

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

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

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

***Location:*** NDS Conference Room

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

***Staff Present:*** Patrick Cory, Missy Creasy, James Freas, Matt Alfele, Carrie Rainey, Dannan O’Connell, Ryan Franklin, Jeff Werner, Ben Koby

Chair Mitchell called the meeting to order and provided an overview of the agenda. He asked if there were questions about the consent agenda. Commissioner Schwarz had questions on the Belmont Condominium application and Mr. Alfele provided answers as well as responses to the questions provided by Ms. Jackson in an email. For the 1709 JPA application, Mr. Werner will provide a brief presentation and the applicant will be available for questions. Commissioners Stolzenberg plans to provide feedback on the types of scooter racks to the applicant.

The Commissioners noted no comments on the VERVE application. It was noted the applicant plans to request a deferral for the 108 Lankford project but plans to discuss the changes with the commission and hold the public hearing. On the 2117 Ivy Road application, Commissioner Stolzenberg asked questions about the affordable housing proffer which led to a brief discussion of the ADU manual and addressing on site units and fee in lieu from a broader perspective. Commissioner Stolzenberg asked if 2117 is asking for a sidewalk waiver and Mr. O’Connell noted that they have not requested a waiver. There was discussion about the size of the Copley bridge and potential for additional turn lane. It was noted this is something that could be talked about at site plan review.

Chair Mitchell closed the discussion by noting that when the group reviews the VERVE, they are generally looking at the proffer, but it would be helpful to talk about other items including UVA concerns.

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

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

***Location:*** City Hall Chambers

**A. COMMISSIONER’S REPORT**

**Commissioner Stolzenberg** – I attended a meeting of LUPEC (joint committee between UVA, Charlottesville, and Albemarle County). There were two presentations from the UVA Foundation on the North Fork development plans out by the airport. They’re planning to build 1400 units split into a bunch of different blocks of multi-family, single-family, and some duplexes/townhomes. They also presented on the ongoing effort to provide land for affordable housing projects. There are 3 sites. One of them is North Fork. Once that zoning is done, that is set off for later. The other is Wertland behind Stacy Hall on Main Street. The other one is Piedmont Family Housing, which hosts graduate students and professors we can expect, depending on the final outline of

the plan. I don't think that they have signed contracts. They have figured out what developer is going to do each of them. The one on Wertland will be a group out of Baltimore, called Preservation for Affordable Housing. They will be building, depending on the final configuration about 120 to 152 units. On Piedmont, it should be about 300 units. I am sure that we will hear more as those plans develop. We can probably expect that the city developer will come to the city to ask for subsidy for funding.

**Commissioner Solla-Yates – No Report**

**Commissioner Schwarz** – At the BAR meeting last month, I don't think we had any items on the agenda. We discussed how we're going to go about updating our guidelines.

**Commissioner d'Oronzio** – The HAC met on the 18<sup>th</sup> at noon. The Commission knows the results of that meeting. That was the tweaking on the ordinance. We met on the 6<sup>th</sup> for the same purpose. We ran afoul of the insufficient number of people in the room to conduct business. We had a quick meeting yesterday to ratify and finalize all that. Some of that was presented to Council last night. The TJPDC (Thomas Jefferson Planning District Commission) met on November 2<sup>nd</sup>. The bulk of that meeting was taken up with the accountant and the audited financials review. There were two items of tangential interest. One was moving towards an agreement regarding the Virginia's Department of Health swap program, which is Septic Well Assistance Program. This was funded through ARPA. If you are up to 200 percent of the poverty line, you can apply for funds to deal with failed wells, failing septic. The Department of Health took an enormous number of applications in that they tentatively approved because it met the criteria during 2022. They discovered that it is difficult to get an individual well contractor 250 miles away to commit to how you're going to handle that. They sent 'a flare' to the regional planning districts to administer the program, so they could find local contractors. There are 5 contractors in this district that were identified. One is in the city. The TJPDC are going to be providing support, assistance, and counseling to the town of Mineral in their Comprehensive Plan update.

**Commissioner Habbab** – I had one meeting, the Tree Commission, which met last Thursday. Some of the things that we discussed and looked at were first contractors watering the new plantings. It was complete. It helped us save a lot of the newly planted trees. The contractor was awarded a bid to install 186 trees within the city on public properties along various parks. Historically, this contractor had a low 5 to 10 percent tree mortality rate. It seems promising. The Charlottesville Area Tree Stewards (CATS) are going to install 22 trees at Rives Park in the coming weeks. Through the invasive species control efforts and mulching goats, we reclaimed about 12 acres of land; 900 seedlings are going to be planted between Thanksgiving and Christmas. Those are going to be at Fry Springs, Forest Hill Park, Azalea Park, and the Rivanna Trail section between Jordan Park and Fifth Street Station. An invasives information sheet is going to be mailed out as part of the Parks & Recreation mailer that goes around to help people identify invasives if they see them. Most of the city's green space is privately owned. We will need everyone's help in this effort to combat invasives and preserve our tree canopy. Another round of intensive tree work is going to happen on the Downtown Mall mid-January; looking to prune all the trees to remove deadwood 2 inches over. I believe that there might be one tree removal. We looked at the state of the forest report. We're trying to prepare that as it comes out early next year.

**B. UNIVERSITY REPORT**

**Commissioner Palmer** – The next Board of Visitors meeting is not until December. There are some quick updates on a few projects that are happening around Grounds. The main library is nearing completion. It received a temporary occupancy permit. They can start occupying the building and bringing in books and things like that. It should open to some extent and mostly fully by the April timeframe. Contemplative Commons is also nearing completion. I don't know the exact date on that. It should be winter/spring 2024. With Branden Avenue housing, we're building a new residence. It is apartment style living. There are going to be around 330 beds in there with dining. That will be ready for Fall occupancy. Data Science is also nearing completion for

2024. It should be open in the summer timeframe. The Hotel and Conference Center is under construction at the Ivy Corridor should be open in 2025. It does sit further back on the site. The Karsh Institute for Democracy is still in design. It should be in 2026 before that is done. The football operations building, which is over by JPJ, going along great. It should be done in the spring of 2024. The Olympic Sports building has also been started. That is going to be further out for completion. One thing that is exciting is the western side of McCormick Road. It has recently gone through a redesign. It used to be a landing strip of pavement. They have made it a 2-lane road with wide sidewalks to accommodate the heavy pedestrian traffic.

