

**PLANNING COMMISSION REGULAR MEETING**  
**January 9, 2024 – 5:30 P.M.**  
**Hybrid Meeting**

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

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

***Location:*** NDS Conference Room

**Members Present:** Chairman Mitchell, Commissioner d’Oronzio, Commissioner Joy, Commissioner Solla-Yates, Commissioner Habbab, Commissioner Stolzenberg

**Staff Present:** Patrick Cory, Missy Creasy, Matt Alfele, Carrie Rainey, Dannan O’Connell, Ryan Franklin, Krisy Hammill, James Freas

Chair Mitchell called the meeting to order and welcomed Michael Joy to the commission. Michael will be asked to introduce himself during the report portion of the regular meeting. Commissioner d’Oronzio noted an error in the minutes on page 245 of the packet and will state that during the consent agenda. Concerning the fire station application, staff will share Commissioner Schwarz’s emailed comment with the applicant. Chair Mitchell provided background on the timeline for the Friendship Court item. No questions were raised on the Capital Improvement program. It was clarified that VERVE and 2117 Ivy are returning to Planning Commission for additional hearing due to an advertising anomaly that was corrected. The rest of the process for those applications was outlined.

Commissioner Solla-Yates asked for clarity from staff on the reports for 108 Lankford Avenue. Ms. Rainey provided information.

Commissioner Stolzenberg arrived and had additional questions on the Friendship Court application which were addressed. Additional questions were also provided on the Lankford application that will need to be addressed to the applicant during the meeting.

**II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:32 PM.**

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

***Location:*** City Hall Chambers

**A. COMMISSIONER’S REPORT**

**Commissioner Stolzenberg** – No Report

**Commissioner Solla-Yates** – The Charlottesville Schools CIP Committee met on November 3<sup>rd</sup>. I was not able to attend.

**Commissioner d’Oronzio** – The TJPDC had their final meeting of the year (2023). It was a wrap-up. There was nothing of terrible substance there. There was a closed session described to the public as a personnel matter and a security issue. This week, they have their regional safety summit. The HAC did not meet in December. It is meeting next Wednesday to take up the ADU Manual. The CAHF is getting underway now. We have the applications. There are 22 applications for CAHF money. Six are for Sticks and Bricks, which is \$835,000 available with \$2.2 million in requests. On the HOP side, there are 16 applications for \$585,000. We are short

\$1.1 million there. There are 5 meetings scheduled for the CAHF starting on Thursday, with 5 meetings in January. The CDBG is starting their process for that, including on the 24<sup>th</sup>.

**Commissioner Habbab** – There was one meeting last week that I was unable to attend. It was the Tree Commission meeting on the 2<sup>nd</sup>. From that meeting, they are working on the State of the Urban Forest Report. They elected a new chair and vice-chair. There are 3 openings on the Tree Commission right now. I am encouraging people to apply. You can find that from on the city’s website.

## **B. UNIVERSITY REPORT**

**Commissioner Joy** – I am the Associate University Architect at the University of Virginia in the Office of the Architect. I am a licensed architect in the Commonwealth of Virginia. I am honored and pleased to be here.

## **C. CHAIR’S REPORT**

**Chairman Mitchell** – No Report

## **D. DEPARTMENT OF NDS**

**Missy Creasy, NDS Deputy Director** – We have diligently been spending the holiday doing a lot of behind-the-scenes admin work getting ready for when the Code will become effective in February. We’re working on the fee schedule and development review manual, which you will see soon. It has been very hectic trying to make sure that we are as informed as we can be. Several members of the public have asked questions concerning the updated code. There were a few changes that Council made from the draft that we currently have online. The consultants are back from their holiday time, and they are working through the updates. We expect to have them within days. We will have a work session on January 23<sup>rd</sup> to talk about the development manual, the changes that were made between the Planning Commission and City Council, and another topic or two.

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

No Public Comments

## **F. CONSENT AGENDA**

1. Minutes – May 10, 2022 – Regular Meeting
2. Minutes – October 18, 2023 – Zoning Deliberation Meeting
3. Minutes – November 14, 2023 – Regular Meeting
4. Site Plan – Route 250 Fire Station
5. Subdivision – Friendship Court Phase 2

**Commissioner d’Oronzio** – Second by Commissioner Solla-Yates – Motion passes 4-0 with one abstention for the May, 2022 Minutes.

Meeting was recessed until 6:00 PM for a quorum of City Council.

Chairman Mitchell gavelled the Planning Commission to order.

Mayor Wade called Council to order.

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

*Beginning: 6:00 PM*

*Continuing:* Until all public hearings are complete

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

1. **Charlottesville Capital Improvement Program FY2025-2029** – Consideration of the proposed 5-year Capital Improvement Program in the areas of Affordable Housing, Education, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, and Technology Infrastructure. A copy of the proposed CIP is available for review at: <https://www.charlottesville.gov/budget> Report prepared by Krisy Hammill, Office of Budget, and Performance Management.

**Commissioner Habbab** – I have a statement to make regarding my participation in the Planning Commission’s consideration of the Affordable Housing Items included as part of the Capital Improvement Program. We will vote on the recommendations to City Council for the Charlottesville Capital Improvement Fiscal Year 2025 to 2029 expressly excludes items under the heading of affordable housing and further outlined on slide 5 and 11 of the Capital Improvement Program report contained in the January 9, 2024, Planning Commission packet. I am employed at BRW Architects. As a result of the annual salary that I receive from BRW Architects, I am required to disqualify myself from participating in the transactions. I have conferred with the City Attorney’s Office. It is their legal opinion that my voluntary disqualification is consistent with the state and local Conflict of Interests Act. If anybody would like to review the more detailed written disclosure statement that I have filed with the Secretary of the Planning Commission, that statement is available upon request.

#### **i. Staff Report**

**Krisy Hammill, Budget Office –**

##### **Next Slide – Planning Commission Role**

The Planning Commission role, in terms of the CIP, is to review, revise, or make recommendations as you see fit in how well the projects do or don’t fit in with the Comprehensive Plan.

##### **Next Slide – Alignment**

What we did here for you was that we looked at all the projects to see all the project managers assigned a chapter of the Comprehensive Plan to the projects. We took a ‘stab’ at creating a pie chart to show you where those projects were landing in terms of the plan. If there were projects that landed in multiple chapters, we prorated them evenly because there was no way to give a judgement dollar-wise. This will give you some indication of where the projects in the Five-Year Plan fall within your Comprehensive Plan.

##### **Next Slide – Funding the CIP**

With the CIP, everything that we intend to spend needs to balance with any available revenues. The CIP is largely funded through bonds but also through city cash money, funding from the schools, and state and federal funds that are passed through some of our larger VDOT projects.

##### **Next Slide – Summary of 5-Year Plan**

Over the 5-Year Plan, we’re planning on spending just over \$136 million. A little over \$81 million of that is intended to be funded with bonds. If we were to look in terms of the value of the dollars, in terms of where the spending is happening, you have affordable housing (1<sup>st</sup>), transportation and access (2<sup>nd</sup>), and education (3<sup>rd</sup>). This is just with these five years. As you recall, last year, we put in a large dollar amount for the Buford renovation. Last year, those priorities were the same three. They were skewed differently.

##### **Next Slide – Education**

This is the same plan you saw back in November. We have not made any changes. We're looking at \$5.8 million in 25 for education and \$26.2 million over the 5-year total. You will see that the projects are listed there. A couple of new things that we added include money for roof replacements.

#### **Next Slide – Facilities Capital Projects**

We have \$4.6 million in 2025 and \$14.8 million over the 5 years. Some of those things are recurring. We have some additional funds that were added to enhance the General District Court project. We are partnering with the Rivanna on their bailer and bailing facility. Last year was the first time we added money for the climate action initiatives. We have carried that forward through the 5 years in this plan.

#### **Next Slide – Public Safety and Justice**

We have a little over \$700,000 in 2025 \$6.1 million over the 5 years. Many of these are recurring. They are intended to set up to savings accounts for things that are cyclical replacement but large replacement funds when we need those. There was extra money needed to be added for the bypass fire station, which will hopefully be breaking ground soon.

