

Minutes

**PLANNING COMMISSION REGULAR MEETING  
February 8, 2022 – 5:30 P.M.  
Virtual Meeting**

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

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

***Location:*** Virtual/Electronic

**Members Present:** Chairman Solla-Yates, Commissioner Habbab, Commissioner Lahendro, Commissioner Russell, Commissioner Dowell

**Members Absent:** Commissioner Mitchell, Commissioner Stolzenberg

**Staff Present:** Patrick Cory, Missy Creasy, Dannan O’Connell, Remy Trail, James Freas, Rob Hubbard

Chair Solla-Yates called the meeting to order at 5:00pm and asked commissioners if they had questions concerning the agenda. Commissioner Habbab asked why there was a specific number of bedrooms identified for the Angus application. Does this have to do with parking? Mr. O’Connell confirmed that the number of bedrooms was linked to the number of parking spaces.

Commissioner Lahendro noted that he posed a question to staff concerning potential for tree/utility conflicts for the aspen dental site. Staff noted that the applicant placed numerous lines on each page of the drawings which lead to some confusion. Ultimately there is a 10 foot separation so a conflict is not present.

Chair Solla-Yates asked Ms. Russell to be prepared with a motion for the consent agenda and she confirmed. He noted that we had one public comment concerning the Angus request. Ms. Creasy noted that has been provided to property maintenance staff who will be following up soon.

Commissioner Habbab asked if that request was followed up with diagrams/photos. Ms. Creasy noted that a picture of a down pillar was provided. It was noted that a stop work order was provided for this work that began without a permit. The permit was obtained, and work was completed.

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

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

***Location:*** Virtual/Electronic

Missy Creasy introduced Robinson Hubbard from the City Attorney’s Office to support the Planning Commission.

**A. COMMISSIONER’S REPORT**

**Commissioner Habbab** – The Citizen Transportation Advisory Committee met on January 19<sup>th</sup>. We discussed the Rivanna River pedestrian crossing and had an update on the VDOT budget five points study. The Rivanna River Bicycle Crossing Stakeholder Committee met on site to look at the two options on January 14<sup>th</sup>. We had a meeting on January 20<sup>th</sup>. The next one will be on February 17<sup>th</sup>. Sandy

Shackelford from the Thomas Jefferson Planning District Commission has put together an online survey to get public feedback on the crossing project. That survey will be open from February 14<sup>th</sup> through March 4<sup>th</sup>. The committee I sit on should wrap up some time in March so that the MPO has time to coordinate and put together a smart scale application this year for the bridge crossing. I am not too sure that the Advisory Committee will be able to choose a final location for the bridge. Perhaps they will offer multiple considerations for the MPO. The options are still between the connection at Riverview Park and the Wool Factory.

**Commissioner Dowell** – No Report

**Commissioner Lahendro** – I attended two meetings since our last meeting. The Board of Architectural Review met on January 19<sup>th</sup>. It was a very quick and thin meeting. We had no Certificate of Appropriateness applications to review. We did have three new board members join us. We spent a great deal of time introducing ourselves and getting to know each other. We discussed some of the objectives we have for the upcoming year. For the Tree Commission, we met February 1<sup>st</sup>. The Parks and Recreation staff reported that the city lost over 100 trees because of the ice and snowstorms that we have had. That hit us hard too. We reviewed the 2022 objectives for our subcommittees. We reviewed the findings of the final canopy study and items such as canopy loss, possible planting areas for both private and city property, and the amount of impervious area. A lot of this information is information that we need to share with the Cville Plans Together consultants to inform the master plan recommendations and update the information they have.

**Commissioner Russell** – No Report

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – No Report

## **C. CHAIR’S REPORT**

**Chairman Solla-Yates** – No Report

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Assistant Director** – We are already preparing for the March agenda. We have two hearings that we know of for that agenda. We are moving forward with that.

**James Freas, NDS Director** – I don’t have much to report but I do want to have a placeholder for each of our meetings where we provide some update as to where things stand on the rezoning project. We have formally kicked off on January 24<sup>th</sup> and that work has begun. We have begun to have some internal meetings. We have our first staff technical committee meeting Thursday. We are slowly building up. The first product is the diagnostic and approach report. Things will ramp up once that report is released. We are targeting a mid-April date for release of that report.

