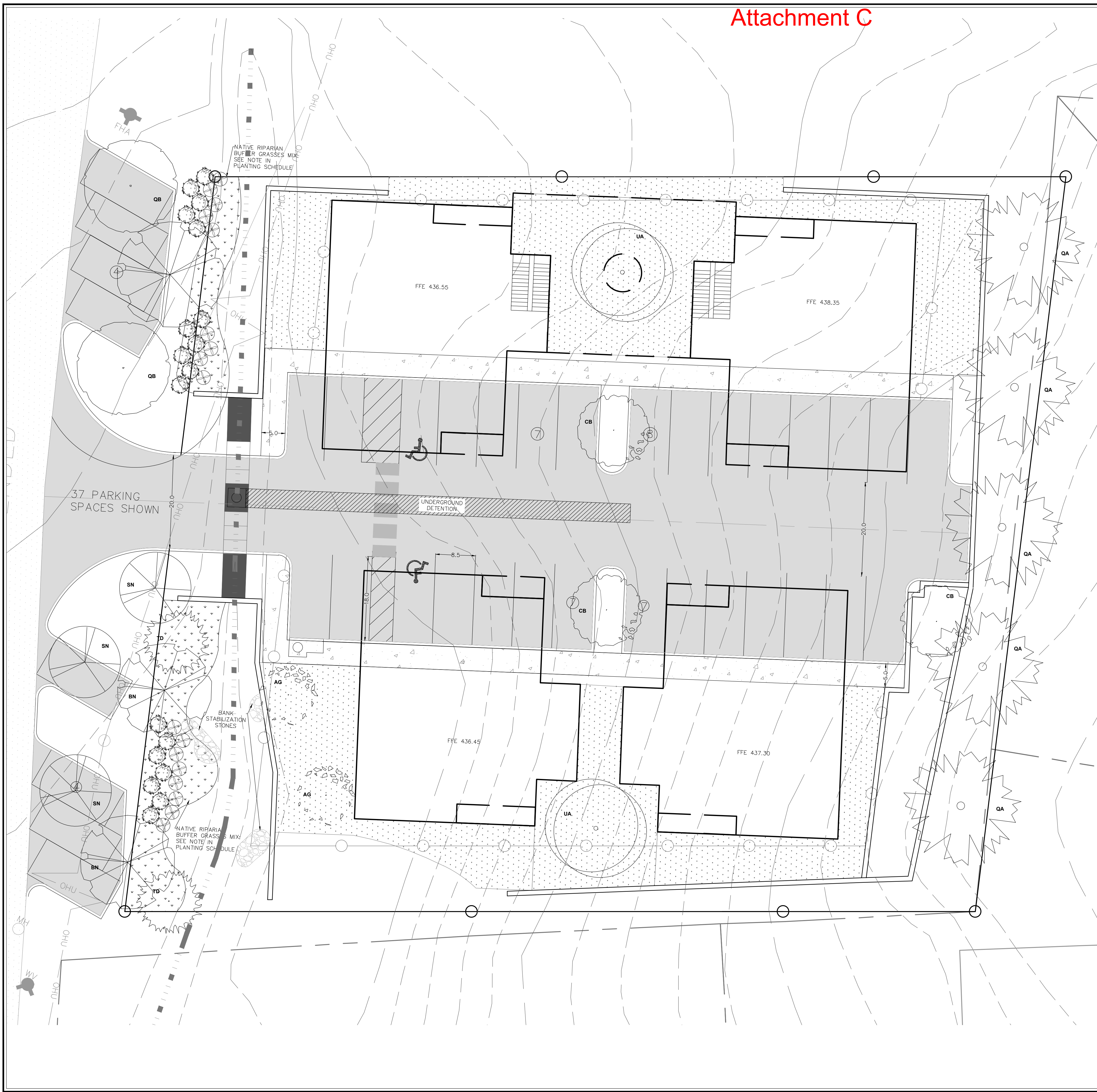
**SITE PLAN**

SHEET C4 OF 5

**C4**



# Attachment C



PROPOSED LANDSCAPE SCHEDULE							
Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./Height	Quantity	Canopy	Total Canopy
	Large Shade Tree	Quercus bicolor	Swamp White Oak	2" Cal.	2	299	598
	Large Shade Tree	Betulus nigra	River Birch	2" Cal.	3	397	1191
	Large Shade Tree	Taxodium distichum	Bald Cypress	2" Cal.	2	79	158
	Large Shade Tree	Ulmus americana	American Elm	2" Cal.	2	397	794
	Large Shade Tree	Quercus alba	White Oak	2" Cal.	5	243	1215
	Medium Shade Tree	Salix nigra	Black Willow	2" Cal.	3	707	2121
	Medium Shade Tree; Interior Parking Tree	Carpinus betulus	European Hornbeam	2" Cal.	3	177	531
	Small Flowering Tree	Amelanchier x grandiflora	Serviceberry	6-7' Ht.	2	130	260
	Deciduous Shrub	Sambucus canadensis	Elderberry	24-36" Ht.	17		
	Deciduous Shrub	Viburnum prunifolium	Blackhaw Viburnum	24-36" Ht.	18		
	Riparian Buffer		Native Grasses Mix			0.025 AC	
						TOTAL CANOPY PROVIDED	6868 SF
						TOTAL CANOPY REQUIRED	2844 SF

SITE REQUIREMENT (SEC. 34-869): R-3, 10% CANOPY REQUIRED.  
 SITE AREA 28,401.12 SF x 10% = 2,840.12 SF  
 CANOPY REQUIRED: 2,840.12 SF  
 CANOPY PROVIDED: 6,868 SF

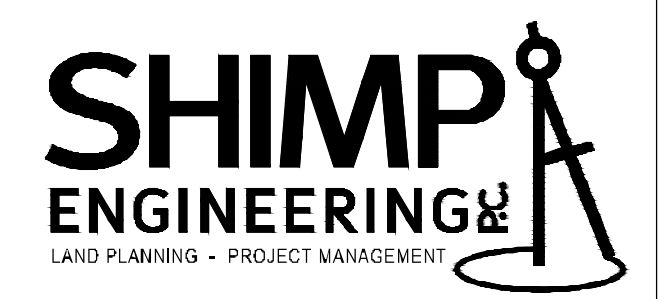
STREET TREES (SEC. 34-870): 1 LARGE SHADE TREE, 40' O.C. OR 1 MEDIUM SHADE TREE, 25' O.C.  
 PROVIDED: VALLEY ROAD EXT - 2 LARGE SHADE TREES & 3 MEDIUM SHADE TREES

INTERIOR PARKING LANDSCAPING (SEC 34-873(d)(1-2)): 5% OF PAVED PARKING AREA.  
 6175 SF x 5% = 308.75 SF  
 LANDSCAPE REQUIRED: 308.75 SF  
 LANDSCAPE PROVIDED: 345.35 SF

1 TREE PER 8 SPACES  
 28 PARKING SPACES (28/8 = 3.5)  
 REQUIRED: 3 INTERIOR PARKING TREES  
 PROVIDED: 3 INTERIOR PARKING TREES

RIPIARIAN BUFFER NATIVE GRASSES MIX:  
 Mixture should include the following or equivalent types: switchgrass (Panicum virgatum), Virginia wild rye (Elymus virginicus), river oats (Chasmanthium latifolium), long hair sedge (Chasmanthium latifolium), soft rush (Juncus effusus)  
 Bank stabilization stones shall be installed following regrading of the stream bank.

- NOTES:
- Contractor to apply mulch bedding around all proposed trees and shrubs. All other landscaped areas shall be sodded.
  - All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
  - All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.



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 CHARLOTTEVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM



PRELIMINARY SITE PLAN  
 CITY OF CHARLOTTEVILLE, VA  
**1613 GROVE STREET**

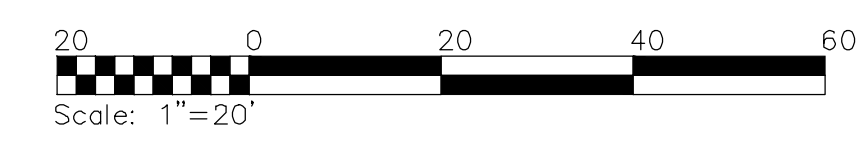
SUBMISSION:  
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 2021.04.15

FILE NO. 20.010

LANDSCAPE PLAN

SHEET C5 OF 5

C5



## Attachment D

### Affordable Dwelling Unit Ordinance Worksheet-1613 Grove St.

#### Step 1: Total Floor Area Ratio (FAR) of Site

- A. Total size of development site: 0.65 acres
- B. Total square footage of site:  $\frac{0.65}{(\# \text{ of acres})} \times 43,560.00 = \underline{28,401.12}$  square feet (sf)
- C. 1.0 Floor Area Ratio (FAR):  $\frac{28,401.12}{(\text{total sf of site})}$
- D. Gross Floor Area (GFA) of **ALL** buildings/uses: 29,280.00 sf
- E. Total site FAR:  $\frac{29,280.00}{(\text{total GFA of site})} \div \frac{28,401.12}{(1.0 \text{ FAR})} = \underline{1.03}$
- F. Is E greater than or equal to 1.0 FAR? NO: Your proposed development does not trigger the ADU ordinance.  
YES: Proceed to Step 2 or Step 3.

#### Step 2: Number of ADUs Required

- G. GFA in excess of 1.0 FAR:  $\frac{29,280.00}{(D: \text{total site GFA})} - \frac{28,401.12}{(B: \text{total SF of site})} = \underline{878.88}$
- H. Total GFA of ADUs required:  $\frac{878.88}{(G: \text{GFA in excess of 1.0 FAR})} \times 0.05 = \underline{43.94}$
- I. Equivalent density based on Units Per Acre:
- i. Dwelling Units per Acre (DUA) approved by SUP: 43.00
  - ii. SF needed for ADUs:  $\frac{43.94}{(H: \text{Total GFA of ADUs})} \div \frac{43,560.00}{(\text{total SF of site})} = \underline{0.0010088}$  acres
  - iii. Total number of ADUs required:  $\frac{0.0010088}{(ii: \text{ADU acreage})} \times 43.00 = \underline{0.04}$



## Attachment D

*Total Annual Cost of ADUs:* 0.00 (Sum of Annual Cost of ADU)

**Minimum Term of Affordability\*:** #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

### M. Mixed-Use Project

*i. Households earning up to 80% AMI:*

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Fair Market Rents	\$752.00	\$1,027.00	\$1,179.00	\$1,478.00	\$1,772.00	\$2,037.00	\$2,303.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*Total Annual Cost of ADUs:* 0.00 (Sum of Annual Cost of ADU)

**Minimum Term of Affordability\*:** #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

**\*If answer is less than 5, then minimum term of affordability will be 5 years.**

Attachment E

March 24, 2021

Shimp Engineering P.C.  
912 E High Street  
Charlottesville, VA 22907-9955

Ref: Proposed 1613 Grove Street Extended Residential Development

cc: City of Charlottesville, Zoning Department, PO Box 911, Charlottesville, VA 22902

To Whom It May Concern,

I am greatly concerned that the amount of parking that will be provided to the residents of the proposed construction will be insufficient for the residents and their guests. This means that they will park anywhere they can, such as on North Baker St, which will necessitate the new residents trespassing through yards on N. Baker St. in order to walk to their homes. This also has the possibility of making it more difficult for the residents of N. Baker St to find parking near their own homes (not all homes on N. Baker have driveways). It will also increase the traffic on N. Baker.

I am also concerned about the increase in traffic on Valley Road Extended which will occur with the proposed project. There are currently 26 homes on Valley Road Ext. and Grove Street Ext. so my estimate is that the project has the possibility of doubling both the population of the streets and the traffic on the street. Valley Road Extended and the intersection onto Cherry Ave were not designed for the potential increase in traffic that will arise from the proposed development.

There is also a non-quantifiable issue. The proposed construction is out of character when compared with the rest of the neighborhood. Three story structures and with a population density per acre of about 3-5 times greater than the surrounding homes is "very different", and in my view will not be a beneficial change for the neighborhood.

Sincerely,



Paul Benneche  
119 N. Baker St., Charlottesville, VA 22903  
mailing address: PO Box 5567, Charlottesville, VA 22905  
phone: 434-260-4559  
email: p.benneche@yahoo.com

elius in Seville, we've had  
 a few years of construction noise,  
 we don't need more. more housing  
 will mean more congestion and  
 more parking issues, which the  
 city won't deal with. UVA won't  
 deal with & the police won't deal  
 with. Go away!

Why destroy the natural creeks,  
 in places where they have  
 put the rocks in. The trees went  
 & the area was left with big wavy  
 rocks. Leave the few natural  
 areas alone. Go Away.

More people will mean more  
 people walking their dogs  
 in other people's yards. More  
 people cutting thru to get  
 to UVA. Go Away! When you  
 mess things up you (the city)  
 won't fix it afterwards.

You want what you want & to  
 hell with the people who live in  
 these neighborhoods. Get UVA  
 parkers out of here. Don't  
 cut down more & more trees



Don't leave us with non stop  
construction noise + construction  
workers who park on our  
streets + cut thru our yards  
Go Away! You've done enough  
harm in Jiberille.

Don Wood / Joe

Also, the traffic is already  
bad enough, People tailgating  
& speeding. Pedestrians everywhere.  
Dog walkers everywhere who  
have no respects. They ~~to~~  
~~to~~ drag their dogs into their  
neighbors yards to piss & shit.  
we don't need more people  
in this area. Go Away!

**Alfele, Matthew**

---

**From:** Charles Haney <haneyced@gmail.com>  
**Sent:** Monday, March 1, 2021 4:37 PM  
**To:** Alfele, Matthew; Charles Haney  
**Subject:** 1613 Grove Street Ext rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Hello Matt,

I'm writing to you to voice my opinion on the above referenced project and to ask some questions. My wife and I are the owners of 312 Valley Road Extended. We do not believe that Valley road extended is large enough to handle the traffic from 28 additional units at the end of this street. The street is narrow and is frequently cluttered with cars due to the lack of off street parking for most of the houses on the street. Currently cars often park in front of the access to our units blocking our entrance. I'm sure there would be problems getting emergency vehicles down Valley Road Ext as well as turning them around. I'm also concerned about the added water runoff that this project may cause without major remediation. We are strongly opposed to this rezoning without major improvements to the road and parking situation.

I also have several questions. How many additional cars per day do you anticipate with 28 additional units? Is the developer being required to improve the street? Does this rezoning agree with the comprehensive plan for this area? What would be allowed on these lots without the rezoning? Is there a rezoning planned for the additional surrounding land?

I appreciate your consideration in this matter.

Sincerely,

Charles Haney, Jr.  
434-242-6302

**Alfele, Matthew**

---

**From:** Kelsey Schlein <kelsey@shimp-engineering.com>  
**Sent:** Tuesday, September 15, 2020 6:01 PM  
**To:** Claire Habel  
**Cc:** Alfele, Matthew  
**Subject:** Re: 1613 Grove Street  
**Attachments:** 200309\_NARRATIVE.pdf; 23-134-PSP.pdf; (20200714) 1613 Grove St\_ZMA-Exhibits.pdf

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**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.

Hey Claire,

Thanks for your email about this project. Yes, you are correct, this is the property across the street from where you live. I've provided responses below and Matt, please chime in with additional information you have for Claire.