#### **Next Slide – Transportation and Access**

Transportation and Access is a big section. That is \$9.7 million in 2025 and \$29.3 million over the 5 years. Many of these are projects that are recurring in the CIP.

#### **Next Slide – Parks and Recreation**

It is \$5 million in 2025 and \$9.4 million over the 5 years. Last year, we added some money for the invasive plant removal and for the Downtown Mall trees life cycle management. In addition, for this year, the Dogwood Memorial Foundation receives some state funding (\$600,000) that is coming to the city as a pass-through. It gets passed through to the foundation. That money is here as an expenditure. There is an offsetting revenue for that from the state. The lower Meadow Creek Trail is also new this year.

#### **Next Slide – Affordable Housing**

It is \$8.9 million in 2025 and \$48.3 million over the 5 years. West Haven was added at \$15 million. That is \$5 million a piece in 2026, 2027, and 2028. In addition, 501 Cherry was added, which is a project in partnership with PHA. There were some changes to Friendship Court Redevelopment, not in terms of the total, but the way the money was staggered amongst the years.

#### **Next Slide – Technology Infrastructure**

It is \$510,000 in 2025 and \$1.9 million over the 5 years. The two new things on this are new voting equipment in 2027 and Circuit Court Case Management System. We are starting that funding a little bit at a time so we will be there when it is time for replacement in 2027. The circuit court case management system will be an upgrade.

#### **Next Slide – CIP Revenues**

Revenues are an important part of this. We need to make sure that we have the money to pay for these projects. For 2025, the General Fund will be transferring in a little over \$7 million for capital projects. The \$78,000 is the estimated café fees that we collect from The Mall. That gets allocated for upfit and upgrades to The Mall. Last year, we changed with the Vibrant Community Fund anything that is a housing related program is now coming to the CIP. It is considered through those competitive processes. That is that \$575,000. With the schools through the conversation about Buford, last year, we had some conversation about their expected gain share because of federal funds that they are receiving. We were using some of that contingency that we have that was set aside because of COVID that we did not need. That with the Stribling agreement is in here as well. Some of that work will begin. That is in partnership with the developer. All that totals a little over \$35 million for 2025.

#### **Next Slides – What's New?**

These are the things that were specifically new that were added to this 5-year plan that were not in the plan last year. The Meadow Creek Golf Course irrigation is a big money amount. What will happen with that is that revenues from the golf course will be used to pay the debt service on this project since it is an Enterprise Fund.

#### **Next Slide – Still Under Consideration**

Here are some things that are not currently in this draft that are up for discussion from School Board, Council, and Planning Commission. Our city manager has been talking about homelessness and housing insecurities and a strategy for that. There is still work being done. There is nothing yet in the CIP to address that. The Pre-k Center for Walker is a request that has been discussed but is not currently in the plan. With additional climate initiatives, there is \$1 million that we put in, which is a new addition. There are other opportunities that perhaps at some point, we might want to take advantage of. There are some regional projects that we're aware of that are of considerable amounts. The ECC (Emergency Communications Center) potentially will be looking to renovate or to build a new place. They are still talking about that. With the Central Library renovation, that would be a city-county project. The city-share of that would be \$7/\$8 million. With the Dogwood Vietnam Memorial, there is a question as to whether the \$600,000 they have received from the state does not seem sufficient for the work that they have done. There could be an additional request from the city to fund the difference in that construction.

#### **Next Slide – CIP Resources**

There are a lot of resources on our budget webpage. The budget book and Comprehensive Plan are out there.

#### **Next Slide – What's Next?**

Tonight, is the public hearing. This is your opportunity to weigh in on what you see, to make a recommendation to the City Manager. The City Manager will take those recommendations. A proposed budget will be presented to City Council in March.

**Commissioner Solla-Yates** – This is a significant improvement this year. Every year, we get a little bit better at this. The last time we talked about this, we talked about the \$1 million a year in climate spending. Do we have clarity on what that is?

**Ms. Hammill** – They do have a plan. They have a lot of things that they are working on. There are some grant applications and some other things for spending the money. Since it is a new program, we're still working through a lot of those details.

**Steven Hicks, Deputy City Manager** – Kristel and her team are finalizing a climate change plan. Council has already established certain goals that we need to meet. We're identifying certain facilities to help us meet those goals with the carbon footprint and reduction. There are a lot of potential grants coming out there through the federal and state grants. We need to make sure that we have funds available should there be an opportunity for us to go after those grants or potentially match those grants. Kristel was finalizing her climate change report. I am sure that will be presented to the public at some point. There are a lot of good things happening. I am sure there will be an opportunity to share that with the Planning Commission and City Council.

**Commissioner Solla-Yates** – I see lot of rooftops in the CIP. Is there going to be rooftop solar?

**Mr. Hicks** – We are proposing to do that or prepping them. Whenever we do a roof replacement, should there be more grants that come along, they are available. We are making every effort that when we do roof repairs, they are built in a way that we can accommodate solar panels.

**Commissioner Habbab** – With the homelessness strategy, do we have any 'ballpark' cost number?

**Sam Sanders, City Manager** – There is no specific strategy in terms of cost. There is still a lot of work to be done. I am sharing something with Council this week for action that we might be able to take to move this initiative forward. There is a lot to be determined. What is the right approach? We are still having conversations with the county and some of the local providers. We are trying to figure out the scope of our issue, our problem that is homelessness is to figure out how big of a shelter facility that we need. That is what I have identified as the priority that I have recommended to them that we prioritize. It is not the only priority in that space. The shelter, alone, is not solving the problem. It is the beginning of doing something about the problem. There are additional permanent supportive housing units that we need, which is the item that I brought to Council at their last meeting that they will hopefully pass on Monday/Tuesday, that ensures that Premier Circle continues to move forward. There was some issue with their budget. I am still looking at other projects that are in that space that support homelessness. I don't yet have concrete details for you. I am still working on it. The goal is to try to bring more of that to you. The reason that we have homelessness on the list as unresolved is because we will be talking about this as long as I am here.

**Chairman Mitchell** – Are we talking bricks and mortar? Are we talking social services, consulting fees, or are we talking all the above?

**Mr. Sanders** – All the above. I believe that is the answer to the question. It will be all of that.

**Commissioner Habbab** – My other question was on the library renovation. In last year's meeting when we talked about it, I wanted to clarify and get it out there that this is something we can look at right now in the CIP. This is going beyond the scope. There are still discussions with the county. Is that correct?

**Mr. Sanders** – We have not proposed it in the FY25 CIP. We don't have that commitment from the county. I am not convinced that we could afford it in our CIP for 25. We had opened the conversations with the county. Council has indicated support for the notion of prioritizing this in a future year for the CIP. The question was whether they would be able to see the same thing. The County Executive is committed to have the conversation with the Board of Supervisors. I believe that is active. I expect that they will be able to figure something out as to which out year they might be able to do something. We know that it is something that both bodies are interested in making happen.

**Commissioner Habbab** – With the Buford School renovation and our capacity for projects of this scale, what timeline are we looking at? Is this a conversation that we are having?

**Mr. Sanders** – It is a combination of things. I have not been given the directive to make Walker fit into the CIP. That is where we are in this regard. The directive that I received was to ensure we got Buford into the CIP. It was given as a directive with the attachment that the grant is how we were going to go about doing that. We got the grant. It happened to be bigger than what we had anticipated in how we packaged it. There is still follow-up action by this body (Council) to give us another directive if there is one. From a management perspective, we need that to be resolved as a part of this budget process and have that on the list for Council to discuss with the school system.

**Commissioner Habbab** – You mentioned that vandalism was a big cause of expenditures there. Is there some way to resolve that?

**Mr. Sanders** – We have been talking about this for a while. We have opted to not keep throwing good money after a problem that we haven't been able to solve for. We did not prioritize spending a lot of money. Anything that we have in there now is about new and/or adding better than what we had, but not to go and directly respond to vandalism. It continues to happen. We need to continue to think about how we can fix that.