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

No Comments from the Public

## F. CONSENT AGENDA

1. Minutes – June 8, 2021 – Pre-Meeting and Regular Meeting
2. Entrance Corridor Review – 1252 Emmet Street North – New Medical Office Building (Aspen Dental)

**Commissioner Russell moved to approve the Consent Agenda (Second by Commissioner Lahendro). Motion passes 5-0.**

**The meeting was recessed until 6:00 PM and a quorum of City Council was present.**

## III. JOINT MEETING OF COMMISSION AND COUNCIL

**Mayor Snook called Council to order for the Public Hearing in front of the Planning Commission**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

- I. **SP21-00003 – 2116 Angus Road** – Dermo LLC, (landowner) is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-700, to authorize a specific residential development at 2116 Angus Road (“Subject Property”) having approximately 100 feet of frontage on Angus Road. The Subject Property is further identified on City Real Property Tax Map 40C as Parcel 8 (City Real Estate Parcel ID 40C080000). The property is currently developed with a 21-unit multi-family residential development and a separate 3,200 sq. ft. office building. The Subject Property is zoned Business (B-1). The application seeks approval of additional residential density than is allowed by right within the B-1 Business zoning district. The applicant proposes to redevelop the existing office building with up to 6 residential dwelling units, which would raise the total number of units on the property to 27 units (up to 33 DUA). In the B-1 Business zoning district, multi-family residential buildings are allowed by-right with residential density up to 21 dwelling units per acre (DUA). The Future Land Use Map for this area calls for Urban Mixed-Use Node, and no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in this Special Use Permit may contact NDS Planner Dannan O’Connell by e-mail ([oconnell@charlottesville.gov](mailto:oconnell@charlottesville.gov)).

### i. Staff Report

**Dannan O’Connell, City Planner** – Dermo LLC (Applicant and Property Owner) is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158 to allow for increased residential density on the Subject Property. The Subject Property is currently developed with two separate structures: a 21-unit apartment building (2118 Angus Road) and a 3,200 sq. ft. office building (2116 Angus Road). The Applicant wishes to renovate the commercial building to accommodate up to six additional residential dwelling units. The Subject Property is currently zoned B-1 (Business). Under the B-1 zoning classification, 17 dwelling units could be developed by right on this site (21 Dwelling Units per Acre), per

Sec. 34- 480 (Commercial Districts – Use Matrix). Higher residential density up to 87 dwelling units per acre (DUA) is permitted with a Special Use Permit. Commercial office space is permitted by right. The current apartment use is a legal non-conforming use, with a DUA of 25. The additional six dwelling units would increase the DUA to 33. The recently adopted 2021 Future Land Use Map designates 2116-2118 Angus Road as a Neighborhood Mixed-Use Node. Neighborhood Mixed-Use Nodes are described as compact neighborhood centers containing a mix of residential and commercial uses arranged in smaller scale buildings. No density is specified, but up to five stories in height is permitted, and mixed-use buildings are encouraged. The Neighborhood Mixed-Use Node designation applies to most parcels to the south and east of the Subject Property, encompassing the area surrounding Route 29/Seminole Trail. Areas to the west of the Subject Property are designated as Higher Intensity Residential. The proposed redevelopment does meet some of the 2021 Comprehensive Plan’s goals regarding sustainable reuse of existing buildings, protecting the existing identity of City neighborhoods, and supporting additional housing choice within the city. The proposed new residential density does fit within the future land use category of Neighborhood Mixed-Use Node, which allows for multifamily residential development within proximity of commercial space and within the existing neighborhood context. The proposed change of use would result in a reduction of available commercial space within the city. However, the applicant indicates that the current commercial offices are vacant/underutilized, and the small size of the building in question (3,200 square feet) would not be a significant decrease in the context of the larger commercial complexes located nearby along the Route 29/Seminole Trail corridor. Staff believes that the increased residential density would be appropriate for the transitional district B-1 Business and would eliminate an existing non-conformity for the established apartment use. Overall, staff recommends that a request for higher density could be approved with the following conditions.

1. Up to 33 dwelling units per acre (DUA) are permitted on the subject property. A maximum of 18 bedrooms shall be allowed within the structure to be renovated (2116 Angus Road).
2. Automatic fire sprinklers and alarms shall be installed within the structure to be renovated (2116 Angus Road) as required by the Virginia Building Code.

**Commissioner Russell** – I was hoping that staff could speak to a comment from a member of the public expressing some existing maintenance concerns at the apartment.

**Ms. Creasy** – We received some comments concerning maintenance, which we have provided to our property maintenance staff. They will be following up later this week. We have had some staffing issues pandemic related. We have been working through many other things. We would have addressed that prior to follow up with that individual to see if concerns continue to exist. We did receive a photo from the individual concerning a pillar that had fallen on the site. A stop-work order was issued for that activity. The work started without a permit. The owner got the proper permit and continued the work in adherence with the building code. The outstanding issue that we are familiar with and was a requirement for a building permit has been addressed. Our property maintenance staff will follow back up with the individual with other maintenance concerns. If there is any follow up, we will have our building staff assist with that as well.