1. If the property is rezoned to R-3, when would the proposed construction start? When would it be finished? **If the property is rezoned to R-3, construction would not start until after the final site plan and the stormwater plan are approved. In the City, it often takes about a year to secure these approvals. For the rezoning process, we still need to move forward with a community meeting and we've requested to move forward with a work session with the Planning Commission and so there's still several months that will be dedicated to the initial design and study of the property prior to the application moving forward to City Council for a vote. Construction would begin, at the earliest, a bit over a year from now.**
2. Does the plan suggest that residents of this new building would use Valley Road Ext. as their primary access road? **Yes, future residents on this property would use Valley Road Ext. as the primary vehicular access point. The Charlottesville Bike and Pedestrian Master Plan calls for a tunnel underneath the railroad tracks adjacent to this site to accomodate a multi-use path so there may be an additional bike/ped connection realized at some point in the future near this property which would allow for bike/ped traffic to, additionally, be able to access the site from the opposite side of the track.**
3. Has there been an environmental impact assessment to determine if there will be negative impacts on the drainage stream that runs parallel to Valley Road Ext.? **The site plan and the stormwater management plan work together to mitigate environmental impacts from the development. Stormwater regulations are in place to protect land and streams from erosion, flooding, and pollutants. Regardless of whether this property owner develops this property by-right or as a result of a rezoning approval, the proposed land disturbance on the property will necessitate a stormwater management plan. To directly answer your question, no, an environmental impact assessment hasn't been completed for this project however the stormwater regulations work to mitigate negative impacts on Rock Creek that could occur as a result of land disturbance and development. Additionally, we've proposed a native planting buffer**

**Attachment E**

**along the banks of the creek; the site is currently over run by kudzu and so the native planting buffer will restore native species on the site and provide additional stabilization and filtration along the bank of Rock Creek.**

4. If the Comprehensive Land Use map for this area calls for Low Density Residential zoning, is the existing infrastructure suitable for a multi-family building of that size? **Yes, we've provided estimated traffic numbers to the City Traffic Engineer to evaluate infrastructure impacts; the anticipated trip generation numbers from this development are seven morning peak hour vehicular trips (7-9 a.m.) and nine evening peak hour trips (4-6 p.m.). These numbers are derived from the Institute of Transportation Engineers Trip Generation manual which is the standard trip generation methodology used by traffic engineers. Also, the 20 units are proposed in four separate buildings so that the scale is more cohesive with the surrounding context, as opposed to a single larger building with 20 units.**
5. Will the full application be available for the public prior to the community meeting? What about prior to the Planning Commission Public Hearing? **Sure thing, I've attached the initial application to the City to this email. If you'd like a hard copy, let me know, and I can coordinate on a way to get that to you. We, Shimp Engineering, may incorporate some changes to the application in response to comments received from the Commission, the community, and the City and so there may be some changes to these materials as this application goes through process. When changes are made to the application we will submit revised application documents to the City.**

Hope this helps to answer your questions! Happy to hop on a call if you'd like to discuss anything further.  
Thanks Claire.

Best,

Kelsey

On Mon, Sep 14, 2020 at 8:10 PM Claire Habel <[habel.claire@gmail.com](mailto:habel.claire@gmail.com)> wrote:

Hello Mr. Alfele and Ms. Schlein,

My name is Claire Habel and I reside at [301 Valley Road Ext.](#) Upon receiving a notice about the application to rezone and develop **1613 Grove Street**, I surveyed the length of Grove Street (as well as Grove Street Ext.) and concluded that the property in question is right across the street from where I live. **Is this correct?**

I have a few questions about this rezoning and plan for development.

1. If the property is rezoned to R-3, when would the proposed construction start? When would it be finished?
2. Does the plan suggest that residents of this new building would use Valley Road Ext. as their primary access road?
3. Has there been an environmental impact assessment to determine if there will be negative impacts on the drainage stream that runs parallel to Valley Road Ext.?
4. If the Comprehensive Land Use map for this area calls for Low Density Residential zoning, is the existing infrastructure suitable for a multi-family building of that size?
5. Will the full application be available for the public prior to the community meeting? What about prior to the Planning Commission Public Hearing?

Attachment E

I appreciate your time in answering these questions and am happy to receive your response by phone if that would simplify things.

Best wishes,

--

**Claire Habel**

e: [claire@theclimatecollaborative.org](mailto:claire@theclimatecollaborative.org)

c: (651)925-7657

--

**KELSEY SCHLEIN**

*Project Manager / Land Planner*

[Kelsey@Shimp-Engineering.com](mailto:Kelsey@Shimp-Engineering.com)

**Shimp Engineering, P.C.**

912 East High St. Charlottesville, VA 22902

434.227.5140 // [shimpdesign.com](http://shimpdesign.com)

**Alfele, Matthew**

---

**From:** Elisabeth Hebllich <jhebllich@gmail.com>  
**Sent:** Friday, March 12, 2021 11:28 AM  
**To:** Alfele, Matthew  
**Subject:** 1613 Grove st Extended Proposed Development

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**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.

Hello Mr. Alfele,

I am a homeowner and resident of Grove street extension. I must reiterate what many of my friends and neighbors said during the community meeting regarding the new development. We are not opposed to developing that land, in fact, it has been so poorly cared for we would welcome some improvements! But the proposed 28 unit buildings with only 26 parking spaces would severely affect the comfort and safety of our little neighborhood we hold so dear. I don't know if you have driven down our street, but I would encourage you to do so. You will see that it is so tightly packed with cars that you must pull to the side if another one comes along. Many of the homes are 2 family units and the overload of cars on that road is already a hazard. The developer's proposed idea that 26 parking spots is plenty because many of the people won't have cars is so completely unrealistic. He said he thinks it will be mostly single parents with kids?! Ok... Maybe hospital workers, but how will they get to the store or take their kids to daycare? I ride the bus to work or walk because I work at the hospital, but before that, I take my child to school, in my car. Our neighborhood is not within walking distance to a grocery store or pharmacy. Charlottesville may one day be set up for people to live without cars, but it's just not. Even when it is, people still want the freedom of having one. We are just not that kind of city. It will be a hazard for us to get in and out of our homes, but maybe more importantly for emergency vehicles to get through. There is a reason that area is not zoned R3. We recognize that Charlottesville is in need of more affordable housing, but this will completely destroy the neighborhood we love so much. I beg of you, please consider town houses with adequate parking spaces. We must be good neighbors to the people that have been there for years, those of us who have built a home there. There is quite the uprising developing in our neighborhood around this subject. We are real people, with families, who walk our dogs and our children on that street. We hope you will consider our reasonable request.

Respectfully,  
Jane Hebllich

**Alfele, Matthew**

---

**From:** judybriggs@lumos.net  
**Sent:** Monday, March 29, 2021 12:40 PM  
**To:** Alfele, Matthew  
**Subject:** RE: 1613 Grove Street Rezoning and SUP Community Meeting

**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.

Matthew,

I submitted comments today to Shimp Engineering and copied you. I would like to be at the meeting but I'm not sure I will be able to due to some upcoming major dental procedures. Please keep me advised of developments regardless. Thanks.

Judith Briggs

On Wed, 10 Mar 2021 18:43:18 +0000, "Alfele, Matthew" <alfelem@charlottesville.gov> wrote:

That is a hard question to answer. Both option are fine, but typically it is the people that show up to the meeting and speak that make the biggest impact. This is not always true, but in my years of work that is just my observation.

---

**From:** judybriggs@lumos.net <judybriggs@lumos.net>  
**Sent:** Wednesday, March 10, 2021 11:57 AM  
**To:** Alfele, Matthew <alfelem@charlottesville.gov>  
**Subject:** RE: 1613 Grove Street Rezoning and SUP Community Meeting

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Thanks a lot Matthew, very helpful.

One more question and I'll try to leave you alone: Should I send in comments or ask to be heard at the Planning Commission meeting? Or both?

Judith

Attachment E

On Wed, 10 Mar 2021 14:26:57 +0000, "Alfele, Matthew" <[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)> wrote:

Judith,

This is not something the BZA (Board of Zoning Appeals) would look at. They look at hardships for things like setbacks on by-right developments. On this project, the developer is requesting a change to the Zoning and the addition of a SUP. So yes, it will be up to City Council to grant or deny the applications for the Rezoning, SUP, and disturbance of Critical Slopes. Below is a basic outline:

- The applications will go to Planning Commission (most likely May 11<sup>th</sup>, but no date is set yet. You will receive an official letter with the date if you are a property owner within 500'. But also the property will be posted with a sign with the Public Hearing information and I will send out an email to interested parties on the list. It will also be advertised in the newspaper). The Planning Commission will hold a Public Hearing and anyone who wants to will be allowed to speak to the proposed development. Planning Commission will take three actions (one for the Rezoning, the SUP, and the Critical Slope). These actions will only be recommendations to City Council.
- Typically the following month City Council will take up the proposed development at their meeting. Again I will let people know when that meeting is, but once something move on form Planning Commission to City Council I am not as plugged in to their timing.

Hope this is helpful and let me know if you have any additional questions. I will keep you posted.

---

**From:** [judybriggs@lumos.net](mailto:judybriggs@lumos.net) <[judybriggs@lumos.net](mailto:judybriggs@lumos.net)>

**Sent:** Wednesday, March 10, 2021 9:13 AM

**To:** Alfele, Matthew <[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)>

**Subject:** RE: 1613 Grove Street Rezoning and SUP Community Meeting

**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.

Matthew,

Can you please clarify: Are the rezoning request and the special use permit both going to be determined by City Council? If so does that mean that they have already been denied by the Board



Attachment E

of Zoning Appeals?

Thanks.

Judith Briggs

On Wed, 3 Mar 2021 21:00:04 +0000, "Alfele, Matthew" <[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)> wrote:

Judith,

You have a lot of time to get comments to me and/or the applicant. If you want the applicant to have your comments you should get provided then sometime in the 30 day window (window starts tomorrow and runs for 30 days). If you want to get comments to me, I would just try to get them in sometime before City Council makes a decision (that is still months away). Hope this information is helpful.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [judybriggs@lumos.net](mailto:judybriggs@lumos.net)

Date: 3/3/21 9:02 AM (GMT-05:00)

To: "Alfele, Matthew" <[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)>

Subject: Re: 1613 Grove Street Rezoning and SUP Community Meeting

**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.

Matthew

Attachment E

I have comments to submit. Do I need to get them in by tomorrow's meeting?

Judith Briggs

On Mon, 1 Mar 2021 22:24:46 +0000, "Alfele, Matthew" <[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)> wrote:

I know many of you received the Community Meeting letter in the mail from the developer, but I wanted to get this email out with the same information. Note the Community Meeting is this Thursday (March 4<sup>th</sup> at 6pm) on Zoom. No preregistration is required.

Matt Alfele, AICP

City Planner

City of Charlottesville

Department of Neighborhood Development Services

City Hall – 610 East Market Street

P.O. Box 911

Charlottesville, VA 22902

Ph 434.970.3636 FAX 434.970.3359

\*\*\*Updated email address to .gov\*\*\*

[alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)

**Alfele, Matthew**

---

**From:** lisasg@embarqmail.com  
**Sent:** Friday, March 26, 2021 1:01 PM  
**To:** Alfele, Matthew  
**Subject:** Proposed development at 1613 Grove Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Hello Mr Alfele,

I am in receipt of the plans from Shimp Engineering for the proposed development at 1613 Grove Street, and I am writing to express my extreme disappointment with the city for even considering such a dense development at this location. I understand that the city needs new housing, and that you're trying to in-fill vacant lots. However, this development has far too many units for the number of parking spaces provided and for its location at the end of a cul-de-sac. There is only one way in and out of this road (I used to live on Grove Street Extended, so I am very familiar with this area), and you are inviting traffic and neighborhood problems by in-filling with this amount of units.

I can see developing this site for perhaps half the amount of units, while keeping the same amount of parking spaces. Right now, according to the proposed plan, there are not enough parking spaces for every unit to have even one, unless someone in one of the units is handicapped.

As these are two bedroom units, you are likely to have at least an additional 14 or 15 cars (conservatively) trying to find parking spaces on a daily basis, on a road that cannot accommodate them. And, if someone living there were to invite friends over, where are they to park? There are not enough space for residents, let alone for visitor's parking.

In addition, there is no safe way for pedestrians to cross the railroad tracks in this area, and people who work at the hospital or the university tend to just cross where they can without being caught. I know this because I used to see them when I lived on Grove Street Extended. Were you to provide a pedestrian pathway from Valley Road Extended over to Grove Street, where people can then walk safely down to the underpass on Roosevelt Brown Blvd, and a pedestrian path to the railroad crossing at Shamrock, perhaps this might be a more viable development because of its walkability, but as it stands, it is an irresponsible and short sighted venture on the developer's part.

Thank you for listening, I hope that my concerns will at least start a conversation about reducing the number of units allowed there.

Lisa Grant

**Alfele, Matthew**

---

**From:** S Reinhardt <sdrequi@yahoo.com>  
**Sent:** Monday, March 29, 2021 11:59 PM  
**To:** Alfele, Matthew  
**Subject:** Proposed development on Grove St Ext/Valley Rd Ext

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Dear Mr Alfele,

I am writing in hopes that my concerns (and those of my neighbors) about the development at the end of Valley Road Ext in Charlottesville will be heard and passed along to the city council. I have thought a lot about the pros and cons with developing this land into multifamily housing and spoken with many of my neighbors.

Here are the pros as we see them:

- A private developer makes even more money (Umm, not really a pro for the neighborhood)
- Sidewalks? Not really a pro because if the sidewalks take out people's available front-yard parking, more cars will be on the street (see below), and if not, most cars will be parked over the sidewalks anyways and I'll still be walking my dogs in the street. And note that it's safer to walk in the street instead of close to the backs of parked cars- I've had people pull out without looking and almost hit me or my dogs multiple times, so no thank you for the sidewalks.

I'm really searching for more pros here. Maybe more housing available? But at \$1500/mo for a 2 bed apartment, not many working class families can afford that and that's the group that needs the most help with housing in Cville! I am very familiar due to my work in trying to find affordable housing for families in the city and county, so I can say that \$1500 for a 2 bed apartment (not even a house!) is out of most family's price range and will NOT help the housing crisis here.

To recap the ask: the developer is asking to 1) Consolidate the lots into one lot. 2) Shift the orientation of the lots from facing Grove st Ext to facing Valley Rd Ext. 3) Change the zoning from R2 to R3 when there is no other R3 zoning south of the train tracks or in neighboring areas. 4) mess with the critical slope that supports the houses on Baker st. 5) increase the housing density prescribed to allow for more units than would normally be allowed on an R3 parcel of this size.

Phew! That's a lot of Asks!

On to the cons...

The city planner who originally created these lots had a reason to not want 28 units on that corner and allowed for only 6 (duplex on each of 3 lots), and had it facing Grove St Ext. I think the reasons are pretty obvious but here are the cons as I see them-

**-Traffic.** This is a huge issue already. I walk my dogs every day in the evening, anywhere from 5pm to 7pm. It takes me roughly 5 minutes to get from Grove St Ext up valley to Cherry or back. Every time, I have at least 3 cars drive past me. With that math, that's 36 cars per hour traveling on valley rd. Let's add 28 units, possibly 56 cars, plus guests, food and goods delivery etc, now we're talking 50? 60? cars driving up or down the street per hour. On a road that is basically one lane. Sounds dangerous for the children and residents on the street. I often feel like I'm playing Frogger trying to get out of the street in the mornings due to so many people pulling out or coming back! (I heard the "study" that was quoted as 3-4 cars per hour, and those numbers must have been from April of last year- during the lockdown!)

**-Parking-** Another huge issue- Adding 56 bedrooms to the end of the street means the potential for 56 cars added to the street, plus guests. They have planned for 26 regular parking spaces off street, so all of the overflow will need to find street parking, on a street that has greatly limited street parking to begin with. All of these extra cars (even if it's just 20 extra cars) will cause multiple issues.

**-Street blockage-** more cars means less areas to go around parked cars and a high potential for the road to be blocked by waiting cars or people parked "legally" but not smartly. Maybe people's driveways get blocked, maybe more accidents start to happen with people trying to get around cars to get out of the neighborhood.

**-limited access for Fire and Rescue.** This is a big one, because if the road is even narrower due to more parked cars, will fire and rescue be able to respond in time in those big, wide trucks? When fire and rescue responds in our neighborhood, Valley road is blocked for however long it takes. I'm fine with this, but you add 28+ families to the end of the road and the potential for increased calls goes way up, causing more issues with getting in and out of the neighborhood. And what if the street is too narrow for them to respond and someone dies or a house sustains worse fire damage because of the delay? Would that be on the city for overloading the road past it's planned capacity?

**-people coming up on Grove St Ext to look for parking.** Have you seen Grove street Ext? It's one lane and our parking spaces are part of our private property. Oh, and it's not a city street so the 4 houses that are on Grove St Ext pay to maintain the road (hence the shoddily filled potholes) despite paying the same property tax rate as everyone else in the city. This has been a struggle with the city and we do not plan to fight the city to have the road maintained at this time. An increase of cars looking for parking will mean that people will come up, try to turn around, possibly hit our cars in the process or trench the sides, our street will get torn up faster, people may park where we have to tow them causing a huge headache for everyone, and they may block our street (this has happened in the past when construction workers were parking on

## Attachment E

Valley rd ext to cross the tracks and work at UVA) by parking on the opposite side from our spaces. Not ok and unnecessary drama.

**-Ruining the neighborhood** and making it less accessible to working class families. If the new apartments rent for \$1500, landlords on the street may raise their rents, pricing out a lot of the families that have been there for years. On the flip side, they may have trouble renting due to the parking and traffic and lose money. One thing for sure- it won't stay the same, and it's not going to become more desirable or friendly.

**-There are no other developments like this** in the area around Valley Rd Ext, so why this neighborhood? Because it's a diverse, working class neighborhood? The developers could easily put 6 units/3 duplex houses and make their money back. The original planners had a reason for making the 3 lots zoned R2, and as much as Cville says it wants the "look" of new construction to enhance neighborhoods, adding this many units will make it an eyesore and cause issues with accessibility to the end of the street.