**Chairman Mitchell** – It seems like there is about \$60,000 that we have available in the Parks & Rec budget to at least keep things flat. We might run out near the end of the year. I am comfortable with staff's recommendation.

**Commissioner Habbab** – There is the other request for the Riverview Park restroom for \$300,000.

**Mr. Sanders** – That is cost overrun in the estimating of what the project was going to cost. We were able to get that done. We will hopefully have a restroom out there. I believe that it is on the year end list. We are looking at it for year end allocation to be able to close the gap that we know that exists now.

**Councilor Snook** – With the issue of Walker and how we begin to budget that, we didn't budget Buford until we said 'we don't know what it involves, but we're going to put a marker of \$30 million in the budget. Between now and next year, we're going to figure out what that means.' I wonder whether it might not be useful to do that at some point so we can focus everybody's attention on it. I have no recommendation currently.

**Mayor Wade** – We are meeting with the School Board tomorrow night. It won't be a budget meeting that we're having with the School Board. We will be having a budget meeting later. It will be interesting to see what the School Board says that they want as their priority. They make that decision. It will be interesting to see what they say. There were a lot of changes that took place over the last year and a half on the school side. Their priorities might have changed. We will be scheduling that soon.

**Ms. Hammill** – Council will have an opportunity to weigh in. We will have to come to you with a memo for your appropriation of the school construction grant. At the time last year, we were having these discussions, we were talking about a potential grant opportunity for \$6 to \$7 million. It came in at a little over \$17 million. You will need to appropriate that. Part of that discussion will be that those grant funds must go to the Buford School project. Those are bonds that we don't have to sell that we can help preserve capacity and bond capacity for future projects in future years. You will have numerous opportunities to talk about that.

**Vice-Mayor Pinkston** – For the Walker project, I would suggest that we put numbers 2 or 3 years out in the same way that we did with Buford to force conversations. We will talk with the School Board. We need to hear from them. I am confident that the people there are going to want this. The sooner we start being realistic about the fact that this needs to happen within 5 years. The other piece is the library. There have been some good conversations with Mr. Plunkett and others. This is one that I would like to see within the next 5 years. Within the next couple of years, get the design done. I realize that it will take several years in trying to get everything aligned with the county. We need to work towards that. At the same time, I don't want us to be completely hamstrung by their decisions. I don't think that will happen. The library is an important social component of the city.

**Councilor Oschrein** – The Riverview Park restroom is a great idea. There is not a lot of detail in this report about it and why it would cost \$687,000. Is there a fuller description on that?

**Mr. Sanders** – There is a fuller description, and we can get that to you. It has been on the books for some time. It is the floodplain. That complicates it. That is part of why it has escalated in price. It is to try to find the right kind of restroom facility that can withstand the riverbanks overtopping and what that could do to a restroom facility and what that might do to nearby neighbors. We have gone back and made a couple of changes. There was a small redesign. That escalated the price. That is the reason it has gone up each time. The time from when we first got an estimate on it, it has increased because everything costs more to build.

**Councilor Oschrein** – For the list of tree plantings, is there a list somewhere of those trees that were planted?

**Mr. Sanders** – Yes. I don't have it. I can make sure we get that to you. Our urban forester is responsible for how everything is placed. He is tracking that and planning all that.

**Councilor Oschrin** – Is there a part of this budget that goes to getting him help?

**Mr. Sanders** – No. That was not a request.

**Ms. Hammill** – Some of that work is contracted. I believe that there is a website that is part of the Parks & Rec Department that has information about the tree planting and the progress of that.

**Councilor Oschrin** – For the bailer and bailer facility for the Solid Waste Authority, how dire is that bailer need?

**Mr. Sanders** – It is very dire. It is at the end of its functional life. We probably have gone longer than we should have at this point unresolved. This is about making sure that we have the appropriate machine.

**Councilor Oschrin** – For the climate action initiatives, would e-bike subsidies be able to fall into that category for sidewalk and protected bike lanes since those are things that would go towards our climate action goals?

**Mr. Sanders** – That would be considered more infrastructure. It would not be used for that. The initiative funds are intended to be grant-match so we can bring down even more or specific projects that are within the work plan that is pulled out of the climate action plan. The choice to elevate the Office of Sustainability by pulling environmental out of Public Works was to give them more time and attention to spell out what it is that they're going to be able to accomplish over the course of any year like the other departments and offices. Since they all overlap other departments and offices, they must work better with everybody. I extended their work plan from a 12-month plan to make it go through the end of the fiscal year so that they can follow the fiscal year work plan for everyone else. I should be getting that update soon. I will be sharing that with everyone so you can see what the work plan is. Commissioner Solla-Yates, that will answer your question about what specific are the projects that they are intending to work on. We're going to do a better job of putting that information out front more consistently. I am striving to get where we are planting trees, where are we building sidewalks, and where are we doing these different things on our website so that everybody can see it and update as we go.

**Councilor Oschrin** – With the YMCA Trail, what is going on with that?

**Mr. Sanders** – It is part of VDOT funding. If it is a VDOT project, we have 3 trail projects that are in the VDOT portfolio. The project is designed. It is about construction at this point.

**Councilor Oschrin** – I don't know if the street milling and paving is a General Fund. Is that where protected bike lanes would fall?

**Mr. Hicks** – We work with our transportation planner and traffic engineer. Should there be opportunities for us to maximize the pavement to include some bike lanes, we do take that into consideration.

**Mr. Sanders** – There will be more discussion coming. Our transportation planner (Ben) is going to be coming back to Council. He did a great job last year of bringing Council up to date as to what we were trying to accomplish by bringing him into this space. We have some good work that is underway right now. We have some work that we're doing in that space that we will be able to roll out what I said. We're going to put on the website what sidewalks are going to get done on this schedule. We will keep adding to that going forward.



**Councilor Oschrein** – For the Stribling agreement, that \$2.9 million is technically a loan. That goes in the revenue category even though it is something that we must pay back.

**Ms. Hammill** – It is a revenue that will come in the CIP. We will add city money to it. We will be repaying that back.

## ii. Public Hearing

**David Plunkett** (Director of JMRL) – I want to thank Council and city staff for working closely with the Library Board on the Central Library renovation. This has been many years in the works. They co-own that building with Albemarle County. I appreciate the work that Council and staff have done to open conversations with Albemarle County about the need for this project. I am here to ask the city to consider including the Central Library renovation in the upcoming 5-year Capital Improvement Program. That means working closely with Albemarle County to fund a 2-part project. One year would be architecture and engineering. The construction could begin. The Central Library has served as the main branch of the Jefferson Madison Regional Library since 1981. The building is co-owned by Charlottesville and Albemarle County. It is the most public building in Charlottesville. It serves this community with doors wide open 68 hours a week. The Central Library serves as the administrative headquarters of the Regional Library System. The Central Library needs renovation. The last major upgrade was over 40 years ago. The city has managed this 100-year-old building remarkably well, renovating restrooms, adding a new chiller, and performing day-to-day maintenance needed to keep serving the community. It is a labor of love for city staff that needs more love. There are issues that need to be addressed. To continue to provide the quality service that the people of Charlottesville expect and deserve, library use is a high priority for this community. The changing face of library service means that facilities need to keep pace with changing community needs for their information seeking needs. In 2015, The Friends of the Library commissioned a design study for the renovation of the Central Library. They are prepared to support this project with extensive fundraising. The estimated cost in 2015 was \$8.74 million. The most recent CIP submission was \$15.82 million. The price continues to rise every year the project is delayed. The city's share would be between \$7 and \$8 million. The goals of the renovation aligns with the strategic planning, missions, and values of the city, including caring for aging Capital asset, providing equitable service, ensuring accessibility, modernization of library services, and taking advantage of a shared facility.

