

Minutes

**PLANNING COMMISSION REGULAR MEETING**  
**June 13, 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 Mitchell, Commissioner D’Oronzio, Commissioner Russell, Commissioner Schwarz, Commissioner Stolzenberg

**Members Absent:** Commissioner Habbab

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

Chair Solla-Yates called the meeting to order at 5:00pm. He asked if there were any questions regarding items on the consent agenda. Commissioner Stolzenberg asked for background information on the Lochlyn application and that was provided. Commissioner Mitchell asked for an explanation on the Individually Protected Property (IPP) zoning text item. Mr. Alfele provided that background. A brief overview of the 218 W Market SUP item was provided, and Commissioners did not have questions at that time. It was noted that the Zoning Ordinance item would contain a report on current process and timeline as part of the staff report early in the meeting. It was noted that the remaining items would be preliminary discussions on upcoming projects.

Additional questions were noted on the IPP. Acting City Attorney Andrew McRoberts provided an overview of what the commission was being asked to address with this item. There was a brief discussion of potential next steps in this potential project.

Commissioners discussed scheduling for upcoming July work sessions on the Zoning Ordinance and tentative dates and times were confirmed.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:32 PM.**

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

***Location:*** City Space

**A. COMMISSIONER’S REPORT**

**Commissioner Stolzenberg** – I had one meeting with MPO Tech. We discussed moving towards the 2050 plan. It does look like that survey is online right now. There is a webinar next Tuesday evening and an open house at the TJPDC on Wednesday about moving towards 2050. We discussed preliminary planning for the next round of smart-scale and trying to get some project ideas that we might submit for. Some possible options closer to the city ones are District Avenue and Hydraulic: the roundabout by the movie theater. The latest is that it might be moved into funded for this smart scale round because it was narrowly missed and the whole thing might be switched. With the Fifth Street Extended improvements by

Food Lion, rescoping that project to make that area safer, with the 250 and Ivy Road interchange and area, and the Barracks Road from Emmet to Georgetown area. VDOT is doing a pipeline study on that. It should help inform potential projects to submit to make that street safer.

**Commissioner Mitchell** – The Parks and Recreation Board met. There were two discussions. One discussion was led by Peggy Van Yahres. That was about The Grove. That is a place of reflection to honor local community leaders. There was also a presentation from the executive director of The Botanical Gardens of the Piedmont. That is a 15-acre project that is in McIntire East. LUPEC met. There were two major discussions. The discussions were regarding the water supply plan and what is happening with UVA Grounds and the framework plan and progress being made. The BZA met. There was one applicant that lived on Rialto. They wanted to get a variance to reduce the setback from 5 feet to 0 feet. The objective is to replace an awning that is breaking down into disrepair. The awning has been there for a long time, prior to the setback being there. They want to take it down and put a new awning. The BZA unanimously approved that.

**Commissioner Schwarz** – At last month's BAR meeting, there wasn't too much of interest. One interesting topic was a discussion on repainting or refreshing some of the painted signs downtown. The Downtown Business Association is looking into that. The preservation community is torn on how to do this. It was an interesting conversation. We will see what comes of it. At this month's BPAC meeting, an issue that came up was Module Three of the zoning rewrite, the issue of streetscapes. It looks like there is an option for, if a parcel does not have sidewalks on either side of it, they can pay into a fund rather than being forced to put in a streetscape. I can't officially speak for BPAC. There seemed to be general agreement that it would be better instead of that being at the developer's discretion if they had to get permission from the director of NDS or zoning administrator. There was some concern about, if they pay into the fund right away, the city should take into consideration how much it would cost to buy an easement later. It might be good to do the easement portion immediately and not the sidewalk.

**Commissioner D'Oronzio** – The HAC (Housing Advisory Committee) met on 5/17/2023. It was primarily a process-type discussion of how to organize the HAC going forward. It was one of the first public appearances of the new housing program manager, Antoine Williams, who ran that meeting. I was ordered by the chair to once again to bring to the attention of the Planning Commission and Mayor the HAC's interest and need to be involved in the sensitive communities discussion. There was a discussion of the status of and perhaps reviving the land bank. There is going to be some interest in looking at the existing draft ordinance. There was a brief conversation about the mayor's discussion with the Planning Commission back in March at the work session and my comments regarding financing in R-A and subsequent conversation where I promised to produce a memo. HAC wants to look at that. The next meeting is the 21<sup>st</sup>. We're going to try to figure out what the bylaws look like. Cville Plans Together met on 05/24/2023. Somebody raised a question about producing affordable housing in R-A. CDBG Home has some things on the horizon for an additional \$340,000 coming in HOME/ARP funds that is pointed to 60 percent AMI affordable housing that be shovel ready and dealt within 24 months or the program fully deployed in 24 months. Next week, the Office of Community Solutions is holding a seminar/invitational meeting on the process for applying for these funds.

**Commissioner Habbab** – There were two meetings. I missed the first one. It was the Citizen Transportation Advisory Committee. I was out of the country. It was May 17<sup>th</sup>. I do have an announcement from CTAC. The 2050 long range transportation plan is launching a public survey today to get public feedback on that. The link will be posted on social media and the website for the Thomas

Jefferson Planning District Commission. The Tree Commission meeting was last Tuesday. There were a few things to note from that meeting. There was an update on the RFP for the down tree replacement plan. It has been received and is being evaluated. The work is going to get started on invasive plant control in July. It is going to target the John Warner Parkway, Fry Springs, and other areas around town. Another piece of news from the Tree Commission is that a grant was submitted to the Inflation Reduction Act for \$300,000 that will help, if we receive it, fund the urban forest management plan and reassessment of our urban forest. Our last study was from 2018. It is outdated at this point. In anticipation of receiving those funds, the education and advocacy subcommittee of the Tree Commission is analyzing 7 other Virginia cities and how they manage their urban forest to see what lessons we can learn. We looked at the comprehensive tree list that is being put together. It is hopefully going to tie into Module Two and the coverage requirements. It will be an easy access resource for people to look at and see what trees can meet different criteria that we are requiring. There was discussion on how we measure, when it comes to the permitting, the requirement for the 15-inch caliber that we had on the trees. There was discussion on what that measure should be and if we should change that. That is an ongoing discussion. The best practice that was suggested was it was an 8-inch diameter at breast height. I will pass those notes along to staff.

**Commissioner Russell** – This will be my last Planning Commission meeting. I am going to be moving and leaving Charlottesville, exploring different parts of the country. It has been an honor to serve with all of you, with staff, and Council. I wish you all the best moving forward.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – There was a Board of Visitors Meeting at the beginning of the month. The Karsh Institute of Democracy Building design was approved. You can go on the website to see what that looks like. That is in the Emmet/Ivy corridor. Our long-time Director of Parking and Transportation, Rebecca White, is moving onto retirement. We're very happy that she's doing that. She leaves behind quite a legacy for our system of parking, transportation, and transportation demand management and regional transportation collaboration. A replacement has been found. That gentleman is Scott Silsdorf. He comes to us from Old Dominion University, where he has been managing their parking and transportation program for the past 20 years. Electric buses are on the way.

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

**Chairman Solla-Yates – Motion for Consideration for Commissioner Russell's time on the Planning Commission.**

**Commissioner D'Oronzio. Second by Commissioner Habbab. Motion passes 7-0.**

In the most recent Cville Plans Together meeting, there was a discussion about the lighting ordinance. The team confirmed that they are working on updated language. "Currently editing, going to make revisions, and make sure that there is light pollution controlled properly and adhering to best practice on Dark Skies."

## **D. DEPARTMENT OF NDS**

**Ms. Creasy** – We don't have a June work session on June 27<sup>th</sup>. We are working towards work sessions for the first and second week of July. We have those work sessions as tentative. I will be getting the logistics together for those. Module Three comments are due over the weekend.

**James Freas, NDS Director** – Today, we kicked off our visit Affordable Housing market feasibility analysis and the rate of change analysis. Both of those were issued in reports last August. We are again looking at those analyses to make sure they still bear out, given a lot of changes in the marketplace since that time. Tomorrow, we have the Module Three open house here in this room in the late afternoon. We will be working with the consultant team and staff across a range of departments and city agencies to dig into our review of the draft document as it stands today. All of this is in preparation for us to begin working on producing that consolidated draft that we will be releasing at the end of July. At the end of July, you can anticipate a consolidated draft document, the complete set of comments that we have received on everything to date. The two meetings that we're working on scheduling topic-wise are to complete the conversation that we began on maps, map-related issues. We're going to talk about Module Three. We want to 'land the plane' on Residential A, B, and C.

**Chairman Solla-Yates** – Do you have a sense of when the updated rate of change analysis and market feasibility information will be released?

**Mr. Freas** – It will likely come out at the same time as the consolidated draft document at the end of July. We must have that ready to go in advance of that date so we can do final reviews. It is a lot of work in a very short, compressed period.

Our new Bike-Ped Coordinator, Tommy Saffroni, started yesterday. We have fully staffed up our transportation planning team. If you think back to that presentation that Ben Chambers did on the work of that team, we are now fully staffed and moving forward.

**Commissioner Stolzenberg** – Do you have big things planned for this summer in terms of Safe Routes to School?

**Mr. Freas** – We are putting that schedule together as we speak for quick build and identifying harder infrastructure changes that we couldn't do last year but we hope to do this year. We're also expanding the range of projects. The previous range was focused on schools. We're also looking at opportunities around major school bus stops. We're thinking of the safety of the kids that are congregating at bus stops.

**Commissioner Stolzenberg** – Do you have the funds that you need for that?

**Mr. Freas** – I understand that there are funds. I don't know the status of that. There are funds that we are working from.

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

**Ellen Cantini Morava (Speaking on behalf of Lorna Martin)** – With regards to the 2005 JPA project, when Mr. Werner re-presented the 2005 JPA project to the Planning Commission (ERB) and Council, he stated that all the appellants requests for changes are not the purview of the ERB. On May 10<sup>th</sup>, 2022, when 2005 JPA first came to the Planning Commission (ERB) for a vote, Mr. Werner said something

quite different. He said that in design review, the Planning Commission had a lot of power to redesign the project. I quote Mr. Werner on May 10<sup>th</sup>. “Speaking hypothetically, you could in the design review process, say that you want this to be separated into two buildings. We want you to have that ability to push and pull design.” The design guidelines allow a tremendous amount of flexibility. You can change this design. You can do that. All but 2 of you were there and heard him say that. If planning commissioners in their capacity as the ERB have the power to separate the project into two buildings, surely you have the power to grant some of the minor design changes that the neighbors have asked for, such as getting rid of the side porches and entrances that will bring more traffic to the dead end of Observatory Avenue, conditioning the multipurpose path to be ADA compliant. Don’t revote in what you have voted twice before. Please look at the neighbors’ appeals. Give this some thought. The massing and scale of 2005 JPA are a severe adverse impact on people living on Washington and Observatory Avenues. City Council approved them on the assurance that design review would mitigate the adverse impact. Matt Alfele stated in the Council meeting “it was determined that most of the massing and scale issues could be addressed and mitigated when the project comes back to the ERB for design review.” City councilors trusted that statement. One of them said “I do have confidence the ERB will be able to address the mass and scale.” The mass and scale have not changed. The ERB needs to address the issue.

**Tyler Miller** – I am a member of the Tree Commission. I wanted to voice my concern about the draft zoning Module Three, Section 6.4.4.d.8.a, the designation of a particular violation in the schedule of civil penalties cannot be construed to allow the imposition civil penalties for activities related to land development. That should be removed.