**-Destruction of natural habitat.** I laughed when they said they'll be creating natural habitat. By tearing out the natural slope, numerous dens for wild animals will be destroyed. Come look at the hill before the Kudzu grows back, you can see multiple burrow holes and there's always critters roaming in the lot. Putting up three duplexes will also change the habitat, but it will maintain more of the slope and woody area than these monstrous buildings would allow for.

I hope that the neighborhood's concerns are taken seriously and that the city understands granting this insane amount of leeway for a developer will set a dangerous precedent in all of the neighborhoods in town.

I look forward to sharing my thoughts with the city council at the public hearing. If you need to reach me, you can call me at the number below

Stacia Reinhardt  
1621 Grove St Ext

484-560-7951

**Alfele, Matthew**

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**From:** Samuel Pierceall <sampierceall@gmail.com>  
**Sent:** Tuesday, March 2, 2021 11:45 AM  
**To:** Alfele, Matthew  
**Subject:** 1613 Grove proposal feedback

**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.

Hi Matt,

My name is Sam Pierceall and I am a homeowner on Valley Road EXT. I recently received the info packet regarding the 1613 Grove street apartment complex building proposal, and I wanted to make sure I was able to express my concern.

My first concerns are regarding the street itself. Assuming there is not going to be an additional street extension that would connect the complex to Grove street, access would be from Cherry via Valley Road EXT. Even with an added connection from Grove or Paton, the primary access would be from Valley Road EXT due to the direct nature of these streets, as Grove is one way and the streets are so small because of this limitation. As it stands, Valley Road EXT is already in a state of disrepair, and in need of substantial maintenance. The creek that runs along that road is THE primary floodzone in the neighborhood, and the street suffers as a result.

Having traffic from an additional 28 units on the street that is already in disrepair, combined with the heavy equipment and construction materials that will need to be transported along the road makes me question how much longer this street will continue to hold up without substantial repairs and upgrades. Additionally, the street is quite narrow in some places, with one car having to pull over to the side to allow vehicles traveling in the opposite direction to pass safely - I have witnessed this on an almost daily occasion while I lived there.

My other concern is that this will dramatically change the nature of this street. Valley Road EXT and Grove street EXT are quiet streets with one or two family homes, 1 or 2 story condos and duplexes. Building four 3 story apartments with 7 units each will dramatically change this from a quiet, sleepy street and make it an extended hub for University students. This will mean more noise, parties, tailgating, traffic, and other related activities which will drive away residents like the family of 4 that is currently renting the condo I own. This will also increase the number of students who will be crossing the railroad tracks as a shortcut to get to classes, and will create an increased risk for those who do so.

While I like the green space at the end of the street (lots of people, including myself, use the space as an area to walk their dogs), I understand the desire to build new units to use the space, but ultimately apartments like those in the proposal do not fit in with the current buildings already there. If the lots needed to be developed into something other than a park, something more like the condos or duplexes that currently line the street would be much more appealing than 28 apartments that would house at least an additional 28-56 or more people and their vehicles.

Thank you for your time.

Best,

Sam Pierceall

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**PLANNING COMMISSION REGULAR MEETING**  
**APPLICATION FOR A CRITICAL SLOPE WAIVER**  
**APPLICATION NUMBER: P21-0023**  
**DATE OF MEETING: May 11, 2021**

**Project Planner:** Matt Alfele, AICP  
**Date of Staff Report:** April 23, 2021

**Applicant:** Lorven Investments LLC  
**Applicant's Representative(s):** Justin Shimp, Shimp Engineering, P.C.  
**Current Property Owner:** Lorven Investments LLC

**Application Information**

**Property Street Address:** 1613 Grove St. Ext., 1611 Grove St. Ext, and 0 Grove St.  
**Tax Map & Parcel/Tax Status:** 230133000, 230134000, and 230135000 (real estate taxes paid)  
**Total Project Area (Limits of Disturbance):** 0.652 acres  
**Total Area of Critical Slopes on Parcels:** 0.06 acres | 9%  
**Area of Proposed Critical Slope Disturbance on Parcels:** 0.06 acres | 100%  
**Comprehensive Plan (General Land Use Plan):** Low Density Residential  
**Current Zoning Classification:** R-2 (Developer is requesting a rezoning to R-3 ZM20-00003 and a SUP under P21-0022)  
**Overlay District:** None

**Applicant's Request (Summary)**

Lorven Investments, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the development of four (4) apartment buildings with two (2) bedrooms per unit. The total number of residential units on site would not exceed twenty-eight (28) units. The proposed improvements associated with the development will impact critical slopes on-site as defined by Section 34-1120(b)(2). In addition to the waiver request, the applicant has also submitted a rezoning and SUP application (ZM20-00003 and P21-0022).



Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (**Attachment B**) and include portions of the central parking lot and the footprints of the two buildings on the eastern side of the development.

Existing critical slopes areas located on this Property include 0.06 acres or 9 percent of the total site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

**Vicinity Map**



### Critical Slopes per the Zoning Ordinance



### Standard of Review

Per Sec. 34-1120(6)(d): The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:

- (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the Planning Commission may also make recommendations as to the following: In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that

there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;
- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

### **Project Review and Analysis**

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). The applicant has provided information in the attached critical slopes waiver narrative (**Attachment A**) for Application Finding #1 and #2.

#### **Staff Analysis 34-1120(b)(d)(i) Application Finding #1:**

**Public Works:** Public Works staff finds no Public Benefits for waiving the Critical Slope requirements under finding #1

**Planning Department:** The General Land Use Plan of the Comprehensive Plan calls for the subject properties to be Low Density Residential land use with a DUA under fifteen. As currently

zoned, but reoriented to have frontage on Valley Road Extended, the subject properties could accommodate six units (three two-family dwellings). It is most likely that these by-right units could be built without impacting critical slopes.

Should the project be approved (approval of the Rezoning, SUP, and Critical Slope), all critical slopes on the subject properties will be impacted. The applicant is proposing some stream restoration to Rock Creek and this is not something that would be done, or required should the properties be developed by-right (as R-2).

Staff Analysis 34-1120(b)(d)(ii) Application Finding #2 :

*Public Works:* City Engineering staff note that the only possible consideration could be Sec. 34-1120 (b)-6-d finding (ii):

“Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.”

However, due to the lack of prepared engineered plans, sequences of construction, or clear narrative specifying how the slopes/downstream waters will be protected during construction, and stormwater quality and quantity managed afterward, or determination of accordance with the following City Code section: “No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices,, the finding is difficult to support.

*Planning Department:* Because the area could be developed, by-right, on existing lots of record, the Planning Department determines findings ii are not applicable.

**Recommended Conditions**

**If a recommendation for approval is provided, the following conditions should be considered:**

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls” and also include special consideration and provisions for how the ‘creek’/‘channel’ will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent ESC controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey ‘clear’ water to the channel shall be stabilized with sod on the ‘clear water’ side immediately after installation. The sequence

shall dictate that no ‘benching’, or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).

- 2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).

### **Suggested Motions**

1. “I move to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with no reservations or conditions, based on a finding that [*reference at least one*]:
  - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
  - Due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)
2. “I move to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with the conditions outlined in the staff report, based on a finding that [*reference at least one*]:
  - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
  - Due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)
3. “I move to recommend denial of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000

### **Attachments**

- A. Application and Narrative Dated January 28, 2021
- B. Critical Slope Exhibit Dated January 28, 2021



### WAIVER REQUEST FORM

Please Return To: City of Charlottesville  
Department of Neighborhood Development Services  
PO Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3182 Fax (434) 970-3359

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. *\*additional application form required*  
For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description 1613 Grove Street Parcel Number TM 23, Parcels 133,134,135  
Address/Location 1613 Grove Street Ext.  
Owner Name Lorven Investments LLC Applicant Name Lorven Investments LLC

Applicant Address: Contact: Justin Shimp, Shimp Engineering  
Phone (H) 434-227-5140 (W) \_\_\_\_\_ (F) \_\_\_\_\_  
Email: justin@shimp-engineering.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- Sidewalk
- Drainage/Storm Water Management
- \*Contact Staff for Supplemental Requirements
- Off-street Parking
- Site Plan Review
- Lighting
- Landscape
- Signs
- Setbacks
- Critical Slopes *\*additional application form required*
- Communication Facilities
- Other
- Stream Buffer Mitigation Plan

Description of Waiver Requested: Critical slopes waiver request, in conjunction with rezoning and special use permit application, for development of 28 units on the property

Reason for Waiver Request: Critical slopes are present directly through the middle of the site; disturbance is necessary for any development to occur on this vacant lot

Applicant Signature \_\_\_\_\_ Date 01/28/2021

Property Owner Signature (if not applicant) \_\_\_\_\_ Date \_\_\_\_\_

**For Office Use Only:** Date Received: \_\_\_\_\_

Review Required: Administrative \_\_\_\_\_ Planning Commission \_\_\_\_\_ City Council \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Director of NDS \_\_\_\_\_

Comments: \_\_\_\_\_

P21-0023



**WAIVER REQUEST FORM**

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 Department of Neighborhood Development Services  
 PO Box 911, City Hall  
 Charlottesville, Virginia 22902  
 Telephone (434) 970-3182 Fax (434) 970-3359

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Property Owner Signature (if not applicant) \_\_\_\_\_ Date \_\_\_\_\_

**For Office Use Only:** Date Received: \_\_\_\_\_

Review Required: Administrative \_\_\_\_\_ Planning Commission \_\_\_\_\_ City Council \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Director of NDS

Comments: \_\_\_\_\_

City of Charlottesville  
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT

**Please review city zoning ordinance section 34-1120(b) “Critical Slopes” and submit a completed Waiver Application Form, Critical Slopes Waiver Request Supplement and a Critical Slope Exhibit\*.**

**Applicant:** Lorven Investments, LLC

**Property Owner:** Lorven Investments, LLC

**Project Description:** (4) multifamily structures with (7) 2-bedroom units each; 28 units total for a residential density of 43 DUA.

**Existing Conditions:** Vacant

**Total Site Area:** 0.652 AC

**Zoning (if applying for rezoning-please note existing and intended change):** R-2, rezoning to R-3 with a special use permit for additional residential density up to 43 DUA.

**Percentage of Area that is made up of critical slopes - meets criteria set forth in Sec. 34-1120(b)(2) *Definition of critical slope:* greater than or equal to 25% slopes and a) a portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and b) a portion of the slope is within two hundred (200) feet of any waterway:**

**Total Critical Slope Area:**

Contiguous critical slope area is 7,721 SF or 0.18 acres. Of this contiguous area, 2,644 SF or 0.06 acres of slopes is located on the property.

**Critical Slope Area Disturbed:**

0.06 acres of the total 0.18 acres of critical slope area (33% of the total critical slope area) identified above will be disturbed. Critical slopes comprise 9% of the 0.652 acres of the site area. Proposed critical slope area to be disturbed is 9% of the site area.

**Project Background & Critical Slopes Description:**

Lorven Investments, LLC is the Owner (the “Owner”) of tax map parcels 23-133, 23-134, and 23-135 in the City of Charlottesville (collectively, the “property”). The owner seeks to develop four neighborhood scale multi-family buildings for a total of 28 residential units on the property. A rezoning and special use permit request is currently under review in the City, to rezone the parcel to R-3 and to allow for additional residential density up to 43 DUA to realize this development. The property is a vacant lot, located at the intersection of Valley Road Extension and Grove Street Extended. A portion of Rock Creek is present along the frontage of the property and is currently overtaken by Kudzu, an invasive species.



## Attachment A

The development proposes to restore and stabilize the eroded banks of Rock Creek through regrading and installation of native planting around the stream.

2,644 SF of the critical slopes present on the property are part of 7,721 SF of contiguous critical slopes. With the existing topography and form of critical slopes, it appears that the 7,721 SF contiguous slope has already been disturbed by the development and grading of the neighboring structure. As critical slopes are present in the middle of the site, any development cannot be realized without the disturbance of these slopes. In its present condition, the property is overwhelmed by kudzu, which is of detriment to native plantings and soils. Disturbance of the slopes would allow for the growth of the City's housing supply, restoration of Rock Creek, and native replanting of the site.

**This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) "Modification or waiver." The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the "critical slope provisions" as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.**

**City Council may grant a modification or waiver, upon making one or more of the following findings:**

*Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)*

See further discussion of stormwater and erosion control measures below. Although there is no net impact to stormwater management, the allowance of disturbance creates public benefit to the City by contributing to the housing supply, fulfilling the Fifeville community's desire for denser housing without changing the character of the neighborhood, and removing an invasive species and providing native replanting.

While the City of Charlottesville undergoes a major Comprehensive Plan update, the community of Fifeville has simultaneously been drafting their Cherry Avenue Small Area Plan. The Fifeville community strongly values their sense of place that has developed with its rich history and small-town feel, diverse neighbors and families, and ample parks and amenities. Fifeville has experienced the rising cost of living and housing demand that is an ongoing City-wide challenge, with long-term residents being priced out of their community as cited in the Small Area Plan. While community members fear that development will change the neighborhood, residents have identified affordable housing, improved housing options, and reinvestment in vacant lots as priorities as "affordable housing may help [them]

remain in the community, even if they move to a new home within the neighborhood” (43). As a vacant lot development at the edge of Fifeville and its adjacency to the CSX Railroad, this development would be a key opportunity in piloting middle-density neighborhood-scale housing units that residents envision for their neighborhood.

*Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.*

Critical slopes encompass 9% of the property and run directly through the middle of the site. Development of the site is not feasible without critical slopes disturbance; avoidance of the slopes would render more than half of the site unusable, leaving only the front portion of 0.16 AC out of the total 0.652 AC for development. With the housing needs of the City, the presence of Kudzu and the eroded banks of Rock Creek, granting of this critical slopes disturbance request would provide a public benefit to the Fifeville neighborhood and the City as a whole.

*Please address how Finding #1 and/or Finding #2 will be met utilizing the “critical slope provisions” noted below.*

**1. Erosion affecting the structural integrity of those features.**

The proposed disturbance requires cutting a bench into existing slopes. Cutting into existing slopes provides stronger stability, relative to placing fill atop critical slopes. A portion of the slopes will be stabilized by a retaining wall and a portion of the slopes will be graded out to 2:1. Geotechnical investigations will be required to ensure that the slopes’ structure supports the wall and that construction will be performed in accordance with the geotechnical engineer’s design.

**2. Stormwater and erosion-related impacts on adjacent properties.**

Regarding erosion & sediment control, cutting into the critical slopes and benching this graded area to construct the retaining wall will allow minimal to no opportunities for erosion to occur from that activity. A ditch would be installed at the top of this slope at the benched area, capturing stormwater and routing it towards the appropriate stormwater infrastructure. Upon completion of construction, stormwater will be directed into and treated in an underground detention facility and into Rock Creek, rather than flowing across the critical slopes, contributing to further degradation of the slopes. Development on the site will be in accordance with VSMP regulations ensuring there are no stormwater and erosion related impacts on adjacent properties.

**3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.**

Rock Creek is located approximately 45’ from the critical slopes. In this location, Rock Creek has been severely eroded and is in poor condition. In its present condition,

stormwater flows down the critical slopes into Rock Creek, evidenced by the widened, eroded stream bank. Permitting critical slopes disturbance and development of the site would allow grading of the stream banks and replanting of native species that have been completely outcompeted by Kudzu. Regrading and stabilization of the stream bank and replanting of native species would restore the stream to an improved condition, in tandem with the proposed stormwater management.

**4. Increased stormwater velocity due to loss of vegetation.**

The prevalent Kudzu on the site would be cleared with development of the property. While Kudzu contributes to managing existing runoff, the invasive species negatively impacts local biodiversity and soils. The proposed site plan would effectively manage stormwater velocity by directing stormwater to an underground detention system, where it would slowly outlet to Rock Creek. In addition to the stormwater infrastructure and the proposed native plantings around the stream and throughout the site, increased stormwater velocity would not occur as a result of the critical slopes disturbance.

**5. Decreased groundwater recharge due to changes in site hydrology.**

No adverse impacts to groundwater recharge are anticipated as a result of the disturbance of the slopes. As established, stormwater flows down the critical slopes and into Rock Creek and these slopes would have little meaningful groundwater recharge in their existing conditions. Disturbance of such slopes would not negatively impact groundwater recharge in this circumstance.

**6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.**

The property in its current state is completely covered in Kudzu, an invasive species. The Kudzu on-site has smothered out any native species, diminishing local biodiversity and habitats for local wildlife. Clearing of the Kudzu would provide a strong public benefit, in restoring the eroded stream, replanting native species, and attracting native wildlife back to the area.