**Elizabeth Stark** – I am impressed with the Capital Improvement Program budget. I am glad to see funding for things like rent relief and so much funding for affordable housing. As we're looking to the future of Charlottesville, I hope that we can examine ways that we can take more control of our affordable housing future. One of those options I would like to see explored is for the city to form a landbank. That would be an entity that would be able to purchase land when it becomes available that could be developed into something else in the future. We know that the market for housing is going to heat up with the new zoning. I would love for the city to be empowered with the ability to purchase housing without having to have an entire development plan in place. Once the city has a landbank, I would love to see that established with the \$500,000 set aside for affordable housing at the end of FY23 and hopefully even match. One million is a 'drop in the bucket' of what we need if we want to be able to meaningfully prevent displacement, especially in our core black neighborhoods. I would love to see a robust investment in land trust housing. Land trust housing has deeply sustainable housing. Land trust housing has incredible benefits for the community, for wealth building, for a bridge to home ownership. It is a tool in the toolkit. We need to get that. We need to have that available to us. As you're looking at the CIP and the ways that we are using affordable housing and working with nonprofit partners, I hope that you can prioritize land bank and land trust housing.

**Peter Krebs** (Piedmont Environmental Council) – Congratulations on completing the long journey to update the housing policy, the Comp Plan, and the zoning code. These will result in a city that is more sustainable, more livable, and more equitable. It will also require better walk and bike infrastructure and park access than

what we currently have today. I would like to highlight a current set of interconnected projects that will accomplish both things and change the way people experience and get around the community. There is a long-term vision for a 4-mile loop that will tie the core of the region together. It is centered around McIntire Park, the Meadow Creek Valley, and the John Warner Parkway. This vision is now within reach. Staff has requested funding in the CIP for a crucial segmented Greenway between McIntire Park and an existing shared use path behind the YMCA, CHS, and the Fire Station (YMCA Connector). This plus a small remaining segment will link to a second project that the city has already funded and set to build this year. It will connect Michie Drive, Greenbrier Park, and Hillsdale and the Rt. 29 corridor. There is a feasibility study for a tunnel under the railroad tracks connecting Greenbrier Park to the John Warner Parkway Trail. The possibilities are unlimited. Please support the staff request for funding for this trail and others like them. Commit flexible funds for any shortfalls. Please expedite the missing easement acquisition along 250. It is small and it is within reach. Please prioritize the Greenbrier Tunnel. That is going to be a crucial link for both the city and county. The feasibility study is almost done. It is time to move to the next stage and get it in the regional transportation priority list. This is a piece of the overall work to eliminate the small but debilitating gaps that exist all over the community. I hope the city manager's proposed program budget will include funding for dedicated trail maintenance. This will free existing staff for needed planning, project management, and fundraising. It is my experience in working with the community that elders, women, people of color, and the young are more likely to use trails that are well maintained. Proper maintenance extends the life. It extends the equitable reach of our trails and connections.

**Perri Meldon** (210 Meade) – My congratulations to the City Council and the city manager for approving the new zoning code. The zoning rewrite is one step toward creating equitable, affordable housing opportunities. As you move forward with deliberating the city budget for 2025, I call on City Council to commit to establishing a landbank using \$1 million of budgetary funds, including the \$500,000 allocated for housing from earlier years surpluses. A landbank has the power to purchase distressed properties and hold them for future management by a nonprofit land trust entity. By allocating budgetary funds to a landbank and a land trust, the city can plan creatively for permanently affordable, climate resilient, and multifamily housing. With affordable housing a top priority for the 5-year plan, there is no better time than now to expand on land trust projects. We already have great examples like those in Fifeville. By investing in a land trust/landbank initiative, the city commits to creating below market rate housing, which will ensure opportunities for generational wealth building.

### **iii. Commission Discussion and Motion**

**Commissioner Stolzenberg** – Sidewalks are the main things that I would like to talk about. The budget explorer describes the sidewalk fund as ‘inadequate to implement sidewalk construction at a meaningful scale.’ As part of the Comprehensive Plan, we made a promise to the city that we would invest in the infrastructure to make the city a more walkable place to help people get out of their cars. \$100,000 a year is not an investment in that. I have gone back through prior years budgets. They are listed all the way back to 2007 on the city website to look at what we put into the sidewalk fund pre-pandemic. FY2020, for example, we had \$400,000. In 2010, we zeroed it out. In 2009, we had \$1.05 million for sidewalks. I had to go back to the first budget in FY07 to find the last time, prior to the pandemic, where we put as low as \$100,000 into the sidewalk fund. Today, you get a little less sidewalk for \$100,000 than you did back in 2007. I understand that we have difficulty building sidewalks. All the money in the fund is committed to existing projects. If we are making an honest commitment to building sidewalks, we need to fix that operational problem and work through the supply chain shortages and contractor shortages that we have now. We need to be putting money into that pot. When we are able, we have the money there to build sidewalks. I would suggest a minimum of \$500,000 per year in new sidewalk funding with the aim of getting up to \$1 million per year in new sidewalks. Those are levels where we can start to make a meaningful impact on our sidewalk backlog. We don't have our list of sidewalk priorities. We know that we're going to have a list of sidewalk priorities. We know that at \$100,000 a year, we're not going to be able to tackle that very priority. By putting a meaningful amount into the fund, we know that when we get that list, let's start to work our way down.

**Commissioner d'Oronzio** – I would concur with Commissioner Stolzenberg. We get persistent and perennial and uninterrupted 'drumbeats' from the public about getting the sidewalks sorted. I know that it is difficult. Finding the resources, in terms of human capital to do it. The least that we can do is to make sure we have the money, while we struggle with the rest of it, and make clear that we are laying down a marker. I don't know what that number is. I am not sure what that is. We need to start making a consistent commitment. I have a lot of thoughts on the landbank. We do need to establish one. We have a draft that is 'a little long in the tooth.' Commissioner Solla-Yates and I are working on that with city staff to develop a landbank. It has all the functionality that the public has commented on tonight. That is in the works.

**Commissioner Solla-Yates** – There are so many things that I want to spend money on. My problem is not great things to spend money on: Sidewalks, trails funding, getting a design and engineering for the library. Those jump out as priorities. Those make a lot of sense. I can't find any fat to cut in this budget, which is a compliment and a frustration. We have more needs than we have resources in the CIP currently, which is troubling. I am uncomfortable voting for increased spending at this time unless we can figure out a way to fund it. That is my concern.

**Commissioner Habbab** – Looking at it, there is nothing to take out, unless we can add more bonds. Would you (Commissioner Solla-Yates and Commissioner d'Oronzio) want to see a line item in the CIP for landbank funding in the out years like a library design?

**Commissioner d'Oronzio** – I am not sure that is the avenue for it. At this point, we don't know what we don't know as far as to how there are funding mechanisms for a landbank that we need to look at and balance that. Let's put \$5 million a year into the landbank for the next 5 years out. I am in favor of that if we can find \$5 million. I don't know, at this moment, how much money from the city we're going to need. We need to have a nonsense number in there. I agree with you on borrowing for more bonds. I am looking back fondly on the days where they were giving money away for free in the bond market. We probably should have borrowed every dime we possibly could.

**Commissioner Habbab** – Looking at that slide on the planned revenues. The plan must equal planned expenses. We show a decrease over the years between now and 2029. Is that because we don't have projects land-wise?

**Ms. Hammill** – It is. We are basically balancing the revenues to the expenditures that are planned at this point. Many years, we have come to you and talked about bond capacity being an issue. That is not the issue now as affording the debt service.

**Commissioner Habbab** – If we were to put something like Walker or the Library renovation, do we have wiggle room in those out years to do that?

**Ms. Hammill** – With every addition, we will have to rerun the projections. Right now, in our CIP, Buford was planned with a much higher bond sale than what we know we need now because of the grant that has been awarded. If you look at what is not in the plan, there is as much or more that could be added on the expenditure side. We could add it. How much do we want to add? What can we give up or not? We would have to work in the pieces. Could we? Sure.

**Commissioner Habbab** – With design services or engineering drawings for a library renovation, would those be bondable?