**Commissioner Russell** – I was curious if there is a known mix of one bedroom/two bedroom. I am presuming these are one bedroom or two bedrooms proposed. I didn’t see that in the packet.

**Patrick McDermott, Applicant** – The proposal was for six one-bedroom units. That would be the maximum that would fit comfortably in the building. As we went through, most likely, we are going to do

a three bedroom on the top floor, a three bedroom on the second floor, and office space/storage in the basement. We are going with three bedrooms, which would work out well. You can have families/children in there. It gives more flexibility to the parcel. Most of the units in the existing 21-unit apartment building behind are one-bedroom units.

**Commissioner Habbab** – This new work will require a building permit. You will see this project and make sure it meets the code.

**Mr. O’Connell** – We did send this request out to some of our engineers and NDS staff for review. One of the building official comments was on the need for a fire sprinkler system. We did mention to the applicant that if the water line for this property is not sufficient, they may have to pursue a site plan amendment at a future date in order to upgrade the water line to make that sprinkler system work.

**Commissioner Russell** – Does the change in bedrooms affect the fire sprinkler requirement?

**Mr. McDermott** – It didn’t appear to. You still needed it based on the designation as an R-3 building, which fell within that sprinkler provision.

**Mr. O’Connell** – That’s correct. The sprinkler system requirement was triggered by the change of use.

## ii. Applicant Presentation

**Patrick McDermott, Applicant** – I didn’t have a whole lot to add to the staff presentation. Between that and the written report, it fairly laid out what I plan to do. It is straightforward. The building already exists. There are no changes to the site plan or to the exterior. I am just looking at interior renovations. Changing this to residential tenants would be consistent with the rest of the parcel, which has the 21 unit building next to it. I think it would go well for the whole parcel. It is a great office building. From what I understand from the prior owner, it has been underutilized since it was built in 2008. I purchased this property in August 2019. Since that time, I have been renovating it. I am not sure what the maintenance issues were that you received. To date, I have spent several hundred thousand dollars upgrading this apartment complex. I have put a new roof on it. I have spent money working on the bricks and exterior walkways. I did hire a structural engineer. It did need to have some repairs done to the external walkways. From what the engineer told me for the repairs, which was adding structural high beams, that wasn’t a permit requiring function. While doing that work, the column did fall. That caused a problem. We got the permit and got it cleared up. This has been a large undertaking trying to renovate a building that is 63 years old. I have every intention of making it as great as I can. I have tried to work with the tenant. She has been there for a long time. I appreciated that. I have done my best to alleviate her concerns. I let her know that if you would like to break the lease and move, I would have no problem with that. I have done what I can to upgrade this property. I hope to make it better for the city and for the tenants. I am in this for the long haul and doing the best that I can. That’s what this project is. I would like to make the building, which has been vacant for quite a while, functional. It will help the city. It’s going to add additional housing stock. That will help me as well with revenue that will help me improve the overall parcel.

**Commissioner Dowell** – In the future, do you still see your units remaining as affordable units? What are your future endeavors? Where do you see your property going from here?

**Mr. McDermott** – I have three Section Eight tenants who have been wonderful. These new units will probably be market rate. My FAR is 0.47. There are no requirements that I do affordable units. I am always open to that. I have liked the program. I have liked having those tenants. I will probably continue to place some within there. It's not a requirement.

### iii. Public Hearing

No Public Comments

### iv. Commission Discussion and Motion

**Commissioner Dowell** – Overall, the project looks like a good project. It is feasible for the neighborhood and consistent with the current neighborhood. I am hoping that he still does continue to provide affordable units. That is a huge fight for our city, regardless if it's a requirement or not. I hope that he keeps that in mind. I do like the project and it is consistent with the neighborhood.

**Commissioner Russell** – I agree. It is in accordance with our future land use map. I appreciate the staff report pointing out that it is reuse of an existing building, furthering sustainability goals.

**Motion – Commissioner Russell – I move to recommend approval of this application for a Special Use Permit in the B-1 zone at 2116-2118 Angus Road to permit residential development with additional density with the following listed conditions. a. The two (2) conditions recommended by staff in the staff report. (Second by Commissioner Dowell) Motion passes 5-0.**

## IV. COMMISSION ACTION ITEMS

*Continuing:* until all action items are concluded.

**The meeting was adjourned at 6:17 PM.**