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

**Chairman Mitchell** – The Parks & Recreation Board met. We got a kickoff presentation from the people that are going to be developing the Comprehensive Parks & Recreation Master Plan. That presentation was from Mike Svetes. He was the Park Director from 2005 to 2009. He is going to be leading the effort. Replacing the Key Center roof is ahead of schedule. We recently purchased an 8-acre track of land. That track of land runs along Moores Creek in Azalea Park. We only had to put up \$8000. The rest of the money was put up by The Land Water Conservation Fund. We will be working to develop that and integrate that into our Parks & Recreation portfolio. I met with the City Manager to talk about the Capital Improvement Program. We have a work session on November 28<sup>th</sup>, where we're going to get a chance to look at that. I have copied you guys on the draft. If you guys would look at the draft and get back to me by midday tomorrow with any questions or input, let me know. I will meet with the Budget Office tomorrow at 1:00 PM. Based on the City Manager's priorities, it could be readjusted by Council. The most important things are safety, meeting any legal requirements, sidewalks, ADA, and housing for the homeless. Those are the things that he is focused on. I, Commissioner Solla-Yates, Mr. Freas, Vice-Mayor Wade, and Mr. Sanders, and Chris Henry met. That conversation was about something that they are doing in Richmond. It is called the Affordable Housing Grant. It is nothing more than rebates and tax credits to incentivize the development of affordable housing. Mr. Freas has the list to begin helping us to organize on what we might want to do with that in Charlottesville. I think that he is going to use the HAC as a 'sounding board' in the beginning.

### **D. DEPARTMENT OF NDS**

**Missy Creasy, NDS Deputy Director** – We do have the work session. It will be the 28<sup>th</sup>, the last Tuesday of the month. It will be specific to the CIP. I will note that we are continuing work with Council on the development code and the zoning map. We had a work session yesterday. Our next work session is November 29<sup>th</sup>. That is going to be a discussion on the zoning map. The public hearing for that for Council is scheduled for December 5<sup>th</sup> starting at 4:00 PM and continuing until everyone has had an opportunity to speak, who would like that opportunity. The mailings and advertisements are out and in the works. We have had some releases go out on that information. Council has designated December 13<sup>th</sup> as another date if they need deliberation. If they are not prepared to decide on the 5<sup>th</sup> and consider December 18<sup>th</sup>. We have several upcoming timeframes for working with the zoning code.

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

**Deb Jackson (Douglas Avenue)** – Our property abuts the proposed Belmont Condominium development. There are three issues that I wish to speak about. On the current plan, the outflow water pipe from the stormwater management system will empty water onto our property. There is a history of flooding in our backyard when the stream backs up. Since there is an opportunity now to change the direction of the outflow and avoid backup flooding in the future, it is prudent to do so. There is a legal precedent in 1974 with 17 Inc. versus Pilot Life Insurance. Surface water is a common enemy that might be fended off by each landowner. Landowner may not collect surface water into artificial channel and poured upon land of another to his injury. We request that the

developer flip the pipe to empty the water onto the adjacent property to the east of where the outflow is currently planned. We wonder how the 20-foot cement block retaining wall on the north side of the development will be constructed without trucks and other building equipment trespassing onto our property. We request that the developer inform all demolition and construction personnel to respect the limits of demolition and monitor these limits so as not to trespass on our property. This is relevant to abutters on Spruce Street. My third point is that the engineering firm that assessed the plan commented several times in their report that they do not recommend blasting the rock in this area during the site preparation. We wonder how homeowners on the adjacent properties can be assured that there will be no blasting. Under what circumstances might the City Council approve a blasting permit.

**Elsa Spencer** (Chestnut Street) – I wanted to speak about one thing partly as a resident and partly as a mom. I do have 2 teenagers who live with me. The 19-year-old has autism spectrum and attention issues. He had an IEP when he went through the public school system. He walks to work. He is not ready to drive. They walk down Carlton Avenue and Carlton Road several times a week. We use those roads a lot. I would like to make a request. When there is a pre-site disturbance meeting, I understand that there is going to be one to go over traffic issues. I would like to request that the residents be notified about the meeting and the developer formulates a safety plan for the construction of the roads and the houses. Make sure we know that it is the developer responsibility for that. I would like to ask that we minimize the through traffic through Spruce, Cherry, Chestnut, Myrtle block. It has never been a through road. We have 16 kids and 16 dogs that live in that area. The kids are not used to through traffic. We understand that there is going to be a lot of traffic. We want to make sure that the developer has a safety plan for those construction vehicles. I understand that we're anticipating an additional 900+ car trips a day down Carlton Avenue between Mas Restaurant and the Carlton Road stoplight. That intersection is already problematic. It is a commercial loading zone for the Red Lantern and Cactus restaurants. My request would be that the city devote some time and resources towards traffic calming measures on that section of Carlton Avenue.

**Kat Maier** (Douglas Avenue) – I am Deb Jackson's neighbor. I agree with the concern about the stormwater runoff. I am grateful that in the plans they were looking towards climate change. Some of the usual precedents that we have been going on may not take hold in the coming decades looking at long-term planning and looking at where that water is going. Off to the other property, there are culverts that are further downstream that have been compromised by different storms. I hope that the engineers look at some of these considerations. I am reiterating the other comment about traffic. If you can imagine 900 more cars, that is unfathomable. One of my suggestions is for parking to be removed down Carlton. I know that is a sensitive issue. It is one-lane turning off Douglas. When you have the large construction trucks and people not familiar with the patterns, I would appreciate it if there can be temporary halting of parking along Monticello Road, Carlton. It is dangerous. I am grateful that nothing has happened. The light pollution for the neighborhoods is going to be extravagant because this is built high. If there is any way that they can begin the peripheral green planting sooner to give these trees a more time to grow, we love working with the Charlottesville Tree Stewards.

## **F. CONSENT AGENDA**

1. Minutes – September 14, 2023 – Special Meeting
2. Minutes – July 11, 2023 – Regular Meeting
3. Resolution – Verve Charlottesville PUD “findings” with written reasons in accordance with Code of Virginia, § 15.2-2232(B)
4. Subdivision – Belmont Condominium
5. Site Plan – Belmont Condominium