**Please list all attachments that should be viewed as support to the above explanations.**

- **1613 Grove Street Critical Slopes Disturbance Exhibit**

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

Property Owner

*Freddy*

(NARSIMHA SERI for Lowen Investments, LLC)

Applicant

Please do not write below this line. For office use only.

Planner's Comments/Recommendations:

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Engineer's Comments/Recommendations:

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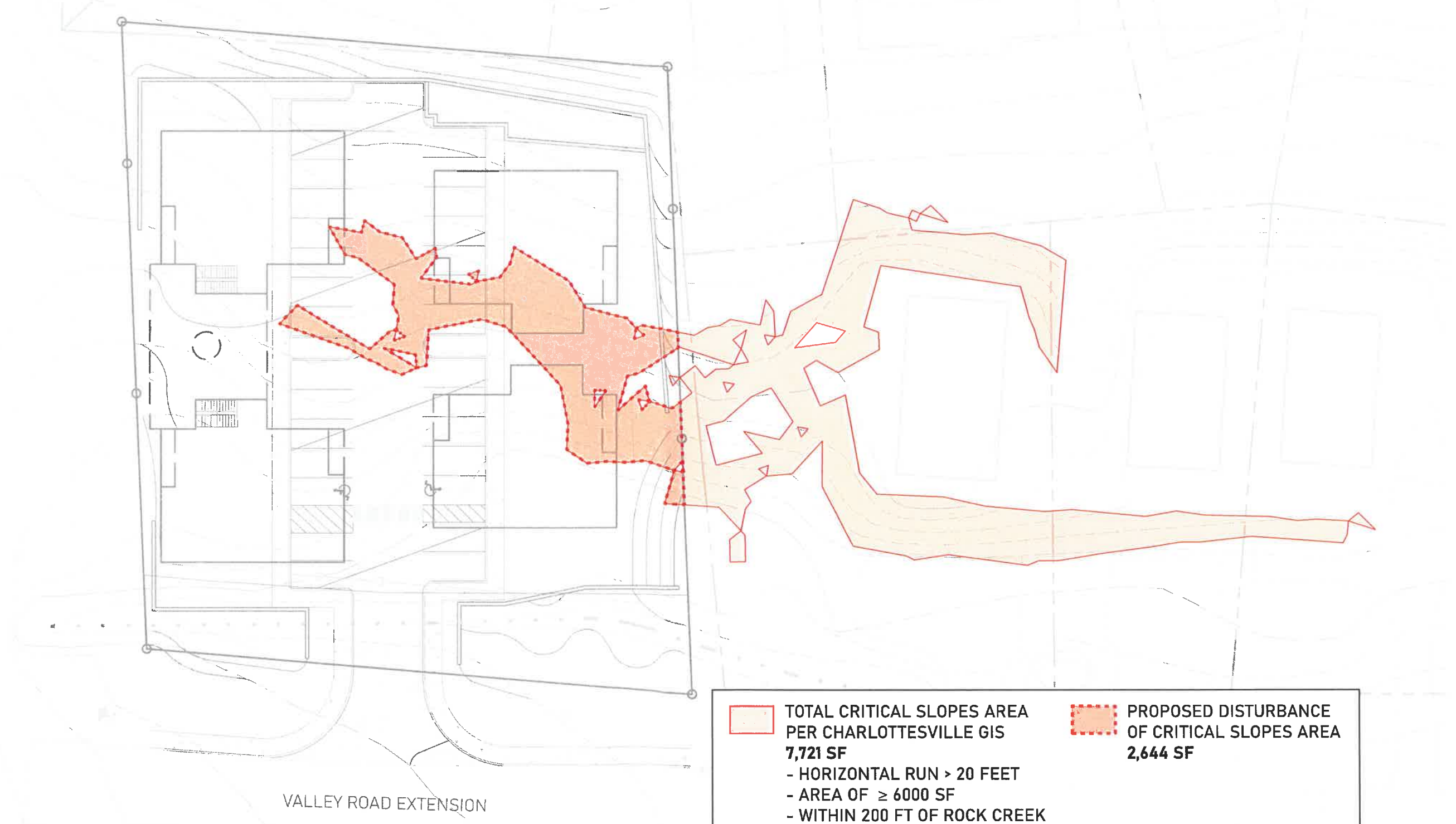
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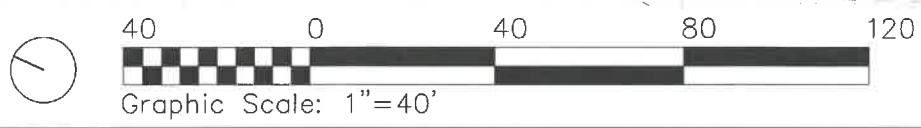
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# 1613 GROVE STREET CRITICAL SLOPES DISTURBANCE

January 28, 2021



	<b>TOTAL CRITICAL SLOPES AREA PER CHARLOTTESVILLE GIS 7,721 SF</b> - HORIZONTAL RUN > 20 FEET - AREA OF ≥ 6000 SF - WITHIN 200 FT OF ROCK CREEK		<b>PROPOSED DISTURBANCE OF CRITICAL SLOPES AREA 2,644 SF</b>
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Minutes

**PLANNING COMMISSION REGULAR MEETING**  
**January 11, 2021 – 5:30 P.M.**  
**Virtual Meeting**

**I. COMMISSION PRE-MEETING (Agenda discussion(s))**

***Beginning:*** 5:00 PM

***Location:*** Virtual/Electronic

**Members Present:** Chairman Mitchell, Commissioner Heaton, Commissioner Solla-Yates, Commissioner Lahendro, Commissioner Russell, Commissioner Stolzenberg, Commissioner Dowell, Commissioner Palmer

**Staff Present:** Patrick Cory, Missy Creasy, Lisa Robertson, Joe Rice, Alex Ikefuna, Matthew Alfele, Carrie Rainey, Brian Haluska, Brenda Kelley

Chair Mitchell called the meeting to order at 5:00pm and noted that he would call on each commissioner for questions. Commissioner Russell noted that she talked with a member of the public and noted that she was told that links to PC members used to be on line and now are not there. It was noted that there would be follow up with Communications to see if the general email could be provided. She also asked for clarification as to when those who want to speak on 1000 Monticello would have the ability. It was noted that individuals can speak during matters from the public. She would like to hear more about the trees on site during the meeting. Commissioner Heaton asked about the comments on 1000 Monticello. It was noted that some comments came at the hearing in December and individuals want to share their comments as the item moves forward. Commissioner Solla-Yates asked if we can ask for more affordability and staff noted that the applicant has to provide the terms they note voluntarily. He also noted that he has comments on the Cherry Avenue Plan on pages 67 and 108. Nick Morrison with the TJPDC noted that the language may need some slight updating to clarify. Commissioner Dowell noted that her questions concerning the change in the number of affordable housing units for 1000 Monticello was noted. Commissioner Lahendro noted that his questions were answered.

Commissioner Stolzenberg provided an overview of the ZTA initiation request. Commissioner Lahendro confirmed a statement made about ground floor residential and Commissioner Stolzenberg noted that his proposal would want the commercial to be on the ground floor to activate the street. Commissioner Dowell asked if the Cherry Avenue plan should wait until the new comp plan. Ms. Creasy noted that there is interest in moving forward now to get the plan moving forward. The consultants for the comp plan have been engaged and plan to integrate this plan into the plan update. Commissioner Stolzenberg asked if there would be an option to defer the Cherry Avenue Plan and it was noted that was an option. Commissioner Dowell asked if there would be a timeframe on the ZTA request and there would not be. Commissioner Stolzenberg asked about the recruitment for the longer term planner position and it was noted that next steps would need to come from city leadership.

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman**

***Beginning:*** 5:30 PM

***Location:*** Virtual/Electronic

## A. COMMISSIONER'S REPORT

**Commissioner Stolzenberg** – I had two meetings in December. The first one was PLACE where, unfortunately, we didn't have a quorum. We weren't able to make any actual decisions. We're coming close to getting some idea of what that committee should morph into. As you probably recall, for most of the second half of 2019, after the Chair and Vice Chair resigned, they've been debating what our role should be in the future. At this point, the general idea is to reform as a general think tank or a body of experts that the city can draw from in order to create an ad hoc task force, for any problem it wants to face like lighting plans, rather than having just the same dozen and a half experts that are then asked to approach various problems that they may or may not necessarily have expertise in. That may include moving it out from under the auspices of the city. It's no longer a council advisory body and is now a staff advisory body. Maybe moving it under something like the Center for Civic Innovation or another private group so that it can operate more independently and with less demand on staff time. In the meantime one short term thing it might work on is debating the future of the West Main Streetscape, which is a very expensive budget item. We don't have a lot of room in the budget. One thing that we're trying to brainstorm is potentially tactical urbanist improvements that we could make to the street at very low cost to make it a safer and a better experience in the near term without expending 50 plus million dollars. That depends on Council and ultimately us when this CIP comes up making some decisions on what the West Main Streetscape will look like. I think the BAR and BPAC have also expressed some interest in that effort. It will probably at some point become coordinated walks along once it's legal to gather again. The other meeting was a Climate Action Plan Task Force or working group. They're now working on a Climate Action Plan to help meet our goals of reducing emissions 45% by 2030 and net zero by 2050. That planning is underway and a big part of it is going to be land use and building efficiency. Something to keep an eye on in the months ahead.

**Commissioner Russell** – I had no December committee meetings. I have an upcoming smart scale meeting in a week or two.

**Commissioner Heaton** – No committee meetings in December.

**Commissioner Dowell** – I have not attended any meeting since the last time we met. I do have a Ridge Street Task Force meeting coming up. It is the 26<sup>th</sup> or 27<sup>th</sup> of this month.

**Commissioner Solla-Yates** – The Housing Advisory Committee met on December 16<sup>th</sup> to discuss the letter that was sent to the consultants, the Planning Commission, and Council. The HAC members wanted a clear connection between the soft density strategy and affordable housing. They were not against allowing market rate homes in the city.

**Commissioner Lahendro** – I attended two meetings since the last time we met. The Board of Architectural Review met on December 15<sup>th</sup>. At that meeting, we approved three Certificates of Appropriateness. We deferred one Certificate of Appropriateness for 612 West Main Street, even though the architect is making good progress on developing a design that complies with the guidelines. There was a preliminary discussion on the courts parking structure. Approval has to be received from the BAR because there are two buildings that are there are designated as

contributing to the historic district. There was a discussion about that. Design issues for the new structure really focused on how to break up that long mass along Market Street. The Tree Commission met on January 5<sup>th</sup>. We elected the officers of Brian Menard as Chair and Peggy Van Yahres as Vice-Chair. We reviewed our annual goals and objectives for the commission, which took up most of the meeting. We did end up talking about the plan to plant 23 trees on January 21<sup>st</sup> and the CIP funding that was provided for new tree plantings this year didn't end up covering those 23 trees. Staff found funds in public donations that was available. We're making up the difference that way.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – Everybody probably knows UVA is going to go back in session for spring semester at the beginning of February and it'll look a lot like it did in the fall. Hopefully it will go more or less this smoothly. I just wanted to let everybody know there is a LUPEC meeting, which is the coordination committee for the city, county and university to talk about planning issues. This year, UVA is hosting that. I just wanted to let everybody know that the meeting is on Friday. There's a website for LUPEC that probably has the meeting time.

## **C. CHAIR'S REPORT**

**Chairman Mitchell** – We did have a Board of Zoning Appeals meeting. There was a request to allow an accessory ramp on a property. Based on feedback we received from staff and legal, we felt that we could allow that. We did allow that. There was a request on one of the Woodard Properties to allow a little more height. We agreed to allow the additional height. It is not visible from anywhere a pedestrian might be walking along. We have LUPEC, which will be meeting on Friday.

## **D. DEPARTMENT OF NDS**

**Ms. Creasy** – We have talked about our staffing changes. We will be working on adjusting to make sure all of our day to day work is covered. We're planning to recruit for those positions. We will hope to fill them as soon as we possibly can in this current environment. I wanted you all to keep the work session that we scheduled for January 26<sup>th</sup> on the calendar. We scheduled the joint session with the County concerning housing initiatives. The County asked for some additional time because they're still working through parts of their program. We will be corresponding with them along the way to try and get that rescheduled in the future. In the meantime, our consultants are working through some programming for some discussions that need to occur with the Commission concerning the next steps in the Comprehensive Plan process. Ms. Koch may provide some feedback to us on that this evening. I know that they have a few meetings this week to try to solidify their programming for that. We scheduled that work session from 5:30 to 7:30. Since we're not meeting with the County anymore, we could move that back to 5 to 7. It's at the group's prerogative. You received a message from the Clerk concerning real estate forms for the year. Just a reminder to address those if you asked any questions of legal on that. There are a lot of initiatives going on right now. They have your requests and will be back with you in a manner so you can get them in on time. If you do have any additional questions on those forms, you can let myself or the City Attorney know and we will assist you with those. You can send those back to



the Clerk and she will take care of those for you. We are still continuing to process applications through Neighborhood Development Services. We have all current staff working mostly from home. We have a few that work in the building at different periods of time. Most of the staff that works with you all goes in once a week to drop off and pick up. There are certain things that we have to get done in the office. We are continuing to help the public with the things that we need assist them with. Development continues. Construction continues.

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

**Kimber Hawkey** – There are a few more concerns regarding the Monticello Road project. The most important was that the topic of trees did not come up in the last meeting. There is a first line of evergreen trees that may or may not block the height. There is another line of trees appear to be at risk from the construction. I would like to request a more of a study to be done regarding the trees. A block away has been the destruction of trees. I didn't know that this was going to come up when it was deferred. I wish there was a better way to communicate with the neighborhoods. There used to be a way to contact the Commissioners directly via email.

**Laura Goldblatt** – I want to encourage you to deny the Special Use Permit for Monticello Road. It will cause adverse effects on the neighborhood and will allow for displacement and gentrification. As it is currently written, I don't think this is not going to prevent displacement. This is the wrong direction that we are going as a community. I think it will cause additional harm.

**Nancy Carpenter** – I don't believe that this SUP meets the goals of this Commission that have been made for months and months. This request meshes with the Comprehensive Plan regarding adverse impact with displacing those residents and replacing them with upper income residents. We know who a lot of the people are that are displaced. Is Mr. Holdsworth going to raise the rents? There is no clarity if Mr. Holdsworth will accept housing vouchers. Ms. Cole was displaced after she had lived in her apartment for 47 years. I am asking that you deny this request.

**Brandon Collins** – I work for PHAR the resident council and advisory board for public housing residents in Charlottesville. I am here to speak against the request for 1000 Monticello Road. The owner has shown, in his past actions that his use of the property has caused an extreme adverse impact on those that lived on this property. The current application does the bare minimum. Under a new comprehensive plan and affordable housing plan, it may not be allowed. That should factor into your decision making. The affordable units would still be \$1000 at 60% AMI. It is going to do little to help recovery from this pandemic. I have questions about the existing apartments. I would encourage you to deny this application.

**Alexandra McGee** – I commend you review the Cville Plans Together page that lays out the process. The word "we" is used a lot on that page. On either side of Monticello Avenue there would be an increase of intensity coming up from 64. In that 2018 comprehensive plan, there is a patch of purple near Moores Creek. That is all natural. The engineer, who did the environmental review, is the owner of the property that he is wanting to develop. I am asking you to not allow a conflict of interest. I noticed that your mission is orderly development. I was wondering if your mission could be changed to just, equitable, and inclusive development.

**Emily Dreyfus** – I agree with the prior speakers on the SUP for 1000 Monticello Road. It should not be approved. There are many unanswered questions. There is a very real potential for this development to put further pressure on the housing market. These adverse impacts are concerning when considering this developer’s actions in 2019. I would like to share information from two residents who were asked to leave their apartments. One would like to remain anonymous. She paid under \$1000 for a two bedroom apartment. They relocated after being forced to leave. The best option was \$1500 in a different school district. She struggles to pay the rent every month. They miss the convenience of living on 1000 Monticello Road. The other resident was Ms. Coles, who was mentioned in the previous comments from the public. I urge you to deny this application because of the adverse impacts on the community.

**Maddy Green** – I have reviewed the packet submitted for 1000 Monticello Road. I would like to recommend that the Planning Commission deny this SUP. The affordable housing commitment is really not affordable, especially to those earning minimum wage. My husband and myself have never been offered jobs at 80% AMI. This proposal doesn’t provide for those jobs and workforce housing. Most residents, who receive eviction notices, leave. People don’t have legal counsel to fight legal evictions.

