

PLANNING COMMISSION REGULAR MEETING
March 14, 2023 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: City Space

Members Present: Chairman Solla-Yates, Commissioner Stolzenberg, Commissioner Schwarz, Commissioner d’Oronzio, Commissioner Habbab

Staff Present: Patrick Cory, Remy Trail, Missy Creasy, James Freas, Dannan O’Connell, Matt Alfele, Jeff Werner, Andrew McRoberts (City Attorney), Sam Sanders

Chair Solla-Yates called the meeting to order at 5:05pm. Ms. Creasy assisted in noting process confirmations for the evenings meeting. It was noted that 1120 Avon Street applications were withdrawn so that hearing would not take place. This would be announced at intervals in the meeting to inform those participating. The chair asked if commissioners had questions on the agenda. Commissioner Stolzenberg noted he had questions on the project but not on the ERB application on the agenda this evening. Mr. OConnell provided an overview of the current site plan status. It was noted that 2005 JPA is returning due to a procedural notification error last month. Mr. Werner will provide a report at the meeting and individuals will be available for questions. It will be discussed before or after tonight’s hearing depending on the level of discussion desired. It was noted that the Zoning Ordinance is listed on the agenda to allow for discussions. Staff does not have a presentation on it this evening.

The commission has received significant public comments on the 0 East High Street project. Ms. Creasy noted that comments were sent to the applicant on review three of the plan and information shared with interested parties in the community. It was noted that there is interest from the commission in bringing this site plan to the Commission for review. The chair noted it was a by right plan, but this would allow for continued transparency.

Process discussion for the potential project on Ivy Road which would need the code amendment that is on the agenda this evening was provided. Commissioner Schwarz asked if the PUD tool was something that should be retained in the next zoning ordinance. It was noted that during the 501 Cherry discussion that the commission wanted to hear how it links to the Cherry Avenue plan.

COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:31 PM.

Beginning: 5:30 PM

Location: City Space

The Chair made the announcement regarding the withdrawal of the 1120 Avon Street Rezoning and Special Use Permit Applications. Public Comment will have a two-minute time limit.

A. COMMISSIONER’S REPORT

Commissioner Stolzenberg – I had my first meeting of the Downtown Mall Committee. It is an impressive and large group of stakeholders. We will be working out all the Downtown Mall’s problems. It will be an exciting next several months. We have an MPO Tech meeting coming up next Tuesday.

Commissioner Schwarz – I missed the BPAC meeting this month. I understand that a large portion of the discussion involved the dockless mobility and the city’s attempts to reign that in and renew their lease with VEO. With the BAR meeting in February, there was nothing of interest, except that we have another project that is going to be appealed to City Council. That was 104 Stadium Road. It is a parcel that about 10 years ago Council turned into an IPP. The BAR did not feel like it was our place to reverse that without Council’s approval.

Commissioner d’Oronzio – The Charlottesville Affordable Housing Fund Committee has met 3 times. There will be another meeting this Friday. It involved both the portion of the Vibrant Community Fund that is now called HOPS (Housing Operations and Support). With CAHF funding, we have made preliminary decisions on the former that we are holding in advance until we have reviewed the latter because there is some overlap. The CDBG Task Force meets tomorrow to come before you in April. The reconstituted HAC is meeting tomorrow at noon to reconstitute.

Commissioner Habbab – I had a meeting with the Tree Commission on the 7th. I will be hearing from them later this evening on the state of the urban forest. During that meeting, we nominated 9 trees for protection. They should come before City Council. We discussed the importance of having strategies on how to incorporate large existing trees into the new form-based code, how we can have some methods to protect those and allow for room for new trees to be planted that are going to be large canopy trees and how that meshes into the code. They are looking forward to Module Two. I have a Citizen Transportation Advisory Committee meeting tomorrow.

B. UNIVERSITY REPORT

Commissioner Palmer – We have several large projects going on at the Ivy Corridor. The McIntire School is doing an expansion onto Cobb Hall over by Brandon Avenue. In the athletics area, there is a new athletics building for Olympic sports; before that, a football operations building. There was a Board of Visitors meeting earlier this month. The outcome was on setup site and design guidelines, which is the first step in the design process for capital projects at UVA. They were approved for several projects at Fontaine to enable the Biotech Institute that was announced for that site. That is going to include the Institute, central utilities plant, and infrastructure to the roads and stormwater and a parking garage to support the added population. There was another concept site design guidelines approved for The Center for Politics. Fontaine is going to be ground zero for a lot of projects coming up with the University, the city, and their smart scale project and some VDOT/County smart scale projects as well. There is going to be a lot going on there. The University Gardens is in the process of being removed. It had come to its functional end. Our housing office didn’t want to put in the costly upgrades to keep it going. We’re going to get rid of those buildings. It is going to just sit for now. We don’t have a future use for it. The parking that is there will remain.

C. CHAIR’S REPORT

Chairman Solla-Yates – The Charlottesville Plans Together Steering Committee recently met. The discussion was wide ranging on several topics that did include zoning, trees on the Downtown Mall, and fire code. There is a lot of interest in Module Two, which will have a great deal of clarity. It looks like there will be incentives for reducing parking of some kind. We are excited to see the new material.

D. DEPARTMENT OF NDS

Missy Creasy, Deputy NDS Director – There has been a lot of public comment the last couple of days concerning the 0 East High Street project. From a process standpoint, the materials are still in the comment

review process on the preliminary site plan. The 3rd round of comments has been sent. We notify interested parties on high profile projects if people ask. Once we sent that out, there were a lot of people that chose to express their concerns and comments about the project. That spurred that current opportunity that people took to share those comments with you all. My understanding is that the code allows for the Commission, even though this is a ministerial review, to call up a site that wouldn't necessarily come forward. I understand that we are likely to get paperwork from this body to do that. We would schedule that once it is further along in the process. There are still a lot of comments that remain. There are other things going on with this site in general. That is our little piece of the puzzle. We have an interested public. We are trying to do the best we can to make sure that they have the knowledge that we have for it. We have a work session scheduled for March 29th. We moved the work session from Tuesday to Wednesday to accommodate a conflict that Council had.

James Freas, NDS Director – Given circumstances outside of our control, I am having to exercise what I said earlier that we might need to change our release schedule. At this point, we are looking at, rather than being able to release Module Two this week, we are aiming for a release date of March 29th. Circumstances arose at the end of last week that put us in the position that we need to push out where we are. We are anticipating for that work session that what we will use that time for is for staff to do a presentation/an introduction to the key components of Module Two for the Planning Commission and City Council at that meeting. There are some significant components in it, particularly everything to do with inclusionary zoning, sensitive communities, and all that. I imagine there will be a presentation on that. We will also present on the other components that are within there (landscaping, parking, signs, etc.). You guys will have an opportunity to ask questions and discuss.