**Ken Hill** – This is regarding 2005 JPA. This appeal pertains to the ERB CoA that was granted at the public meeting held on March 14, 2023. This follows up on the ERB meeting on February 14, 2023, regarding the same project. The 2005 JPA project will not be affordable. It does not fit within the existing zoning and exceeds what would be allowed by right in the rezoning proposed by the future land use map. There is strong opposition to this project for a variety of reasons. It is a seven-story building towering over one- and two-story homes in our neighborhood. I submit that you deny this CoA for 2005 JPA. This is a large project in a residential area sandwiched between established homeowners, investment properties, and numerous student renters. Residents stand to lose the essence of their neighborhood if this project remains as is. The City Council should carefully consider the appeals of these citizens to find solutions or redesign the project due to building’s height, parking, and traffic issues. One of the main issues is parking. With parking on both sides of Washington Avenue, there is barely enough room for two cars to pass. When you add in the design of an enclosed parking garage, it will result in major traffic bottlenecks at that location. The design of 122 parking spots for 390 students is inadequate for the scope of the project. A traffic study is needed.

**Dan Miller** – I want to make a brief comment about the draft zoning Module Three. This is said as a supporter of modest density increases and missing middle housing. We’re already looking at an out-of-control Airbnb hurting the availability and affordability. I believe that the proposals, 10 room lodging provisions that you can see in chat 312 on pg. 125 is going in the wrong direction. There’s a throwaway line later about a 25 percent commercial limit. Airbnb laws aren’t currently enforced. I am concerned that the plan, as it stands now, doesn’t touch covenants and HOAs. That is because we are a Dylan Rule state. Moving ahead with this plan without doing something to address the Dylan Rule prioritizes or puts the burden of increased density on other less affluent areas, which is a mistake.

**Jack Morava** – At the Board of Architectural Review meeting, the BAR discussed the proposed demolition (104 Stadium Road). The preservation architect hired by the developer described the house as marooned in its environment. There is no other stone house on that side of Jefferson Park Avenue. This was used as an argument for getting rid of it. It can also be used as an argument for hanging onto it. As Mr. Gastinger pointed out at that meeting, “you would be surprised at how many people know of that house because of its distinctive character. Our city would be less if it was gone tomorrow.” The architect also noted that there are several other stone houses of the same architectural style in the same district on the other side of JPA. One is across the street from the Dickensburg House. Together with 104 Stadium Road, these stone houses make a nice bracket at the University end of JPA built of local materials with a link to the city’s past. We, who live in the JPA neighborhood, are also marooned. We have heard a constant refrain from city officials about how desirable it is to keep students in our neighborhood as a way of keeping them from spilling into other neighborhoods. Over the past year, we have seen a steady series of proposals for bigger high-rises. Five to seven stories at 2005 JPA, eight stories at 1709, and nine to twelve stories at the corner of JPA, Stadium, and Emmet. Nobody seems to ask what is left of the neighborhood that is being pushed to 100 percent transient, student renters. Properties owned by out of state developers are absentee landlords. Those of us who still have our homes there benefit the city by advocating compliance with city laws. We would like to keep living there. Nobody remembers aging in place as one of the principles of affordable housing. We’re faced with living next to larger high-rises and selling our homes to one of the developers constantly hovering around in hopes of demolishing them. We urge you to think carefully whether this is good. We hope that some of you will agree that our city would be less if we were gone.

**Elisabeth Sloan** – I would like to encourage the Planning Commission to deny the Special Use Permit for 2117 Ivy Road to turn it into a subdivision. This rezoning is not in any way what the planned unit subdivision is meant to be. The scale of the proposed mixed-use building is not at all in keeping with the beauty of the surrounding area. The commercial entrance corridor is primarily one- and two-story buildings set back from the street with ample parking around them. The south side is the beautiful scenic campus of St. Anne’s Middle and High School. There are several houses with offices in them. The north side is more commercial, but the scale is very human. This proposed building is very ugly and will loom over the neighborhood and the UVA sports fields. This developer builds student housing across the country. These plans look like they were pulled out of a drawer. The traffic at Alderman Road and Ivy Road is backed up extensively during major events at the University. This violates everything that we have for the entrance corridor review. It is not aligned at all with the intention of the planned unit development, which is meant to create residential spaces with open spaces.

**Anna Askounis** – I am a member of the Lewis Mountain Board. We met with the developer. We were concerned about several things. We were extremely concerned about the traffic. He is proposing to build a 10-story building with 600 residents at one of the busiest intersections in Charlottesville. With all the football traffic, basketball traffic, it is almost impossible to get through that intersection. The University is building several buildings along Ivy Road. They (UVA) have been wonderful working with the neighborhood. They have kept those buildings to 4-stories to keep from overwhelming the neighborhood. Looking at that building and listening to him talk about his buildings in Chicago and Ann Arbor, I asked if he even knew the population of Charlottesville. He didn’t know. This is barely an acre of land. It has the Norfolk Southern railroad right behind it. This doesn’t make any sense to any of us. I hope that you think about not giving this person permission to do this. It is all about money. We tried to talk to him. It was clear that he wasn’t interested. It breaks my heart to think that this is going to happen.

## F. CONSENT AGENDA

1. Minutes – May 9, 2023 – Regular Meeting
2. Major Subdivision – Lochlyn Hill Phase 4
3. Zoning Text Initiation – Individual Protected Property

**Motion by Commissioner Russell. Second by Commissioner D’Oronzio. Motion passes 7-0.**

## G. Entrance Corridor – 2005 Jefferson Park Avenue

The public hearing for 218 West Market Street was moved up to be followed by the 2005 JPA Discussion.

The ERB was gavelled to order by Chairman Solla-Yates.

**Jeff Werner, Preservation Planner** – We are reviewing a CoA request for 2005 JPA. It is a 1.7 acre, 3 parcel property. There are existing structures on the property. The properties will be razed for the construction of a multistory brick and stucco apartment building with a footprint of approximately 312 feet by 155 feet. The building will feature two 5-story wings separated by a courtyard, which atop a 2-story brick foundation or podium. This provides a street level primary entrance at JPA. This lower podium encloses an internal parking garage, which will be accessed off Washington Avenue. This is the third time we have discussed this. You reviewed this on February 14<sup>th</sup>. The result was an approval of a CoA, approved 7-0. It is the identical motion with conditions that are in this staff report. There was an error in the public notice for that. We re-advertised that. On March 14<sup>th</sup>, the ERB reviewed the request. With a vote of 6-0, again approved the motion and conditions that are in this current staff report. Following the actions of the ERB on February 14<sup>th</sup> and March 14<sup>th</sup>, neighboring property owners appealed the approval to City Council. Council heard that appeal on May 15<sup>th</sup> of this year. I asked Council specifically if there were any issues in the appeal, comments that they felt needed to be addressed, they did not. There was some discussion about the mailing date. The meeting with you was on March 14<sup>th</sup>. The letters were posted on March 1<sup>st</sup>. Since that was arguably not 14 days, City Council requested that we re-advertise this. That’s why we’re back here tonight. Nothing has changed in this proposal since what was presented to you on March 14, 2023. Staff is before you tonight to recommend approval. I would recommend approval be reference to the motion that is attached. It is the same that was approved in February and March. Some comments have been made about what my recommendations have been or what I have offered in response to the comments. There are certain things that are simply not within the ERB’s purview. I appreciate the comments that were made. The only thing I can respond to you and City Council is that I operate within what the Entrance Corridor allows me to make recommendations on. I am not trying to avoid an issue. It is simply stating what you have purview over. Unless something significant has changed, staff’s recommendation is to adopt the prior motion and conditions.

**Motion – Commissioner Mitchell – Second by Commissioner Schwarz**

**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.]

## 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. **SP23-00002 - 218 West Market Street** - Landowner Heirloom Downtown Mall Development, LLC is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-557, 34-558, 34-560 & 34-796 to modify the required setbacks for a previously authorized mixed-use development at 218 West Market Street ("Subject Property") having approximately 145 feet of frontage on West Market Street and 164 feet of frontage on Old Preston Road. The Subject Property is further identified on City Real Property Tax Map 33 as Parcel 276 (City Real Estate Parcel ID 330276000). The Subject Property is zoned Downtown Mixed Use Corridor (D), subject to the Downtown Architectural Design Control Overlay District and the Urban Core Parking Zone



Overlay District. The application requests a modification of the 25-foot minimum required setback after 45-feet in height pursuant to City Code Sec. 34-558 to authorize a 10-foot minimum setback after 45-feet in height on the West Market Street frontage and a 5-foot minimum setback after 45-feet in height on the Old Preston Avenue frontage pursuant to City Code Sec. 34-162. Market Street Promenade, LLC previously received a Special Use Permit (SUP) to authorize the mixed-use development on the Subject Property, which included approval of additional building height and residential density than is allowed by right within the Downtown zoning district. The specific development approved is a 101-foot mixed-use building with ground floor commercial space, and up to 134 residential dwelling units above the ground floor (up to 240 DUA). In the Downtown zoning district, mixed use buildings are allowed by-right, up to a height of 70 feet, with residential density up to 43 dwelling units per acre (DUA). The Comprehensive Plan Future Land Use Map for this area calls for Downtown Core, but no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Special Use Permit request may contact NDS Planner Carrie Rainey by e-mail ([rainey@charlottesville.gov](mailto:rainey@charlottesville.gov)) or by telephone (434-970-3453).

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

**Carrie Rainey, City Planner** – The applicant requests a modification to an existing Special Use Permit (SUP), SP19-00006, to modify required setbacks. The existing SUP permits a mixed-use building with up to 240 dwelling units per acre (DUA) and up to 101-feet in building height with conditions including affordable housing obligations, a community space with reduced rent, a protective plan for the adjacent property, and building form requirements such as ground floor transparency. The current application requests modification of the required 25-foot minimum setback at 45-feet in height per Section 34-558(a) to a 10-foot minimum setback for the West Market Street street wall and a 5-foot minimum setback for the Old Preston Avenue street wall. The staff report in your packet includes links to the previous staff reports provided on the original SUP. The staff analysis in your packet focuses on the requested modification to the building step backs, as the density and increased height were previously approved by City Council. The 2021 Comprehensive Plan Future Land Use Map designates the Subject Property as Downtown Core. All adjacent properties are designated as Downtown Core or Open Spaces and Parks. The Comprehensive Plan describes the Downtown Core designation as a primary, central mixed use activity hub for the city. The Plan recommends a mix of uses in the same building (“vertical mixed use”) is encouraged and form should be compatible with, and respond to, the existing urban scale and historic/civic context. Up to 10 stories in height is contemplated. Several goals in the Comprehensive Plan speak to a desire to promote additional housing options, particularly those in proximity to activity and economic centers and public transit options, as well as context sensitive redevelopment of underutilized properties. Staff finds that the proposed development aligns with these goals. Staff believes the proposed development also aligns with the Downtown Core category description and will not have an adverse impact on the adjacent Open Spaces and Parks designated properties. The development will require a Certificate of Appropriateness from the Board of Architectural Review, or BAR. On October 18, 2022, the BAR held a preliminary discussion on the proposed step back modification and confirmed they generally support the proposal. On April 18, 2023, the BAR took unanimous action to confirm the proposed step back modification does not adversely impact the Downtown Architectural Design Control

District with the understanding the final design will require a Certificate of Appropriateness from the BAR. The previous City Planner processing this application waived the community meeting requirement per City Code Sections 34-158(a) and 34-41(c)(2). One member of the public wrote in to express concern with the development's impact to the character of downtown and parking. Staff recommends the Planning Commission focus on appropriate building step back requirements and the BAR action confirming the proposed modification will not adversely impact the Downtown Architectural Design Control District. Included in your packet are proposed modifications to the original SUP conditions to account for the requested modification to the building step backs.

**Commissioner Mitchell** – Can we talk about the impact on pedestrian access as it relates to the step back? How is it going effect the ability to walk that small area?