**Walt Heinecke** – I speak in opposition to the SUP at Belmont Heights. In 2017, we had an onslaught of racism and fascism in this community. It woke us up to the history of racism within the community. That has led to introspection in how racism is institutionalized within the community. We have done a pretty good job with the public side of this. The market side of the equation remains problematic. It’s not clear how these market based solutions are ever going to make a dent in the 4000 unit affordable housing crisis. These SUPs contribute to the problem. There are significant adverse effects to the community in this SUP. I encourage you to deny this SUP.

**Donald Gathers** – I sit here in opposition to the SUP and am in favor of achieving the goals of affordable housing. I ask you to deny this request. I ask that you deny this request and choose morality and mortality over money.

## F. CONSENT AGENDA

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

## G. Cville Plans Together – Update

**Jennifer Koch, Cville Plans Together** – Just wanted to give a brief update and let you know a little status of where we're at with Cville Plans Together. Before I do that, I want to note I appreciated the comments made about the website and the use of “we” on the website. We, the consultant team, will work to clarify that and make it clearer. There's also an about page under the FAQ where you can see a list of the consultant team members.

When we met with you about a month ago, we gave you a brief overview of the numbers results of the November community engagement process, which was centered on sharing the draft affordable housing plan and draft initial revisions to the comprehensive plan, which included the guiding principles and chapter vision statements for that. We have prepared a draft summary of all activities

and input received, as we did with the first phase. We'll be sharing that on the website in the next couple of days. That includes everything from the survey data as well as email, comments, letters, webinars, Q&A, etc. We'll send an email to our email list when that's ready. We'll obviously make sure you all know about that as well. As far as the next steps for the affordable housing plan we spoke with you about in December, we heard that you all would like to have a chance to review the housing plan in a meeting with us prior to discussion with Council. I believe that's been scheduled for February ninth. We'll provide an updated plan as part of the packet for that meeting. On the comprehensive plan side of things, we've compiled the input we've received and we've reviewed it. We're continuing to work on incorporating that input into the comprehensive plan. There will be a revision to the guiding principles and vision statements that we shared in November to reflect the input we got. We will then be revising the goals and strategies that are in the plan. The draft chapters from 2018, where they exist, will be added into the new chapters. They are public engagement and the update to the land use chapter. We will be looking at new chapters for those two sections. As part of that comp plan update, I should mention the housing chapter of the comprehensive plan is where we'll be pulling in a lot of the pieces of the affordable housing plan. As you know in the affordable housing plan, there are specific actions and timeframes. Those actions will be pulled into the housing chapter with the timeframes and implementation. Responsibility for those actions will be pulled into the implementation chapter of the comprehensive plan. A big piece of a comp plan is the future land use map. We currently have a work session scheduled with you for January 26. We're convening several times as a consultant team this week to determine if we have the right set of programs for that meeting and to have a really productive and effective discussion. We will let you know as soon as possible if we think we need to delay that a little bit. I'm looking forward to speaking with you more about land use on the 26th. We'll be making some adjustments to the schedule that's on the website. Most notably, the zoning rewrite will not be kicking off this month as currently shown. We need to advance the land use discussion more before the zoning analysis can be really fully effective. We've already discussed a lot about what might need to be addressed in the zoning. A big piece of that will come out of the affordable housing plan and the other elements that we've been talking about.

**Commissioner Dowell** – We had a discussion in our pre meeting as far as where we are with the Cherry Avenue Small Area Plan. Since it involves the comp plan update, can you speak to how you guys are addressing that for me?

**Ms. Koch** – All of the small area plans that have been completed since the last comp plan are included. The land use map was updated. We're going to be looking at all those small area plans and looking at how they can best be incorporated into the future land use map. We did see the previous version of the Cherry Avenue Small Area Plan. We're looking forward to reviewing the version that was in this packet for this meeting and seeing how that's changed. We're waiting to see how discussions go and how this moves forward. We do plan to incorporate whatever comes out of it into the comp plan process.

### **III. JOINT MEETING OF COMMISSION AND COUNCIL**

*Beginning:* 6:00 PM

*Continuing:* until all public hearings are completed

*Format:* (i) Staff Report, (ii) Applicant, (iii) Public Hearing, (iv) Discussion & Motion

**Council was called to order for the joint meeting with the Planning Commission.**

- I. 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 5<sup>th</sup> 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://tjpd.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.

- i. Matt Alfele, Staff Report** – You will be holding a public hearing on the Cherry Avenue Small Area Plan. This is a long time in the making and we didn't know if we were ever going to get to this point. It has taken five years. I know one of the driving principles of our community is engagement and on letting the neighborhood drive the planning process. This is very true with the plan before you tonight. Before I turn things over to the Planning District for the presentation, I would like to thank the Fifeville community, with a special thanks to Carmelita Wood, President of Fifeville Neighborhood Association and members of the Cherry Avenue Think Tank, especially Sarah Malpass for all their hard work on this process over the years. They have worked tirelessly over the past five plus years. I know many of them are here tonight and will be speaking during the public hearing. This is truly their plan. I would also like to give thanks to Nick Morrison and the staff with TJDPC for their work on crafting the community's vision. We all know that one of the hardest parts in creating a plan like this is community engagement and feedback. I don't know what the budget was in the directors of NDS and the PDC but they can speak to that. Whatever it was, it does not cover the amount of work that Nick has put in to gain the community's trust. Nick was embedded in the community. For two years he was part of every front porch conversation, walking tour, door knocking effort, cookout, open house neighborhood meeting, and work session. It is through these efforts and the hard work from the members of the community that this planning process was a success. In a moment, the PDC will be giving the presentation and you will hear from the public. You will also have a chance to ask questions and hold the discussion prior to voting on the resolution found in the staff report. One aspect I would like to point out is how this ties into the other major planning processes going on in the city at this time; mainly the update to the comprehensive plan, housing strategy, and zoning rewrite. The Cherry Avenue Small Area Plan, if adopted, is a high level policy document that will help with the

completion of these other documents; most notably the zoning rewrite. The Small Area Plan is a vision document with actionable items for the neighborhood and by the neighborhood. It is not an ordinance. One area where the plan will have an immediate impact is how the zoning code is rewritten. If the Small Area Plan is adopted into the City's Comprehensive Plan, the consultant working on the zoning rewrite will use this document along with additional community engagement to update the city's zoning code. I'm sure you'll have questions and comments.

- ii. **Nick Morrison, Applicant** – Why now? What was the impetus behind doing this planning effort? Residents of Fifeville had noted this pressure of displacement, specifically of longtime residents and the need for additional affordable housing, stresses on the neighborhood from traffic, particularly along the commercial corridor of Cherry Avenue, development that was underway on both east and west ends of the commercial corridor and what the impacts could be to residents, the large number of vacant lots with potential for development, and the ability to utilize the groundwork laid by the Fifeville Neighborhood Association. This process came about through their work of identifying a framework for a small area plan, which they presented back in 2016. That work led the way for what we have before you today. The study area originally started as a core focus area of just the Cherry Avenue commercial corridor. As we started holding meetings with the neighborhood, it became apparent that we really needed to think greater and incorporate the entire Fifeville neighborhood and how all of those various aspects of the neighborhood fit into the planning process. Setting out the plan intent was to develop a clear vision for Cherry Avenue and the surrounding Fifeville neighborhood. The vision for this study area provided recommendations that were actionable, to achieve that vision that was developed by the neighborhood, and to help guide actions of city officials and community stakeholders. To that end, we did extensive community engagement. It certainly took probably more time than initially thought. When we scoped this project, we had a plan of three public meetings. We quickly found out that was not going to be sufficient. Throughout the course of this project, with the help of the Cherry Ave Think Tank, which was the guiding steering group made up of residents of the Fifeville neighborhood, we developed a different approach than what the PDC had done in the past. We did do large scale open houses. We held four of those between March of 2018 and December of 2019. We also did these smaller focus groups with stakeholders within these certain groups: transportation providers, education providers within Fifeville, business owners, and youth in the community. These were certain topical areas that members of the Fifeville Neighborhood Association, particularly the think tank, wanted more direct conversations to try and build better insight into what those specific needs were. What really proved to be successful, were these front porch discussions. This was an idea that was developed by a member of the think tank, Willow Gale. She had said, “why don't we just gather people and come over to my house, I've got a number of people that live on the block, we can come together and hold just an informal discussion.” That paved the way for this more formalized version of that by doing these front porch discussions where we would have members of the think tank identify a date and time. That way our staff could be present to help facilitate these really informal discussions. Over the course of the summer of 2018, we held six of those meetings. We did attend the Baptist School cookout events for the Greenstone on Fifth, which is a housing provider there in Fifeville. We did also attend one of the local groups. They have a big kickoff event each year and we attended that, trying to go where the people are, again, to get out of this aspect of: we're from the government, we're here to help, and to really put the plan in the people's hands and really have them drive the effort. With all that community engagement, the neighborhood built this vision that the 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 term and newer residents and be accessible to residents at the most vulnerable end of the socio economic scale. To build on that vision, the neighborhood developed a set of 10 goals. **One:** to rebuild and strengthen that sense of belonging and inclusion and community. **Two:** lift up and preserve Fifeville’s legacy of African American leadership and highlight its unique sense of place as a culturally diverse neighborhood. **Three:** ensure that local land use laws encourage a vibrant mixed use corridor along Cherry Avenue while also respecting the lower density historical housing forms. **Four:** ensuring that low income residents people of color and generational residents are able to remain in Fifeville and benefit from any neighborhood investments. **Five:** empowerment and upward mobility for neighborhood residents particularly at the most vulnerable end of the socio economic scale. **Six:** to foster an inclusive, welcoming community through place-keeping, place-making, and beautification. **Seven:** encourage new development that advances equity, is financially & socially accessible to residents & represents Fifeville. **Eight:** provide a safe & more connected community that creates access & opportunities for residents. **Nine:** provide a transportation network that prioritizes safety & mobility for residents. **Ten:** increase health and well-being for all neighborhood residents. It is a set of ten goals that really speak to that vision of Fifeville. To achieve those goals, we came up with a set of recommendations that were divided into six main categories based on the feedback we had received throughout the process. The six categories were Place-Keeping & Community Building, Economic Development, Housing, Land Use, Transportation, and Parks & Recreation. The recommendations that were developed were vetted through two technical committee meetings made up of staff and community stakeholders. We held a final draft recommendation presentation to the public at a venue on Cherry Avenue in December 2019 for the public to review those recommendations, the full plan, the executive summary, and provide feedback. We had a presentation to the Planning Commission in February, 2020. COVID hit and it derailed the momentum that had been built over the winter of 2019 into 2020. We got feedback from staff. Based on their feedback, we decided that those recommendations needed some kind of prioritization attached to them. Through the summer and early fall, our staff worked to develop a scheme for prioritizing the right recommendations in the plan. To that end, we developed this tiered system. Tier One was recommendations that were ranked high by the neighborhood and attaching two sets of timeframes to implementation and realization. The Tier Two recommendations tended to rank as high priority by the neighborhood but maybe had a longer term realization timeframe attached to it. Tier Three were recommendations that were ranked lower in priority by the neighborhood and had a longer timeframe for either implementation or realization or both. We included this definition matrix of what all of those different things are. The reference number was an easy way to reference that recommendation. The neighborhood priority ranking was developed by the neighborhood. Based on feedback from them, they identified each recommendation as high, medium, or low priority. This implementation timeframe was a rough estimate of time for the responsible entity to execute the identified recommendation. Those that would fall into this short term category would take less than one year to three years to execute. Those that fell into the long term category would be three or more years for implementation. The realization timeframe is also another rough estimate for the implementation of that goal. Once that goal has been implemented, it is a policy change. What would it take for it to be realized? A long term realization timeframe would have been five or more years. It’s different from that long term implementation timeframe. Things take a little bit longer to impact the community. The responsible entity is the party primarily responsible for implementation of the recommendation. The “easy win” categories are the “low hanging fruit.” The community helps to identify these “easy wins.” There is either existing momentum, such as the trail connection to Tonsler Park or would require not as much effort to implement. Those “easy win” designations are vetted by

city staff. This is an example of the Place-Keeping recommendation list. You can see the different color coding of tiers and how those recommendations are broken down. The intent of this was to provide staff and stakeholders with a manageable list of recommendations. Some of our recommendation categories had quite a lot of recommendations in them. That can be tough to digest. This provides a simplified way for people to work through these recommendations, highlighted by the priorities the neighborhood has identified.

**Commissioner Palmer** – I commend you on this plan. It’s a great document. The website that you set up did a really good job of compiling a lot of really interesting information and planning studies going back to the 60s. That’s a huge trove of information. Cherry Avenue, at times, is really congested. One of the recommendations revolves around Cherry Avenue and 5<sup>th</sup> Street/Ridge Street intersection. It talks about widening it. If you go to the McIntire/Fifth/Ridge corridor study that the city recently completed, there is a little more context in there. There is a little more detail in what might be recommended. I don’t if it needs to be changed. I just wanted to point that out. That is a critical right turn onto 5<sup>th</sup> Street. The city has ways of addressing it.

**Mr. Morrison** – The process was kicked off after we started in full with this. City staff reviewed some of those recommendations that came out in the transportation part of our plan. They did highlight the pending changes that were coming to that intersection and the work that would come out of that study. I don’t know if there is any specific reference in the Cherry Avenue Small Area Plan. We may have to look at.

**Commissioner Stolzenberg** – The big question I have is about University Manor, the property to the west and to the south of Tonsler. I think it is about 16 acres plus the strip along Fifth Street. I see that is one of the top mentioned items from the community engagement. It’s listed as one of the most likely to redevelop in the financial analysis there. I don’t really see anything in the plan about what is supposed to happen there.

**Mr. Morrison** – I will speak first to the data analysis. It’s a valid point that you made. Looking at that land use analysis and what the shortcomings are, I think we can work with city staff to make sure that process, as it evolves, are correct and the data sources we are using are correct. Without being the staff person that developed that methodology, who is no longer at the PDC, it is a little hard to go back and re-engineer it and look at data without source information. Based on the importance of making sure that we get that right, we can certainly do that. For the University Manor parcel, I don’t know if that was included in that development scenario, which I think looked at parcels that were just adjacent on the Cherry Avenue corridor. I don’t think there was any specific information from what the feasibility of any parcel could be other than developing based on existing, underlying zoning what could be built. Are you thinking that you would want a high level reference to that parcel as to what it could develop?

**Commissioner Stolzenberg** – I don’t care so much about the zoning capacity of it as much as what the neighborhood vision of it should be. There is the page that points to the kind of housing people would like along Cherry and the idea that it would carry over to other vacant parcels in the primary/secondary area.

**Mr. Morrison** – I think that could be the thought. I am not sure if I have an answer for you right now. It maybe something we would want to go back to the community and present to them for their recommendation.

**Commissioner Stolzenberg** – I think that would be a good idea to engage the property owner. I think the whole goal of a small area plan is to take big parcels like that and help get the community's vision for it out there. When it is developed, it works for everybody.

**Commissioner Russell** – I think it is worth stating this document talks about a lot of things. As a Commission and City, the thing we are looking at is housing. This plan can't do it all. What I can note are some things where goals on the Cherry Avenue Plan align with our draft affordable housing plan and places where there is conflict particularly around zoning, density, and neighborhood character.

**Commissioner Heaton** – I appreciated some of the detail in this plan. The only thing I was curious about is the connectivity of Tonsler Park and Forest Hills Park. Are you referring to a sidewalk or is this a combination of bike lane path? The reason I am asking this is in thinking about future sustainability, access to groceries, and community life, what is that path or egress going to be constructed with?

**Mr. Morrison** – I don't think we have a clear idea as to what the final look/feel could be. It is more of a response to that community desire for increasing connectivity particularly between the two parks. There was a lot of reference to kids biking between them and having to go onto Cherry Avenue and that not being the safest route. I could see it being a combination. I don't think there is a specific scope for what that could be at this point.

**Commissioner Heaton** – My preference would be increasing the sidewalk width. That has a whole lot of benefits, especially as people find more creative ways to be ambulatory in an urban setting.

**Commissioner Dowell** – I would like to say that this is the type of planning that I enjoy hearing and participating in where it comes from our citizens. This reminds me of South First Street. I encourage more of our citizens to start taking part in this type of planning. This is how we prevent gentrification. This is how we create a city that we are proud of and a city we want to be in.

**Mr. Morrison** – We were lucky to have such great involvement particularly from the Think Tank.

**Commissioner Solla-Yates** – When we talked about this in 2020, I was thinking we had money to prevent displacement. We had money to provide affordable housing. The money is now all gone. We're stuck with what is in the plan. What is in the plan, especially pages 67 and 108, is some responsiveness to the strengths, opportunities, and threats. It is focused on threats, specifically aesthetic concerns and concerns about walkability. I don't get too concerned about displacement, affordable housing, and a loss of community I see elsewhere in the plan. How do we get there?