Commissioner Stolzenberg – Last time, you mentioned that you were going to compile all the suggested map changes. Do you know when that is going to happen?

Mr. Freas – We were planning on having that when we do the open house events for Module Two. We would have the things that we are looking at for Module One so there is a clear indication that we have received the comments and that we are moving forward with reviewing those and taking the next steps on each of them. The resolution of what we do with those comments, with the proposed map changes, and with other comments we have received would come in the next consolidated draft when all 3 modules are brought together into one document. In terms of identifying all those things that we are investigating further; we will have that in time for that open house. We had previously been looking at the notion of doing an open house for Module Two, a separate open house for Module Three. It makes more sense at this point to do an open house for both Module Two and Module Three. Instead of doing one open house for each, we will do 2 open houses in different parts of the city, much as we did for Module One. That will work out better in many respects because people will want to talk about the contents of Module Two and Three in conjunction.

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

Sam Goleanz (123 Goodman) – I want to speak on the East High Street proposal to build apartments on the former circus grounds by the river. The proposal is concerning because it involves a massive amount of fill dirt that will be placed in the 100-year floodplain to elevate the buildings and the surface parking. It would be about 50,000 cubic yards of fill in addition to the buildings and the impervious parking areas. Fill dirt is the worst way to elevate structures. It increases the risk of flooding to properties around it. On a large enough scale, it can also change the flow velocity of the river in flood events. This proposal has not come to the Planning Commission. It does include public facilities, new streets, the widening of Caroline Avenue, and the extension and rerouting of sewer and water lines. State code requires that the Planning Commission review proposals for public facilities and make a determination as to whether they are substantially in accord with the Comprehensive Plan before the facilities are authorized. The exception is if the facilities are considered by the city to already be shown on the Comprehensive Plan. With respect to this proposal, it is clear that those facilities are not shown on the Comprehensive Plan. You spent a lot of time writing the Comp Plan and I supported it. It is a very good

Comprehensive Plan. It would be a shame if you ignored that section of state code, one of the most important roles of the Comp Plan, and of the Planning Commission. It sounds like the site plan may be coming to the Planning Commission. If that happens, perhaps the Comprehensive Plan determination could happen at the same time.

F. CONSENT AGENDA

1. Minutes – October 21, 2021 – Regular Meeting
2. Entrance Corridor – 1801 Hydraulic Road

Commissioner d’Oronzio moved to Approve Consent Agenda – Second by Commissioner Stolzenberg – Motion passes 4-0 with one abstention (Mr. Schwarz).

G. Entrance Corridor – 2005 Jefferson Park Avenue (may shift to later in the meeting)

Chairman Solla-Yates called the ERB to order.

Staff Report

Jeff Werner, Staff Report –This is the development of a 1.7-acre, 3 parcels project. The existing structure will be razed to construct a multi-story brick stucco apartment building with a footprint of around 312 feet by 155 feet. The building will feature 2 5-story wings separated by a courtyard and a 2-story brick foundation or podium, which provides a street level primary entrance and encloses an internal parking garage accessed off Washington Avenue. You reviewed this a month ago on February 14, 2023. The result was an approval of a CoA. It was a 7-0 vote that approved the motion for approval with conditions. There was an error on the public notice posted at the site. That is why we are here this evening. I put this one up 8 days ahead. That was pointed out by some of the neighbors. In the discussion, it was decided to re-advertise it and get that correct. We did have a new sign posted on the site on February 28th. I put up 2 additional signs: one on Observatory Avenue and one on Washington Avenue on March 1st. New notice letters were sent out. We received several letters of appeal to the February 14th decision. Those were appeals to City Council. I wanted to address the key comments and offer some context for those. One of the questions is the actual height and density. Density doesn’t fall under your purview. That was established by the special use permit. The maximum height of 75 feet was established by Council’s approval of the special use permit. There were a lot of comments about massing, scale, and that it is not compatible with existing structures. It is extremely large, nothing like the surrounding residences, overwhelming, inappropriate, etc. You all reviewed the CoA request on February 14th. You applied the Entrance Corridor Standards of review, and the CoA was approved. There were comments about the plan not representing modifications that were required by the ERB. I don’t know what that means. Nothing has changed since you reviewed it on February 14th. There were a lot of comments about the height. You reviewed the project CoA on February 14th, and you applied the standards of review and approved the CoA. There were several general concerns expressed; traffic congestion, noise, light pollution, number of people in the units, service personnel, human activity that needs to be managed, etc. I understand concerns ahead of a development project. The ERB does not have purview over traffic control, uses allowed by zoning, and policing the city. There were comments about it not fitting with existing zoning. The project as presented tonight, and February 14th is permitted under current zoning with the approved special use permit. There were comments about the materials. We did have a condition in the approvals. The stucco will be a durable synthetic material, which is mechanically fastened over appropriate change. There were comments about the traffic, the parking, and the garage. You don’t have purview over traffic management, parking violations, or accessibility of emergency vehicles. There is a condition of the special use permit that the owner develop a master parking plan. There was a recommendation to require 2 garage entrances, possibly an alternative onto JPA. You approved it following the standards. An entrance onto JPA would conflict with the guidelines. There were comments about screening and the mechanical equipment. You included 2 conditions relative to the screening of mechanical utility service boxes. There were concerns about site lighting. Lighting was addressed as a specific condition in the CoA.

There was a comment about landscaping and destroying mature trees. There is a condition in the CoA about the number, size, and type of trees that is consistent with the plans. Approximately 25 trees will be removed with 18 of them ranging between 4 and 15 inches. Seven would be considered lower trees ranging between 20 and 40 inches. There will be around 70 new trees: 17 large canopy, 10 medium canopy, 25 small flowering, and 18 evergreen. There were several comments about the trash and recycling. This is not under your purview. A condition of the approved CoA addressed dumpsters, trash and recycling bins be located within the garage. There were several comments about the rear pathway. It needs to be efficient for all users. There were concerns about ADA accessibility. There was a suggestion that steps be eliminated, and bike runnels be eliminated. This is behind the building and wouldn't fall under your review. You did review it. It was approved with the CoA. There were several concerns about construction activity. Those issues are not under your purview. There were questions about affordable housing. How the space is used, and the rents are not under your purview. I am not aware of any rents, or anything being advertised or discussed.