**Ms. Rainey** – The step back is something that would only happen after 45 feet.

**Commissioner Mitchell** – There was concern about pedestrian access in that building.

**Ms. Rainey** – That is not specifically what the requested modification is addressing. As part of the conditions from the original approved Special Use Permit a section that includes condition 2 – breaking down the mass to provide compatibility with the architectural control district item 3, condition 3. There should be pedestrian engagement with the street with an active, transparent, and permeable façade at street level. There are also some conditions under number 5, which has some modifications to include windows on all elevations. Those would be the main pieces that are dealing with our building form. The setback, which is along the ground floor, is not being requested to change.

**Commissioner Schwarz** – Are we allowed to make modifications to the conditions that were part of the original SUP?

**Ms. Rainey** – Yes.

**Commissioner Habbab** – I had a question about the first condition. Why was it that no more than one building should be constructed on the site? Why was that part of the conditions?

**Ms. Rainey** – I do not know the answer. The first Special Use Permit was handled by a previous planner. I imagine that it could be that one building was proposed. We tend to memorialize the design proposal within the conditions. I can't answer that directly.

## **ii. Applicant Presentation**

**Valerie Long, Applicant** – We're representing the applicant, Heirloom Development. This is a very simple proposal. The request is limited to modifying the step back requirements along West Market Street from 45 feet to 10 feet. Along Old Preston, from 25 feet to 5 feet. This is consistent with the Comprehensive Plan. We note that under the draft zoning ordinance, it looks like there is no plan to continue requirements for step backs. The existing 25-step back in this zoning district is substantially larger than any other zoning district. It doesn't seem to fit here. There were a lot of exceptions made in other locations.

**Next Slide**

This is commonly referred to as the Artful Lodger site because of the furniture store that is located on the ground floor of this building. It would comprise the entire site. It is along West Market Street. The rear of the parcel abuts Old Preston Avenue, which turns into the end of the Downtown Mall.

**Next Slide**

On the right is the most helpful image. You can see in red, the 25-foot step back from each of the two adjacent streets. That is within the existing zoning ordinance. We're requesting or proposing to reduce that front step back from 25 feet to 10 feet along West Market. This step back only kicks in at 45 feet and above. It is noted that there would not be any impact on any pedestrian experience. On Old Preston Avenue, which we think functions like an alley more than a typical street, it is a very different character than West Market Street. The ordinance would require the 25-foot step back starting at 45 feet. We're proposing to reduce it to 5 feet.

**Next Slide**

These are some graphic images. The top left is showing what the existing, approved Special Use Permit would require with the 25-foot step back on either end. The lower left exhibit reflects the proposed modifications. We do note that the Board of Architectural Review, as part of the Special Use Permit, reviewed this as an advisory review board to weigh in and provide comments as to whether the proposal would have an adverse impact on the historic district. Their finding was that this proposal would not have an adverse impact.

**Next Slide**

These are some images showing visually what the change would look like. The top left shows the existing, approved design. It would require that large 25-step back after 45 feet in height of the street wall. The lower left shows what that would look like. As you can see from the image on the right, that is the view from West Market Street looking towards McIntire/Ridge.

**Next Slide**

I should also note that the building has not been designed to the level of detail. It will require a Certificate of Appropriateness from the BAR before issuance of a building permit. That's why we're showing these in box massing diagrams without a lot of detail. This is the same image in reverse, looking the opposite direction up West Market.

**Next Slide**

This is the view from the Downtown Mall looking toward the end of that photograph between the Omni Building and Whiskey Jar. On the end is the start of Old Preston behind the Omni parking deck. The building would be visible from this vantage point on the Downtown Mall. The top left is showing what that would look like, the level of visibility, with the existing approvals, and on the lower left the reduced building step back. It would still be visible, but it would not be out of character or scale with the other buildings nearby.

**Next Slide**

These are some comparisons of other step back regulations in all the other mixed-use zoning districts. We did do an analysis to determine what the other mixed-use zoning districts require. Most of them are in the 10-foot range if not less. The only exception is along in the 'South Street Zoning District.' It is a very

small span, about a half-block long. There are special zoning rules for that street because of the historic properties that are located on that street.

Among the reasons the request is important is to help the functionality of the building for residential development. With such a large step back, it cuts into the buildable area, the building envelope, and makes it more challenging to provide the number of units approved for in the site.

**Jeff Levine, Applicant** – There is a certain formula to residential development as to how your corridors run and the depths of your units run. With this anomaly in the city of having two pinch points of 25 feet, you don't get layouts after those 45 feet that really work for residential development. It defeats the whole purpose of building this site for residential development, including the affordable housing that is included. None of what we're asking gives more density, units, or height. It is simply for better architecture, which is why the Board of Architectural Review understood that. For better design, layout, and units that are marketable, this change needs to be made. You can see on certain areas, if there is a 25-foot step back, the other side has 0. You still have that same upper tier. That is what this is about. As we got deeper into the design, we started looking at this building and going through schematic design. When thinking about going to the BAR, the upper building does not work for residential development. Mr. Schwarz asked if there could be other conditions. We tried to make this narrowly focused on this amendment about the step back. The original SUP was heavily vetted. With the other commissioner's comments, that's why some of those things came about. The pedestrian access was a concern. Since we were going to be building a building on that Artful Lodger parking lot, which acts a connector between West Market and Preston/Mall, could we provide a pedestrian access through the building. There would still be that connection. That is one of the concessions that came through the lengthy and costly vetting process through the SUP. It is the same with those other conditions that were mentioned. With the building being broken up, I have gone through this with the BAR on other sites where we're trying to respect the long width of the site to make sure that it is not one big building or one big face along the street wall. It is typically not our architecture to do that. It is working with the BAR to understand to make sure that there are certain depths, and you don't have one wall. That's how we articulate it to say that it will look more like one building. It won't be more than one building. That's where that came from. All those discussions were heavily discussed. The only thing coming back now is that we can't make the top of this building work with these step backs.

**Lisa Moran, Applicant** – We did a very detailed study of unit layouts. We discovered that these units are not marketable. It is labor pinched in terms of providing the natural light for light wells. We did try to make these step backs work.

**Commissioner Stolzenberg** – With the pedestrian access through the building, I thought that I remembered us talking about that and putting that as a condition. I am not seeing it in the conditions. In the original materials, the BAR had recommended it as a condition. You are designing it with that pedestrian access? Would you care if we added that as a condition? It seems like it was an oversight.

**Ms. Long** – Condition #1 does reference the application materials that were submitted. We can make it consistent with the original proposal. There is not a proposal to remove that.

**Mr. Levine** – We always thought it was a condition. The only change from that original proposal is with the step back. We had proffered some kind of artificial step backs. Those don't work as well. We looked

at how the zoning works around the other parts of the city. We're proposing that this site be treated the same as the other ones with a 10 and a 5. As far as architecturally designing the building, we can do that from those 10- and 5-foot step backs. As far as whether we do another step back, that's how we work through the BAR in designing the building. The only changes are step back related.

**Commissioner Habbab** – I have no issue with the step back. I am concerned about other conditions, especially on the affordability one. If doing the math, I am getting around 130 units. If we're looking at our draft zoning, it is 10 percent. That will be around 13 units at 60 percent AMI for 99 years. Most expire after 8 years and 2 after 16 years. It is not what we want now. I know that two of the affordable units should remain affordable for 16 years and the other 6 after eight years. Were you going to keep the 80 percent for 8 more years or was it going to be 50 percent AMI?

**Mr. Levine** – This is a very important point in relation to looking at the rezoning. You're bringing up the tradeoffs that need to occur to do that. What you're failing to mention in the formula is that the new zoning starts at a base height of one story higher than this current one. That is the city recognizing that the developer can do more, maybe 5 more units in exchange for additional height. We don't have that option here. If you do the formula under the SUP, what I offer as far as affordability and length of time is more stringent than the formula that comes out under the SUP. We're all hoping that the new zoning goes through, and the affordable housing is a better program. Right now, we must operate under the rules that are before us. These are the rules right now.

**Ms. Long** – The conditions on affordable housing exceed what would be required under the zoning ordinance pursuant to Section 34-12. That would require about 5 percent of the units, 5-year terms at 80 percent AMI.

**Commissioner Schwarz** – The street wall step back must occur between 40 and 45 feet. Are you going to have any issues with the sloping site? I don't think Market slopes so much. I don't know if Old Preston slopes more than 5 feet. Is that going to be a problem?

**Mr. Levine** – We have studied that. We have studied how it has been measured before. I don't anticipate an issue with that.

**Commissioner Stolzenberg** – You do have an 8-foot grade change across the front of the lot. That does seem like more than that range.

**Mr. Schwarz** – I guess it depends on how staff is interpreting it. I know the Code Building had an issue.

**Commissioner Stolzenberg** – Have you given any thought to breaking up and extending the Pedestrian Mall up to your retail space and ending before your garage entrance?

**Mr. Levine** – I have met with Mr. Freas, Chris Engel, The Omni, and The Code. That would be an amazing goal. We can have a conversation about the challenges of who controls what. The end of The Mall is like a life suck. It 'dies' there. What we want to do is invigorate and have it as an ending point, which all pedestrian malls have. That would be my goal.

### iii. Public Hearing

**Joey Conover** – I manage 110 and 114 Old Preston Avenue. It is owned by my mother, Virginia Doherty. She is interested in this discussion. I am representing her interests this evening. She and my father purchased their building in 1976. I was not aware of this application for this change until I received notice of this meeting. I am generally supportive of high density on this site. However, I will use this setback change request this evening to ask the Planning Commission to seriously consider some tradeoffs in exchange for approval. Number one is to require pedestrian access from Market Street through to Old Preston Avenue and the Downtown Mall. Number two is additional low-income housing to be built or funded to match the Future Land Use Map and zoning requirements. Number three is to require the light and air channel as shown in the application to be included in the future design to be presented to the BAR to address the potential increased snow load to our 100-year-old stone building from snow drifts piling up next to a higher and wider building. The light and air section as shown will provide a broken-up building with step massing that is interesting as the architectural design of the Code Building. The applicant argues that Old Preston Avenue functions more like an alley due to The Omni's utility cabinet and be treated as a numbered street. I can tell you that the street functions as an entrance corridor for the Downtown Mall. There should be additional city resources to maintain it given the high amount of pedestrian traffic. The Omni bought a back door feeling to part of the street that was not there when Vinegar Hill was integrated into the downtown area. The current Posture Pilates and Artful Lodger bring a more retail and open feel to the area. I understand that floor one will be commercial. There should be pedestrian engagement with the street with an active, transparent, and permeable façade at street level. I hope this is maintained as a priority by the BAR and design review. Old Preston is not made to feel like a back alley. The Whiskey Jar appears on GIS to be built right up to the property line. If 218 West Market Street is built up to their property line, I fear there will be no pedestrian access from Second Street Northwest.

**Deena Gold** – I am the executive director of Lighthouse Studio, which is located at the Vinegar Hill Theater on West Market Street. Every year, we teach 1000 young people. We make films in our studios and screen them in our theater. We hold regular screenings for the public. We run our theater, studios, and roof terrace to import an income to support our non-profit. Our students use the sidewalks on Market Street/Old Preston to access the Downtown Mall. I do have a few concerns. The first concern is pedestrian/student safety. Our students are constantly moving in and out of our building. Their access on Market Street, Old Preston, and into The Mall are critical during construction and post-construction. I am concerned about driver safety. The narrow, curvy, hilly street segment creates challenging conditions for drivers. Since 2017, our building has been hit by cars on two different occasions. I want to know how traffic will be managed when this new, large structure is in operation. The noise and the debris from the build will prevent us from using our studios to teach, our theater to screen, and our space to make the money we need to operate. We have spent over 20 years growing our organization, buying and renovating the Vinegar Hill Theater, and adding new studios. We are concerned that the noise, debris, and dangers of the building will severely disrupt our organization and threaten its financial stability.