**Ms. Hammill** – Typically, we do. That would be included in a bondable expense because it is part of the project. The interesting thing with the library is that must move in lock step with the county because it is a joint project. Even if the city was to put in money, the county is not able to do the same step. It becomes a little interesting in how we move forward. Mr. Sanders is in close contact with the County Executive. Our budget office is communicating as they are moving through their process.

**Commissioner Joy** – I want to thank city staff and city manager for the work and clarity of this CIP proposal.

**Chairman Mitchell** – This is the 7<sup>th</sup> one of these that I have done. This is the easiest to follow and the most logical processes that I have seen in the seven years I have done this. I am uncomfortable asking for money that we don't have. The idea of sidewalks is important. The idea of landbank/land trust is important. The library piece is important. The one thing that we have done in these meetings is not necessarily lend an amount to what we're asking for, but to ask Council as it begins deliberating to give thought to finding money for things like sidewalks or the library or begin thinking about finding money for landbanks and land trust. I would recommend that, when we make our motions and we ask for those things, we don't do the \$500,000 every year. We ask Council to consider it. If you can come up with something that they might offset that with something in your motion. In past years, we have not been able to do that either. Council has worked with the City Manager's Office to find ways to make it work and find end of year money to do things like funding sidewalks, landbanks, land trust, and library.

**Motion – Commissioner Solla-Yates – I would like to recommend that we approve the Capital Improvement Plan as presented by staff with the following amendments as discussed. Second by Commissioner Stolzenberg.**

- **Exceed pre-pandemic funding amount levels each year for new sidewalks.**
- **Providing funding in the out years for design and engineering for the Central Library renovation.**

**Motion passes 5-0. Commissioner Habbab abstained for the affordable housing items in the CIP.**

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

*Beginning: following joint meeting*

*Continuing: until all public hearings and action items are completed*

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

- 1. ZM23-00004 – VERVE Charlottesville PUD** – Subtext Acquisitions, LLC ("Applicant"), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, ("Owner") is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville ("Code") for properties ("Subject Property"): Parcel Number: 160008000, 1705 Jefferson Park Avenue, Charlottesville, VA 22903,

Parcel Number: 160005000, 106-114 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160004000, 100 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160003000, 102 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160002000, 104 Stadium Road, Charlottesville, VA 22903,

Parcel Number: 160001000, 409 Stadium Road, Charlottesville, VA 22903;

The applicant is proposing to rezone the Subject Property from Multifamily Residential ("R-3") to Planned Unit Development ("PUD") with a Development Plan and a Proffer Statement. The application and development plan includes parking requirements; a use matrix including a maximum dwelling units per acre ("DUA"); yard and height regulations; open space; and landscaping. The Proffer Statement indicates the applicant will provide a cash contribution to the City's affordable housing fund in the amount Six Million, Eight Hundred Thousand Dollars (\$6,800,00.00). The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed

building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle.

The Subject Property is approximately 3.3 acres with road frontage on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle. The Comprehensive Land Use Map designates this area in the Urban Mixed Use Corridor. The Subject Property is zoned Residential Multifamily (R-3) with an Entrance Corridor Overlay. This application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda) or a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail ([alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)) or by telephone (434-970-3636).

#### **i. Staff Report**

**Matt Alfele, City Planner** – You have seen this project several times. On December 18<sup>th</sup>, City Council held a meeting for this. They voted on all the supplemental applications that came along with this. There was a critical slope waiver, a sidewalk waiver, amending the closing of Woodrow Street, and amending the sale of the property to allow development. Those passed. During the meeting the applicant did verbally change their proffer to include more money as a contribution to the city’s affordable housing fund. Due to that, this is going back next week to City Council to address that proffer change. There was time between City Council’s meeting and their meeting next week to address this anomaly with the mailing. Staff thought that it was prudent to hold an additional public hearing outside of this public hearing with City Council, just with the Planning Commission to allow anyone that did not receive notice a chance to speak. Staff is anticipating opening the public hearing, closing the public hearing, and Planning Commission making a recommendation just on the zoning map amendment.

#### **ii. Public Hearing**

No Public Comments

#### **iii. Commission Discussion and Motion**

**Motion – Commissioner Solla-Yates – I move to recommend that City Council should approve ZM23-00004, on the basis that approval of the proposed PUD Development is consistent with the City’s adopted Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner d’Oronzio. Motion passes 5-0.**

- 2. ZM23-00003 – 2117 Ivy Road PUD** – Williams Mullen (“Applicant”), on behalf of RMD Properties LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 and 34-490 through 34-519 of the Code of the City of Charlottesville for property located at 2117 Ivy Road and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 070001200 (the “Subject Property”). Following the Public Hearing, it is the intention of the Council to consider adoption of this item. The applicant is proposing to rezone the Subject Property from Urban Corridor (“URB”) to Planned Unit Development (“PUD”) with a development plan and proffers. The Proffer Statement indicates the applicant will provide a cash contribution to the City’s affordable housing fund in the amount equal to Three Million, Two Hundred Fifty Thousand Dollars (\$3,250,000), provided that the approved final site plan and approved building permit will permit a minimum of Six Hundred Thirty-Four (634) bedrooms. Otherwise, the amount will be equal to four and one-half (4 ½) times that which would be required under City Code Section 34-12(d)(2). It also modifies their development to include widened pedestrian streetscapes and building step-backs from Ivy Road. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The development plan includes a commitment to affordable housing; a transportation demand management plan; a use matrix; yard and height

regulations; parking requirements; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing commercial structure with one building containing (287) residential units. The proposed building will have a height of (125) feet and include (10) stories plus rooftop amenity space. In addition, the proposed PUD includes improved pedestrian and bicycle road markings at the intersection of Ivy Road, Copeley Road and Alderman Road.

The Subject Property is approximately 1.027 acres with road frontage on Ivy Road and Copeley Road. The Comprehensive Land Use Map designates this area as Urban Mixed-Use Corridor. The Subject Property is zoned Urban Corridor (URB) with an Entrance Corridor Overlay.

Additional information pertaining to this application (ZM23-00003) may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in this application may also contact NDS Planner Dannan O'Connell by email at ([oconnelld@charlottesville.gov](mailto:oconnelld@charlottesville.gov)) or by telephone (434-970-3991).

#### **i. Staff Report**

**Dannan O'Connell, City Planner** – This is the same reason as the VERVE. This is the same PUD application you saw in November. City Council considered it in their December 18<sup>th</sup> meeting. At that meeting, they verbally requested changes to the applicant's proffer statement, which the applicant agreed to. At the conclusion of that meeting, after they had voted to approve, they voted to have a new public hearing or a new consideration of their application in January to make those changes to the proffer statement legally binding. That will be happening next week on the 16<sup>th</sup>. We did notice a discrepancy in our mailings. We elected to have a new public hearing before the Planning Commission to make sure that we are fulfilling our obligation to advertise to adjacent residents.

#### **ii. Public Hearing**

No Public Comments

#### **iii. Commission Discussion and Motion**

**Motion – Commissioner d'Oronzio – I move to recommend that City Council should approve ZM23-00003 on the basis that approval of the proposed PUD Development Plan is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner Solla-Yates. Motion passes 5-0.**

- 3. ZM23-0002 and SP23-00003 - 108 Lankford Avenue** – On November 14, 2023, the Planning Commission and City Council conducted a Joint Public Hearing for a Rezoning application and a Special Use Permit Application ("SUP") for property located at 108, 110, 112 Lankford Avenue and identified in the City's land records as Tax Map and Parcel ("TMP") No. 260012000 (the "Subject Property"). Following the Joint Public Hearing, the applicant requested a deferral to make minor modifications to the applications. It is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning and SUP. The owner, Green Retro Salvage II Holdings, LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Single-Family Residential Small Lot ("R-1(S)") to the R-3 Multifamily Residential ("R-3") with proffers. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The owner has also submitted a SUP application to increase the by-right density from 21 dwelling units per acre ("DUA") to 49 DUA along with modifications to the setbacks and screening requirements pursuant to Charlottesville City Code Sections 34-420, 34-158, and 34-162. The applicant is proposing a multifamily residential development with up to 46 units through new construction. The Subject Property is approximately 0.95 acres with road frontage on Lankford Avenue. The Comprehensive Land Use Map designates the Subject Property area as General Residential. Additional information pertaining to these applications (ZM23-0002 and SP23-00003) may be viewed

online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in these applications may also contact NDS Planner Carrie Rainey by email at ([raineyc@charlottesville.gov](mailto:raineyc@charlottesville.gov)) or by telephone (434-970-3453)

## **i. Staff Report**

**Carrie Rainey, City Planner** – Green Retro Salvage II Holdings, LLC has submitted a rezoning application and a special use permit application to permit a proposed development on property located at 108, 110, and 112 Lankford Avenue. The Planning Commission and City Council held a joint public hearing on these applications on November 14, 2023. After the hearing, the Planning Commission granted the applicant's request to defer the application to make modifications. The applicant has chosen to defer the associated Critical Slope Waiver application until a later date.