Motion – Commissioner Stolzenberg – Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- **Glass will be clear, at the locations noted in the staff report.**
- **New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].**
- **All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]**
- **Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.**
- **If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.**
- **Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.**
- **Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.**
- **Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.**
- **Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.**
- **There will be no up-lighting of landscaping on the site.**
- **The number, size, type, and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]**
- **Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]**

Second by Commissioner Schwarz – Motion passes 5-0.

Chairman Solla-Yates gaveled the ERB out and gaveled in the Planning Commission.

Mayor Snook called Council to order for the Public Hearings.

II. 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. **ZM22-00003, SP22-00009– 1120 Avon Street** – Nicole Scro (Landowner), manager of Chicken Oriented Development, LLC (Applicant) has submitted applications seeking a Rezoning and Special Use Permit for approximately 0.148 acres of land, identified within the 2023 City real estate records by Real Estate Parcel Identification Number 590165000 (the “Subject Property”). The Subject Property has frontage on Avon Street and Altavista Avenue. The applications propose to change the zoning district classification of the Subject Property from R-1S (Residential Single-Family) to B-2 (Business) subject to certain proffered development conditions (“Proffers”) and development plan.

The Proffers include: (1) the general design, maximum height and density, minimum landscaping, and other substantive characteristics of the Project shall remain essentially the same, in all material aspects, as described within the application materials submitted to the City on August 23, 2022, including, but not limited to, the Conceptual Site Plan, dated August 1, 2022, prepared by Shimp Engineering, (2) any buildings and structures located on the Property shall not exceed forty (40) feet in height, (3) One unit shall be designated as a For-Rent Affordable Dwelling Unit, reserved for rent to low- and moderate-income households having income less than sixty percent of the area median income, derived from the “very low” income limit published annually by HUD for Households within the Charlottesville, Virginia metropolitan statistical area, reserved as such throughout a period of at least ninety-nine years from the date on which the unit receives a certificate of occupancy, and (4) land uses shall be limited to the following: single-family detached; single-family attached; townhouse; two-family dwelling; accessory buildings, structures and uses; multifamily dwellings; boarding; rooming house; 1-21 dwelling units per acre (DUA); amateur radio antennas, to a height of 75 feet; communications facilities: attached facilities utilizing utility poles as the attachment structure; communications facilities: attached facilities not visible from any adjacent street or property; access to adjacent multifamily, commercial, industrial, or mixed-use development or use; accessory buildings, structures and uses; daycare facility; hotel/motel: up to 4 guest rooms, where such guest rooms shall be restricted to the currently existing single family detached home fronting Avon Street; accessory surface parking lot (by-right), 22-43 DUA; 44-64 DUA; 65-87 DUA (with Special Use Permit), and home occupations; accessory apartment, internal; accessory apartment, external and mobile food units (with Provisional Use Permit).

The Special Use Permit application seeks to increase allowed density from 21 Dwelling Units per Acre (DUA), or 3 units within the Subject Property, up to 68 DUA, or 10 units, per, City Code Sec. 34-480 (Use Matrix, B-2 District), a reduction of the front yard setback from a required 20 feet to 0 feet, a reduction of the rear yard setback from a required 20 feet to 3 feet, a reduction of the side yard setback from a required 20 feet to 3 feet, and a reduction of the onsite parking by 55% from the requirements stated in Sec. 34-984. The proposed development consists of a two-unit duplex and one multifamily apartment building with (8) one-bedroom units. The total number of dwelling units would not exceed (10). The Comprehensive Land Use Map for this area calls for Medium Intensity Residential which

allows small “house-sized” multi-unit dwellings up to (12) units and (4) stories in height. Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Rezoning or Special Use Permit applications may contact NDS Planner Dannan O’Connell by e-mail (oconnell@charlottesville.gov) or by telephone (434-970-3991).

This application has been formally removed from the Planning Commission Agenda as of 1:51 PM on March 14, 2023.

2. **ZT23-01-01 - Planned Unit Development Size Change for URB** - A proposed amendment to the text of the City’s Zoning Ordinance, City Code Section 34-492 to allow property currently zoned Urban Corridor (URB) that is less than two acres in size to be considered for rezoning to the Planned Unit Development District.

- i. **Staff Report**

Dannan O’Connell, City Planner – At their January 3, 2023 regular session, City Council moved to initiate a Zoning Text Amendment to modify the required development size for Planned Unit Development Districts (PUDs) for properties currently zoned Urban Corridor Mixed Use District (URB). Sec. 34-492 currently requires PUD sites to contain two or more acres of land. The proposed amendment would remove this acreage requirement for parcels currently zoned Urban Corridor Mixed Use District, making lots or parcels less than two acres within that district eligible for rezoning to Planned Unit Developments. This amendment is in response to a request from Valerie Long of Williams Mullen, representing RMD Properties, LLC. RMD Properties is the current owner of 2117 Ivy Road (identified as City Tax Map-Parcel 070001200) and wishes to redevelop this property with a nine-story mixed-use apartment building. The property in question is slightly over one acre in size. The property owner and their representative are requesting this Zoning Text Amendment to enable 2117 Ivy Road to be developed as a Planned Unit Development.

Planned Unit Development districts were first implemented in the City’s 1976 Zoning Ordinance with a three-acre minimum size requirement. This minimum acreage requirement was removed from December 2001 to July 2006, allowing PUDs to be approved with no minimum parcel size. The current two-acre minimum for Planned Unit Developments was added to the Zoning Ordinance via a zoning text amendment in July of 2006. According to City GIS data, there are currently 83 parcels in the city zoned Urban Corridor (See Attachment A). Of these parcels, sixteen (16) are owned by the University of Virginia and are not subject to City zoning or development standards per Sec. 3 of the City Code. Excluding those properties, a total of 58 parcels currently zoned Urban Corridor are less than two (2) acres in size (See Attachment B). These properties, including 2117 Ivy Road, would become eligible for rezoning to Planned Unit Development with the passage of this zoning text amendment. Additional properties could become available for PUD rezoning should their boundaries change in the immediate future. This change to plan unit development districts may allow new developments within the urban corridor zoning district to better align with the vision contained within the Future Land Use Map and the Comprehensive Plan. Rezoning could allow for higher residential densities, higher building heights, and smaller setbacks than what is currently allowed by right in the urban corridor district. PUDs have been used numerous times in the past to allow infill development and permit a mix of housing options. The PUD process does involve community meetings and a public hearing process before the Planning Commission and City Council allowing for opportunities for public comment and discussion. However, the city of Charlottesville is currently undertaking a full rewrite of the zoning ordinance. Any changes made to the current zoning ordinance would be effectively overridden by the new ordinance when it is adopted. This zoning text amendment may be extremely limited and its usefulness to developers as it may only be in effect for several months. The proposed change to planned unit development districts could be used to meet some of the heightened intensity goals of the Comp Plan for parcels currently zoned urban corridor. However, in practice, staff feels the change is somewhat redundant given that the entire zoning ordinance is being rewritten to achieve these goals. Although

currently in a draft form, the proposed new zoning ordinance and map shows most properties currently zoned urban corridor will be upzoned to permit 5- to 8-story mixed-use development by right without the need for a PUD rezoning or other special permits. The zoning text amendment would likely only benefit one parcel, specifically 2117 Ivy Road, whose owners have stated their intention to submit a PUD rezoning application following the approval of this change.