**Linda Abbott** – I live directly across from the proposed building. I am concerned about the massive size of the building. It is bigger than anything else that has been on The Mall. The cut-through between Market Street and The Mall is important. I am also concerned about the light. This massive building is going to put Market Street in shadow all the time. Plants and trees need light to grow. That is not going to happen. They are taking out 18 trees. I thought that the previous setbacks were so, so that some trees can be planted. The tree canopy would not be changed. It seems that is not going to happen if the setbacks are 5 feet and 10 feet. I am concerned about the noise. On Market Street, it is hard to hear anything. With a

huge wall on the other side, there is no place for the noise to go. I am concerned about the traffic. There is 134 more units and people with cars. Where are the parking and cars going to go? The building is built to the sidewalk, which is not even 6 feet wide. If this building is going to be a gateway to The Mall, it is going to be taller than McGuffey or The Omni. It sets a precedent for other large buildings that would surround The Mall. The trees will die because there would be no light. I would like you to consider those things when you make your decision.

#### **iv. Commission Discussion and Motion**

**Mr. Levine** – I wanted to provide some comfort with some of the comments. We have been clear that the pedestrian access was in the original set of conditions. We're sticking with that. We understand that is an important passageway. I hope that addresses a sector of those comments. With respect to traffic, we had that the first time of the SUP Brian Haluska (previous planner) had a traffic study done. We also did a traffic study. It is why the entrance to the garage is on Preston and not West Market. It will improve the traffic along West Market because there will be no turn-in off West Market. I understand that people see density in units and feel that traffic is going to be worse. I know that stretch of West Market does get backed up. We think this will be better. That is hard to fathom with more density. We did shadow studies the first time. With this step back revision, it does not affect the shadows at all compared to the other step backs; the way the sunlight hits the building. In our original application, we showed that without an SUP, you can build 6 stories and they minimize the effect of the sunlight going up the additional stories versus the 6 stories by right. I wanted the public to know that we gave a tremendous amount of thought to all those concerns. We feel that the project will be an overall improvement and help the overall housing situation. More life on that corner will help some of the other less than savory things that go on. We would be able to have more activity. Light would help the property.

**Commissioner Mitchell** – The pedestrian access was my initial concern as it relates to the overall project. I'm now comfortable with that. I am comfortable with the step back as proposed.

**Commissioner D'Oronzio** – I agree with Commissioner Mitchell.

**Commissioner Habbab** – The step back is not going to be an issue based on what I saw if we find a way to incorporate the general layout that we saw today into the application. I don't know if that is updated as part of the first condition or not. I think we need to add the public pedestrian access 24/7 as a condition to be safe.

**Commissioner Russell** – I agree with that. I was going to ask if there was some way of asking for or granting approval in keeping with what we have seen in terms of light and air. Is this pedestrian access something that is open air? Is it a covered alley?

**Mr. Levine** – We don't know. That's why in our original voluntary conditions, it was in there as pedestrian access through. Until we get into detailed design, I don't know what that will be or whether it will be covered. Safety and security will be number one. I am not a big fan of alleys. We must let the design do that. We can work through that with the BAR as well.

**Commissioner Schwarz** – I agree with everything that has been said.

**Commissioner Stolzenberg** – The last time we talked about the through access conceptually, it was something like York Place. I don't know that a 24/7 requirement makes sense. It does seem like putting a condition in there for it does make sense. It seems like a genuine oversight that we didn't do it last time. Are you thinking we do a condition for the light wells? That might make some sense. You need those light wells to do residential. It would stop it from being an office building.

**Chairman Solla-Yates** – With the concerns about construction creating problems, I believe we have an ordinance to address that to reduce business damage. Can you confirm, Ms. Creasy?

**Ms. Creasy** – The ordinance in certain areas of the city, with downtown being one of them. We will get a confirmation on that. Construction can be a challenge. It is temporary.

**Commissioner Schwarz** – Condition 4 is a protection plan for the adjacent building.

**Commissioner Stolzenberg** – We do require pedestrian pathways during construction.

**Councilor Puryear** – I am concerned about lighting. I am extremely concerned about the safety of our students at Lighthouse Studios. My organization has used that building on numerous occasions. We must consider the safety of the students. I am not saying that those individuals that use Vinegar Hill for various and sundry activities should not be safe as well. They are adults. As the executive director said, students come and go. We know that they are more distracted than others. It is of a high, paramount, tantamount issue for me.

**Motion to Approve – Commissioner Habbab** – **I move to recommend approval of this application for a Special Use Permit in the Downtown (D) Mixed Use Corridor zone at 218 West Market Street to permit a mixed-use development with a residential density up to 240 dwelling units per acre (DUA), additional building height up to 101-feet, and reduced stepback requirements after 45-feet in building height of no less than 10-feet along the West Market Street streetwall and no less than 5-feet along the Old Preston Avenue streetwall with the following listed conditions. Second by Commissioner Mitchell. Motion passes 7-0.**

**1. The specific development being approved by this special use permit (“Project”), as described within the August 13, 2019, site plan October 10, 2022 exhibits submitted as part of the application materials, as required by City Code Section 34-158(a)(1), shall have the following minimum attributes/ characteristics:**

**a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).**

**b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City’s zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the August 13, 2019 site plan October 10, 2022 exhibits submitted as part of the application materials**



(subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR.

c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.

d. There will be public pedestrian access from Old Preston to West Market Street available during normal business hours.

2. The mass of the Building shall be broken up to provide compatibility with the character defining features of the Downtown Architectural Design Control District (City Code §34- 272(1)), subject to approval by the City's board of architectural review.

3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.

4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue ("Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:

a. Baseline Survey—Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable. The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

b. Protective Plan--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

c. Advance notice of commencement of activity--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile

phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

Permits--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

**5. Additional Building design requirements.** In addition to the requirements of condition 2 herein, and in addition to any other stepback requirements of the zoning ordinance, the Building shall incorporate the following design elements:

- a. The Building shall have windows on all elevations.
- b. The Building shall incorporate voluntary stepbacks as follows:
  - i. Beginning with the 7th floor, the Building shall be stepped back an additional minimum of 10 feet from East Market Street.
  - ii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the western property line.
  - iii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the eastern property line.
- c. After 45-feet, the Building shall have no less than 10-feet of building stepback along the length of the West Market Street streetwall and no less than 5-feet of building stepback along the length of the Old Preston Avenue streetwall.

**6. Affordable Housing.** The Owner shall comply with the requirements of City Code Section 34-12 as follows:

a. **Number and Location of Affordable Units.** Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and offsite.

The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.

b. **Levels of Affordability.** The 8 affordable dwelling units shall have the following levels of affordability:

- i. 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI").

- ii. 2 units shall be affordable to those earning up to 60% AMI.
- iii. 2 units shall be affordable to those earning up to 50% AMI.
- c. **Affordable Term.** The 8 affordable dwelling units shall remain affordable for the following terms:
  - i. 6 of the affordable units shall remain affordable for a period of at least 8 years.
  - ii. 2 of the affordable units shall remain affordable for a period of at least 16 years.
- d. **Non-Concentration of Units.** If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.
- e. **Variety of Unit Type and Size.** If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.

- 7. Reduced Rent for Community Space.** The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:
- a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the Black community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.
  - b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of “white box construction” ready for tenant improvements.
  - c. The lease term shall be for a minimum of 5 years.
  - d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).
  - e. Other commercially reasonable lease terms typical for similar commercial space.

Short recess.

### III. COMMISSION’S ACTION ITEMS

*Continuing:* until all action items are concluded

#### 1. Discussion – Zoning Ordinance Update

**Commissioner D’Oronzio** – The Chair of the HAC directed me to request the Planning Commission and City Council to encourage direct or take action to get the HAC to take a serious look at the sensitive communities issue and to be brought into that conversation and about how we can address that.

**Motion** – I move that the Planning Commission resolve to request the HAC participate and request that staff and Council facilitate the HAC’s review of the sensitive communities issue for the purposes of developing a policy and applying it towards the zoning code.

**Commissioner Russell** – I don’t know that it is an appropriate thing to motion. It seems like it is something that starts at the staff level. There is a process that I’m not aware of.

**Mr. Freas** – Myself and Sam Sanders are going to be attending the next HAC meeting. I know one of the topics of conversation is going to be the sensitive communities conversation.

**Commissioner D'Oronzio withdrew the motion.**

**Commissioner Habbab** – With Module 3, one thing I wanted to bring up is that civil penalties are waived against land use development. It was brought up during the Tree Commission meeting. If we have a developer and they must cut down some trees, the penalty is they would have had to pay to get it waived because it is a land development use. We don't want that to happen. We want them to pay if they do cut down trees. That is the loophole we're trying to close with this.

**Ms. Creasy** – I had taken notes on that at the meeting. We need to have legal counsel look at that. That's language that had been carried over. We have pointed that out as something to look at. We appreciate the earlier speaker. We assume that the comment letter that we will get from the Tree Commission is going to include that as well.

## 2. Preliminary Discussion – JPA/104 Stadium Road

### i. **Staff Introduction**

**Matt Alfele, City Planner** – The developers are looking to redevelop the 6 properties between Stadium Road, Emmet Street, and Jefferson Park Avenue into a multi-family building with up to 350 units. The proposed development will be approximately 101 to 115 feet in height with structured parking and improvements to city infrastructure. To facilitate this development, as presented, the applicant will need to pursue multiple approvals from City Council. These include rezoning the subject property from R-3 Residential to Planned Unit Development (PUD), removal of the IPP designation from 104 Stadium Road through both a zoning map amendment and zoning text amendment, approval of a critical slope waiver, closure of Woodrow Street, approval of a sidewalk waiver for a portion of Montebello, and the development right affirmation related to the restrictions placed on 409 Stadium Road. There are a lot of complicated things that would need to happen with this development moving forward. The applicant and their team are looking for feedback tonight from the Planning Commission on the proposed project prior to moving forward with application submittals and public hearings.

**Commissioner Mitchell** – What are the restrictions for 409 Stadium Road?

**Mr. Alfele** – They were placed when the IPP was placed on 104 Stadium Road. Council put this IPP on 104 Stadium Road and you can't develop on the neighboring property.

**Commissioner Stolzenberg** – The city sold that property.

**Mr. Alfele** – That was part of the conditions for selling the property. Think of it as a restrictive covenant.

**Commissioner Stolzenberg** – In that table of the differences, in a proposed PUD for affordable units, you had 5 percent over one FAR. Did you put that in because that is the current requirement? Or because they've said that they would adhering to the current requirement?

**Mr. Alfele** – There is no proffer statement currently from the applicant. When you go through a rezoning or SUP, that is 34-12.

### ii. **Applicant Presentation**

**Ms. Long, Applicant** – We’re representing the applicant, Subtext, on the project. I can provide a very detailed explanation about the deed restrictions on 409. We didn’t factor that time into our presentation. I would be happy to answer that question and provide you with some detail on it. The restrictions do provide, in the deed that is recorded, that they can be amended with the consent or approval of City Council.

409 Stadium Road was owned by the city prior to 2011. The city put out a request for proposals to anyone who wanted to buy the property and develop it with residential units. There were two bidders. One applicant proposed to build a relatively small apartment building. The owner of the adjacent parcels had a proposal. They wanted to own 409 as well. The neighbors who weighed in on the issue did not want any development on 409. They advocated for Council to accept the offer from the owner of 104 Stadium. That owner proposed that he would agree not to develop on 409 and he would voluntarily put up 104 Stadium as an Individually Protected Property. There was no discussion at that time about any historic characteristics of 104 Stadium. Last week, Council did approve a Certificate of Appropriateness permitting the stone house to be removed on 104 Stadium. Tonight, you initiated the zoning text amendment to remove the first step in removing the Individually Protected Property status of that property.