**Mr. Morrison** – That's a great point. Operating under the assumption we were a year ago has certainly changed. Some of those may be more in depth conversations particularly around land use, zoning, and what occurs in some of those existing processes. To answer how it could be formulated within the plan is a good question. I don't know if I have an idea as to what that could be. I think if we



were to develop some way to address them and make sure there is that consistency throughout the plan that could be done, we might need to set up a meeting with staff and stakeholders to figure out what the best approach would be and making sure that is reflected particularly in those pages that you mentioned. Then seeing if there are any other areas within the plan to consider.

**Commissioner Lahendro** – I don't want to make any quibbles with the details. I do want to echo Commissioner Dowell and congratulate the community. I want to let them know how much I respect and admire them for recognizing the development vulnerability that they have and taking responsibility for creating a neighborhood association that mobilized themselves and their neighbors to come up with the ideas and the needs for a visioning plan in 2016 and then took it all the way to the end with help from our own city staff and the PDC staff. This is a model example of a small area plan and how it should be done.

**Chairman Mitchell** – I do want to echo what Commissioner Palmer, Commissioner Lahendro, and Commissioner Dowell said. This is an excellent piece of work. The engagement of the community has been ideal. I want to congratulate you guys on that.

**Councilor Snook** – There was a reference in the consultant's comments that leads me to think that perhaps there had been some changes made in this plan between the first draft and what we have received most recently. Is that true?

**Mr. Morrison** – Not substantially. The last draft that the Planning Commission would have viewed would have been in February 2020. This draft has the prioritized recommendation matrix. The prior recommendations were in the matrix form but not prioritized. Based on staff review, that has been reflected in this current draft. There were other smaller changes like editing legends within some of the maps in the plan that were updated. Some pictures were grainy that were replaced with updated imagery. There were small text adjustments. I am happy to send a copy of the 2020 draft. We can provide those earlier drafts if you would like to see any of those changes.

**Councilor Snook** – I read the old copy when it came out a year ago. I didn't think I might need to go back and read this most recent version fairly carefully. If you're telling me that there are really no substantive changes, then I will relax.

**Mr. Morrison** – That's correct. Small text adjustments, pictures, and map legends. The main point of that being the recommendation prioritization. The recommendations, themselves, did not change, but the order of how they appeared did.

**Councilor Snook** – The second point I wanted to address is something that Commissioner Russell referred to. It struck me reading the report that the report was calling for less density of housing. City policy at this point is looking for greater density and more housing. The neighborhood was told that they could not address affordable housing policy and displacement in this plan. We would have to do this through the current affordable housing and zoning rewrite processes. We expressed these as values we would like to advance. What I am reflecting on is that there is a school of thought in some of the housing and planning discussions we have been having recently. It says that we need to increase housing density, but not in areas where there is already some density; not in areas where there are

communities of color. There is another school of thought that says we need more units. Build where we can build. Any thoughts on that dichotomy as we move forward at the City Council level?

**Mr. Morrison** – That was the largest challenge that we faced in this process. There is a desire for affordability and making sure that residents, who want to stay in the neighborhood have the ability to do that and afford to stay in their neighborhood. One of the tools to do that is through zoning or increased density to allow for more of those opportunities. Based on the community feedback, the fear was that developments like those along West Main Street could be built on Cherry Avenue. What does that create within that corridor? Does that drive gentrification? The approach was to try to look at it through not down zoning. I don't know if the language gets to that as specifically as it should. In the recommendations around land use, there is providing that new development is contextualized to some of those lower density forms. If you were to have a commercial mixed use development along Cherry Avenue, how would that interact with some of the single family homes? It is a challenge. I don't know if this level of plan got to how you address that specifically. The hope was that through some of these more in depth processes like the comp plan and the zoning rewrite, some of those issues could be teased out. This was a neighborhood led effort. We wanted to respect what we heard from the residents.

**Councilor Snook** – The comment in the chat suggests that what you might have been hearing from the neighbors that may have been affected by a direction or thought that they were being directed to not try to address broader issues. I am conscious of the fact that in the next year when we are going to be having an affordable housing plan, a comp plan, and a zoning code rewrite. We are going to have to confront the second order issue here. Focusing only on receiving information and an opinion on only the first order issue may not help us in the long run in our analysis.

**Councilor Hill** – I was able to attend some of those community events. It was a really impactful to see firsthand those engaging exercises that were available and to hear that tug we are having in people wanting to preserve their neighborhoods and being able to have that residential feel while also recognizing there is a lack of affordable housing in the community.

**Commissioner Stolzenberg** – I would love to see an appendix be added to this with some of the raw information that we got from the community that is referenced in the document. It's hard to split what came from the community and what is added by the TJPDC. The other comment is that I did see some concern from one of the front porch discussions about house flippers taking reasonably priced single family homes and flipping them at the high end. I didn't see any real discussion about that beyond the concern expressed. Is there policy that could be used for that?

**Mr. Morrison** – We can certainly include that raw data. We have an inventory of all of the comments and where they were received. In the first iteration of the plan, we did include appendices. We can do that moving forward. The question on house flipping would require more thought as to a specific recommendation to address that. We could certainly look into that.

### iii. Public Hearing

**Sarah Malpass** – I am here to speak in support of the small area plan. The Cherry Avenue Small Area Plan is the culmination of five years of work in planning efforts led by the Fifeville Neighborhood

Association and the Cherry Avenue Think Tank. The Fifeville Neighborhood Association worked with city staff and the TJPDC to design a scope of work that focused on community engagement as a key deliverable. I am proud of the work that my neighbors have done.

**Carmelita Wood** – There are high hopes that you will consider adopting the Cherry Avenue Small Area Plan. Changes are going to come over the years. There is a lot of valuable property in Fifeville that can be used to address affordable housing. We believe that it is vital to approve the Cherry Avenue Small Area Plan. Any new development should welcome new residents and long term residents. It should not block the beauty of the mountains and the sun.

**Brooks Hefner** – I have been a resident of the neighborhood for nearly 11 years. We feel this is a very important thing for our community. It is important that our community has a say. It has been a long and arduous process to get to this point. I would like to urge Council and Planning Commission to move on this plan.

**Anthony Woodard** – We're excited for the community for that trail between Tonsler and the Greenstone on Fifth. We want to be an asset to the community. I appreciate the time you are taking to consider this.

**Jean Gratz** – I want to thank all of the residents, who participated in this plan. It's an excellent plan. Those actionable things should have action taken. It is possible to get participation fatigue. We should pursue those actionable things. It is a neighborhood with neighbors and a great place to live.

**Nancy O'Brien** – One of the things that I want to say about Fifeville is that it has a sense of community and a sense of identity. It does give a good community driven basis of values that we want taken into consideration into the future. This has been fun to work on. I am urging you to approve this tonight. We are ready to implement this plan.

**Matthew Gillikin** – I have been fortunate to attend some of the sessions to put this together. I hope that the Planning Commission and Council can approve this tonight. There might be a few things that might need to get ironed out. It can provide tangible solutions and things that can be accomplished. There are lists of things that the community would like to see happen. I want to thank Carmelita Wood and Sarah Malpass for the hours they spent on this.

#### iv. Discussion & Motion

**Commissioner Stolzenberg** – It has been a really impressive job done by the community and Mr. Morrison. This really seems like the best community engagement I have ever seen for any plan. It is better than that. It is an exemplar of what community engagement should look like in the city. I have some critiques of the technical expertise side that was added to the plan by the TJPDC, such as 75% of homes are single family detached in the city. It is a mistake that needs to be corrected. I don't think fixing it is going to change the general gist of it. I think that it needs to be fixed before it gets into the comp plan with some other issues. I am mindful that this thing has been going for a really long time. People don't want to see it drawn out a lot more. The plan talks about how part of making this plan works and to be successful is about making sure it really is a high quality plan with accurate

information, clear actions, and a clear vision. Given that we are already 5 years into it, it might be worth taking the little extra time to get that fixed. In terms of what action that means for the Planning Commission today, I don't know if that means deferring it and having it come back. Or giving some specific things that we would like to see addressed.

**Chairman Mitchell** – I would like to push this towards making some recommendations to amend and approve the proposal with those recommendations. I will defer to you guys. I don't want this to be dragged into February. We have a pretty heavy docket in the next couple of months.

**Commissioner Dowell** – I would like to second your sentiments. I think that if we want to make some amendments that is fine. I don't want to stall this plan out.

**Chairman Mitchell** – It looks like some of you guys have recommendations. We do have general consensus. Those who have amendments can start thinking about how you want to word those amendments so that we can move it along to Council.

**Commissioner Stolzenberg** – Is it better to make a motion that supports the general things to improve and lay out the details offline? Do we need to put every little fix into the motion tonight?

**Ms. Creasy** – I don't think we need to get into all of the details. We need to be specific enough to provide good direction to the Planning District Commission. It would be good to reiterate those comments in such a way that we have all of them in one place and those can be looked at. One other thing to think about is the timing of those corrections or updates and whether we wait to forward it to Council until those are done or whether we move it forward to Council with the motion that those things are going to be addressed.

**Chairman Mitchell** – I would like to urge us to move this to Council with the high level things we want to address.

**Commissioner Heaton** – Are you saying that a motion can be made with some additions pending?

**Chairman Mitchell** – What I would like to do is make a motion to move it to Council with these recommended amendments being made by the Planning Commission.

**Motion – Commissioner Solla-Yates – I move to recommend approval of the attached resolution with amendments to amend the city's 2013 Comprehensive Plan to include the Cherry Avenue Small Area Plan dated December, 2020.**

- **Page 67 should be updated to reflect the need to address affordable housing, preventing displacement, and rezoning.**
- **Fix the data analysis of existing conditions on page 60 in the charts as well as references to detached housing as the dominant housing form on pages 34, 41, and 60.**
- **Bring references up to date.**
- **Add an assessment of recent history of renovation and tear down generally between 2010 and 2020**

**Motion was seconded by Commissioner Lahendro. Motion passed 7-0.**

Meeting was recessed for five minutes.

## II. COMMISSION'S ACTION ITEMS

### 1. SP20-00001 - 1000 Monticello Road - Special Use Permit request deferred from December 2020

**Brian Haluska, Staff Report** – This is a continuation of an item from your meeting last month, which is the Special Use Permit request for additional density at 1000 Monticello Road. The applicant asked for a deferral at your previous meeting. They have come back with some changes to the proposal. It's essentially the same building. They did modify the elevations in response to some of the input given them at the previous meeting. They also worked with staff, particularly the City Attorney's office, to clarify the management of the units as proposed in the application. The applicant previously indicated that they were willing to offer nine of the 11 units that they want to build in the new building on the site as affordable units, based on the definition that they had arrived at. Staff's concern with that was the administration of that condition and the definition of that condition if it matched or did not match the city's definition of an affordable unit. The applicant has come back with a modified condition that they are suggesting, which is that five of the 11 units will be affordable at the terms that they have outlined in the staff report. There's an appendix added to that report that has a 10 page list of conditions and regulations that would govern those units. That appendix was suggested by the City Attorney. That is their proposal and what they've put forward. Those are the major changes. I know the applicant is anxious to discuss their thought process behind that. There are a couple items that came up in the lead up to the meeting that I know some commissioners would like me to address. With trees, the applicant did indicate no impact of the trees that you would typically show on a preliminary site plan, which are six inch Caliper trees on this site. However, there is the tree directly adjacent to the site that would be potentially heavily impacted by this building. That's a tough situation with any tree that's going over a property line. Any property owner has the right to limit a tree up along the property line. It can negatively impact a tree that's not necessarily on their property. It is just that one in the front. They feel fairly confident that the second one that is along the property line is far enough from the construction site that it would not be adversely impacted. I know one Commissioner asked me to chat about some of the input related to the applicant. I think all of you are aware who the applicant is and their past history regarding things that they've may have done. That really doesn't factor into your review of a Special Use Permit. The request that you have in front of you stands on its own merits. Ideally, if somebody else was presenting this, regardless of who's asking or making this request, they ought to receive the same treatment from the Commission and the Council, regardless of what they've done in the past. That's just a note out there. That's kind of an equal protection rule that's out there that really derives from the US Constitution with the Fourteenth Amendment.

**Commissioner Solla-Yates** – Would it be possible to request changes to what the developer is offering, specifically on the depth of affordability?

**Lisa Robertson, City Attorney** – No. We are not allowed to make changes to this in terms of numbers of affordable units or the structure of the levels of affordability. There will be a minimal number of units that are required by the city ordinance. That number is calculated under city code 34-12 and that will be the number. Whatever that required number of units are, they will have to

adhere strictly to existing zoning requirements and regulations. What we asked previously for the applicant to do was to look at what they were offering and how they were defining affordability when they were saying a certain number of units are affordable. We asked them to look at the city standards that are applied to units that are required under 34-12. Take a look at those definitions and parameters and tell us how many units in their development could be affordable under those parameters. What we are trying to do is not have ten different units, all subject to different structures and regulations. That is what the applicant did. As a practical matter, anything above the minimum required by 34-12, is solely at their option to be offered. It's not something we can mandate that they change either in number or in number of bedrooms or what they're offering to provide.

**Commissioner Dowell** – Each applicant should be based on the application. As a citizen, how do we continue to say we want change and see things done differently? We're not able to use or properly plan based on evidence and data we already know, when we have these Special Use applicants come before us. It almost seems like a catch-22. We know that you're not doing right. We're going to keep granting you leniency. It sounds like privilege to me.

**Ms. Robertson** – That is why getting this housing strategy completed and coming back to work on an updated zoning ordinance is so important. What you have every couple of decades is a policy primarily based on funding and units that are not really development driven units. It is primarily focused on units being constructed by nonprofits, including some nonprofit units where the nonprofits are partnering with development. That's a different iteration. Only when we get through this housing strategy and calculate your goals and objectives to what is actually in your zoning ordinance and what we are allowed to do under zoning laws, will you hopefully see much more consistency under definitions that you put forth. You can say what your definition of affordability is. You can say when you need to see affordable units. You can say when that period of affordability is. If you want deeper affordability, we will have funding from private developments or incentives. You will be able to use them. Until you get that strategy done and the zoning ordinance updated, we're going to continue to see this. You really don't have any tools right now. You have people bringing applications in. This applicant agreed to use the city's existing definition in the limited program that we have and agreed to administer all of the units consistently with the requirements that, for the most, would apply to the required units. They wouldn't have to do that. This is better than the first iteration of the application in that you now know what definition they are applying. They have agreed to certain things so that all of the units will be comparably affordable.

**Commissioner Solla-Yates** – A lot of concern about offsite displacement effects, especially to the existing units on the property. Can we do anything with that?

**Mr. Haluska** – The only comment we can make from a staff perspective is that it is a new building. It is new units in addition to the ones already on the site. There is no proposed demolition of existing units. There is some concern that you see citywide, where a pattern of new construction with new rental rates leads to a rise in overall rents in the area. That's the nature of the housing market in some cases when your supply is lower than the demand that you are trying to meet. I don't think you can actively say that these specific 11 units are going to do something to the surrounding area. It's the overall pattern in Belmont and the city of people seeing new

construction and seeing the prices and rents still continuing to climb despite there being new residential units. I don't know if that's in the purview of a special use permit to be able to craft a condition related to that. That's a housing strategy/policy question.

**Ms. Robertson** – You really can't deal with that other than the commitment the applicant is making for a specific number of units and articulating that he is going to use our definition of affordability for those particular units. At this time, we have to look at all of the tools we may have available under the new zoning ordinance. Under the provisions we have now, this special use permit and the condition process is not one you can use to impose a particular number of units, which aren't currently required under our enabling legislation in ordinance 34-12.

**Commissioner Lahendro** – Mr. Haluska, would you remind us what is allowable by right on this site relative to the form of the existing proposal and residential use?

**Mr. Haluska** – This site is zoned neighborhood commercial corridor. Commercial corridor allows a maximum height of 45 feet by right, subject to street wall regulations. There is no minimum primary street frontage setback required. With regards to residential density, the by right residential density is capped at 21 dwelling units per acre. The request before you is within the purview of 34-700 where somebody is allowed to go to 43 dwelling units per acre. I know there was some confusion around the fact that the staff report mentions that this property is already above 21 dwelling units per acre. It was built under a different zoning. It was built in the 70s. I believe it was R-3 at the time. I'd have to look back at the 1954 zoning map to see what it was. Without diving into it too much, it was presumably built by right then and has subsequently had the zoning underneath it changed.

**Commissioner Lahendro** – Residential would still be allowed with fewer units?

**Mr. Haluska** – If you were to envision that this building were completely taken down and if the site was cleared and a new residential structure would go in, they wouldn't be able to get the number of units they have now. Obviously any additional units on the site requires a special use permit at this point.