Commissioner d’Oronzio – If it is likely to only benefit this one parcel, the applicant thinks this provides a benefit too.

Ms. Creasy – We do not have an applicant. We had a request from an individual. They presented that to Council. Council initiated that and it is coming forward. It is nuanced in the titling.

Commissioner d’Oronzio – With the interested parties who intend to apply for this PUD, what is the impact on the timeline?

Mr. O’Connell – I can’t speak to the timeline. The text of that request mentioned that the owner of this property would want to submit a PUD as soon as the change is made. There are around 50 other properties that this would conceivably benefit. Those owners could submit for PUDs after this change is made.

Commissioner d’Oronzio – There really isn’t much of a window for a bunch of people to apply for a PUD.

Mr. O’Connell – That would be correct. It depends on when the new zoning takes effect and how far along in that process the PUD would need to be grandfathered in.

Valerie Long, Requestor – We made the request on behalf of a client of ours, who is the developer working with the property owner. It is a matter of timing. This is not an effort to do an end run or beat the new ordinance. Our client is excited about the new ordinance. They are designing the project to comply with the new ordinance draft as much as we have now. Our hope is that we will be able to pivot. Due to contractual timing issues with the property owner, we had to get started. While we are cautiously optimistic that things are moving forward on schedule with the new ordinance. In the unlikely event that it is delayed, we would have lost that time. We needed to get started. We recognize it is an awkward request. We debated on whether to do it for this reason. It is a wonderful opportunity to get a project started. It is an opportunity for a real success story with the ordinance and new Comprehensive Plan. The idea would be to submit the application as soon as possible after this is adopted. If this is adopted and a month or two later the ordinance is adopted, hopefully it is a technicality. We could withdraw the rezoning application and it would be a site plan application under the new ordinance assuming all those regulations are in place.

Councilor Payne – In the letter, it says that it makes a broad commitment to meet affordability goals. My big concern would be if the affordability doesn’t match what will be in our draft inclusionary zoning program. Do you have any specifics about what that affordability commitment is in specifics?

Ms. Long – Not specifics. They are planning to comply with designing the project to the new ordinance. That includes the new affordable housing/inclusionary zoning requirements, recognizing those could potentially change. They are aware of what they are and are planning to comply with those. They are designing it that way. For some reason if there is a delay, they would comply with the ordinance requirements that are now in place. They recognize the importance of affordable housing.

Commissioner Stolzenberg – I would note for Commissioner d’Oronzio that this Commission rejected a zoning amendment that I proposed in April 2019 on the basis that we were about to have a new zoning ordinance.

Does it make sense to have this clause that PUD shall contain 2 or more acres of land, except for parcels zoned urban corridor? A PUD, by nature being its own zoning district would be zoned PUD and no longer urban corridor.

Mr. O'Connell – The parcels to be considered for PUD rezoning would have to be zoned something else. It would apply to only those parcels zoned urban corridor. That exception would be made. That would be understood since they would be zoned urban corridor until the point that the PUD is approved by City Council.

Commissioner Stolzenberg – What is the advantage of doing it that narrowly tailored? Is it that it would take more time for you guys to do the analysis of every parcel in the city? Did you want it narrowly tailored so it didn't become a big thing?

Mr. O'Connell – The issue of redundancy, as I put in my report, was the fact that we have this new process coming where things like this will be done by right and we are following a strict timetable, then this change may only be applicable for 6 months if that. The PUD process is a known entity. We know how it works. Conceivably, you could get the same results. You could fulfill the same objectives with a PUD or with the new zoning ordinance.

Commissioner Stolzenberg – Is it that we don't want a flood of PUDs? I am thinking that it makes sense to get rid of this 2-acre requirement blanket and go back to how it was in 2004. Is there any reason not to? Is it the request was narrower in scope, and we kept it narrow in scope?

Mr. O'Connell – If by some event, we don't get new zoning ordinances in the immediate future, I did some research on why this 3-acre minimum was removed. It apparently led to several PUDs that were small and did not meet the requirements of the ordinance, which is why the limit was put back. I don't think there will be more PUDs soon aside from the one on Ivy Road. It is a remote possibility that could happen. It is a remote possibility that it may be a problem.

Ms. Creasy – There would need to be extensive research done, which would probably be beyond what we could do in-house with all our other things. I was here for this back in the early 2000s when we didn't have a limit. It was very challenging. The infill SUP was a tool created to try and address that. That tool wasn't very effective either. The PUD and the code have a lot of different requirements. You must have some space for those requirements. Once you get under 2 acres, it is difficult to achieve what the PUD ordinance is noting.

Chairman Solla-Yates – I don't know if you have seen the draft application. Is it possible for this parcel to meet those requirements of the PUD?

Mr. O'Connell – I believe so. We had a pre-application meeting with the applicants and city staff a while ago. They showcased some conceptualls that were not submitted to us. They were shown. According to those materials, it looked like they would be able to meet the open space buffer, all those requirements in the current PUD ordinance.

Mayor Snook – Assuming that we pass it, what is reasonable to think in terms of when the PUD application would come back before this body or Council?

Mr. O'Connell – If a PUD was submitted, it could take 1 to 2 months for staff to review. If there are any comments that we would need to work out, there may be a back and forth between us and the applicant for them to change their proposal. After that, we would move it to the Planning Commission. It could take 2 or 3 months.