**Neil Rudin, Architect Applicant** –

**Next Slide**

These are very initial plans. Some of the architecture that you see here is meant to offer scale and context for the bigger questions that are about the urban design and the public-facing portions of the project. We do have a long way to go. We acknowledge that. We appreciate the working session here and gathering feedback that can inform our complete submittals in the coming weeks and months. This is a front rendering of a green, cascading terrace. This will come up again.

**Next Slide**

These are some of the projects that the developer has worked on around the country. These are generally campus-adjacent rental housing. These are examples of similar densities that have been built elsewhere in the country at major universities.

**Next Slide**

This is a site that is hugging UVA Grounds. It is about three and a third acres as the assemblage of 6 parcels. It is hugged here by the older part of UVA Grounds with the western part of Grounds.

**Next Slide**

We wanted to identify some major components of the city here, so people saw why this was a great site.

**Next Slide**

This shows the 6 parcels. The 6 parcels are down in a bowl of a lower area with height up on hills on three sides: south on Montebello, west across Stadium Road, and north with Kerchof Hall.

**Next Slide**

The future land use designation is Urban Mixed-Use Corridor.

**Next Slide**

The draft zoning originally had split zoning here. The Woodrow delineation split that zoning at that time when it was drafted. I know there has been a discussion beyond that. This is still the draft zoning. We wanted to note that the four parcels on the north end of Woodrow have that darker designation. The two parcels to the south have the other designation.

**Next Slide**

What we have produced here is a conceptual site plan. The setbacks are not completely defined. These dimensions are not set in. There is a range on each side. What we're trying to do with this site plan is offer enough green space on all parts of the project, particularly on the edges, where it is public facing. We are reorganizing to start on the perimeter. We are reorganizing the sidewalks so they can come off the curb and the creation of a boulevard for pedestrian safety and the proper buffer between the public and the private components. The property lines are unique. They bounce around. Our back of sidewalk is not always at the property line. We have made site plan accommodations and started to think of how we're going to lay out the site accordingly. What we have here is about 50 feet in grade change on the site between Montebello (high point) and along JPA (low point). We are spanning that with a low podium. It is the base of the building. It mostly contains parking. What we have done here is line that parking podium with three stories of residential units on the eastern side along JPA. Above that, we are looking at a 9-story building here with this footprint. We created two courtyards: an active courtyard on the south and a more passive courtyard on the north side. On the north side and what you saw in the first rendering, was a cascading terrace that transitions between the public facing sidewalk along Emmet and the courtyard to the north, which is private and for residents. We have set two major entries to the building at the northeast and northwest corners. We think that's where the pedestrian flow comes from for the University, with the major one likely being at the northwest and the second one at the northeast corner. The numbers and the metrics shown here are 350 units, 500 parking stalls, and the height are all conceptual frameworks us to operate under.

**Next Slide**

What we have done here is some preliminary massing. This does not show the articulation of windows. It is meant to convey the building's massing and height from this perspective. This is a bird's eye view if you were above the bridge that goes over Emmet connecting the east and west parts of Grounds. It is that vantage point looking southeast. You can see some of the buildings on the right.

**Next Slide**

This rendering is from the northeast corner. This would be that secondary entrance for residents to the building. The site slopes. Each of these entries that you see in the foreground and in the background, here are at different heights. That cascading terrace is spanning between those. This is not meant to show architecture but meant to show how we're thinking about the public facing portions of the project along Emmet.

**Next Slide**

Here is another rendering, getting up closer. This is this slip lane that comes by. You can see in this depicted rendering where people are walking across with the bike into that median.

**Next Slide**

You have this cascading terrace that is looking east from what would be the main entrance down the cascading terrace towards JPA. Our idea here is that this is not a final design. The possibilities of how to improve this site with this public to private transition on this cascading terrace are meaningful. It has a beautiful, public facing component.

#### **Next Slide**

These are the townhouses that I alluded to along JPA. With a lot of projects like this, we end up with a scenario where we have a parking garage and a blank façade. We want to activate that space. There are 3 stories of residential units facing here. There is the vehicular entry for residents that is along JPA here. This is an early rendering showing what these walk-up units at the lowest portion of that 3-story component would look like. It needs more thought and design. We have a relatively deep setback there. We're hoping that these would be active but private enough to be meaningful residential spaces. They're not going to be tucked away and be overly private. They're going to promote eyes on the street. They're going to promote pedestrian safety along there. The entire public realm is improved from what exists today on JPA.

#### **Next Slide**

You're looking at that site plan. The big red lines are two cross sections. We thought it would be helpful for tonight's discussion to help you grasp what this looks like in sections. While we're looking at this, that parking entry along JPA is labeled. There is another second curb cut we're proposing on JPA there, which would only be a service exit. That curb cut would be a right-in and right-out for residential parking. It would be a right-in. That service exit would be right-out on the bottom for garbage and other service components. The only other spot we're proposing a curb cut on the projects is along Stadium Road. You can see that we have a drop-off/pickup covered court. This gets us to the main entry. It gets deliveries, rideshare, etc. off the street and happening underneath the building and closer to the main entry. We do not have a curb cut along Montebello. We have an egress exit stair coming out of a sunken courtyard. To get into some of the variations in the grade on the site and how we're approaching that, that southern courtyard (active courtyard) is sunken. It is about a story/1.5 story lower than Montebello Circle. That part of the project is lower.

#### **Next Slide**

What you're seeing here is that red line, that long cross-section that goes east to west. We have set some of the imagery behind it at a certain point. We had an image behind here that depicted the height of the building behind up on the hill. What this is depicting is Stadium Road 30 feet higher west than JPA in on the east. When I said that we had podium spanning that grade change, this section here showing the darker gray on the bottom, that is the parking zone of the project. The lighter gray of the three stories facing JPA. These bars with the courtyards in between is residential. What I have also done is layered in where the CX-8 zoning proposed lid would be based on average early calculation of an average grade plane.

#### **Next Slide**

This section is zoomed in. You can see some of the imagery faintly in the background. The buildings we depicted across to the west are in the background in this image. What we have done here is layer in the adjacent property to the south across Montebello and show how that step down and how height is being thought about relative to that adjacent property (the Montebello right of way) and where our massing is currently proposed. You can see that there is a 3-story parking podium at the base here. You can see the

grade plain lines with the dashed lines coming across: Montebello, Emmet (to the north), JPA at the bottom. We thought this would be helpful for the discussion tonight.

### Next Slide

#### Discussion Questions

1. How can the design best promote active uses at the public facing parts of the project?
2. The project is looking to achieve an equilibrium on the amount of provided parking within the project. How much is the correct amount?
3. With a PUD approach, the project can compile the guidance and requirements from multiple sources to find a balance between density and greenspace.

### iii. Commission Questions, Feedback, and Suggestions

**Commissioner Mitchell** – I spent 45 minutes over there today. As I was looking, I didn't notice any waterways at the base of this. Are there waterways at the base of this project?

**Commissioner D'Oronzio** – There is a waterway that runs along Valley Road across JPA.

**Commissioner Mitchell** – The second item in the proposed talking points speaks to things that we would like to see because we can't do proffers. Is there an affordable housing component here? If it is possible, can staff give some thought to the housing fund as we proceed?

**Commissioner D'Oronzio** – With the questions posed, I don't know if I have quick answers to any of them.

**Commissioner Habbab** – I appreciate the enhancement of the pedestrian experience along that narrow sidewalk. That is a major improvement in the way it is presented. I wonder if that courtyard could be included in the public realm that is up the hill. The site itself is an important site. It is a transition from Charlottesville to UVA to the JPA neighborhood. It should be treated as such. I know we're not specifically looking at architecture. The precedent images could have been anywhere. This is a site that is important to get right. That is a concern and something that I am looking for in the next iteration of this. I am curious about the affordable housing component. There is something about the parking entry. We were looking at that and the service entry. I wonder why the parking entry wasn't farther away from the corner. Why not flip those? The questions I had were more detailed on retaining walls and how you're navigating that slope at the back, the relationship of height, and how appropriate that is to Montebello. When first looking at the images that we have, it seemed like there were less stories on that side of the site, how the site transitions from the neighborhood scale and Montebello and UVA. A positive, in looking at this, is that it reminded me of the Alderman Dorms. It has that tie into UVA. I prefer the images that we saw over all the precedent images of the built projects.

**Commissioner Russell** – I don't think I have reviewed any PUD projects from the beginning. That is the process that the developer is hoping to go through and not the rezoning. Reading what our objectives are in the PUD, this seems weird. I might have a misunderstanding of my conception of a PUD. I thought of it as a cluster of developments rather than one tentacle of a structure. Maybe I am confused by the plan and its relationship to the street. I don't see how this is taking advantage of much open space. It is building out all of it with a lot of hardscaping. That is maybe speaking to question 3. It seems like there is a lot of



parking being provided relative to some of the other projects we have looked at. That is maybe something we want to talk about.

**Commissioner Schwarz** – With parking, you tell us what you need. With the PUD approach, it seems like one of the benefits we’re getting is that our new zoning code is going to ask for much smaller setbacks. One of my criticisms of JPA is that I wish it would be more urban and we’re going to get there with this new zoning code. This one parcel seems like having more green space makes more sense. It seems like it is a nice exception to the rule. Our new zoning code may not allow it. I would like to better understand what the other differences with things are that they’re proposing would or would not be allowed with our new zoning code. If PUDs are supposed to be for something that is unique and creative and exceptional, I don’t know if that is what this is. It does give us more flexibility with the setbacks. Whoever mentioned the affordable housing, I agree with that. It looks like you’re doing 9 stories. They’re taking advantage of the bonus. We probably need to consider that when either a fee or affordable units are proposed as part of the final project. I was very grateful for the site section. It is going to be much taller than Montebello. It is a site that we deserve some height and deserve some density. That was always the plan all along.

**Commissioner Stolzenberg** – I agree with a lot of what commissioners have said so far. It is an important and large site that is in an entrance and major intersection of the University. This presentation experience made me feel better about some of these aspects. This design seems like it is this big, black dump, especially the footprint. It is dumped onto the site in a way that fits. It doesn’t really address the street in a way that activates it. It reminds me of the Lewis and Clark Building at Water and Ridge/McIntire where it is not oriented the way the street is. It seems to be driven by this huge parking podium in the bottom. There are a lot of nice things I am going to say about the next project you’re going to bring before us that do not apply to this. It is rough from an urban design standpoint. Seeing this much parking and that massive podium almost makes me want to start thinking about parking maximums in the new ordinance because of the way it is driving this design to be bad. The front setbacks violate the new ordinance. They are too large. The buildings are far from the street. I hate to be the person to demand commercial space that’s going to sit vacant. The new ordinance strikes a pretty good balance of these commercial-ready rules. It doesn’t seem like anywhere here is commercial-ready. I like the idea of the townhomes lining the parking on JPA. If you’re going to put a commercial space, Stadium Road would be the appropriate place. It would serve Engineers Way. It would be at grade and serve Stadium during Stadium events. I like the idea of putting a lot of housing here and having something that is better than there is now. It is an appropriate place for tall buildings given the topography and location. It is right next to UVA. It is a much better location than the Ivy Road one. I hope you can architect up a good project here and reduce the parking by a lot.

**Commissioner D’Oronzio** – I am agnostic on the setbacks, particularly in the context of the traffic flow around that corner and the concealment and making sight lines since we have curves and three roads coming together. I am not sure what the Euclidean lines look like. With the affordable housing piece, this might be a question if we measure that. If we’re measuring it by AMI, a lot of JPA is quote “affordable housing” under that definition. If we’re evaluating the income of the residents, these census tracts are ‘poverty stricken.’ The people aren’t poor. It is difficult to figure out how one would measure that. Are people in this building going to be at 60 percent or below? Sure. Mom and dad are co-signing the lease. I am not sure how we deal with that.