**Commissioner d’Oronzio – Motion to Approve the Consent Agenda – Second by Commissioner Habbab – Motion passes 6-0.**

**Chairman Mitchell gaveled the ERB into order.**

## **G. ENTRANCE CORRIDOR – 1709 JEFFERSON PARK AVENUE**

### **Staff Report**

**Jeff Werner, Preservation Planner** – I am presenting the request for a Certificate of Appropriateness for the development of 1709 Jefferson Park Avenue. 1709 JPA is within the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor. A 4-story brick apartment building is currently on the site. It was constructed in 1972. That structure will be razed for this development. The CoA request is for a proposed 8-story apartment building with a footprint of approximately 70 feet wide by 100 feet deep into the parcel. In October, City Council approved a special use permit for this site, which increased the residential density of the parcel. That included increasing the maximum building height to 70 feet, reducing the front setback on JPA to 18 feet, and reducing the side yard setback to 5 feet. This is a brick and metal panel building that will feature a 6-story tower set atop a 2-story podium. The primary façade, which is oriented to JPA, steps back at the third and eighth stories. At street level incorporated into the podium, is the primary pedestrian entrance and the vehicular entrance into the enclosed garage. The design is consistent with the design guidelines relative to the architectural design form and style, consistent relative to building placement, materiality, and color palette and relative to the streetscape, landscape, and site design. The height was established by special use permit. It is consistent with the trend of recently constructed and approved buildings on JPA, which are becoming taller than the other structures. The new building also reflects a trend of larger footprints and reduced front setbacks. Along this stretch of JPA, side yard setbacks and spacing between buildings vary widely. There is nothing typical nor is a trend emerging. The project features a variation in materiality and color palette with the brick and metal panels, canopies, railings, doors, and windows. The façades and elevations are articulated with projecting and recessed balconies and step-backs at the third and eighth floors. Street level landscaping and hardscaping mitigate the perception of the visual impact of the building's height, mass, and scale. The on-site parking will be concealed within the building, which is a solution consistent with the design guidelines. While the entrance to the garage is prominent, the element of the primary façade is the only location viable for that entrance. The only issue that you might want to discuss tonight is the treatment of the side yard retaining walls from the back to the front towards JPA. This is a project whose parcels are on a steep grade that drops over 50 feet within the parcel's 100-foot depth. The side yards feature tall, concrete retaining walls. From the street level, as a pedestrian, they are obscured by landscaping and limited sight lines. From elsewhere on JPA, they are obscured by trees, the building, and topography. If you all feel that further mitigation is necessary and particularly at the rear segments of these walls, staff's recommendation is to plant at grade at that back and to plant cascading plants suitable for that location with a condition that the plants are maintained and do not encroach onto the building. The other options are something closer to JPA. My recommendation is with the cascading plants as a solution. I have not received any public comments regarding this CoA. I find the proposed improvements are appropriate and recommend approval of the CoA with the conditions that are suggested in the draft motion and to make sure to include anything if you wish on that retaining wall.

### **Applicant Presentation**

**Commissioner Habbab** – What are the thoughts on that green screening at the rear retaining wall?

**Kevin Riddle, Applicant** – You're asking about the walls that are at the back of the side walls. We think some sort of hanging or cascading plants could be effective there. We recognize that we would need to consult with civil engineers and landscape architects. I can imagine that on the north side the viability of that. I am not confident about it. On the side to the south, I think we certainly could have something growing there and thriving. We expect to be doing something with the walls on the inside, both at the back and along the sides, either using some material that will make those spaces more pleasant for the tenants. Currently, we're proposing

color-tinted concrete as you can see in the materials that we have proposed at the back of this presentation. That will make for nice walls. We're open to planting as much as it is viable on top of the screening. In our site plan, you can see that we have the plantings identified that we propose for this project. The ones that are labeled C (sassafras trees), with some time, those trees could grow to a good size and have a thicket quality. Those will do a great deal when you're down at JPA elevations to help obscure those walls. Our plantings are going to end up well above the 10 percent required, closer to 17.5 percent at 10 years maturity.

**Commissioner Solla-Yates** – On page 40 of the packet, you have clear a rendering scope of the retaining walls. Does that seem accurate? How much wriggle room do you have there?

**Mr. Riddle** – This is pretty accurate. The modeling of the terrain that you see in green is based on our survey of the site. It doesn't extend well past the boundaries. Where you see the house that is next door at 1713 JPA, the terrain may not be exactly as you see it there. It is close to that. Along the edge of the wall that we're showing, that is what the grades are doing. The computer models do have to do some interpretation. The more contours you can have surveyed, the more precise this gets. This is a close approximation.

**Commissioner Stolzenberg** – On the retaining wall front, I am less concerned about the inward facing retaining walls as this one that is covering up your trash area. Do you have any plans for that? It looks like a concrete local artist put that there.

**Mr. Riddle** – There is trash behind it but it does not get too tall. As you come over to the JPA side at that corner of the property, there already is a tall retaining wall. We recognize that we're going to have to work out some things as we get further into the civil and site design. Depending on how we must rebuild or revise that wall, we realize that we might be getting a little taller than 5 feet, maybe closer to 6 feet. That is what you see there. We agree that anything we can do in the way of texture and color could have a better outcome than just a blank concrete wall. I wouldn't propose to use chartreuse this time. I agree with you. It is looking blank there. With some of the plantings, we have the coffee trees and beds sedges. Those are going to do a lot to ameliorate the impression of a stark wall.

**Commissioner Stolzenberg** – I would like to see something with that. With the scooter 'things' that you're proposing instead of bike racks, don't mess with it. It is the best solution. Every time architects try to get fancy with bike racks, terrible things happen. They become useless for bikes. The ones that you're proposing look like they might not even fit a scooter. Use staple bike racks.

## **Entrance Corridor Review Discussion and Motion**

**Motion to Approve CoA – 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 1709 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 at the first and second floor doors/windows will be clear, a VLT not less than 70%.**
- **New railings, if required at site walls, will match the metal rail at the balconies.**
- **All exterior lighting and all interior garage lighting visible at the garage entrance will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index 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.**

- **Dumpsters and trash and/or recycling bins to be located within the designated storage area and pulled to the curb only on collection days. The walls of the designated enclosure shall be a minimum 5-ft in height.**
- **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.**

**Second by Commissioner Habbab. Motion passes 6-0.**

Chairman Mitchell gaveled Planning Commission back to order.

Mayor Snook called Council to order for the Public Hearings.

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

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

- 1. ZM23-00004 – VERVE Charlottesville PUD** – Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville (“Code”) for properties (“Subject Property”): Parcel Number: 160008000, 1705 Jefferson Park Avenue, Charlottesville, VA 22903, Parcel Number: 160005000, 106-114 Stadium Road, Charlottesville, VA 22903, Parcel Number: 160004000, 100 Stadium Road, Charlottesville, VA 22903, Parcel Number: 160003000, 102 Stadium Road, Charlottesville, VA 22903, Parcel Number: 160002000, 104 Stadium Road, Charlottesville, VA 22903, Parcel Number: 160001000, 409 Stadium Road, Charlottesville, VA 22903; The applicant is proposing to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and a Proffer Statement. The application and development plan includes parking requirements; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The Proffer Statement indicates the applicant will provide a cash contribution to the City’s affordable housing fund in the amount equal to double that which is required under Section 34-12(d)(2). The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. The Subject Property is approximately 3.3 acres with road frontage on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle. The Comprehensive Land Use Map designates this area in the Urban Mixed-Use Corridor. The Subject Property is zoned Residential Multifamily (R-3) (104 Stadium Road is zoned R-3H and is an IPP) with an Entrance Corridor Overlay. This application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP

request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

## i. Staff Report

**Matt Alfele, City Planner** – You will be hearing a public hearing and making a recommendation to City Council regarding a Planned Unit Development (PUD) located off Jefferson Park Avenue, Stadium Road, Emmett Street, and Montebello Circle. Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville (“Code”) for properties at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road. The applicant is proposing to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and a Proffer Statement. The application and development plan includes parking requirements; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The Proffer Statement indicates the applicant will provide a cash contribution to the City’s affordable housing fund in the amount equal to double that which is required under Section 34-12(d)(2). The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. On October 10, 2023 Planning Commission held a joint Public Hearing with City Council on this proposed rezoning, along with the following applications.