Mayor Snook – In all likelihood, we are not going to see anything for 6 months after it is adopted by Council. When this came before Council, I was interested in referring it to you. I wanted to see what you all would say, not because we have conceived in advance that we think this is something we want to have happen but rather having respect for the intellectual power of the people on this body to find out what you all have to say. I will be curious if you have any substantive concerns or thoughts. I am not a fan of unnecessarily getting bogged down in SUPs. It seems like that may be what is going on here. If Ms. Long says for various reasons, it need not be discussed in public. We all get that it must move forward. We would still have the ability, if we don't like the idea, to say that we are not going to give you this SUP. We have had the one bite of the only apple that we are likely to see under this proposed revision. It does a little 'violence' to my sense of how the ordinance ought to be administered, I don't think it is going to be substantively 'obnoxious.'

ii. Public Hearing

Valerie Long – We appreciate you all taking the time to consider this. We hope that it is something that will enable the project to move forward, give the developer some comfort, continue to invest money in the design, process, and the application engineering, surveying, architecture work all underway.

Peter Gray – I would like to ask all the decision makers in the room to please recognize that this proposed change for what it is. It is an end run on your legislative power to attempt to slip something through in before this new zoning is in place, despite the statements made earlier. There are many specific aspects to the new zoning that would apply to the development that are not contemplated in the current zoning. Please do not permit RMD Properties to sneak something by you to give these developers a special and unusual benefit that is inappropriate for the property in question. Please make them conform fully with the new ordinance, not nearly assert that they are trying to comply with what they think it might be. We know these claims made on behalf of the developer are in no way binding and are entirely worthless.

iii. Commission Discussion and Motion

Commissioner d'Oronzio – I am viewing this as a procedural matter to keep the process going forward. I don't see the harm elsewhere in approving this amendment, in the sense of using harm is getting a flood of applications that are going to bog us down despite the cautionary tale of the 2019 meeting. My thinking is that this does no harm elsewhere. We would still be 'riding hard' on the PUD anyway. I am inclined to support the change.

Commissioner Habbab – If we approve it, it is low risk because we end up reviewing the PUD anyways. We can then make our comment on what we see for the design in the program. It is setting up a confusing process that seemingly dis-privileges one party that is ready to pounce on this. That is my concern.

Commissioner d'Oronzio – It might privilege the party. We, the city, have also put them in a box in sense that their view of the highest and best use of developing this one way or the other is hostage to our timetable. They have declared in public that they are trying to conform as they understand the new zoning ordinance too. Does it privilege them? Sure. Does it penalize them by saying 'no/maybe?' That is why hearings and nuances are here. If we were 3 years out, my decision would probably be different.

Commissioner Schwarz – I can't see the harm in approving this. We will get to see the PUD application. Just because we are approving the text amendment doesn't mean we are approving a project. Who knows what the future could hold. Lawsuits happen. Who knows when we are going to get our zoning code rewritten. If somebody thinks that they can do a better job than our zoning code and is making a project that fits our Comprehensive Plan, we should see what they have to offer.

Commissioner Stolzenberg – I agree with Commissioner Habbab that it would be better to have a rule that was broader and applied to more of the city. I don't love the 2-acre requirement. I don't want to relitigate a PUD request. When I look at what we got on Franklin Street, on 0.9-acre PUD, and look at what was proposed in that PUD, it seems what we got was substantively worse for the city and affordability. It seems to me that smaller PUDs can be viable and beneficial. I don't want to increase the scope for this so much that it drags out and puts extra work on staff. I am reluctantly willing to not to try to make this broader than the urban corridor. I would note that this urban corridor is a special case. This is the last parcel on Ivy Road that is not owned by UVA and therefore not subject to our zoning. Among the urban parcels, all the ones on Ivy and many of the others are owned by the UVA Foundation and are likely to be transferred to UVA for development in the future. We might end up getting a building that is as large as contemplated here or under the new zoning without getting a dime of tax revenue for it that we could be using to fund our schools and other services. That is a worthy goal. There is a benefit to having privately owned student housing that pays taxes. It makes sense to move this forward.

Commissioner Palmer – UVA does not have an official stance on this project. You guys are thinking about this in the right way. I have not heard anything or have thoughts that are different than what I have heard. I trust that you will do the right thing.

Chairman Solla-Yates – I hate PUDs. It breaks my heart to consider another one. I see some merit in this one. It makes some sense to me.

Councilor Payne – I am uncomfortable with the process. I understand where we are at. I am given some comfort that because both bodies will need to approve the PUD, we will have 2 points to say, 'you are not matching the requirements of the draft or possibly finished zoning rewrite, particularly the affordable housing requirements.' I agree with Commissioner Stolzenberg in terms of UVA buying up this whole corridor and that potentially being lost revenue.

Councilor Pinkston – The process is that the PUD would come back before you all and us.

Ms. Creasy – From a process standpoint, the Planning Commission will provide a recommendation on the code change. That code change recommendation will come forward to Council for 2 readings. If Council decides to approve that code change, the applicant would have the opportunity to submit a PUD because they would be allowed under the code. It would be reviewed. It would come to the Planning Commission for a joint hearing, return with a recommendation that comes from the Commission, and it would go to Council for those 2 readings.

Motion – Commissioner d'Oronzio – I move to recommend approval of a zoning text amendment as proposed to Section 34-492 (Planned Unit Development Districts - Configuration) of the Zoning Ordinance, based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. Second by Commissioner Schwarz. Motion passed 5-0.

Meeting was recessed for five minutes.

III. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded

1. Preliminary Discussion – 501 Cherry Avenue

Staff Presentation

Matt Alfele, City Planner – You are having a preliminary discussion about a proposed rezoning and SUP at 501 Cherry Avenue, the old location for the IGA and the surrounding 4 properties, which includes gravel parking in the back. The rezoning is being proposed from Cherry Avenue (R-1s) to B-3 with an SUP. This proposal would be to reuse the existing building to allow residential developments, adjust the parking standards, adjust the setbacks. The applicant is going to give a brief presentation. This is an opportunity to provide some feedback. They have yet to have their community meeting. This is not going to move forward to a public hearing until they have the community meeting. You probably won't see this again for several months. It gives you a chance to provide feedback to the applicant as they are preparing their application, they want to make any modifications or changes. That will be the same thing when they do their community meeting.