**Commissioner Lahendro** – What I was getting at is for the new construction that's proposed now with that little piece, that could be residential, but it would have to be a fewer number?

**Mr. Haluska** – The proposal is adding basically a third or fourth building to the site. The overall site is where the density is being calculated off of. If they were trying to subdivide this off, they wouldn't be able to get the number of units that they're talking about.

**Commissioner Lahendro** – I'm just trying to figure out what an owner could do by right, without having to come in front of the Planning Commission.

**Mr. Haluska** – If they were going to maintain the existing units as they are, they could not add any additional residential units. They can do commercial. This is a mixed use zone. They could do a commercial building on the site. With that 45 foot height requirement and the setbacks that I'm talking about, somebody could build that under a by right plan, as long as they did commercial and

office in the building. In order to add any additional residential units to the site, regardless of how the building looks, they need to have a special use permit.

### **Applicant**

**Justin Shimp, Applicant** – I want to talk about the basics of the proposal that have been changed. I will start by answering some of the questions that came up at the last meeting. I also want to talk about some of the public comments. I will be brief. These are important issues. I am back frequently in front of you with special use permits that do involve affordable housing. We always have this conversation. I wish we would get a uniform ordinance to address this. It would make everyone's life simpler. That doesn't mean the code that we have should be crossed out. It doesn't change the fact that people need housing. This needs to find a way to move forward. In the past the affordability components were not required and they were done in different ways. We assumed that with our first submittal that staff would attach a condition to the special use permit with nine units at 80% AMI. There wasn't enough clarity to enforcement. How does that get carried out? A special use permit condition is not the right mechanism for that. We revised our proposal to make the full appendix and the application. We attached all of the protocols and procedures to that. Looking back on that, there is not confusion to what everyone has agreed to. That's very important here. There has been discussion about who the developer was and their past. The reality is that it is about the project and moving it forward and giving people a place to live close to work and schools. This site is a parking lot right now. It's not accomplishing much of anything for anybody. We're talking about putting 11 households in this building. The revisions would be 11 households with 5 of those being affordable at the fair market, which is at the 65 percent AMI level. We put the rents up here for context. They are most likely going to be one bedroom units. This shows you the rent with utilities with this proposal. If you have a chance to read through the appendix, we took the standard operating procedure and crafted it to be specific to this property. That standard operating procedure includes things like cash contributions and things in that nature. We were not planning on doing. We felt it was better to clean that up to give people a clear sense. The other change was the architecture. We previously had a modern building that had been in design brought to light the height of the building. It's not a particularly tall building in the scheme of buildings. Some of the design highlighted that function of it in comparison. That was a very reasonable suggestion. We changed that. I also have some images looking up and down the street. I do want to point out that this is not an architectural control district. To my knowledge, what we presented here, unless you condition it as required approval, will not be binding. We certainly don't have a problem with a condition about the architecture being related to the new proposed design. We did want to make sure that is clear. We had the same issue with the affordable housing. The architecture is a lot simpler. You could have a condition on the architecture that could easily be enforced.

**Chairman Mitchell** – You said that the architecture design is not binding. You said the same exists with the affordable housing. What are you telling me?

**Mr. Shimp** – The same issue did exist. What we had fixed with this submittal is the affordable housing if approved will now be attached to the resolution and part of the application. As conditioned right now, it is simple enough for the Planning Commission to add a condition if you



feel it is appropriate. The architecture is not explicitly conditioned in that same way. We're open to that. I wanted to make sure that was clear to everyone.

This is the view of the property looking down Monticello Road. You can see the property off in the distance. This gives you a pretty good sense of the scale relative to the existing building. This is a by right height in this particular instance. We're not asking for height setback items. The building is relatively small. It is not a large building. A larger commercial building could be built by right here. The key things I heard are nailing down the affordability and the architecture being a little more consistent and compatible with the neighborhood. There is some question about what the units are going to look like. There is a lot of other discussion about the housing and what happened. Staff laid out that it doesn't have anything to do with what this project is. There are some things worth talking about. The people, who are not being heard from, are the people that live here. I have heard a lot of talk about displacement. There is no displacement happening. This is an empty piece of asphalt. If this is approved and built, there will be 11 units and 5 affordable units to the tune of \$5,000 a year off somebody's rent. There are going to be 5 households who are benefitting \$5,000 a year for ten years. Those people are important to think about here. There is a great benefit to those families to live here. If this is not built, there is not an option. The current owner, Drew Holzwarth did not buy it from the original people, who were Cozners. They owned it for many years. Another developer bought it and had it for about a year. To my understanding 10 or 11 people at that time were moved out during the renovations. There were 11 or 12 with the current home. There are a couple of people paying as low as \$600 a month in rent that is being subsidized by the owner directly. There are stories of people not being able to get back in. I don't know the details. I do know there are people back in there who are benefiting from that. This new project stands on its own. We want to build these additional 11 units in addition to the 11 households so that people have a place to live that is more affordable, more available, close to schools, and close to work. That's a good thing. If this doesn't happen, those units don't get built. What you heard earlier was people who couldn't find the housing had to leave the state. What you heard was evidence of a lack of housing. That is the issue. For many years, there has not been enough housing built in the city. It led to what happened when the original owners sold it. This project is not going to solve all of the affordability problems in Charlottesville. It puts up a nice building that fits into the neighborhood. It provides housing for a lot of households and it displaces nobody.

**Commissioner Russell** – I appreciate that the building better fits into the neighborhood context. I know that's not a condition. This isn't in an ADC. It is in the National Register Historic District. I have some issue with the way you're presenting the argument to our emotions about people not having a home. What happened in the narrative of this property cannot just be wiped clean even if we can't rule on it. We also don't have to grant it based on it just being presented to us. When does it start to change? It starts to change when we stop accepting SUPs just because they are in front of the Commission. I don't like the idea of "throwing our hands up" and saying that this will keep happening until we have the affordable housing plan. It doesn't have to happen. We had a lot of good points from our community. One, in particular, that stood out was the point that the market is ameliorating this housing crisis. If these projects presented for SUP don't meet our goals of affordability, why should we approve them? I don't know where I am on this one.

**Commissioner Stolzenberg** – I don't think it is in the historic district. I think it is a couple buildings down from it. Are these 5 affordable units in the new building?

**Mr. Shimp** – They will all be in the new building.

**Commissioner Stolzenberg** – For the people living in the old building with these rent abatements, is there any assurance that those rent abatements will still stick around and won't resend to market rate as soon as this SUP is approved? Why didn't you talk about those units in your offer rather than giving them to the new building?

**Mr. Shimp** – That's a question for staff. I thought we needed to tie the affordable units into the SUP. There is no zoning restriction or other guarantee about what happens with the existing units. They're not tied to any special use permit. Since the owner acquired the property, he allowed those people to move back in. The current units are not tied to the new building. The new building will have the units within itself.

**Commissioner Stolzenberg** – The last time we heard that 5 tenants of the existing building have these special arrangements. Is that right?

**Mr. Shimp** – That's correct.

**Commissioner Stolzenberg** – In the standard operating procedures that were adopted in 2015, they do provide a mechanism that requirements can be met through the preservation of existed supporting of affordable housing units where it can be demonstrated these housing units are at risk of losing the existing support mechanism. The caveat there is supported affordable housing unit. I am not sure this formal private arrangement necessarily applies.

In the standard operating procedures, you are first required to consider applicants using vouchers. It is the most important part of this change going from 80% AMI. With 80%, you are talking about \$1500 for a one bedroom. We are now talking about \$1077. The most important thing is that it gets under the limit for vouchers to be applied so that we can reach those deeper levels of affordability by layering federal funding for vouchers. Thanks to new efficiencies and new leadership at CRHA, we have 75 that have opened up. People often have difficulties using those vouchers despite the General Assembly saying you are not allowed to discriminate against them anymore. Part of the standard operating procedures is that you can't discriminate against them. You don't have to give preference or priority to tenants with vouchers. For staff, why is that in the regulations? Why wouldn't we want preference to be given to people with vouchers given the difficulty of using them? For the applicant, why not just strike that?

**Mr. Shimp** – We did use the city code. There is a fairness there of if somebody comes to you and they don't have a voucher or weren't able to get one. Historically, they are very hard to get. In other counties, they're non-existent. It is a little unfair to prioritize somebody. I think that was the point of that code. That's why we left it that way. The city would have to answer why it is written that way.

**Ales Ikefuna, NDS Director** – I am not sure why it was put in that way. However, we are currently working with the City Attorney’s office to update some of our policies. As soon as we get a new housing coordinator, there are several things that we need to update. At this point, I can’t tell you why it was structured that way.

**Commissioner Stolzenberg** – One thing I would recommend if this is approved and you get this, it when you submit your marketing plan to the city for how to market these affordable units, the city should forward that plan to CRHA. At the very least, people who are getting off the voucher wait list and looking for attachments, have the opportunity and know that the opportunity is available to apply. In terms of fairness, the city has made it very clear that we see it as more important to reach deeper levels of affordability and families with the most need with affordable units.

**Commissioner Dowell** – What is the average square footage of the units?

**Kevin Schafer, Architect** – Thank you everybody for your thoughtful comments. The units are relatively small. It is a relatively small building with a small footprint. The one bedroom units range from 375 to 400 square feet. The two bedroom units are about 750 square feet.

**Commissioner Dowell** – Who are you marketing to occupy these units?

**Mr. Shimp** – The owner uses a local management company to do that. I don’t know if I have an answer as to how they market them. If you put ‘Units Available,’ people will flock to it.

**Commissioner Dowell** – With the small square footage, that sounds like student housing to me. That does not sound like a family. A single parent with one kid is not going to be able to live comfortably in one of those units. That isn’t the only targeted demographic that the city is concerned about. I have a real problem every time when we are in City Council chambers or on this platform, when we are always seeing affordable housing with a small square footage with high rents. That does not equate to affordable housing. That is just my opinion. I am here to represent my opinion. I have a hard time when we keep saying that we need affordable housing. Every time we get a project, it is like we will give one or two affordable units. They’re tiny and they’re not really affordable. I know that we have a blank parking lot here or by right we could have a building. That doesn’t equate to me that we have to do something. At this point, I would almost rather see a blank parking lot than to see another unaffordable unit go up in this city. I can wholeheartedly say that I am fighting for affordable housing. That is my cry every time a special use permit come before us. They’re not really moving the needle. We just had a conversation that stated even if we are putting more units on the market, it wouldn’t relieve the pressure for other housing to become available. That is not the actual reality. I have a hard time approving something that I know is not affordable. It seems that it is going to be suitable for student housing even though it is not that close to the University. Nothing is really that far from the University.

**Mr. Shimp** – It is certainly not targeted towards students. One of the callers earlier talked about trying to get \$1000 a month unit around for two people who worked in the town. That’s the targeted audience. Those people with vouchers are eligible. You could be at 25% AMI, have a voucher, and live in these units. It is available to those people. Is it producing 100 units at 35%

AMI, which is needed? No. That doesn't mean that there aren't some people, who would benefit from it. I do want to clarify that it is definitely not targeted towards students. It would be more for people, who have historically lived in that area and want to be around Belmont.

**Commissioner Heaton** – Commissioner Dowell voiced my concerns that I have in the larger picture of moving Charlottesville closer to our goal of more affordable housing. I am not sure that every special use permit that comes before the Planning Commission has to “be all and end all.” We definitely need to speak to how it moves us toward the goal. I don't know if we put that in a requirement for approval for a project of this size. That's my big question. I think Mr. Shimp has spoken to that.

**Commissioner Solla-Yates** – In many ways, the story of this is a parking lot in downtown Belmont with high demand, near jobs, and 5 affordable units that meet the city requirements. It's a beautiful story. There is a need for greater affordability in this area. I am trying to think of a way to solve this problem. I don't see it currently. An idea that was thrown out the last time we had this conversation was partnering with a nonprofit. I don't know where you stand on that. That's the only thing we haven't really talked about today.

**Mr. Shimp** – I know that Andrew Holzwarth was open to that idea. From what I understand, a lot of the affordable housing money that was going to be out there has dried up or may not be available as it was thought. I particularly like the idea of those partnerships for those small projects. There is a good opportunity for a land-trust model or some other kind of public investment in a small project to get affordable housing. I don't know if we can guarantee it is going to be available for this project. Or that's necessarily the best place for public money to go. The funds are limited. I do think that is a good path in the future. I think you could have a program where a small developer builds a quadplex with some help from a land-trust entity and it has affordable units in it. That's a good solution to small scale projects with affordability. I have no doubt that it will work. However, we're in this moment in time. I don't know if that is going to be available. I know we can offer \$5,000 a year off the rent for 5 units for 10 years. It is a quarter million dollars in rent reduction for the people living there. We are prepared to do it. If other mechanisms come along that we can do differently, I am open to that.

### **Deliberation and Motion**

**Commissioner Russell** – I want to bring up Commissioner Lahendro's question. It brought up an interesting point that I hadn't appreciated. I was under the impression that by right would allow some new structure on the site. What was being requested in the SUP is the ability to increase the density in some regard. I misunderstood. What that reveals is this developer understood that the site was out of compliance and is a non-conforming site. I am concerned about the impacts versus the tradeoff with increasing the density at this site for the purpose that we're trying to solve.

**Chairman Mitchell** – With by right, they can build something here. It will be residential. The question that we need ask is whether we give these guys the opportunity to build by right and they build something that we don't really need. We need more housing in Charlottesville. If we increase the supply, we do drive the price down. We do have an opportunity here to get us closer

to workforce levels of income. We will hopefully keep that in mind. I don't think the current edifice is out of compliance. It doesn't really impact our decision and it doesn't change anything.

**Mr. Haluska** – There was some focus on the building and the aspects of the building. The building that you are seeing there is a by right structure. That structure could be built. In an email to Commissioner Lahendro, I posed a hypothetical. Imagine the building is already there. The question would be whether I can turn offices into residential. That's your purview in this situation. Is the residential density that is being proposed fine or not? I do want to honor the fact that there is probably not going to be a commercial building. I don't know the parking situation. I don't know if they can even accomplish this level of square footage with a commercial setting. The SUP may be a prerequisite for getting this building built. That opens the door a little bit. At issue is not the height of the building. At issue is not where it sits on the site. All of those things can be accomplished without a special use permit. What is at issue is what is going on inside that building. It is housing 11 units and that is what requires the SUP.

**Chairman Mitchell** – What is possible is nothing or something that addresses the demand that we have for additional affordable housing in Charlottesville. It is something that may possibly be addressed with 5 units of workforce housing.

**Commissioner Dowell** – I am looking for clarification. We just heard that trickle-down effect on the housing market isn't working.

**Chairman Mitchell** – You didn't hear it from us. We did hear it from one of the more respected members of our community.

**Commissioner Stolzenberg** – I am going to leave aside the other buildings on this property and what happened with those. That is the important debate here. I am going to talk about this 11 unit building on an empty parcel. You guys keep talking whether market rate is going to help and there needs to be a significant amount of affordable units. Five units that are affordable at 60% AMI, which is \$45,000 for a two person household plus six at market rate is much more than the typical share that we see from a project like this. Council's goal is 15% affordable housing. I think it is a good point that we need affordable units for families. In a building full of one bedroom apartments, the units that you get are going to be one bedroom apartments. They could combine some of them. We would get less than 45% affordable. This is a chart from the 2018 housing needs assessment showing the housing choice voucher wait list. It says that over half of the people on the wait list is 740 out of 1400 are one person households. While there is definitely a need for affordable units for families, there is also a need for affordable units for individuals. These are needed. Maybe we should talk about whether it will be better to combine them into larger units. I don't think it makes sense to say that 45% of the new units is not enough. That doesn't make sense.

I would separately like to talk about what happened in the past.

**Commissioner Dowell** – My issue is not necessarily that there are not enough. Five out of eleven is not bad. What we are doing is setting precedence. If we are allowing these units to come in where a one bedroom unit is sky high, then we still aren't doing any justice for our community.

What this developer has done is “we did it here.” It is acceptable here. We don’t have anything in our codes or zoning that is changing that. We can say that we are going to have to accept it. If that’s the case, we are going to have to accept it. At some point in the near future, how many of our residents are we going to displace by just having these high market rents for these matchboxes? I am trying to look at the bigger picture. I don’t know if this is in our scope. If it’s not, it should be. I was under the impression that if someone is doing a SUP, it is supposed to make it better than what it was before. Setting the precedent to keep allowing these high market rate units to come into our city is not doing us any good.

**Commissioner Stolzenberg** – There are five affordable units. Are you speaking of the six or any market rate units shouldn’t be allowed?