**Application P23-0055** - A Critical Slope Waiver per City Code Section 34-516(c). Critical Slopes exist on the Subject Property along the Montebello Circle frontage and will be impacted by the proposed development. *(Planning Commission voted 6-0 to recommend approval.)*

**Application P23-0058** - A Sidewalk Waiver per City Code Section 29-182(j)(5) for a portion of Montebello Circle (P23-0058). The applicant’s development plan calls for fire access improvements to Montebello Circle, but due to site constraints is requesting a waiver for a sidewalk along approximately 300 feet of frontage. *(City Council will act on this application at a future meeting.)*

**An amendment to “An Ordinance Authorizing the Sale of Certain City-Owned Property Located at 409 Stadium Road” adopted May 2, 2011** – The applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 stadium road to allow for development. *(City Council will act on this amendment at a future meeting.)*

**Application CP23-00002 – VERVE Charlottesville PUD - Code of Virginia, § 15.2-2232 Review: 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road** - The applicant is requesting an amendment to the November 4, 1996 vacation of the Woodrow Street Right of Way (ROW) along with a request to zone the closed portion to Planned Unit Development (“PUD”). Woodrow Street is an unimproved paper street that bisects the Subject Property and is used mainly for off-street parking for the existing residential units. Several public utility lines such as sanitary, water, and gas run through Woodrow Street and will need to be relocated as part of the proposed development. (Planning Commission voted 6-0 to find that amending the November 4, 1996 ordinance vacating Woodrow Street ROW to permit the proposed Planned Unit Development (PUD) as described in ZMA application ZM23-00004 and ZTA application ZT23-09-02 is substantially in accord with the City’s Comprehensive Plan or parts thereof, as amended: City Council will act on this amendment at a future meeting.)

**Application ZTA-23-09-02 – Zoning Text amendment to remove the Individually Protected Property (IPP) designation from 104 Stadium Road.** *Planning Commission voted 6-0 to recommend approval.)*



During the October 10, 2023, Public Hearing there was a question regarding the enforceability of the affordable housing statement provided on the Cover Sheet of the PUD Development Plan. It has been determined that to ensure the statement is enforced as proposed by the applicant, it needs to be contained in a Proffer Statement. The applicant has provided the Proffer Statement containing the same language as Planning Commission reviewed on October 10<sup>th</sup> with no additional changes to the application.

**Councilor Pinkston** – This is essentially the same project that we saw?

**Mr. Alfele** – That’s correct. The only change is that there was a statement on the cover sheet of the development plan that spoke to cash in lieu two times what would normally be provided. To make sure that statement was enforceable, they took that language and provided it in a proffer statement.

**Councilor Pinkston** – Regardless of what you all do tonight, this will come to us for a vote. I am aware of a letter that was sent by the University relative to the height of this project and the visibility from The Lawn. I don’t know if that is something that is in the public record or worth discussing.

## ii. Applicant Presentation

**Valerie Long, Applicant** – I do not have a presentation prepared for tonight. I would be happy to answer any questions or respond to any public comment as needed.

## iii. Public Hearing

**Ellen Contini Morava** (225 Montebello) – I am going to talk about the proffer from the developer. Four million dollars sounds like a lot of money. It is not that much when you compare it with the affordable housing fee that a developer would have to pay under the new zoning code if their development doesn’t include any affordable housing. That would be \$185,000 per unit for 10 percent of the total number of units in the development. The VERVE development will have around 530 units. Ten percent of that is 53. 53 times \$185,000 is \$9,805,000. That is a lot more than \$4 million. That is a discount. A developer of family housing that size would be charged twice as much under the new zoning code; more than \$17 million. Why offer a discount to developers of student housing? The reason is complicated. At last night’s work session, the following assumptions were made. Students will not be eligible for affordable housing. Student housing is regarded as not suitable for families. Builders of student housing are not expected to include any affordable units in their projects. Builders of family-oriented housing would be charged a higher fee as an incentive to build some affordable units on site rather than making an in-lieu payment equivalent to what it would cost someone else to build them. Since it is assumed builders of student housing will not build any affordable units, they would be charged less than someone who might build affordable units on site. At last night’s work session, Mr. Freas said that it would be “unfair to charge them the higher rate.” There is general agreement that student housing that can be rented out by the bedroom is a lot more lucrative than family-oriented housing. That is why it is worthwhile for a developer of student housing to invest in bigger buildings that require more expensive materials. Why should developers who are making bigger profits get a discount on the in-lieu affordable housing fee? I hope City Council will think harder about this when finalizing the affordable dwelling unit requirements in the new zoning code. What is the hurry to approve this monstrosity that the staff report found to be inconsistent with the Comprehensive Plan? What is the hurry to hand developers of student housing a multi-million-dollar affordability discount when you’re finalizing the new zoning code?

**John Hossack** – I want to echo what the previous speaker said. This project is too large. It looks like this is an initial ask and something to be negotiated down. It draws a sharp line under the fact that with the new zoning ordinance, this opportunity will be taken away. Neighbors like me are faced with 3-story apartments next to us. That level of by right development on a street like mine and others is 5 percent. That is surely a problem.

#### iv. Commission Discussion and Motion

**Commissioner Palmer** – UVA did submit a letter with some concerns about the height of this project, the 12-story portion, and its potential to be visible from The Lawn since that is a world heritage site. What came up in the pre-meeting was that the developer may have developed some renderings from perspectives from The Lawn that try to show how it will work. I haven't seen those. I will look forward to seeing those. We will look at those. If there are any revisions we want to make to our statement, we can do that and get them to City Council in the appropriate time. Our concerns are the same.

**Chairman Mitchell** – When we were deliberating this and going back and forth with the developer last month, we did talk about doing something to make it not look as imposing as it looks. I think they're working to do that.

**Commissioner Habbab** – I have the same comments that I had last time. I haven't seen any of those images. My concerns were on the 12-story massing and how that is perceived and the appropriateness of that given the way that we're drafting our new zoning ordinance and the cash in-lieu issue and how inadequate that is when compared to what we're going to be proposing with the new draft zoning ordinance.

**Motion – Commissioner Solla-Yates – I move to recommend that City Council should approve ZM23-00004, on the basis that approval of the proposed PUD Development is consistent with the City's adopted Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner Stolzenberg. Motion passes 5-1.**

2. **ZM23-0002, SP23-00003 and P23-0046 - 108 Lankford Avenue** – On November 14, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application and a Special Use Permit Application ("SUP") for property located at 108, 110, 112 Lankford Avenue and identified in the City's land records as Tax Map and Parcel ("TMP") No. 260012000 (the "Subject Property"). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning, SUP and Critical Slope Waiver. The owner, Green Retro Salvage II Holdings, LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Single-Family Residential Small Lot ("R-1(S)") to the R-3 Multifamily Residential ("R-3") with proffers. The proffers include provisions for 12.5% of residential units to be affordable to households at 60% of the area median income. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The owner has also submitted a SUP application to increase the by-right density from 21 dwelling units per acre ("DUA") to 51 DUA along with modifications to the setbacks and screening requirements pursuant to Charlottesville City Code Sections 34-420, 34-158, and 34-162. The setback and screening modifications include the following:
  - Lankford Avenue front yard setback (City Code Section 34-353A): Modified from 25-foot minimum to 10-feet.
  - Setback requirement adjacent to low-density residential districts (City Code Section 34-353(b)(4)): Modified from 75-foot minimum to 10-foot side setback and 25-foot rear setback.
  - Setback screening requirement adjacent to low-density residential districts (City Code Section 34-872(a)(1)(a)): Modified from 20-foot minimum S-2 screen landscape buffer to 6-foot opaque screening fence.
 In order for the applicant to implement the development plan as presented, the applicant will also need approval from City Council on Critical Slope Waiver Application P23-0046 per City Code Section 34-1120(b).