The modifications to the applications include reducing the proposed residential units to 46 residential units or a density of 49 DUA, retaining 2 of the 3 existing structures on site, modifying the proffer statement to provide 10% of units as affordable for 99 years from the first certificate of occupancy, and providing additional landscaping within the proposed parking lot.

The rezoning application requests a change from the existing R-1S small lot residential zoning to R-3 multifamily residential zoning. The permitted uses in the R-1S and R-3 residential districts are similar with several key differences. While the R-1S district limits residential use types to single family detached units, the R-3 district permits single family detached, single family attached, two-family, townhouses, and multifamily residential developments. While both districts generally prohibit commercial and industrial uses, the R-3 district does allow uses such as health clinics up to 4,000 SF and public health clinics by-right and several commercial uses ancillary to a primary use including consumer service businesses up to 4,000 SF.

The R-1S district permits 35 feet in height while the R-3 district permits 45 feet. Both districts require a 25-foot front setback, although the applicant has requested to modify the front setback to 10 feet as a part of the special use permit application. The R-1S district requires a 25-foot rear setback and the R-3 district requires a 25-foot rear setback for developments with a density up to 21 DUA and a 75-foot rear setback for developments with a density of 49 DUA as requested as part of the special use permit application. The applicant has requested to modify the rear setback to 25 feet as a part of the special use permit application. The R-1S district requires 5-foot side setbacks while the R-3 district requires 1 foot for every 2 feet in height with a 10-foot minimum for a density of 21 DUA and a 75-foot side setback for developments with a density of 49 DUA as requested as part of the special use permit application. The applicant has requested to modify the side setbacks to 10 feet as a part of the special use permit application. As a part of the SUP, the applicant has proposed replacing the required 20-foot S-2 screen for the side and rear setbacks with an opaque fence.

The Office of Community Solutions has noted concerns with the lack of information in the application necessary to determine affordable housing requirements per Section 34-12. Should Council approve the rezoning request, the applicant will be required to demonstrate compliance with the affordable housing provisions of Section 34-12. The proffer submitted by the applicant would require 10% of units to be affordable for 99 years.

Section 34-41 provides factors for consideration of rezoning, including compliance with the comprehensive plan, furtherance of the purposes of the zoning chapter and general welfare of the community, the necessity of the change, and the impact of the proposed zoning district on the surrounding properties and community services and facilities.

The 2021 Comprehensive Future Land Use Map designates the Subject Property and adjacent properties as General Residential. Properties across Lankford Avenue are designated as General Residential Sensitive Community Areas. The Land Use Category Descriptions of the comprehensive plan states General Residential areas allow for additional housing choice within existing residential neighborhoods with forms compatible to the existing context, including house-sized structures with similar ground floor footprint area and setbacks as surrounding residential structures. Up to 2.5 stories of height is recommended, and 3 residential units per lot of 4 units if an existing structure is maintained.

The applicant proposes 46 residential units through the SUP application and would be permitted 19 residential units should this Rezoning application be approved. The revised application materials show retention of two of the three existing structures along the front of the property, which staff finds consistent with the neighborhood pattern and scale. However, the three (3) proposed buildings will be taller and have a larger footprint than the typical patterns of the neighborhood.

While the proposed rezoning may contribute to some aspects of the City's Comprehensive Plan, such as diversifying housing options in support of Goal 2 of the Housing chapter, staff finds the rezoning is not consistent with the Future Land Use Map, Land Use Category Description, and several goals and objectives of the Land Use chapter focused on context-sensitive infill and respect existing neighborhood patterns and scale. The proposed rezoning will not be consistent with patterns of development along Lankford Avenue. The applicant has also applied for a SUP to allow 46 residential units and reduced setbacks and screening requirements as previously described.

Section 34-157 provides factors for consideration of a special use permit, including harmony with existing patterns of use and scale in the neighborhood and applicable zoning district, compliance with the comprehensive plan, impacts to historic districts, and impacts to the neighborhood such as traffic and parking congestion, impacts to the natural environment, and community facilities.

While the Subject Property is not within any historic districts, the western adjacent property is an Individually Protected Property, and the eastern adjacent property contains the Goings Family Cemetery. The City Preservation Planner has noted the applicant must be careful to not disturb the known burial site and be vigilant for any evidence of additional, likely unmarked graves. Staff recommends the applicant retain a licensed archeologist to determine if unknown graves are present on the Subject Property and, if found, no construction continues until notice is provided to the City Preservation Planner.

The City Traffic Engineer has confirmed the proposed development will not create a significant impact to the City's Street network. The existing conditions of Lankford Avenue generally align with the recommendations of the Streets that Work Plan. The narrow travel lanes and on-street parking limit potential improvements in the right-of-way. The proposed development will meet on-site parking requirements, which will minimize impacts to the availability of on-street parking for other residents in the area.

The proposed development will not generally result in any additional dust, odor, fumes, vibration, or other factors that could also be present with any by-right development. It should be noted that due to the increased density, noise and lighting could be more intense than would be present in a by-right development.

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. Although final determination for capacity and code compliance will take place during site plan review, relevant city departments have reviewed the SUP application and determined the development, as proposed, would not have an adverse impact on community facilities.

As previously described, staff is concerned the use and scale of proposed development are not harmonious with the neighborhood or in compliance with the comprehensive plan and do not meet the general standards of issuance for a special use permit. Should the Commission recommend approval, staff has provided a series of potential conditions in the staff report for the Commission's consideration.

**Commissioner Solla-Yates** – I have seen a lot of the issues that came up last time this was addressed. I don't see the safety issues that the public spoke about (speeding, distracted drivers). I don't believe that this is the result of this proposal. Checking previously, there was no plan to address the sidewalk discontinuities or safety issues. Is that still true? Could that be changed?

**Ms. Rainey** – There is nothing proposed in the application to improve Lankford Avenue. That is something that could be provided should the applicant choose. After the City Council meeting in early November, where several members of the public spoke about traffic concerns on Lankford Avenue that city staff has connected with those people to provide some information on our traffic calming program, which has potential to improve neighborhood streets. I have not heard any follow-up from that discussion at this point.



**Commissioner Solla-Yates** – It sounds like this is in process.

**Ms. Rainey** – Yes. The city is potentially looking at improvements on Lankford. At the time, the application itself is not contemplating them.

**Commissioner Habbab** – I have a question about the rezoning and the proffer. Nothing in the rezoning application, if that is approved, locks. It is like a condition or something like that as part of the rezoning, saving the 2 homes or the layout that we are looking at. Is that correct?

**Ms. Rainey** – Correct. That would be correct regarding the rezoning. Special use permits can have conditions if found appropriate by the Commission and Council.