**Commissioner Dowell** – I am not saying that. What I am saying is that somebody has to take a stand and do what is right. We can’t keep saying we’re getting something. Somebody is going to have to take a stand and say that we need real change and real affordable units with real livable square footage.

**Commissioner Stolzenberg** – I think that half of the units being affordable is doing it right versus the 10 percent we get normally, especially when they’re not at 80% AMI, which is basically market rate rent. That’s the whole point in making them accessible to people with vouchers. What happened in the past is the thing that we need to set as precedent against. They’re sending a signal that if you displace a bunch of people, you can get your SUP approved anyway. They’re also sending a signal that if you buy naturally occurring affordable housing with a lot of vacant land in the property and you keep those units affordable, you can get permission to put some infill housing onto the vacant part of the land and create some new units. I think there is a tension between those two things. I think Council should verify that these rent abatements that we’re hearing about have even happened. If it’s true, then I would lean towards supporting this project because we need those 5 affordable units.

**Commissioner Lahendro** – My objection to it a month ago was because I did not find it to be harmonious with the existing development in this neighborhood. I believe the proposed design now does blend in much better. I thank the developer, the architects, and the applicant for that effort. With the issue of density, I have no problem with the requested additional density. I do not think the ordinances are in effect right now that allow us to do much more in terms of affordable housing.

**Chairman Mitchell** – My only caution is that Mr. Shimp has already suggested that. The design that he is proposing may not be the design we end up with. They can do whatever they want to do.

**Commissioner Lahendro** – That was a question coming up if it does go that far to the staff. Is there something we can put into the motion that will memorialize it in some way?

**Commissioner Stolzenberg** – I think we can add a condition to that effect.

**Mr. Ikefuna** – I was going to ask the Commission to add more clarity to the motion and to consider adding that all of the affordable units will be in the new building. And to clarify the

square footage of the units. Once they start building, we want to make sure that this is pretty clear. We have an issue with one of the developers. The square footage wasn't clearly clarified. They were counting some exterior spaces as part of the square footage. If you guys can clarify the minimum square footage of the single bedroom, it would be greatly appreciated.

**Commissioner Heaton** – Are you saying that we should state in the conditions the actual square footage required?

**Mr. Ikefuna** – Exactly. If the proposal is going to be 375 square feet for the one bedroom units, I would like to see that as part of the motion. I believe Commissioner Stolzenberg asked that question. What are all of the affordable units within the new building? We want to make sure that they are going to be in the new building. Somewhere along the line, they don't come up with a proposal of putting people in the existing building. We want to make sure everything is clearly detailed in that motion.

#### **Discussion following Motion by Commissioner Stolzenberg**

**Mr. Shimp** – On the size of the units, that's correct. The regulations do already have them in there. The building is three stories tall on the street side. Two stories and 22 feet is quite different with the setback than what we have proposed.

**Commissioner Lahendro** – I am seeing in the renderings a two story block on the street front. It becomes three stories behind that two story block.

**Ms. Schlein** – It is three stories at street side, stepping back to four stories. There is a cornice line. There is a slight step back behind the cornice with an offset in the façade. However, that's not a ten foot separation between the top of the brick cornice and where the material changes to a wood finish exterior that you see on the third story.

**Commissioner Lahendro** – What is the setback?

**Kevin Schafer, Architect** – We have a brick cornice line there. The framing steps in just a few inches. There is a visual relief of about a foot.

**Mr. Shimp** – The maximum setback is ten feet in this district. I think we are about 8 feet.

**Ms. Schlein** – The current setback is 4.5 feet.

**Ms. Robertson** – There is a requirement under state law when a proposed special use permit is proposing to include affordable housing. Conditions that you impose have to be consistent with the objective of providing affordable housing. If those conditions relate to materials, methods, or design features, you have to consider the impact of that condition on affordability. Those are pretty broad parameters.

**Commissioner Lahendro** – The more the step back, the less the square footage, and the more expensive the units.

**Mr. Schafer** – Thank you for all of the previous comments about it. This is the direction that we were given by the developer incorporating these comments that we heard from both the public and the Commission. This is a design rooted in realism. It's a very real design. There are units. This is where the square footage is coming from. It is our every intention to move forward with this design. I do appreciate some language like that from Commissioner Stolzenberg.

**Commissioner Lahendro** – There are seven different descriptions on this rendering. Could those seven individual descriptions be included in the amendment?

**Motion – Commissioner Stolzenberg – (Motion Seconded by Commissioner Lahendro) – 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.**

- **Up to 42 dwelling units per acre (DUA) are permitted on the subject property.**
  - **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 SP2020000001, for Sale.”**
  - **All of the affordable units being in the new building.**
  - **The architecture will have the features referenced in the Architectural Revisions slide.**
- The motion passed 4-3.**

## **2. Zoning Text Amendment Initiation – Mixed Use in North Downtown**

**Ms. Creasy** – We just have the basic zoning initiation memo included in the packet. We figured that it would make sense for Commissioner Stolzenberg to provide some background on this based on the discussions and what he is bringing forward. We appreciate the memo of information that he was able to provide. That assists in the general understanding of what is moving forward. Based on different discussions that have occurred, I don't know if the language that was included as a draft is where the potential for this to land. It was something on paper to begin the discussion.

**Commissioner Stolzenberg** – Mr. Shimp approached me in November about a zoning text amendment to allow hotels by special use permit in Downtown North. They could build the 25% of this building required to be commercial with an extended stay hotel. In order to finance its construction for obvious reasons, office construction is not popular right now with 500,000 square feet online downtown shortly and COVID emptying every office space. I was not going to propose hotels in Downtown North. I suggested this alternative to allow more residential in these buildings. You may recall with the Apex Building in a different zone. They were able to take advantage of a loophole in that mixed use ordinance that didn't require any amount of mixed use. In Downtown North, it has to be 25 to 75 percent residential but no more than 75% residential and



no less than 25% residential. For Apex, they were able to put in a single studio apartment and get the mixed use up to 9 stories. In my opinion, it is less important to restrict residential on the upside rather than putting a minimum for residential on the downside. Our goal should be to create new homes to address our housing crisis. We don't have an office crisis. This change will lessen that restriction. It still requires them to be mixed use buildings by saying they have to provide ground floor commercial with the intent that it will be retail. In this particular building, they are planning on it being a coffee shop. They have an approved site plan and SUP. It would need to come back to us for a SUP amendment to get that additional density and revise their site plan. It potentially means creating 75 more homes years before it would be possible under a fully rewritten zoning ordinance. There are a couple additional considerations that we might want to make. One would be to create a minimum floor on the amount of commercial space on the ground level. Another would be whether we want to limit that to just primary or linking streets. On neighborhood streets, the same exception wouldn't apply. Lastly, whether we want it to only apply to buildings that also have to get a special use permit.

**Commissioner Russell** – I don't have any questions. Frankly, I don't entirely understand it. I will wait for the discussion.

**Commissioner Heaton** – I don't have any thoughts on actions that we can take to substantially improve it. I don't see a lot of wiggle room.

**Commissioner Dowell** – I don't have any questions.

**Commissioner Solla-Yates** – I see two issues. One is staff capacity. Things are funny right now. The other issue is appropriateness in downtown. Generally, we have a lot of jobs downtown. We don't have that many homes. There is a pretty enormous jobs-housing imbalance. I find that compelling. The third issue is comprehensibility. We have 14 mixed use zoning districts in Charlottesville. They keep on getting more and more different. I would love for them to have some continuity, consistency, and livability. We're just not there yet. It is so bad. My dream would be that there would be consistent definitions across all of them. I fear that is out of scope of this. With those concerns, I think this is a reasonable approach. The language makes sense.

**Commissioner Lahendro** – I presume somewhere else in this section of the ordinance requires that the ground floor of this development of this building be commercial. Is that true?

**Commissioner Stolzenberg** – No. I believe as long as 25% commercial space is provided, it can be anywhere. You could actually put the residential on the ground floor and make the top two floors office. I think that still works. I don't know if it works for the building code. I believe that it is totally fine.

**Commissioner Lahendro** – You had mentioned that the commercial was going to be required to be on the ground floor. I didn't see that in the memo.

**Commissioner Stolzenberg** – In the changed one, it would be required at the ground floor. Under 34-600, mixed use buildings may exceed 75% gross floor area designed and occupied for residential use if commercial uses are provided at ground level.

**Commissioner Lahendro** – I am glad of that. I do agree with your additional consideration bullet point #1. I would ask staff to consider what a minimum amount of commercial should be so that it is not just token.

**Commissioner Stolzenberg** – The main reason I didn't put that in before was I couldn't think how to word it. We can maybe make it a percent of building footprint or a percent of floor area on that floor. That is a thing that can be hammered out by staff after an initiation.

**Commissioner Lahendro** – We might even think about whether everything on the street front should be commercial.

**Commissioner Stolzenberg** – Where it gets weird is that you have to have a parking entrance. These buildings require parking. Parking doesn't count in floor area. I don't know how you would make that work.

**Chairman Mitchell** – When we first got into this mixed use thing, we felt there was a need to have office space. That is "old school" thinking. We don't need as much office space as we thought we needed "back in the day." One is so much telecommuting that is happening and COVID has taught us that we don't have to go into the office. I think there is value in giving some thought to whether we move away from office space and expand into places where people could live. I am worried about if we initiate this, people that do the work for the city being able to get the work done since they are down a couple of staff. I am also worried about doing this for one site. What we are looking at here is one site. It seems that we should take a more comprehensive view of what is happening with mixed use and rethink this whole thing citywide. I am wondering if we should leave this to the consultants of the comprehensive plan.

**Commissioner Stolzenberg** – One thing I would add to that point about not needing office space. It's not all the worldwide changes that are happening. It is also because this Planning Commission and Council denied a project for 233 studio apartments on Garrett Street that was then built as the exact same building by right as putting 120,000 square feet of office space in, which has contributed to the dearth of housing downtown and the glut of office space. It really would have soaked up a lot of the demand for those smaller units in the area. The last project could have been larger units. When Council initiates the ZTA, there is a time limit on it. When we initiate a ZTA, there isn't. Staff can take this on their own timeline when they have time. I would hope they get to it before it is obsolete. As you can see on the anticipated items, there's a ZTA from 2018 in there. Nothing about initiating it requires them to get it done in the near term. I think it would be great to do everything comprehensively across all zones. It doesn't make any sense for this section to be inside of a zone in the zoning ordinance. This zone is the one where we have an applicant saying that they have 75 homes they could build and can't in addition to a six figure contribution to the CAHF, which I believe is empty because of the severe need for affordable housing right now. I think this is an example of where we should not make the perfect enemy of the good.

**Commissioner Palmer** – I look at it in a way like we treated our tree and grounds plan update. We didn't want to start that until we had our strategic plan in place. We couldn't do that until the President got up to speed and came out with his vision. I don't know if it is in that category of import. It might be a reason to wait for the code team to weigh in with the comprehensive plan.

**Commissioner Russell** – Sometimes things need to be done ahead of our plans that have not been developed. Maybe this one should wait. This seems very abstract to me. I am not able to conceptualize it with what is being proposed. I don't know if it's fair to ask staff or try to understand what additional burden or how much onerous this makes their jobs to do. What really is the value in doing it now versus waiting until the comp plan or land use?

**Mr. Ikefuna** – This is one of the reasons why the city took the steps to update the comprehensive plan and to have a wholesale rewrite of the zoning ordinance because of the piecemeal approach. We are having all kinds of problems with the zoning ordinance. This is one of the contributing factors. Staff recommends that this be put on hold and let the consultants take the wholesale review of the districts. Then try to provide a consistent zoning and what goes in there. That is what staff would prefer to see at this point in time. The piecemeal has created all of these problems for staff in terms of application and consistency.

**Ms. Creasy** – There is work that needs to be done in these mixed use districts. We can all agree to that. I think it is a timing consideration. As we look at this, we aren't able to look at this in the context of a single site. We have to look at it in the context of the zoning district as a whole. That's going to require a larger analysis of the properties within that area. Another question we ended up having is if we look at Downtown North, does that put us out with other mixed use districts? Have we created even more of a concern? These changes in staffing occurred after this packet went out. We were figuring out how we might be able to work this in. At this point in time, we're trying to figure out how we're going to get the day to day done. This would not come up quickly. We have to cover a number of items with our existing staff so we can up-staff again. We have to address some considerations with that. We wouldn't be able to dive right into a review of this. That is concerning. We have some feedback on this. Every time we have met about this item, we have gathered more and more feedback about what it should look like. I don't know that we would be able to encompass everything. It would probably be continuous discussions. It's not going to be a short term endeavor based on the different circumstances that we have occurring.

**Commissioner Dowell** – I am torn because we just had a discussion about how we need to change our ordinances so that we can really achieve the things that we say that we want to achieve. I also understand that we are in trying times. We are not fully staffed. Things are difficult at this point in time. I also feel that we are paying our consultants a hefty fee to do this work for us. Even if we don't move forward with initiating the ZTA tonight, this should definitely be heavily considered and to make sure this is included and crafted correctly in their update. It's not going to be something that is going to be addressed any time in the near future because of the constraints of the environment.

**Ms. Creasy** – There was a lot of good information that has come out of this discussion. There have been 3 or 4 smaller discussions that have occurred. There is quite a bit of information we can share with the consultants. They would be able to put it in the context of the larger project that is underway. It would take us awhile to get to this given what is occurring. We have to be able to manage the things we are doing now. We have a work session coming up on the land use plan. There will probably be some additional things we will need to be working through on that. There

are a number of initiatives that are already underway. It's not going to be tomorrow that we would be able to start on this.

**Commissioner Heaton** – Is there any directives that we could offer to the consulting team or liaison work? I know that Commissioner Stolzenberg has done a deep dive on some of these things. As a Commission, is that out of order for the Commission to assign a liaison to make some progress that doesn't involve staff? I think we need to admit we are in extraordinary times and to move ahead with mediocre work that we know will not be the best work that we can do is not really serving the community. But to come to a grinding halt and be paralyzed by it is not the answer either. Is there an initiative as a Commission that we could give some direction through one of our members to the consultants? We would like you to be ready to present this to us at the work session.

**Commissioner Lahendro** – We have already heard staff say that they're going to give this information and research already done to the consultants.

**Ms. Robertson** – Don't forget that one of the Planning Commission's central functions is to oversee the development of the comprehensive plan including updates of the comprehensive plan. The Commission is supposed to have substantial input. Do you understand the process that is going on? Do you know where it is? Are you part of any steering committee? Do you have one or more members on a steering committee? Are you getting regular, sufficient reports that lets you weigh in? The threshold decision is whether you are going to keep these districts at all. Are you going to organize your land use map differently? Are you going to have 16 mixed use districts? Are you going to have one mixed use set of requirements and apply it differently depending on where you are? What you don't want to do is too significant of a decision that is going to facilitate developments that you may not be able to anticipate right now during the next year? I hope that we're not going to be longer than a year before we start seeing work on a new zoning ordinance. Some fundamental decisions are made. You have to decide whether or not there is a smaller change that would have public benefits and not just private benefits in the short term. If you're making this change, are you going to upset any balance that is going to remove opportunities that you might otherwise have had if you were incorporating it into a larger approach under the comp plan.

**Commissioner Lahendro** – I would hate to see the consultants "handcuffed" or constrained in any way by us. Let's let them finish their work and do what they're paid to do.

**Commissioner Stolzenberg** – I don't think this hamstrings them in any way. They are approaching the zoning code holistically. I think we have already pointed towards regulating form rather than use in a way that means mandating these buildings to be 25% office space won't really be a consideration anymore. That is how we are going to scale this up for the whole city hopefully by getting rid of these bad mixed use districts. Twenty months ago, I brought a ZMA before this body. Everybody said "why would we do this now? We have this comp plan and it is almost done. We will be finished in no time." I love the idea of approaching everything as a whole and making these broad sweeping changes, I don't think that an upcoming full review absolves us of the responsibility to maintain our zoning ordinance that we have adopted now. Six months ago, staff brought to me a different ZTA for a different project presented by a different person to change the

University Heights district as a higher density. At that time, we were just as far away from a wholesale zoning ordinance rewrite because the schedule got delayed because of COVID. Staff supported it then. They don't support it now. They didn't support it prior to the staffing issues that just came into play. Nothing about us initiating it constrains staff in any way. If they feel it is beyond their workload, they're free to sit on it and run out the clock until the full rewrite is done. If they manage to hire someone relatively quickly, they are free to pick this up.

**Motion – Commissioner Stolzenberg – To initiate considerations of amendments City Code Chapter 34, Article 6, Division 4 to change Code Requirements pertaining to density and mixed use developments. (Second by Commissioner Heaton)**

**Motion does not pass 5-2.**

### **Adjournment**

**The meeting was adjourned at 9:43 PM**