The applicant is proposing a multifamily residential development with up to 48 units through new construction. The Subject Property is approximately 0.95 acres with road frontage on Lankford Avenue. The Comprehensive Land Use Map designates the Subject Property area as General Residential. Additional information pertaining to these applications (ZM23-0002, SP23-00003, and P23-0046) may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in these applications may also contact NDS Planner Carrie Rainey by email at ([raineyc@charlottesville.gov](mailto:raineyc@charlottesville.gov)) or by telephone (434-970-3453).

## **i. Staff Report**

**Carrie Rainey, City Planner** – Before you tonight are three applications for 108, 110, and 112 Landonia Avenue. The applications are a zoning map amendment, a special use permit, and a critical slope waiver. The applicant’s representative, Justin Shimp, has indicated potential updates are under consideration. I would suggest that the Commission first hear from Mr. Shimp. I will be available to provide the staff analysis following Mr. Shimp’s statement should the Commission choose.

## **ii. Applicant Presentation**

**Justin Shimp, Applicant** – I would like to discuss this, let the public make any comments, and then request a deferral. I would like to provide a brief explanation of why I proposed this, and why I would like to change it. I would be interested in hearing any thoughts the Commission has, provided that it be deferred that I might incorporate my edits in addition to what I already have in mind. I appreciate the direction the city is taking with the zoning ordinance. It is much better than the one we currently have. I am pleased to see the city turning that over to the unlimited density in the mixed-use corridors. That is no longer the issue. In the RA zones, there are some unusual larger parcels that have potential to go up above that without being out of place in the neighborhood. That is why I proposed this. I think that I went wrong in bringing in a 3-story building to the Lankford Avenue streetscape. Upon looking at it, reading staff’s comments, and going out to the site and walking around, I want to amend that to keep the 2 houses in the front, keep the existing historic structures, and build the project in the back. I think it is going to be a better outcome. We also have an issue of two houses on the street are occupied by 6 different tenants. We propose to leave these 2 structures so that we don’t have to move them anywhere. There is one tenant who would have to be rehoused. One structure would come down for the road entrance. The other tenants could remain in their current accommodations.

### **Next Slide – Surrounding Context**

Everyone is familiar with this location. It is just 1-acre parcel. Within proximity, there is an adjacent multi-family building to the west. The First Street projects are near the site. There is a church across the street. It is a predominantly single-family neighborhood. There are a variety of other uses and structures that make up this neighborhood. It is within a close walking distance to a lot of things in Charlottesville. It makes this a primary location to put some higher density. This project would essentially be all 1-bedroom small units. We have an affordability component. They are intended to be single or a couple occupancy for people who would work around downtown or the hospital area.

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

You have an interesting mix here. We have a new subdivision, Paynes Mill Subdivision, which was built a couple of years ago. You have \$800,000 homes. It is a nice neighborhood. You have the South First Street. There are a few single-family lots. You have an interesting mix in this neighborhood. Frankly, that is a possible outcome of these large lots. One of the things that I am trying to avoid is that the market forces dictate that you could slice this into 3 lots. It is more valuable at 48 units. That was a question that came up at the community meeting. Could you do 20 units? No, I can’t. Essentially, I am taking land value down. Developers are not looking to do that. If the land is worth more than 3 single-family houses, that can be sold for \$1 million apiece.

That is what it becomes. It is a thing that can happen. When we have these large, 1-acre lots under a common ownership, there is opportunity for something different.

#### **Next Slide – Existing Conditions**

There are the 3 houses. We would keep the two on the left.

#### **Next Slide – Concept Plan Overview**

This structure was in the packet. With that first building on Lankford, as opposed to 3 stories, it is too much height and scale for that street. There are structures of similar size. It is too much. You will notice (footprint wise) that we are smaller than the adjacent multi-family structure. We are 3 stories. That is more like one. After looking at it again, we need to peel that back. That would be my ultimate proposal.

#### **Next Slide – Massing Diagram**

This is some context of what is around. You are familiar with the South First Street community existing structures. You can see for context 28x72, 2000 square feet footprint, two stories. We are a similar scale to that. The new First Street buildings are about 7000 square feet footprint. We are smaller than those.

#### **Next Slide – Footprint Comparison**

The building on the top left is essentially what I envision. That is a close representation of the size and scale of these structures, which I think is appropriate in the back of the site. It is a little tall for the front. The comparison that we used at the neighborhood meeting was Dunlora Forest, which is a neighborhood in Albemarle. It has a duplex that is nearly the same size. We would have a 14-unit building in that example on the left versus 2 units with the one on the right. One of my fundamental issues with density is that those structures aren't a lot different. There is a different number of people within them. Is that something we should be regulating what we do?

#### **Next Slide – Mount View PUD**

An example was the Mount View PUD. It was a project that we did that was approved. It is a lower density. It was 30 dwelling units per acre. It is larger units. The square footage per acre in that project is larger than what is proposed for Lankford.

#### **Next Slide – Grove Street**

Grove Street was another project of R3 out of R1, similar scale-type buildings.

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

We talked about this. The affordable housing is interesting. I appreciate the comments that were made about the fee amount. It is a big expense. It is one of the things we have tried to figure out on these small projects. It is difficult to get them off the ground. Rather than starting from year 1 having affordable housing; we start at year 10 and have an additional unit. Rather than having 99 years of 5 units. I will have 89 years of 6 units. You get more net affordability that way with more years of affordable housing units. The simple math of that is to build this project. Getting it off the ground is the most difficult. Once you get past 10 years, you pay down some of the debt. You can refinance it and you can make that work. The developer is going to lose at year 10. They are not going to have as much available equity to pull out. The project will essentially be devalued with those affordable units. It gets built. We get the market rate units and the affordable units. It becomes a sustainable project. I would be curious of people's take on that. There was a comment from Community Solutions office about this being a non-starter. Affordable housing is not an issue that is going to go away in 30 years. If we're at a 99-year window, is 10 to 99, OK?