**Commissioner Habbab** – Are there any setback modifications?

**Ms. Rainey** – There is a request to reduce the 25-foot front yard setback, which is both for R-1S and in the R-3 District to be 10 feet. Regarding the side setbacks, there are 2 pieces in play. There is a requirement for anytime a development is adjacent to low density residential districts. This parcel was rezoned R-3. The remaining parcels around it would continue to be R-1S. There is a 75-foot buffer required adjacent to that R-3 property. There has been a request to reduce that to be shown as in the exhibit. There is a requirement to have a 20-foot landscape buffer provided between those multi-family developments and lower density residential. The applicant has proposed a 6-foot opaque screening fence instead of that 20-foot landscape buffer. I did not note that they were requesting to reduce the side setbacks from 75 to 10 feet, maintaining the 25-foot rear setback.

## ii. Applicant Presentation

**Kelsey Schlein, Applicant** – I want to thank you for the conversation that was had at the November 14<sup>th</sup> Planning Commission public hearing. What we have before you tonight is a direct response to concerns that we saw in the staff report that was released before that meeting. I appreciate the conversation that was had that evening. That has allowed us to come back before you tonight with a much better project.

### Next Slide – Project History

One item that I wanted to address is the project history and timeline. I know that you all briefly discussed this at the November 14<sup>th</sup> meeting. Given the recent adoption of the zoning ordinance rewrite and the impending enactment of that on February 19<sup>th</sup>, we are up against a deadline with this project. This is the last night for a vote on this. It will go forward to City Council prior to their 19<sup>th</sup> meeting. What I wanted to demonstrate for you is that we have been working on this application for a long time. The timelines happened to coincide with the recent adoption of the zoning ordinance rewrite. In April 2022, we had the pre-application meeting. After the pre-application meeting, we received some comments from staff. There was the potential that the Goings Family Cemetery was located on the property. They wanted us to do additional research as to the location of that cemetery. We did courthouse research. Some of these plots are very old. We needed to bring on a specialist with ground penetrating radar. It took a while to get that scheduled and for the report to be completed. There was a large gap between the pre-application meeting and our first submission, working through finding the location of that cemetery. It was not found to be on the property. It is believed to be on the property to the east. In August 2023, we received some initial comments from the Office of Community Solutions and Traffic. We responded to those as best as we could by the November 2023 public hearing. After we had a good discussion in November, we are here before you tonight.

### Next Slide – Surrounding Context

I want to draw attention to the context of this property. This is nearly an acre site on Lankford Avenue. We put the 20-minute walking diameter on there to call out how connected this would be. This is bird's eye view. You can get to quite a few places from this site within 20 minutes. You can see the white buildings just southeast of the site. That is the South First Street development where 64 units were recently completed there. They have a planned 175 units for that development. We are directly across the street from the church. Although we are on Lankford Avenue, getting towards this intersection between Lankford and South First Street, we are in a mixed housing type, mixed-use type of neighborhood on this portion of the street.

#### **Next Slide – Neighborhood Context**

This is calling out some additional closer views of the context of this 1-acre site.

#### **Next Slides – Revisions From November 14<sup>th</sup> PC Meeting**

I wanted to go over the revisions from the last time. This is an item that we presented to you at the prior public hearing. It involved the removal of one multi-family structure towards the front of the site and the preservation of 2 of the 3 existing houses along Lankford Avenue to preserve the streetscape as best as possible. If you look closely at the grading plan, there is a good grade drop across the property. Speaking to Commissioner Habbab's questions about setback reduction, there is an R-3 district adjacent to a low-family residential district. It requires a 75-foot separation from the face of the multi-family building to the adjacent low-family residential district. That is difficult to achieve. If you look at the map, you will see that our greater intensity of form, which is still a building footprint that is about 25,000 square feet, is stepping down the hillside. It is not directly adjacent to any adjacent single-family dwellings. If you look at the map, all the buildings are up towards the street. We're utilizing the entirety of this 1-acre property, stepping down, which also diminishes the view from the streetscape.

The November proffer statement committed to 12.5 percent of units designated as affordable at 60 percent AMI from year 10 to year 99 (an 89-year affordability). The reason for that is that it is most difficult to get a project off the ground. That is when the most money goes into a project. That is when it is most difficult to finance. After year 10, you can refinance, and it becomes a little more feasible. That was the thought behind that proffer. After the conversation we had at the meeting, the comments from (Office of Community Solutions) did not change between our 2 proffer statements. They are the same even though the proffer was changed. We changed the January proffer to be reflective of the requirements that are now included in the zoning ordinance, which is 10 percent of units designated at affordable or designated as 60 percent AMI for 99 years. With some of the OCS comments, it is noting that because specific floor plans for each building were not presented as part of the rezoning and special use permit application, they could not confirm the exact square footage for Section 34-12 calculation. What their comments say to me is that if at site plan, we are more than 1.0 floor area ratio, we will trigger 34-12. I don't believe we will get there. If we get there, we will comply with 34-12 in addition to our proffer statement. We will have to meet both requirements.

You will see the retention of the 2 residential structures and elimination of 1 multi-family structure. That is the main change to this proposal. We discussed trees and some green space on the property. In our resubmittal, we proposed an SUP condition, which is incorporated into your packet. It doubles the tree canopy requirement within the parking area. What we're trying to balance here with the amount of parking that we provided, is complying with the ordinance as it stands now. We're balancing it with concerns that we heard at the community meeting about the availability of on street parking in that area. By increasing the tree canopy while maintaining the required amount of parking, we responded well to those concerns.

#### **Next Slide – Site Sections**

This is the revised site section so you can see how the grade steps down. We are maintaining the existing streetscape. That is much more familiar to residents along that roadway.

### **Next Slide – Development Scenarios**

This is something that we previously talked about. This is various development scenarios that might be likely to take place. I know that you went into this in a little more detail. There is an acre lot that is very proximate to employment centers, amenities in this area. We feel that a multi-family development utilizing the grade, maintaining the existing streetscape is a creative way to realize some infill development on this property given its unique location.

### **Next Slide – Consistency with the Comprehensive Plan**

It was Chapter 4, Goal Strategy 2.3. When we saw that and how it was analyzed in the staff report, that pushed us to revise this application. Prioritizing the preservation of existing structures, while encouraging a greater intensity of use, encourage infill development, and reuse of or additions to structures rather than demolition of existing buildings. That pushed us to the project that we have before you tonight. I hope that we will be able to get your support for it.

**Commissioner Stolzenberg** – With your proffer statement, it seems that the 99 years begins when the first CO (Certificate of Occupancy) is issued. I don't know if you're planning on phasing this. If you were to do that, then in the later phases, that 99 years would have already started elapsing before the affordable units are provided. That wouldn't help you until 98 years later. Was that intentional?

**Ms. Schlein** – It was intentional to start the trigger for establishing the trigger for when the affordability will start. From a tracking standpoint for staff, rather than having tracking tied to each additional building, regarding the phasing question, it is a relatively small project. We would likely develop it all at once. I understand your concern. We're more than happy to clarify and address that. We must establish a trigger. As far as staff tracking, it is from when that first CO was pulled on the property rather than a specific per building basis.

**Commissioner Stolzenberg** – It seems that your number of units per building has increased since the previous one to compensate for losing the front building. It does seem like the buildings didn't get bigger. They are the same height. The footprints look the same. How have you done that?

**Ms. Schlein** – It would either be for going to a smaller unit. Previously, we had accounted for some one bedrooms. Maybe incorporating entirely studios and relatively small units like the size of a project that is going up in Belmont. Alternatively, it gives us the flexibility in the future. When the tenants move out of the front 2 structures, they could potentially be converted into a duplex. One of the structures is being rented out by room. Maybe there is the potential in the future to create a few units in one of the existing structures so that people have cooking facilities in their apartment rather than renting out by room.

**Commissioner Stolzenberg** – Given the property owner's situation, do you anticipate that the current property owner still anticipates developing the project?

**Ms. Schlein** – The estate asked us to keep pushing on this. That is why we are here. It was an awful tragedy that happened to our client. The estate wanted us to bring this forward. There is every intention of bringing this to fruition with the current owners of the estate.

**Commissioner d'Oronzio** – I don't think there has been a change in ownership. This is not an estate matter in a technical sense that the current single owner has been the consistent owner throughout.