Applicant Presentation

Chris Virgilio – I want to give a brief background about the project. Before closing on the project property, we did contemplate a by right development using the 4 Cherry Avenue zone parcels. That by right development would have been 47 market rate apartments and market rate commercial. Even though that worked financially, we wanted the project to be something that was more community focused and more aligned with the community and neighborhood goals. We started thinking about how to add economically priced apartments to the site. At the same time, we started talking with local non-profits. One non-profit benefits underserved youth. The other non-profit benefits underserved seniors. What came out of that was us reserving or committing a large portion of the commercial square footage on the property to condo space for these non-profits that they could purchase for sell at below market rates. We reserved the remaining commercial space for a grocery store use or neighborhood market. The top priority of the Cherry Avenue Small Area Plan is bringing affordable, healthy food to Fifeville. In addition to reserving that space, we have spent the last 8 months having discussions, meeting with local organizations, companies, and the city about how we could make this project a part of the solution to the food access solution of Fifeville. We don't know if anybody has signed up for the grocery store/neighborhood market. We are hopeful, as the project progresses, and with a successful SUP and rezoning, that it will become a reality. On the affordable housing front, we have proffered more than what the current ordinance requires. Affordable housing is a key issue, especially in Fifeville. We are working with non-profit housing to try and increase the amount of affordable housing in the project. I did want to let everyone know that we have been in discussions and in communication with the leadership of the Fifeville Neighborhood Association about the affordable housing efforts and collaborating with them on the grocery use and keeping in the loop with our progress on the nonprofits. In summary, there are 3 main reasons why we are here.

1. Increase the residential density on the site.
2. Increase the minimum square footage of retail space, which would be for one of the non-profits.
3. Allow a grocery store use, which is not currently allowed in Cherry Avenue zoning.

A lot of people have asked why we are pushing ahead with this rezoning and SUP ahead of the zoning rewrite that is currently underway. One of the main reasons is that one of the non-profits is under a lease renewal deadline. Their lease isn't going to renew at the property they are at. They need to find a new home. It is expensive to hold undeveloped land in Charlottesville. We would like to get this going. We think this is a great project that is bringing together local companies for community benefit and to solve issues in the community.

Kelsey Schlein –

Next Slide

You can see the 2 white buildings. It is the massing diagram of the proposed buildings in the center bottom right of your screen. It is across from Tonsler Park and framed by 5th Street, 6th Street, and Cherry Avenue.

Next Slide

This is the site context.

Next Slide

This is the existing condition. The front 4 parcels are currently zoned Cherry Avenue. There is one parcel in the rear that is zoned R-1s. It has historically operated as a single unit with the rest of these parcels. If you look at the historic aerial imagery dating back to the 1950s, you can see items stored there over a period of time. Although it is zoned R-1s, it has always functioned as accessory to this commercial use that is on the property.

Next Slide

You can see our design proposal. The proposal is to maintain the former IGA Building and add a second story to that and add an additional building footprint that is a maximum of 5 stories with limitations and strict limitations to the setback of that 5th story; 80 feet from the rear to provide some relief going towards the lower density residential properties further up 6th Street and a front step back on that 5th story. There is structured parking with a maximum of 2 levels proposed with this. On the proposed new building, it is 2 stories of structured parking. There will be 2 to 3 stories of building above that. A big driver for pursuing this rezoning to B-3 with a special use permit for increased density is that with Cherry Avenue zoning, a grocery store is desired. It is not permitted by right. We have some limitations on retail uses and medical clinics. Those are all limited to 4000 square feet. That also creates a severe limitation to this proposal that we are bringing before you. B-3 offers a greater flexibility. With the proffer statement that we have presented, limiting height, requiring certain step backs of the building, and limiting particular uses in B-3, we have proposed an urban form that meets the intent of that Cherry Avenue District, but allows us to build some uses that we think the neighborhood really wants to see in this area. Some specific items that we would like your feedback on is parking. In conjunction with the special use permit, we have requested some modifications to the parking standards and the zoning ordinance, specifically the parking requirements for multi-family dwellings. We have requested to be able to provide residential parking consistent with the Cherry Avenue parking requirements, which is a half space per unit. For General Retail & Sales, which requires 3.5 spaces per 1000 square feet of gross floor area, we have requested to reduce that to 2.5 spaces per 1000 square feet of gross floor area. We have requested those reductions because we think that can work for this site especially with the complimentary nature of the users. Woodard Properties has been in conversation with the Music Resource Center and Twice As Nice. Those hours of operation are often complimentary with where residents might be away with work. We are hoping that this can work out with the shared parking agreement and that we can more effectively utilize the impervious surface on this site.

Next Slides

This is showing the existing pedestrian connectivity network and how we are proposing to expand upon that by adding sidewalks in the area, increasing connections.

Mr. Virgilio – On that slide, the 5th Street sidewalk is continuous all the way down.

Ms. Schlein – This is the massing diagram of the proposed buildings in the context of the neighborhood.

There were some additional massing angles.

Commission Feedback

Is B-3 zoning appropriate for this location?

Commissioner d’Oronzio – I don’t know. I will point out that it seems that we have been trying to move forward with something on this parcel for a long time. If we need to stretch the usability there, I have been dragged into at least 2 prior attempts to make something happen on this property, with the most robust one back in 2018. It is an odd property from its elevations to its locations to its setback on 5th Street with the 2 houses that are on the property line. If we need to move zoning around to make this work, I don’t see why not.

Commissioner Habbab – With the B-3 zoning, yes it could be appropriate, especially when it allows us to do what we want to do.

Commissioner Schwarz – I agree. We need to be able to get a grocery store on Cherry Avenue if this is a way to do that. We can continue to restrict it through the proffers. It is a good idea to consider.

Commissioner Stolzenberg – If there is a theme of tonight’s agenda, it is that to get anything decent done in the city under the current zoning ordinance, you must ‘torture it to death.’ This project couldn’t happen on Cherry Avenue. It has some weird constraints and does not even allow SUPs to get around it. There are uses in B-3 that would not be appropriate. They have proffered out in their draft a lot of those uses. I have not done a full check of the use matrix. We can probably make it work.

Commissioner Palmer – With proffers, it can be appropriate.

Chairman Solla-Yates – There were many useful and important points in the Cherry Avenue Small Area Plan. We need a grocery store. I am interested in whatever method gets us there. I see public benefit in that.

Councilor Payne – It is potentially.

Councilor Pinkston – Yes, given the proffers that have been mentioned. In general, this is a creative project that could meet the needs. It could be a good fit with that community and a support for the nonprofits that are being mentioned and would take a space that is quite blighted right now and not being used and do something remarkable and creative.

Mayor Snook – What is the current expectation if we go with what we are now talking about for the zoning ordinance for this property?

Commissioner Stolzenberg – It is CX-3.

Mayor Snook – Would that permit essentially what is being discussed here?

Commissioner Stolzenberg – It would be 3 by right, 5 with the bonus, which is not specified. It would probably mean more affordability.

Councilor Payne – What they are proffering is 5 units at 60 percent AMI or below for 6 years. I believe under the new zoning ordinance that would be 18 units at 60 percent AMI or below for 99 years.