#### **Next Slide – Alternative Concept Plan**

We would keep 110 and 112 Lankford. 110 Lankford is a historic store. We keep those structures and build the 3-story buildings in the back. I did want to give you a ‘rundown’ of where I started, what we would like to do, and hear any feedback. We’re trying to get a mix here. There must be more density in some of these sites. I know there are going to be more opportunities in the city for density. I don’t think there is that many of these one-acre parcels that will come along like this. To me, it is a missed opportunity not to do something at a higher density. That is what I want to end up with. We would be happy if the Commission is willing to defer it. I would be happy come back in the future for a hearing with new information.

**Commissioner Palmer** – Does removing one building reduce the number of units that you are hoping to achieve on this site?

**Mr. Shimp** – We would lose a 12-unit building. We pick up 2 more for the houses that are there. We would try to increase the units from buildings from 12 to 14. We would probably end up at 44 units.

**Commissioner Palmer** – Are you basing the amount of parking that you have on any sort of metric? Is that your best guess?

**Mr. Shimp** – It is current city zoning. It is one space per unit.

**Commissioner Palmer** – Under the new zoning, you don’t necessarily have to provide one per unit?

**Mr. Shimp** – That is correct.

**Commissioner Habbab** – Would you change your parking if you could? Is this what you feel comfortable with for the project?

**Mr. Shimp** – That is a good question. I would have to leave that up to the developers. There is a comfort level. When you remove the restrictions, people are still going to provide parking. People are going to want cars. I would be content to remove some more parking and add some more landscaping. I don’t want to say that I am going to do that. It is not mostly my decision to make without consulting my client.

**Commissioner Habbab** – Keeping the homes in the front is a great idea. It makes me feel a lot better about the project. I had a question on critical slopes. Reading the staff comments, is this something you can avoid disturbing? It seems that any disturbance cannot be mitigated according to the staff comments.

**Mr. Shimp** – The on-the-ground conditions are a little bit different than what you see in this application. There is a channel that we can get to from our property to the existing channel. It doesn’t show up. The staff report is interesting. It is very technical. I do need to address that with the city engineer. If we did not have a channel to discharge to, we would have a problem. We do. I have surveyed it. It didn’t show up in this application like it should have.

**Commissioner Habbab** – My request is to find a way to incorporate creative open spaces and planting. Looking at this, it is very asphalt heavy. If there is a way to carve that in a meaningful way, that will make me feel better.

**Commissioner Solla-Yates** – I spent some time walking around the street and looking at this site. My sense is that there is quite a bit of grade going down. It is a deep lot. How far down is this versus street level?

**Mr. Shimp** – The back of the site is around 18 to 20 feet below Lankford. The middle building probably sits about 8 feet below Lankford.

**Commissioner Solla-Yates** – Something that we have talked about in the past is doing tuck-under parking as a way of reducing the footprint of the paved space. I think that is potentially exciting. I am not sure that the numbers work for this site. I am excited to see something of this scale up front. I like that idea of continuing the scale of the street as it is and doing more in the back. That makes a lot of sense. I don't have strong feelings about heights in the back. I don't think that most people will see them from the front. I would focus on what the street experience will be. That will be a good guide on what are appropriate heights in the back.

**Commissioner Stolzenberg** – I wasn't worried about height on the front. Keeping those two historic buildings does make me feel good. That is a good idea. My question for you on the deferral is whether you have done the math on that. Are you betting that they are not going to pass the new zoning ordinance any time soon and you will have time for that? If they are going to pass it in December and you have a Planning Commission public hearing in December, you're not going to get a vote in time.

**Mr. Shimp** – We lost about a year on this project for investigating a historic cemetery. There was potential of that. We hired a firm to do the subterranean sonar survey. We did not intend to be cutting it this close. If it comes down to it and the ordinance is passed and they're cutting it off on a specific day and not approved, we will simply amend this to an RX. There would be a zoning district under the new ordinance that would adopt the same project. Maybe it involves starting over. It is a better project. Maybe it could be voted on tonight. I hate to complicate things like that. I am going to take the chance that if we must, we will amend it to an RX. I will take my chances there if this is more appropriate for what should be on the site.

**Commissioner Stolzenberg** – That makes sense. I came into this application skimming the beginning and was very skeptical. It is so different from what the Comp Plan is recommending for this area. I am learning that this was R3 until 2003. You have this historic store on the site. I have slowly 'warmed up' to it; probably not enough that I would have voted 'yes' tonight. What you found in that staff report is that the reasons to deny are all that the Comp Plan doesn't say to do this in this area. To the extent that you're supporting other goals in the Comp Plan, we can say that even though the map doesn't say that it does make sense. Under the current zoning ordinance, 34-27a4, between November 1<sup>st</sup> and January 2<sup>nd</sup>, an applicant can submit for a Comprehensive Plan amendment. Doing a concurrent Comprehensive Plan amendment seems like the move here. To say let's change that future land use map because this is a site that is appropriate for more density. It slopes down. It is a large site that was historically zoned for more than historically had mixed-use on it. You can make a strong case for a Comprehensive Plan amendment. I don't know if staff can turn that around in time to keep it on the same track. This application becomes a lot stronger if it is with a concurrent Comprehensive Plan amendment. If time does run out and if you do an RX, that means you get into the standard of 10 percent for 99 years beginning at year one. If you're able to do that, that is great. I see where you're coming from on the math. You pay off the debt for a few years. I don't love the idea of experimenting it on that with one random small project that already isn't consistent with the Comprehensive Plan. As we refine our inclusionary zoning, we should have that discussion about how these things should work. I will say that 10 years seems too long. It will be forgotten about and probably never enforced.

**Commissioner d'Oronzio** – I agree with Commissioner Habbab on the pavement issue. This is much better than the packet presentation. With the funding of the affordable housing, I concur with some of Commissioner Stolzenberg's views. The math makes sense to the developer. I get that. The question is how this is future money for the city. For the developer, we're talking about 10 years hence. I don't know if there is a way to engineer that in a way that is either equitable, sensible, or even possible. I agree that although that is an intriguing concept of this delay of how we do that, I agree that we should not try to 'build the airplane in flight.' We need to give that some thought on how alternatives might work. At 10 years, that is a non-starter as it stands.

**Commissioner Schwarz** – Your revised idea is a much more intriguing concept and makes the idea of doing something contrary to our Comp Plan a lot more palatable. By preserving those houses, you're respecting the sense on the street. You need to be careful with the parking lot as it is viewed from the street. I am not sure if I am as concerned about the rest of it further down the hill. You need to resolve your water issues somehow by law. Do you see this giant parking lot from the street? I am going to let those who are smarter on the affordable housing component deal with that.

**Chairman Mitchell** – I like this much better. The 10 years gives me great concern. I am not sure that I can get comfortable with that. Can staff walk me through the channel discharge conundrum that we have gotten? Is there a way to address that? That is going to be there no matter when you come back.

**Ms. Rainey** – This might be a case where we need to hear additionally from the city engineer on this issue. As noted in the staff report, the city engineer noted concern with the proposal to channel water through the critical slopes on site to an off-site channel, which was shown in the staff packet with a blue line running through the middle. The city engineer had found it not to be an eligible storm water conveyance system. He felt that you could not put the water through those slopes into that conveyance path. He also noted issues with the design of how that conveyance was shown where the angle at which the water would hit that conveyance path offsite would likely cause erosion to that swell.