**Ms. Schlein** – The owner's wife now has control of the LLC. We submitted updated ownership documents with her signature on it.

**Commissioner d’Oronzio** – She has always owned the LLC. At one point, he was a manager of that LLC. The ownership has not changed. It sounds like you are pushing this closer to studio-type apartments because we are a strange straddling of the two plans here. Under the new zoning, the setback issues are static. There isn’t a 75-foot setback requirement from General Residential to higher density under the new plan.

**Commissioner Stolzenberg** – This will be RA in the new zoning regardless.

**Commissioner d’Oronzio** – Correct. I am talking about the physical landscape in terms of the pragmatic setbacks. We’re consistent with the modifications that you are requesting. With the view from the street, we have it descending. You’re one story behind the original structures. Every single comment about this project to City Council was about the speeding on Lankford. That has nothing to do with this application. I don’t care if the affordability period works out to 99 years or 92 years.

**Commissioner Solla-Yates** – I don’t think that the speeding on Lankford was your fault. I believe that it is happening. The hill is steep. The sidewalks are uneven. There are kids playing on the street. Can you comment how this project might influence the speeding on Lankford?

**Ms. Schlein** – With the transportation planning and traffic planning, it is always a compromise between utility of the road and how many cars can travel on it. Narrower streets tend to indicate to people to slow down. Lankford is a narrow street. It is the grade change that is encouraging people to drive faster than they should. Typically, when people live in the neighborhood, they don’t want to speed through their neighborhood. As far as these residents living here, I imagine that they will not be bad actors as far as driving on the road. I imagine that they will comply with the laws because they will be living there among their neighbors. If they are speeding, their neighbors see that. I am glad to hear that the city is now looking at this and that the residents showed up and expressed their concerns. That is how you get the city to focus on these types of issues if it is not voiced. As far as impacts from this project, there will be more traffic. Hopefully everybody is going to be good actors because they are living in the neighborhood.

**Commissioner Habbab** – I appreciate the willingness to modify the plan based on our last conversation and bring this back to us. I had a question on the proffer. Looking at the 10 percent of the units being affordable, when you are rounding at 46 units, are you doing 4 units or 5 units? How does that work?

**Ms. Schlein** – That is something that has been clarified in the current ordinance. Previously, it was my understanding that it was always interpreted that if you trigger more than the whole number, you will have to provide the additional unit. The new ordinance has clarified that. Under what we are proposing and under R-3, as it is currently interpreted, if you hit 0.1 and you are not providing that additional unit, you haven’t met the requirement.

**Commissioner Habbab** – It will be 5 units in that case.

**Ms. Schlein** – That is correct.

**Commissioner Habbab** – I am assuming that the unit size/amenities and distribution around the development would be equal to other units.

**Ms. Schlein** – We have a note about that. In B-2, it says that the required affordable dwelling units shall be comprised proportional to the unit types constructed.

**Commissioner Habbab** – With the residents in the houses right now that are staying, are those residents staying throughout?

**Ms. Schlein** – That is the intent. There was a good conversation about displacement. By preserving 2 of the 3 houses, the lease is in place, you already have tenants vetted and approved to live in your unit. I can't imagine that the owner has any intention of moving them out. It would be more of a nuisance issue. One of the main goals of revising this was promoting anti-displacement.

**Commissioner Habbab** – It looks like you are at 3.5 stories, which feels compatible with the neighborhood. There was nothing in the conditions that you suggested in the SUP to retain the 2 homes. Why is that?

**Ms. Schlein** – My understanding with special use permits is that it is a specific request that we're putting forward with a special use permit. We have submitted a specific plan for a specific number of units with a concept plan that guides development on the property. If the existing front units were not to be retained, we would not be consistent with the approval of the special use permit.

**Ms. Rainey** – I agree with that statement. As the Commission, you can also recommend adding any conditions that are shown in the plan that you feel are important and that you want to specifically call out in a recommended condition to Council. The landscaping component was called out. In the proposed written conditions by staff, that could be added on the Commission's recommendation.

**Commissioner Stolzenberg** – That would only apply for the special use permit for density and setbacks. If they were to pursue a by right R-3 development, I don't know if that is possible. They could potentially do that without any conditions since it isn't proffered.

**Ms. Rainey** – That is correct.

**Commissioner Habbab** – If it is in the conditions or proffered, could these homes ever be demolished? What would be the process to go through that?

**Commissioner d'Oronzio** – Don't we have a consolidation on Stribling one building to another? Wasn't it substantially consistent with the original site plan? I don't know where that line is. The Planning Commission makes that decision whether they are out of line on the SUP or not.

**Commissioner Habbab** – I assume they are acting on good faith to save them.

**Commissioner d'Oronzio** – Both of those properties have been internally renovated. They spent some time and money on that over the years.

**Commissioner Habbab** – There is nothing you can do about the traffic. I was concerned about the parking lot and how it fits. Across the street is the church parking lot. There is a similar layout one property over.

**Commissioner d'Oronzio** – My impression is that this place has been denser throughout the measured time of zoning in this city, except for the 2003 swap to R-1S. We're consistent with the neighborhood and the history of the neighborhood.

**Commissioner Joy** – I appreciate the sentiment and the acknowledgement of the Comprehensive Plan. It is an improved plan.

**Commissioner Solla-Yates** – Ms. Creasy, you were saying that they would have to come back. They would have to come back if we included a condition on the property in general accord with the proposal.

**Ms. Creasy** – They would have to do it either way. The SUP has conditions. That is a significant condition that is not an administrative situation. They would have to come back and ask. There are circumstances where that is something that would make sense to do down the road.

### **iii. Commission Discussion and Motion**

**Motion (rezoning) – Commissioner Stolzenberg – I move to recommend approval of this application to rezone the Subject Property from R-1S to R-3, on the basis that the proposal would serve the interests of the general public and good zoning practice. Second by Commissioner Habbab. Motion passes 5-0.**

**Motion (SUP) – Commissioner Stolzenberg – I move to recommend approval of this application for a Special Use Permit in the R-3 zone at TMP 260012000 and an address of 108 Lankford Avenue to permit additional density with the following listed conditions.**

- 1. Per Section 34-420: Permitted Residential density up to 49 Dwelling Units per Acre (DUA) on the Subject Property.**
  - 2. Per Section 34-162: Alter the Lankford Avenue front yard setback requirement to ten (10) feet.**
  - 3. Per Section 34-162: Alter the side yard setback requirement to ten (10) feet.**
  - 4. Per Section 34-162: Alter the rear setback requirement to twenty-five (25) feet.**
  - 5. Per Section 34-162: Require a six (6) foot tall opaque fence in the side and rear yards.**
  - 6. The Landowner (including, without limitation, any person who is an agent, assignee, transferee, or successor in interest to the Landowner) shall hire a qualified archeologist to determine:**
    - a. If any human graves are present on the Subject Property and, if found, no construction continues until notice is provided to the City Preservation Planner and upon consultation with the City Attorney's Office, he will provide guidance on the next steps required before development resumes.**
    - b. If construction activity will disturb the adjacent property at 106 Lankford Avenue, determine if any known or unknown graves will be impacted and assure they are treated appropriately including, if necessary, consulting with the Virginia Department of Historic Resources and securing any required state permit(s).**
  - 7. The Landowner (including, without limitation, any person who is an agent, assignee, transferee, or successor in interest to the Landowner) shall provide a minimum of one (1) tree for every four (4) parking spaces provided on-site.**
  - 8. The development be consistent with the general layout as shown in the concept plan on page 140 of the packet submitted December 4, 2023.**
  - 9. The landowner shall provide a minimum of one tree per four parking spaces to increase the required tree count in the parking lot by 100 percent beyond the requirements provided for in Section 34-873d2 of the Charlottesville Zoning Ordinance as of December 4, 2023.**
- Second by Commissioner Habbab. Motion passes 5-0.**

The meeting was adjourned at 8:01 PM.