**Mr. Freas** – There are a couple of thoughts about student housing. HUD specifically excludes students. For a student to qualify for affordable housing, they must demonstrate that their parents qualify. That is in the HUD rules. It is not the student's income that would come into play, it is the parents' income.

**Commissioner Habbab** – There are some cities that if you are eligible for a Pell Grant, you're eligible for affordable housing.

**Commissioner D'Oronzio** – It is as good a placeholder as any.

**Mr. Freas** – It is one of the challenges that we run into. It is one of the places where I suspect we will have ongoing conversations. It is one of the challenges we run into with student housing.

**Commissioner D'Oronzio** – I am thinking of how administering that can be hairy and nightmarish.

**Mr. Freas** – Student housing is one of the challenging areas. HUD has rules in that space.

**Commissioner D'Oronzio** – We're in this calculus. If we're providing a dense student-based housing, this has come up before and it hasn't worked. If we have a pile of units that are student housing, this relieves other parts of the market. As far as I can tell, that hasn't really worked.

**Ms. Creasy** – We have had quite a bit of that. Since the zoning code came in from 2003, we have had a huge increase in the school population, which has come from families taking over homes that were previously UVA students.

**Commissioner D'Oronzio** – With the measurement of that and how that is happening, I don't know how we trace it. It is an interesting 7-variable conundrum. I don't know how that fits into the proffer world that is coherent.

**Mr. Freas** – I don't know how that fits into the larger project. When we're looking at that intersection today, that intersection is difficult today. Everything is pulled back from it. You have 'blank' hillsides. Those curves are engineered to invite high speeds. That environment, as it presents today and we have this instinct of wanting to pull away from it, is because it is inviting high speeds. I was talking today with my transportation planning team. We really need to be thinking about, given the number of students who are traversing that collection of intersections, how to tame that intersection and not treat it like a high-speed rounded curve.

**Commissioner Stolzenberg** – Is that the sort of thing you would work with an applicant building on a large lot next door to help reconfigure that intersection to make sense?

**Mr. Freas** – I don't know at this point. That must be part of the conversation.

**Commissioner Palmer** – The last point by Mr. Freas was on point with what I was thinking about. Looking beyond this site, those two intersections of Stadium and JPA are difficult to traverse for pedestrians and bikers. We have thought about that. With any collaboration that could include the University, we would be interested in being in the conversation given our perspective. It is probably the best place for student housing in the city. From a student standpoint, you want to be right across from

your classes. The intent is great. Thinking about the pedestrian and biking experience around the site and through the site is going to be key in working with the new bike/pedestrian coordinator to get a great outcome there. It seems that there needs to be some amount of mixed-use there. We're not hearing any specifics. With parking, I know it is next door to us. The large amount of parking (potentially not resident) for resident use and how the city feels about that is something for you to think about. Will a traffic study support the large amount of parking? With one access to parking, it might cause some need for redesign. I am sad to see the stone house potentially go. It would be a great olive branch to the community to incorporate it in the design somehow.

**Chairman Solla-Yate** – It is a lot of parking. I can see why there would be some good in having some parking. It is driving the design. I agree that this is reacting to the conditions of the present roadway, which have not been great for a long time. It is hard for the city and the University to collaborate effectively sometimes. If we can get the roadway to be in better condition, we could have a more human-friendly design that could make sense and a more commercial friendly design. We're not going to solve activation of the façade through design. We're going to solve that through safety. If we could improve those intersections to allow a block-like condition, that will work better. Aesthetically, it would be an urban experience and less auto-oriented design, which is understandable given current conditions. I would like to see better conditions. I hope we can see that in a reasonable amount of time. It is reasonable to expect students to be in this area. If our zoning can't get this right, there is something wrong with our zoning. This is the kind of thing that we want to get right. PUD is a necessary evil. PUDs are for preserving open space and to encourage clustering of development. PUDs have been used as a workaround for bad zoning for many years. I hope we can move beyond that soon. If we can't, I understand having to deal with bad rules. I understand the design objectives. This is a very good place for student housing.

**Commissioner Habbab** – I had a question about bedroom counts. When I checked their website, they had 5-, 4-, and 3-bedroom units. I agree that parking spots are high. Is that why they had them that high?

**Mitch Cordy, Applicant** – I appreciate all the feedback of things that we have been thinking about over the past couple of months. This is our first 'brush' of what we want to put in front of you.

We like what we're hearing about parking. We will look at reducing it. It is a balance. If you provide parking for everyone, everyone will bring a car. At the same time, it must be marketable. With this location, there is an opportunity to reduce the number of parking spaces. It will have a ripple effect on the design. That is something that we're on the same page. We will continue to move forward with that.

**Commissioner Stolzenberg** – Ms. Long can introduce you to the Envoy people to get some carshares here and help get car shares for people to use so they don't need their own car. Students rarely drive.

**Mr. Cordy** – We would rather provide some alternatives (bike share, car share), lots of onsite bike parking, scooters. We would rather take that approach than more parking.

**Commissioner Schwarz** – I am wondering how this thing would work with our future block standards for maximum block size. One of the things that has been bothering me is that it is a big building. It is broken down a lot. You're doing all these things (jogs, step backs, and massing) to make it not one big, massive building. It is one big, 9-story wall towards Montebello and towards the University. I don't think

our new zoning code would ever allow a building this. You would have to put a street through the middle of it. It is something consider. It looks like it is big enough that you're going to have multiple elevators, multiple stair cores.

**Mr. Rudin** – We have looked at the new zoning. With the perimeter dimension, we're on the cusp of it. As to how it is applied to the definitions, as these 6 parcels are assembled into one, we still need to work through that with staff. That was on our radar to understand that 'ask' in the new zoning, and how we would/wouldn't be required if we were to enter the new zoning. It is on our radar. We look forward to working with staff on it in terms of how we would demonstrate compliance or an alternate compliance along that guidance.

**Jeff Werner, Preservation Planner** – This project and the next project will presumably go to the Entrance Corridor Review Board. For a large-scale project like this, when it comes to the Board of Architectural Review, we work through a couple meetings building a discussion about the design. You don't typically do that. If you are hoping for them to bring you a design and you look at it and communicate that. If there is a way that you want to 'chunk' through this and have a discussion, I think you need to give that some thought and maybe give them some direction on how you would like to do that. This is a large project. You can establish that block link. That is within that design review purview. I don't want that to get lost in the equation. It is a process that you typically don't do.

**Chairman Solla-Yate** – Something we have done in the past is have a couple commissioners meet with applicants prior to design review to talk through problems in detail. I found that process useful.

**Mr. Rudin** – We weren't building to the perimeter. That was called for in the zoning. We did acknowledge that. Through your conversation, you encapsulated it very well. The streets are what they are. We are reacting to that. I appreciate that commentary. For our own internal evaluation after this feedback, that is helpful for us to understand to maybe not pull back so much from the property lines. Extend those and see how that could improve the site plan, the massing, and all the other pieces of the project. I appreciate that component of it. Somebody had a question about bedrooms.

**Commissioner Habbab** – I wonder if you have a bedroom count idea. I know your units are bigger than typical units because it is student housing.

**Mr. Rudin** – That has not yet been decided. In a forthcoming application, that will be more defined in terms of the number of bedrooms and percentage of unit mix. Typically, we don't determine that at an early stage. There is a certain amount of square footage devoted to residential in the building.

**Chairman Solla-Yates** – If you could share some thoughts on the stone building, could any of those elements be preserved or reflected in the design?

**Mr. Rudin** – That has come up and was on our radar for use of some of the materials upon the demolition of that building. We're open to incorporating those in the most appropriate locations within the building. Whether that is interior or exterior as a remnant of what was on the site, the team is open to that. It was something that we were already thinking about as a legacy element to the site.

**Commissioner Mitchell** – The answer is that you’re not going to keep the stone building. You might use the materials of the stone building?

**Mr. Rudin** – The reuse of some of the materials from the component of the teardown of that building could be incorporated into a new design. It is just the materials, not the entire structure or most of the structure.

### 3. Preliminary Discussion – 2117 Ivy Road

#### i. **Staff Introduction**

**Dannan O’Connell, City Planner** – I am here to introduce a preliminary discussion on behalf of Williams-Mullen and RMD Properties, LLC, who are proposing to redevelop a commercial property located at the intersection of Ivy Road and Coppley Road. The site consists of a single lot that is currently developed with a commercial drive-thru bank, The applicant is proposing to rezone this property from University Corridor to Planned Unit Development, subject to a development plan. PUDs are allowed on parcels, such as this, less than 2 acres that are zoned Urban Corridor thanks to the zoning text amendment that was approved by City Council in February. It is an entrance corridor. It will require a CoA prior to site plan approval for the project. There are some questions that the applicant has provided.

#### ii. **Applicant Presentation**

**Valerie Long, Applicant** – I am representing the applicant. RMD Development LLC is here tonight. We appreciate the opportunity to present some materials to you and get your feedback. It is very helpful to us.

#### **Next Slide**

The site is located on Ivy Road at the corner of Copeley Road, which is also Alderman Road. It is currently the site of a bank building.

#### **Next Slide**

This shows a closer view to show the size and shape of the parcel and the size of the existing building there. It is obviously an underutilized site. It is an important location adjacent to the University.

#### **Next Slide**

The Comprehensive Plan designation is Urban Mixed-Use Corridor. I know that you are familiar with all the designations. The existing zoning is Urban Corridor. We’re proposing a Planned Unit Development, rezoning. The PUD zoning district is not ideal. It does provide flexibility that is not available with the other zoning districts. The Urban Corridor Zoning District has a relatively low-density limit. I believe that it is 87 units per acre. That’s with a Special Use Permit. That is about as high as you can go. We think this location can handle substantially more units. Because the other zoning districts are all geographically based, the ones that have higher density limits are Downtown, Water Street. Those would not be a good fit; even just the name of them in this location. We started looking at the PUD. We’re very grateful to the Commission and Council for adopting the zoning text amendment that allows for a PUD to be proposed on a parcel less than 2 acres. This is one acre. What we have done is to design a building that obviously works right for this location and is sensitive to the context. It also works to design towards the direction of

the new zoning ordinance as much as possible. We have incorporated that here. We have some slides showing how this would compare to the draft zoning.

**Next Slide**

This slide does show at this location CX-8 for all four corners of this intersection, including this one. This project would fit within the draft CX-8 regulations.

**Next Slide**

It is proposed to rezone from Urban Corridor to the Planned Unit Development District, proposing mixed-use residential over retail and commercial, ten stories, about 3000 square feet of non-residential space, about 287 units. You can see the rough mix there of the unit types proposed, proposed parking under the building, and modern amenities. They also have been looking at the sidewalks and pedestrian conditions that exist there now. There are proposals to enhance the sidewalk along Ivy Road and add a sidewalk along Copeley where there is not one now. Based on some feedback we received from staff and others, we're proposing an area to park or dock scooters and bike-share for the reasons that have been discussed. Perhaps having a designated location for scooters would be helpful to address some of the concerns about them being left around.

**Next Slide**

This is a birds-eye view of the project site concept plan. I will start along Copeley Road. You can see the garage entrance there, the scooter entrance, and the bike entrance. You can see the retail entrance moving towards the left, towards the intersection. On the ground floor, there will be retail space, a café, and leasing space in back of the building. There is a retail space entrance here. There would be a loading dock and service entrance. This is looking down on the second floor where the pool, courtyard, and other amenity areas would be. We have a slide that shows on that floor other amenity areas such as a study space and fitness facilities. On the roof, they are proposing a penthouse roof, gathering area with a deck. This would be a walkway where people coming up from the stairs can get there. On the ground level, this would be an open space there. It is a tight site. We have worked to follow the draft setbacks in the ordinance and maximize the development of the site, but also provide enough space at the ground level, for the streetscape to meet the streetscape requirements and greenspace requirements and be able to improve the pedestrian conditions on site.