**Commissioner Stolzenberg** – Is this one of those things where it would have to be resolved during a site plan storm water review and we argue about it during the critical slope waiver process when it would have to be done anyway?

**Ms. Rainey** – The applicant could certainly choose to have proposed a critical slope waiver application during a site plan process prior to a rezoning/SUP process if they so choose. It would certainly have to be addressed prior to any site plan approval.

**Councilor Payne** – Can you talk more about the situation with the existing residents, who were there? I believe that you said that one person would be moved under the new arrangement. The others would be able to stay.

**Mr. Shimp** – One of the things that came to light in my recent exploration of the site. It started two years ago. People moved in and out. The house at 108 is occupied by one tenant that would be taken out to build an entryway. 110 and 112 have six separate tenants in there. In evaluating an alternate change, those are the structures that we wanted to keep. The store is an interesting, historic piece of information. Those people could remain in that residence without having to be rehoused. That was a positive to keeping those 2 structures.

**Councilor Payne** – With that one tenant who would need to be moved, is there any sense yet, on your end, any involvement in terms of assistance with that? Are they purely on their own once they're given a timeline for when that begins in terms of figuring out alternative arrangements?

**Mr. Shimp** – This particular property owner owns other rentals throughout the city. Given the timeframe, there would be 12 to 16 months before any demolition would occur. I don't think it would be a problem at all to have a special condition or proffer that addressed assistance towards that individual. Fourteen months should be plenty of time to help somebody find a house. In this instance, that should not be an issue for this developer.

**Councilor Payne** – That is my biggest concern. The changes made may lessen that issue substantially. Depending on their situation, we have seen tenants in similar situations where they simply cannot find another place to rent in the city at the price point that they were at and are permanently displaced from the community. That is always a risk. I agree with the points that the commissioners have made. With the parking lot from the street and the side, is there any specific plan, in terms of the screening, visual impact?

**Mr. Shimp** – An S1/S2 screen involves a fence with shrubs and/or trees. You can see it graphically depicted on here. There is a city standard for buffering a parking lot adjacent to residential. I think it involves a fence, trees, and shrubs to mitigate those impacts.

**Councilor Payne** – Reference had been made to the possibility of some sort of landscaping or green space on a small scale that is incorporated into the project. Is that something that was considered or considered feasible?

**Mr. Shimp** – It is not depicted well here. We do have it with the units in the back that are fronting out onto what is essentially a lawn space. One of the requirements in R3, is to have a certain amount of exterior open space for tenant use. That would be an area that we were thinking of as a space. It is going to be a flat lawn behind there. It is a reasonable size. We probably need to look at losing a few parking spaces and finding more green space in the front. I wasn't prepared to do that in the last day or so in looking at this. That is an expectation we try to meet in coming back.

**Councilor Payne** – In that space in the back, activating it and landscaping a little bit could go a long way for the residents, who will live there. Outside of that area, it will make it a better project for the people who live there. The amendments seem positive. This is a neighborhood that has seen a tremendous amount of change and a lot of affluent residents moving in. The changes may ease some of the feelings that some people will have that the entire neighborhood is being completely changed. The project, in terms of the multi-family, is a better alternative than what we have seen of the construction of single-family homes at a price point of \$800,000 to over \$1 million. Overall, it is generally a positive thing.

**Councilor Pinkston** – How many units are going to be in this revised design?

**Mr. Shimp** – It will probably land at 44 units. It will be 3 buildings at 14 units plus the 2 existing houses.

**Councilor Pinkston** – How many bedrooms will be in those units?

**Mr. Shimp** – I think that it will be all 1-bedroom units. They're probably 500 to 600 square feet.

**Councilor Pinkston** – Right now, this is R1. You would be looking for a zoning amendment to let you do this. If you don't get this resolved prior to the new zoning ordinance going into place, it is still RA. How would you propose to pull this off?

**Mr. Shimp** – This is going to depend on what City Council does as far as enacting an effective date. If it is made effective the day of the vote or if it is effective two or three months later, that will be up to you.

**Chairman Mitchell** – The feedback that I have gotten from the director is that there would be some grace period built into this. Is that accurate?

**Mr. Freas** – The grace period is for site plans that are already being reviewed.

**Mr. Shimp** – It is possible. We might have to enact this project, propose an amendment to rezone under the new ordinance. There is a replacement for R3, which is RX. It has similar height without the density restrictions but similar requirements. It would effectively amend our application and come back with that proposal.

**Councilor Pinkston** – What would be an RA lot would be changed to RX?



**Mr. Shimp** – We're going from R1 to R3 under the current zoning nomenclature. We would have to propose an RA to RX. There could be other options. RX comes to mind as the obvious one/equivalent of the current zoning.

**Councilor Pinkston** – Whatever happened with the historic cemetery investigations?

**Mr. Shimp** – It is not there. We spent lots of time and money trying to find it. We think it is on the next couple of lots down if it exists. The cemetery is platted and an easement. Nobody has a record that somebody was buried there. It is possible that it is there, and nobody is buried there.

**Mayor Snook** – I had a couple questions about how you were proposing to do the change in the affordability. Is the idea that the building couldn't be built for 10 years or that it would be built and be market rate for the first 10 years?

**Mr. Shimp** – It would be built market rate for the first 9 years. On year 10, it is required to have the 6 affordable units. It is up from 5 units to 6 units.

**Mayor Snook** – At year 10, the people who were in those units didn't qualify for an affordable unit, they would be moved out.

**Mr. Shimp** – That is correct. That is a possible outcome.

**Mayor Snook** – What happens in year 10 if the owners decide not to do it? What is the city's remedy at that point?

**Mr. Shimp** – They should be put in zoning violation and fine them by the day. It would be a zoning violation of the proffer. The point made by the Office of Community Solutions is that the more complicated this is, the harder it is to enforce. I get that. I am not trying to put any more burden on them. Having a little building like this is very difficult. There was a good question about the math. What is the math? It is a net present value. It is a huge difference between year one and year ten. That is that I am trying to get to a place where the project is viable for a small developer without subsidy to still provide long-term affordable housing.

**Vice-Mayor Wade** – My comment is around the affordability. Last night, we had a work session on this. Getting the cost of a 3-unit is \$500,000 to build. My lens now of what developers proffer for affordable housing is a lot different. That is what I am going to be looking at. I know that 10 to 15 years can go by quickly if you're staying in a place and having to find another place. I haven't read the proffers. I will do more reading before it comes to Council. Otherwise, I am in support of this project. We will be looking at the affordability aspect.

**Councilor Puryear** – I am also concerned about affordability. 14 times 3 is 42. Moving beyond that, relocation of any individuals that are currently in the units because you said that several people might have to be relocated. Where they would be relocated, what that would mean for them during this process. Affordability, for me, is a major concern.