Mayor Snook – With interest rates rising, if you do the present value calculation, once you start into affordability, getting out the 99 years doesn’t cost you anywhere near as much as it sounds like it ought to. There has been at least 1 time recently where Council insisted on 99-year affordability. The developers figured out that they could do that. I don’t want to prejudge all that. I would say whether it is as B-3 subject to all these proffers or whether there is some other way to characterize things under what will be the new zoning ordinance. I agree about getting to the point where this grocery store is an important public benefit. We are going to try to figure out a way to make it happen.

Is a density of 87 dwelling units per acre appropriate at this location?

Commissioner d’Oronzio – Yes.

Commissioner Habbab – Yes. The way we achieve it is something that I am interested in massing wise.

Commissioner Schwarz – Considering we are getting rid of DUA in the new zoning code, I don't want to talk about it again. The answer is yes.

Commissioner Stolzenberg – I agree. Massing, not DUA.

Commissioner Palmer – I am fine with that aspect. It comes down to how you mitigate some of the traffic and provide good pedestrian amenities, so you don't need to have a car there.

Chairman Solla-Yates – Massing, not DUA.

Councilor Payne – If it had a minimum match, the draft inclusionary zoning ordinance requirements, then yes.

Councilor Pinkston – I don't have any further feedback. What you have said about massing versus DUA sounds like we are heading in the right direction.

Mayor Snook – Same here.

Are there any comments or suggestions the applicant should consider as they move forward with the SUP and rezoning application?

Commissioner d'Oronzio – Only in the context that Councilor Payne raised in the affordable housing unit count and how we arrange it there to be comparable to what we are contemplating going forward, to carefully consider that. The limited 6 years seems to be way over on the 'skim milk' side. I do not know enough to make other suggestions.

Commissioner Habbab – I am excited about seeing this. The program is fantastic. The affordable housing component could be better. A grocery store and non-profits space are needed. All this is happening across from a public amenity. More density next to the park is a good thing. My concerns are about boxing out the neighborhood that is there with the massing and finding a way to 'massage' the mass down to the neighborhood. I have not thought about it a lot. That would be something I would be looking at, especially towards the rear shadows. With the tightness of 6th Street, it is a narrow one-way road.

Commissioner Schwarz – The applicant had asked about parking. I am still of the opinion to let the developer figure out how much parking is required. This would be a good example of, if they could pull it off, they could promote walkability in the Cherry Avenue corridor. What we are talking about with this application is that they are obviously not providing the affordable housing that we want. What they are offering is a trade. Do we get valuable non-profit space in exchange for that? When they come back to us, it would be great if they brought Twice As Nice and the Music Resource Center with them. They can try and sell why they are valuable enough to replace affordable housing. When you have a tradeoff in here, if one of those non-profit spaces isn't provided, you will end up providing 2 units for 6 years at whatever the affordability rate is. You need to step that up. The tradeoff should be much greater to get us closer. If we don't get these non-profits in here, you need to provide the minimum. Whatever that number is, you should provide that for 99 years to meet our future zoning code. It would be fantastic if there was some further reassurance on the grocery store. That is what sells this project. I don't know how you can achieve that. That would go a long way in making it much more palatable. This is a trade that we are discussing. I know we don't want to have PUDs or any discretionary processes in our future zoning code. This might be an interesting discussion to have in the future. If an applicant has a way to meet the Comprehensive Plan, doing a trade like this, is that something we want to consider in the future?

Commissioner Stolzenberg – My thoughts were along the lines of Commissioner Schwarz. It is 118 units max. Ten percent would be 12 affordable units. We are 5 units for 6 years, potentially up to 9 without the non-profit space. The non-profit thing is an interesting and unique case that raises some weird questions. It is effectively affordable floor area but for non-profits, which is something important and makes the economics of the rest of the project work less well. How do you accommodate that in a rule-based way in the new zoning ordinance? I don't know. Maybe the answer is to have a discretionary opt-out mechanism for something like that. The non-profit stuff is nice. I am interested in the grocery use. I would like to see some teeth behind the grocery use in the proffer rather than leaving it available for groceries until we get a CO. Have some consequences if you don't get a grocer in there so I know you are motivated to get a grocer in there. It is good to have assurances. Massing wise, it is pretty good with the 3 stories in the back by the existing homes. I would be worried about how you make that parking garage look good.

Commissioner Palmer – The massing is going to be important on this one. You can make it look good from Cherry. As you are going up 6th Street, that was that long bar of a building. Breaking that up is going to be important. In thinking about Cherry Avenue and its importance as a corridor of moving people in and out of Charlottesville, the traffic aspect of this is going to be key. It ties in with the work that is being done on the 5th Street corridor, especially at that intersection at Cherry and Ridge ensuring that traffic can flow smoothly through there. The reason I am focusing on traffic is because pedestrian stuff is important too. There are a lot of emergency vehicles that travel through that corridor because they can't travel as well down Main Street.

Chairman Solla-Yates – This is a difficult one. It is a complicated site. I don't think that we are getting to perfect on this site, which is disappointing but understandable. I would be receptive to more height if it meant more affordability. That is a reasonable tradeoff. That is a tradeoff I believe that I understood in the Cherry Avenue Plan. The grocery store is very important. I was excited to see it in the proffer. It is not the strongest language on that.

Councilor Payne – We should keep in mind that there are no guarantees of a grocery store there. The economics of making a grocery store work are very difficult. It is probably likely that to make the economics work, you are going to get a boutique, smaller grocery that is at a higher price point. The affordability requirements are critical. If there is an opportunity to partner with a non-profit, to build deeply affordable housing, it would be great to pursue that. That is going to benefit people who aren't going to show up at these meetings, who are often ignored in our conversations. From my memory of attending the Cherry Avenue Small Area Plan events with the neighborhood, it was crying out for more than a secondhand clothing store. It was crying out for affordable housing. Many people's reaction would be 'we love that you are doing something creative, we know your intentions are good, and we are going to get these great amenities in time to be priced out and displaced from the neighborhood.'