**Next Slide**

This is the ground floor showing the garage entrance, some parking spaces dedicated for the retail space. There would probably be a gate. The residents would access the parking there. There would be another level below for resident parking. There would be a designated scooter/bike share room. This is a bike room for the residents; a nice, large area there, retail space, café space, leasing, lobby, mailroom.

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This is the list of amenities. We mentioned that this is what is planned. It is typical for a project like this to have people in study rooms, club rooms, rooftop terrace, and bike storage. We don't have as much parking as proposed for this project compared to the previous project. One of the reasons for that include the location. The location is next door to the grocery store, all the athletic facilities, and other amenities. It is very close to all the new facilities that the University is building down Ivy Road: the new data school, the Karsh Center, the Hotel Conference Center. It is another ideal location for students as well as young professionals. We think it will be a very desirable location. Even for those people who don't need a car

because you're living in such a convenient location, having a place to store your bike safely and conveniently, having a nice, dedicated space for scooter/bike-share. They are proposing to work with Envoy (a modern zip car service). Those cars would be set aside on site for the residents, not necessarily the members of the public. It does provide some efficiencies. We did submit the application for this project. It is in the details. In terms of parking, the Envoy spaces are equivalent to about 30 parking spaces per car. It is a great way to provide those efficiencies. Secure mailrooms and package delivery is a great thing.

**Next Slide**

We wanted to incorporate the University's plans, given its proximity to the University's property and their thoughtful and well-thought-out designs. We wanted to demonstrate the level of sensitivity and looking to the plans there and how this could fit in, in recognition of their plans. We think it works well as a continuation of their projects. There are still a lot of decisions to be made about their project. We wanted to incorporate the latest images that we found. It was helpful to have those images and be sure that we understood what was planned now and what might come and how they might look. We have been sensitive to that issue. We think they will be very complimentary in terms of character, scale, and massing, but also convenience for university faculty, staff, and students. I would expect this to be attractive to the students in the Data Science School.

**Next Slide**

This is one of recent images from the University's materials from the recent Board of Visitors meeting. You can see the Karsh Institute for Democracy. They were showing updated renderings of that building. It was helpful for us to see the buildings photoshopped into that image to provide a feel for how the proposed building would fit into the continuation of the development along the corridor. You have the other University facilities.

**Next Slide**

We have some other renderings. These are conceptual. This is along an entrance corridor. It will require a Certificate of Appropriateness from the Entrance Corridor Review Board. We know that it is helpful for you and the public to be able to see some images and some renderings and help understand how the building would look on its own and in context. This is a view from Ivy Road. You can see the ground floor with the entrances to the lobby and the retail space and café space.

**Next Slide**

This is from Copeley Road showing the entrance to the garage. It does show the grade change and the other entrances, in terms of scale. This is the second floor where the swimming pool and amenity area would be for the residents. They are proposing balconies. You can see the rooftop terrace along the top and enhanced streetscape space.

**Next Slide**

This is showing how that would fit in. We recognize that, without any existing buildings nearby and the future University buildings, it is hard to tell how it fits in with the surrounding area. It will be larger than things that are there now but not out of scale with what we think the future zoning ordinance would permit and encourage in this location.

**Chairman Solla-Yates** – You're continuing those greenspace lines that the University is laying out?

**Ms. Long** – Not directly. That was part of what was informing the design with having the courtyard space at the end of the greenspace there.

**Next Slide**

This is a similar rendering from Copeley Road. You can see the car coming out of the garage and the new sidewalk that will help. This would be looking into a bike storage room. You wouldn't be looking at the bikes that are stored inside. The concept is for a retail space with bikes, retail bike storage space.

**Steve Buss, RMD Properties** – What we're looking at doing is that we don't want it to be looking into a bike room and have bike racks, bike stuff sitting around. What we're doing is putting a retail storefront on it. We will make it a homage to biking. That's how we want to 'dress' up that side. We're putting a resident function there. Ivy Road is a better retail frontage. That's why we have the café and retail on the Ivy and Copeley corner. On this side, we want easy access. If you look at the ground floor, you have easy access for all the residents to come down the main elevator and come out through that bike room. They can get easy access onto Ivy Road.

**Ms. Long** –

**Next Slide**

This is another conceptual rendering along Ivy Road that shows the café space entrance and the ability to comply with the draft streetscape and green space regulations. The lobby entrance is there and you can activate that space with a small area for outdoor seating.

**Next Slide**

This is looking at it from a slightly different angle to help demonstrate how the streetscape could be activated and further the goals of the draft ordinance.

**Next Slide**

We had a community meeting with the Lewis Mountain Road Neighborhood and others. They had a lot of questions about the size and concerns about the size and massing at that location and how it would look from their neighborhood. Based on that, we asked the architects to prepare these images, a simulation that will show how it fits in and how it would look from various vantage points. That is the bank on the left corner and on the right corner is St. Mark's Lutheran Church. This is a slightly different design. You may notice that this has the second floor. The massing has been modified. That is based on some comments and feedback we received from some of the public. It is still conceptual; an effort to demonstrate how some relatively small changes to the design could help address concerns from massing.

**Next Slide**

This is the same view and direction. This is further south on Alderman Road. The Lutheran Church is on the right and a few houses on the left towards the intersection in terms of scale proportion. You can see there a lot of mature trees and other vegetation.

**Next Slide**

This is the photo simulation. It is an image taken from Google Streetview showing how the massing and scale from the neighborhood would look.



**Mr. Buss** – This was in response to our meeting with the Lewis Mountain Neighborhood and the concerns about how this building is close to the neighborhood. The building is a big change from the bank building that is there today. What we’re trying to show from the photo simulation and a Google Streetview is how this building could be seen from Alderman one/one and half blocks south of Ivy. It is screened by the large trees that are there.

#### **Next Slide**

These are some suggested questions. These are some of the things that we had, and we have identified that it would be helpful to get some feedback from you about the use of PUD zoning and the relationship to the draft CX-8 zoning regulations as well as comments about the height and massing that is proposed. You will see it again and have a role in the design review.

### **iii. Commissioner Feedback and Suggestions**

**Commissioner Mitchell** – I am very interested to hear what Commissioner Palmer has to say about this, especially as opposed to the Ivy Corridor. That will help me understand my opinion better. Ten stories seems to be quite massive. I believe that this area is slightly elevated above the corridor further to the east. I think that it might be 30 feet elevated going west. I do feel bad for Moe’s Barbecue and Foods of all Nations. The mass and the height are concerning. The other thing that is concerning is the traffic, especially after a track meet, basketball game, or baseball game; especially those kids that are trying to get on the road or trying to get into their units during a basketball game. I would like to learn more about the affordable housing component. This is going to be needed to support a building of this size. It might be through the housing fund, or it could be for the people that you talked about, the people who work for UVA. UVA employees are in the area, and you could make affordable housing units at 60 percent AMI available to them. I would be interested in learning more about that.

**Commissioner D’Oronzio** – The affordable housing component looks like this is conflation in certain respects where you indicate that you are going to be complying with 34-12. However, with CX-8, you’re reaching for the height bonus. 34-12 does not provide the affordable housing units to justify the height bonus under CX-8. What are we looking at here? If we’re complying with the current, if we’re anticipating this bonus, there is no bonus height component in the current configuration. It is pitched at 80, not 60. What are you really thinking about for affordable housing here? It seems like we’re trying to import the current affordable housing ordinance to gain the benefit of the affordable housing height bonus in CX-8. I am looking at what you lined up in your chart, which helped me clarify that.

**Ms. Long** – We’re very cognizant of such an important issue in working to follow along the existing discussions about affordable housing. We’re interested to see the outcome of the product from the new evaluation that staff mentioned earlier, including a fresh look at the affordable housing recommendations. We know that this is an issue. The applicant has developed housing like this around the country including Minneapolis, which has a robust and very effective affordable housing ordinance and program. We’re looking to keep working through it and ultimately figure out what the new rules are and work to comply with them. We’re hesitant to make commitments now knowing that everything is not yet developed or decided. We certainly understand that the existing ordinance requirements are probably not sufficient to support this use there.

**Commissioner D’Oronzio** – The reason I phrased it that way is that it was a definitive assertion: ‘We will comply with 34-12.’ 34-12 is still there. You seem to be pitching the height bonus that would require roughly twice those number of units.

**Ms. Long** – Some of this is early in the process. We’re trying to get some feedback first and understand where things are going. We hoped we might know better at this point of the process. We’re happy to see that there is another evaluation going forward.

**Mr. Buss** – This even goes back to the original question about why a PUD? What are PUDs used for? We do PUDs a lot around the country. There is nothing inherently bad about it. Essentially, the best way to describe a PUD is that the plan is the zoning. We work on this plan, on the unique particulars, the massing, density, all the parking, and architecture. That is wrapped in and that becomes the zoning. That is the beauty of the PUD. We’re primarily looking at using it here because it is serving as a bridge between the current zoning (URB at 80 feet), which has a deficient density associated with it relative to the West Main zoning districts when you get up to 10 stories in the West Main zoning districts, you’re at 240 dwelling units per acre. The good thing about looking at the PUD for this project is that because of the restraint of density limits on URB, somebody might say “let’s do all 5-bedroom units.” In the new code, the staff has done a great job in writing and laying out this new code. It tends to be more of a form-based code as opposed to a density limited code. The good things with form-based code are you get the building, how you want it to look in an urban context. The NX-8/CX-8 are very well thought out. The PUD here is a bridge between what is and a new code that we’re looking at. It is not yet in place. For us to even submit, we will submit under a PUD in contemplation of the CX-8. You have the bonuses. We’re prepared to figure out what way to go on the affordable. Whether it is doing it on site, which we have done in the past on other projects. We’re fully comfortable in doing that as it applies to student housing where you have the student renters are eligible via a Pell Grant or if it is income based. We spoke with St. Anne’s Belfield. They asked if there were going to be units potentially available for their teachers. The answer is ‘yes.’ That’s the purpose of a project like this. When we’re looking at 287 units, we have 160 spaces in the parking garage. We’re meant to be a pedestrian-oriented building. We don’t want people driving to where they need to go. We want them to mostly be walking. There are going to be some people that have cars. When you’re in a location like this, where are the places they must go, a lot of things are self-contained at this node. Staff in the Comp Plan rewrite identified this site and this intersection as a critical node. We want to look at the PUD as this brilliant bridge between this and the new thing.

**Commissioner D’Oronzio** – Please confirm, as submitted now, that you wish to provide 5 percent units over the one point over the FAR requirements of affordable housing at 80 percent or less that you assert that you’re going to comply with. You’re looking to have the equivalent height bonus density from 8 stories to 10 stories, which is not how we are envisioning the additional height under the new code. The answer to the question was ‘yes.’

**Mr. Buss** – We’re looking for clarification on 34-12. It is not even clear under the current ordinance what that is.

**Commissioner D’Oronzio** – The term ‘PUD’ doesn’t appear anywhere in 34-12, which doesn’t simplify matters.

**Ms. Long** – It would get triggered by any rezoning.

**Commissioner Habbab** – I will agree with what Commissioner D’Oronzio said. If you’re using our new draft zoning, don’t pick and choose what gives you the most value. Go with the essence of what we’re trying to do, including the affordable housing aspect. I do like the idea of the project there capping UVA and that proposed development that they have. It is a good idea. Contrary to what Ms. Long said, I don’t think it is really fitting within the sensitive context and location of that and how it ties into UVA. I do have some concerns about the height of 10 stories. It is concerning. My concern is not the DUA. That could be as max as you can get it. The scale of how that fits into UVA’s proposal and the context of Charlottesville; this is going to be the first big building that you’re seeing as you drive down the entrance corridor. It needs to carry itself that way as a building coming into Charlottesville.

**Mr. Buss** – You have the existing parking garage and the Hotel and Conference Center in the foreground with the Karsh Center for Democracy. The URB zoning in place is 80 feet. The CX-8 is 8 stories.

**Commissioner Habbab** – I will leave that to you on how you interpret that. It can get there as a project. It needs more work on that aspect. Chairman Solla-Yates brought up the point of continuing that long progression. What it seems like this project does is that it privatizes that into a pool on the second floor where you get a luxury view from your pool looking down UVA’s master plan lawn area. If that was part of the public realm or extension of that, it would fit better into this context.

**Commissioner Russell** – I don’t have much to add. I think Commissioner Habbab’s said it well. We’re looking at the affordability bonus as a compromise between the residents and what we say we want, which is affordability. If we’re going to have 10 stories, it must be with some significant benefits to the community. There needs to be considerations of that streetscape and the massing. Commissioner Habbab was talking about the entrance corridor coming into the city. It would stick out. When you said the bike storage, do you mean that is a true retail? I don’t think that I understood.

**Mr. Buss** – It is a bike room. You don’t want the glass and look inside and see racks of bikes. It is essentially glass. A couple feet behind it is a screening like this. It is like a museum type exhibit. That is a foot or two behind the glass. What I didn’t want to do in here was put a black wall against Copeley Road. You want to give it a lit feel. You have lighting coming out of the storefront. If you go to the Ivy Road frontage, you have café, real retail, and activated spaces on Ivy and Ivy Copeley because we want this to be accessible and usable. We want it to be well lit and that’s why we went with that treatment there.

**Commissioner Russell** – I am skeptical of that. I defer to the architects on the Commission to see that through as it develops. I understand the intent.

**Commissioner Schwarz** – As to what Commissioner Russell said, I can sympathize. It is hard to line a parking garage or line a whole building with active uses all the way around. In this one instance along Copeley Road, where there is not going to be continuous sidewalk, this seems like an acceptable alternative rather than putting a retail spot there that’s probably never going to be occupied or at least not for a very long time. As for the affordability, I agree with the other commissioners on that. You’re going for a bonus. Try to stick with what we’re trying to accomplish with our Comp Plan. With the building height, I have no concern with it at this location. There is always going to be a first building. Potentially, we will have taller buildings extending down along Ivy. One thing I have realized with the taller buildings that are downtown is that the first one sticks up and looks funny. You get a few more and it suddenly

makes sense. Once we had the Code Building, the Waterhouse started to make sense downtown. It now fits together. There is a growth that is going to have to happen. It is far enough away from the Lewis Mountain neighborhood. I recognize that they are concerned about change and what it might be. I don't think it has any impact on them. One thing that is bothering me and our code rewrite team should look at is how you're handling your streetscape section. With the overhang of the building, I am not sure that was the intent of the streetscape regulations that we're putting in the new code. I don't have a problem with it. I think it could be nice the way that you're doing it. You get the full sidewalk. You also get more of your building mass out to your property line. It might be an example of where the 40-foot tree spacing might be too much. I have noted that a couple of times. If these trees are going to be squeezed in there, this would be a time where 30 feet might be better, closer spacing for the trees. I don't know if anyone else noticed the overhang on the street.

**Mr. Buss** – That is perceptive. That's an alternative plan that we're looking at where you're picking up that. We have this overhang at 10 feet. What we were talking about internally was that at Ivy and Copeley, your most critical walkway can feel heavy if it is 10 feet up. We made those two stories and lifted that, so it is not sitting there over your head.

**Commissioner Schwarz** – If that seems ok in this case, is that something we should consider in the zoning rewrite? You provided an interesting example to us. I am asking the rest of the Commission if that is something that should be a one-off or if that is something that we might want to anticipate?

**Commissioner Stolzenberg** – In the corridors where it makes sense, where you have retail space like that, you probably already have zero-foot front setbacks beyond the green scape. You can't overhang the right of way. Would it make a difference?

**Mr. Freas** – I am not sure that this would be allowed.

**Commissioner Stolzenberg** – I guess in the cases where it is not the right of way and it is a sidewalk easement, it probably would be allowed.

**Mr. Buss** – In this specific case, this storefront is set back more than allowed under the new ordinance. To get a respectable distance from the curb to the face of the building, must be enough room for a good planter, a good-sized walkway, and then have that café/two-seater tables along the glass. To get that, this must be in excess of it. We didn't want that overhang sitting at 12 to 14 feet above. We want to take that up to about 20 feet.

**Commissioner Stolzenberg** – I do like the overhang. I like the 2-story one. I especially like that there will be outdoor café tables. I feel that you could consider wrapping them around to the Copeley side. You have previously presented to us that you were going to substantially comply with the new ordinance. We anticipated that would include affordable housing. Let's be honest that 34-12 is vestigial. It only applies on discretionary decisions. Council has indicated for years that they will not approve anything with just that. For three years, we have had the authority to do more. It has been wrapped up into this broader zoning overhaul. I do disagree with Commissioner Habbab. I think 10 stories is appropriate for this location. I can think of very few better locations for it. To the north, where shadows would go, you have the railroad and a bunch of practice facilities. You have a significant grade drop from the adjacent neighborhood. I am going to quote from UVA's Ivy Corridor Plan: "Given the surrounding commercial

context along with the great exposure at Ivy and Copeley Roads, the western corner of the Ivy Corridor has the potential for transformative change from a low-density suburban condition to a vibrant street edge and threshold to the University. The frontage of this corner provides the opportunity for possible retail to support athletic facilities in Lewis Mountain.” This proposal is very much inline with transforming this suburban strip mall corridor, which is not human scale, into a pedestrian serving corridor that works well. It will overshadow most. Since UVA has bought it, Moe’s will not be there for much longer. I am sure they are scheming up plans for what to do with the rest of the corridor. You do think of it as that entrance to the University. It will be one of the first things. That is the road almost everyone drives into town on when they first come to UVA or visit. You must make it look good. It is an appropriate place to put quite a lot of student housing. Lewis Mountain can’t have it both ways. They complain quite loudly of the idea of medium intensity in their neighborhood and said not to put stuff in their neighborhood and put it on this decrepit strip mall area. They are saying ‘not that decrepit strip mall. That is too close to our neighborhood. Put a mile to the north.’ That is an unreasonable objection. This will draw many students out of houses that would be suitable for non-students. Many students would love to live in this area. I did not mean you should add more parking because of that. Pay attention to the streetscape. We recently had a pedestrian with a bike die at this intersection. You have a wide bike lane and very wide vehicle lanes. If you can add some protection to those for your stretch of the lot, that would add a lot and potentially measures to make the intersection safer. That will do a lot to serve the future residents of this building.

**Commissioner Palmer** – There were a lot of good comments that hit on a lot of things that are up for discussion. Affordability is huge here. With the discussion about the height, it sounds like there are some people for and some people against. In terms of the Ivy Corridor Master Plan, if you boil it down to a general massing, you’re looking at lower 4-story buildings along Ivy Road. On the back of the site, you’re allowing for a little more height. I think the Hotel is 7 or 8 stories. From that standpoint and if you think about that form, this doesn’t really fit that form. I think you can consider lower along Ivy Road. Allow for some of that height in the back. This isn’t Ivy Corridor development. This is a private parcel governed by the city’s zoning ordinance. I acknowledge that. Where we might think of a more generous setback from Ivy Road, this seems to want to bring it closer to Ivy Road. When I looked at the street section, I felt it was a little tight for tree plantings. The seating area seemed tight. That gets into what we’re going for there with the setbacks in terms of the city zoning. Can you make that more generous? I like the idea of retail there. What Commissioner Stolzenberg read makes sense. It is a vibrant corner. With the sidewalk on Copeley, I understand that you want that to access the parking, the bikes, and the scooters. What we need to be careful of there is beyond that, there is nowhere to go. You don’t want people walking around that corner and realize that they need to get to the other side.

**Mr. Buss** – There is only sidewalk on the east side of Copeley. The intent is for that sidewalk on our side to servicing bikes and getting down to the intersection.

**Commissioner Palmer** – It is good in that it is pulled away from the road. At some point, a person might find themselves up there.

**Mr. Buss** – The University plan is great. You have the road, bike lane, and you have a strong pedestrian connection running out there.

**Commissioner Palmer** – In terms of the parking, it does seem like it is fewer parking spaces. Some of those are retail. What are you thinking in terms of the numbers for residential parking?

**Mr. Buss** – In the plan, there is around 162 parking spaces. I think we had allotted 8 to 12 spaces for the retail. We would be around 20/24 percent parked per resident. You can add on the Envoy carshare.

**Commissioner Palmer** – With Envoy, are those double-stacked?

**Mr. Buss** – It is not a double-stack. It is a resident carshare. It is like Zipcar, except it is dedicated to residents in the building. Getting people to accept it is generational.

**Commissioner Palmer** – There is virtually no on street parking in the vicinity. If you think about people needing to park there, they can't park in that garage. You want to be cognizant of that.

**Commissioner Mitchell** – What is UVA thinking about doing with Moe's and Foods of all Nations?

**Commissioner Palmer** – That is the UVA Foundation. It is operating under the inherited leases and continue to operate it as a commercial property.

**Commissioner Mitchell** – No development vision today?

**Commissioner Palmer** – No. We have master planned up to Copeley for the Ivy Corridor. The Karsh Institute is the most recently approved building. That is in our Capital Plan. It will be constructed past there. There is nothing in the immediate plans. Something like Karsh came about. We had this master plan.

**Mr. Buss** – The CX-5 is 5 stories, 72 feet height. The seven floors up to 100 feet with the bonus under CX-5. The Karsh Institute shows 6 levels in the latest plan.

**Commissioner Palmer** – What happen on Ivy Road is that it raises up. It sits at your building's height. As you go west on Ivy, everything jumps up. It is a great place for student housing. They have plenty of services right there.

**Chairman Solla-Yates** – These were excellent conversations so far. Since this is a PUD, I believe there are open space restrictions. How is that being handled?

**Ms. Long** – I believe that we calculated that we meet it. The application meets the requirements for open space.

**Mr. Buss** – It doesn't have to be on the second floor and on the rooftop. There is sufficient open space for use by the residents. A suburban PUD is: What is your open space?

**Commissioner Stolzenberg** – Why is the roof deck so small with that pathway? What are you doing with the rest of the roof?

**Mr. Buss** – We have mechanical equipment up there. We felt it was sized enough. It takes up that whole wing. We want a landscape barrier around the perimeter and glass in parts. You have good views looking down the corridor. We have a storm water vault under the building. The roof has an assembly use. You

are limited by your stairs as to what you can do. You couldn't cover the whole roof. If you cover the whole roof, you have an occupancy of 2000 people.

**Commissioner Palmer** – Is the loading dock going to be a condition where you are backing out onto Icy Road?

**Mr. Buss** – The intent is to be able to back in and for garbage collection. We have looked at moving that maintenance room and putting something on the back of this so you could have pulled through if needed. The loading isn't generally used very much. The service for this light of retail, we're not talking about heavy docks, heavy users.

**Commissioner Palmer** – If you have this many units, that is 6 to 10 packages a day.

**Mr. Buss** – We have the mailroom and package. Amazon can pull into the garage, and they can unload it in the package room there. At the door, we generally put beacons on the outside for reducing pedestrian conflict. We originally had the garage out here. We pushed the garage door in. Seeing insufficient queuing distance coming into the building, we have a garage door that can push in another 5 to 10 feet. That give enough queuing length for them. We have a door that goes down afterhours. This would be open during retail hours. We have a gate here for resident access only.

The meeting was adjourned at 9:50 PM.