Councilor Pinkston – Everything that has been mentioned are reasonable points. I would be interested in more discussion about the possibility in the future of these having a rules-based way of the trade-offs between affordable housing and two noble and good non-profits. It is my understanding that you are working with a local non-profit to try to figure out the affordable housing component. I understand the stack they use to put the different types of financing together. I would like to see as much housing as we can get in there at a lower AMI. With the people that are working on this, there is a lot of creative thoughtful minds. I think that you will be able to figure out something that 'squares the circles that we are talking about.' You (Councilor Payne) are right about a grocery store. Everyone wants a grocery store. There are economics of making that work. We are not going to ask the developer to subsidize a grocery store into perpetuity. There is maybe a place for a non-profit there like Cultivate or some group like that that could take a space like that. I don't know if it is appropriate for a member of the Fifeville Neighborhood Association would be willing to speak to the project. My sense is that

the neighborhood is supportive of doing something creative at the site. With the people that are involved, they will be able to come up with a proposal that will meet most of the things that we are asking for.

Sarah Malpass, Vice-President of Fifeville Neighborhood – I will echo a lot of what has been said by the developer. We have been in conversation with them. We are looking forward to seeing what comes out of the conversations moving forward on the affordable housing piece. We are excited about the pieces of the plan that do match well with the small area plan.

Mayor Snook – It seems that there must be a way to put a lot more trees on this parking lot. We talk about wanting to have at least 10 percent under tree cover. What they are talking about here is maybe 3 or 4 percent. It is very few trees being shown. I hope that would be something that could be improved upon. One of the things about grocery stores is that if there is a way for it to make money, it is going to happen. If it hasn't happened, maybe that is an indication that it is not a way for it to make money. That situation may change. It might change if you have 100 units of people living right above it who would need to patronize it. We must be conscious of the fact that there might be some strong headwinds against having a working grocery store there. One of the ways to make it possible for a grocery store to work there is to give the landlord some incentive to keep the rent on that grocery store low. One of the ways to do that may be to build in an affordability component like a commitment for an X number of years like what we are talking about for housing. I wouldn't necessarily suggest 99 years for a commercial type of application, but certainly 10 or 15 or 20-year guarantee may be appropriate. I have a similar thought on the non-profit space if we are giving them various things in return for the fact that they are going to be giving some non-profits a favorable break on the market. Maybe that ought to carry with it a guarantee of certain number of years as well.

Commissioner Stolzenberg – It raises an interesting question of whether there is an Economic Development Department component of this. I know you had mentioned trying to get designated for various grants. Conceivably, you can imagine that we have all that money sitting in that Economic Development strategic initiatives pot, we could condolize the grocery store. The city could own it and rent it to a grocery store below market if it is able to find one because it might not be economically viable at market rents. It might be economically viable at low or no rents.

All these things we are talking about have trade-offs. They all have costs. You can have win-wins. You get extra height. Height is scary. That makes the economics work better. That is why this 5th floor makes sense. I don't think the front setback is necessary. You could maybe add a third floor to the IGA. I don't know if that is structurally feasible. If there is room for more trade-off by doing things like that to make the economics better, that would be great. If we are asking for too much and you can't make the numbers work, it might make sense to show us the numbers. Convince us that is the case. We will have to reassess how much we are asking for.

Mayor Snook – Why is it interesting to you to keep the IGA building? It has never struck me as being a building that is valuable.

Mr. Virgilio – It is not. There is an element of sustainability. We are using existing structures. It is less expensive. Overall, developable square footage on the project is limited by parking and by utilities.

2. Presentation – Tree Commission

- Peggy Van Yahres and Jeff Aten made their introductions to the members of the Planning Commission.
- The first part of the presentation was the state of the forest.
- There are some goals in the Comprehensive Plan that the Tree Commission would like to live up to.

- The city does not have a preserved urban forest and there has not been enhancement that the Tree Commission would like.
- In 2004, the city was at 50 percent and today the city is at 40 percent.
- It took 10 years from 2004 to 2014 to lose 5 percent of the canopy. It took from 2014 to 2018 to lose another 5 percent of canopy.
- Ten percent less is equivalent to a loss of 660 acres. We can possibly project another 5 percent loss since 2018, which would be 35 percent (990 acres).
- There was a deeper dive into all the neighborhoods.
- There are worsening heat islands within the neighborhoods. 10th & Page currently is the hottest neighborhood in Charlottesville.
- There were experiments done with 2 playgrounds at Venable Elementary School, which serves children within the 10th & Page neighborhood.
- Most of the trees planted were shade trees within the right-of-way the past couple of years.
- More money has been given to the Tree Commission for tree planting.
- There have been multiple tree plantings at Clark Elementary School, 10th & Page.
- There has been funding from the Nature Conservancy that was used in tree planting and education on the importance of trees.
- Teenagers, many from the 10th & Page neighborhood, helped with the planting of 39 trees by knocking on the doors.
- The Tree Commission has pushed for increased requirements with tree planting and preserving existing tree canopy.
- There is an added emphasis with new developments to protect critical slopes and the forests that are intact within the community. One way is to not approve critical slope waivers and those waiver requests are thoroughly reviewed and questioned.
- There needs to be integration between Public Works, Neighborhood Development Services, and Parks & Recreation.
- There was discussion regarding the possibility of the creation of a new environmental commission and a new staff position, Environmental Protection Manager. A new staff position would have to start with the budget.
- Commissioner Stolzenberg asked the Tree Commission where the tree canopy loss was occurring.

3. Discussion – Zoning Ordinance Update

- Commissioner Habbab brought up the idea of something that is different from a PUD, such as a special exception process not in the zoning code.
- Commissioner Stolzenberg brought up what is in the county zoning code.
- Mr. Freas did comment that it was either a special exception process or a menu of by right options. There needs to be further study to understand how they weigh against each other.
- If the Commission and Council are interested in pursuing, staff would look at a special exemption option.
- Commissioner Schwarz asked if some of the form-based regulations would have to go to the BZA (Board of Zoning Appeals).
- Mr. Freas stated that it would be a limited leeway that would be approvable under the zoning administrator. It is currently in Module 3.
- Commissioner Schwarz would like to go back and discuss Module 1. Staff did say that they could discuss Module 1 again.
- Commissioner Mitchell did bring up the importance of setbacks and the reduction of setbacks on the impact of the tree canopy.

- According to staff, the consultants are gathering and putting in the information in all 3 Modules. There are going to be workshops with all 3 Modules for the public. All 3 Modules are at different places.
- Mayor Snook expressed concern about the process. There will be a lot of compromises and discussions before the zoning rewrite gets to Council.
- Mayor Snook did have more questions about the different modules and that there needs to be more public discussion. Mayor Snook spoke to reviewing Module 1 at the next joint work session. A lot of Mayor Snook's questions surround the rate of change analysis.
- Councilor Payne for the sensitive areas overlay methodology and whether there are sensitive area parcels that might have been missed.

The meeting was adjourned at 8:32 PM.