**Councilor Pinkston** – Can you tell me the number of affordable units that you're planning to provide?

**Mr. Shimp** – The proposal in the packet was 40 units total with 6 affordable units. We would drop that down to 44 but still have 6 affordable units.

**Councilor Pinkston** – Those are at 50/60 percent AMI.

**Mr. Shimp** – They will be at 60 percent AMI.

**Commissioner Stolzenberg** – Do you know why this property was downzoned 20 years ago?

**Mr. Shimp** – I can speculate. We all know what the last 20 years of zoning was about. There was a project on Carlton that was R3 that was downzoned to R2 at some point. It was like a spot downzone. When I started, there was a group called ASAP (Albemarle for Sustainable Population) that believed that the county shouldn't grow at all. Things have changed. I think that was the prevailing mindset. I was not closely following this. It doesn't surprise me that something was downzoned in 2003. It wasn't the only parcel.

**Commissioner Stolzenberg** – Is the historic house next door (the IPP) an 8-plex?

**Mr. Shimp** – Yes. I am not sure. It is a strange structure. It is a historic house in the front. It was added onto in the back. It is multi-family of at least 8 units.

### iii. Public Hearing

No Public Comments

### iv. Commissioner Discussion and Motions

**The Applicant requested to defer the applications – Commissioner Solla-Yates moved to accept the deferral for all 3 applications – Commissioner d’Oronzio with the second – Motion passes 6-0.**

3. **ZM23-00003 – 2117 Ivy Road PUD** – Williams Mullen (“Applicant”), on behalf of RMD Properties LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 and 34-490 through 34-519 of the Code of the City of Charlottesville for property located at 2117 Ivy Road and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 070001200 (the “Subject Property”). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning request. The applicant is proposing to rezone the Subject Property from Urban Corridor (“URB”) to Planned Unit Development (“PUD”) with a development plan and proffers. The proffers indicate the applicant shall choose one of the following options: either provide 10% of residential units as affordable dwellings to households at 60% of area median income or provide a cash contribution to the City’s affordable housing fund in the amount equal to double that which is required under Section 34-12(d)(2). The full proffer statement may be viewed in the application materials or by contacting the project Planner. The development plan includes a commitment to affordable housing; a transportation demand management plan; a use matrix; yard and height regulations; parking requirements; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing commercial structure with one building containing (287) residential units. The proposed building will have a height of (130) feet and include (10) stories plus rooftop amenity space. In addition, the proposed PUD includes improved pedestrian and bicycle road markings at the intersection of Ivy Road, Copeley Road and Alderman Road. The Subject Property is approximately 1.027 acres with road frontage on Ivy Road and Copeley Road. The Comprehensive Land Use Map designates this area as Urban Mixed-Use Corridor. The Subject Property is zoned Urban Corridor (URB) with an Entrance Corridor Overlay. Additional information pertaining to this application (ZM23-00003) may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in this application may also contact NDS Planner Dannan O’Connell by email at ([oconnell@charlottesville.gov](mailto:oconnell@charlottesville.gov)) or by telephone (434-970-3991).

### i. Staff Report

**Dannan O’Connell, City Planner** – Williams Mullen (Applicant), on behalf of RMD Properties, LLC (Owner), has submitted an application pursuant to City Code 34-490 seeking a zoning map amendment to change the zoning district classifications of the above parcels of land. The application proposes to change the zoning classification of the Subject Property from “URB” (Urban Corridor) to “PUD” (Planned Unit Development) subject to proffered development conditions and development plan. The 2021 Future Land Use Map designates 2117 Ivy Road as part of an Urban Mixed-Use Corridor. Urban Mixed-Use Corridors are described as containing higher intensity mixed-use development arranged along corridors between employment, commercial, and civic hubs of the city. The proposed use does not fully conform to the categories identified in the 2021 Future Land Use Map. Although the proposed multi-family and ground-floor commercial uses are acceptable within an Urban Mixed-Use Corridor, the proposed building is over two stories taller than the maximum of eight stories described within the Comprehensive Plan. The proposed building is also out of scale with adjacent commercial and low-density residential uses to the west and south. The subject property is within an entrance corridor overlay district. Development of this district is specified as both pedestrian and auto oriented but evolving to more of a pedestrian centered development pattern. The proposed PUD would enable significantly higher building height and residential density than what is currently permitted under this district by right. Under the current urban corridor zoning district, a maximum of sixty-four (64) DUA and eighty (80) feet is permitted with an approved Special Use Permit. The proposed PUD Development Plan allows for a maximum of two hundred eighty-seven (287) dwelling units and a maximum building height of one hundred forty-two (142) feet and/or ten stories. The proposed mixed-use residential structure has a depicted height of around one hundred thirty (130) feet and contains ten stories plus rooftop amenity/elevator space. The proposed structure contains two hundred forty-two (242) residential units and a proposed bedroom count of six hundred thirty-four (634). This would give a total DUA of two hundred forty-nine (249), which is one hundred eighty-five units more than the maximum DUA. The applicant has included additional standards for building massing, ground story height, finished floor elevation, transparency, entrance spacing, wall and fence height, lot area, build to width and parking location which are not currently required by the Urban Corridor district. permitted under the URB zoning district. These standards were based on our current draft, new zoning ordinance, which includes the category CX-8. This property is specified to be rezoned. That is where those standards come from. The CX-8 zoning district also contains a bonus provision allowing the property owner to build up to 10 stories with a commitment to affordable housing. That is what the applicant is using in their materials to justify the 10-story height. The applicant is proposing a striped pedestrian crossing along Copeley Road at the intersection and painted bicycle boxes along Ivy Road to provide a safe area for bicyclists wanting to cross the Ivy/Copeley/Alderman Road intersection. A sidewalk would also be provided along Ivy Road and most of Copeley Road to provide pedestrian and bicycle connectivity between the subject property and adjacent properties, particularly the adjacent University of Virginia Grounds. The applicants have included a transportation demand management plan as part of their rezoning application. This plan specifies that 264 indoor bicycle spaces and 28 outdoor bicycle spaces and 32 scooter spaces will be provided on the premises. The building’s proposed underground parking area will include 2 carshare spaces for the residents. The applicant has provided a draft proffer statement requiring one of the following actions to address affordable housing. The applicant shall either provide affordable bedrooms in an amount that is equivalent to providing 10 percent of the total units within the proposed development details that are described within the proffer statement or the applicant shall make a cash contribution to the city’s affordable housing fund-an amount equal to double that which would be required under the current city code Section 34-12 based on the approved final site plan. Staff finds the proposed development, as presented in the application, could contribute to some goals within the city’s Comprehensive Plan, such as the provision of additional multi-family housing and encouragement of walkable, bikeable, and public transit accessible residential areas. The uses presented in the proposed development are consistent with the adopted Future Land Use Map. The proposed structure is significantly taller than the 8-story maximum that is currently recommended by the Future Land Use Map. If approved, the PUD rezoning should contain a clear proffer commitment to affordable housing to justify the significant height increase like the draft CX-8 zoning. The Entrance Corridor Review Board will also review the proposed

structure prior to site plan approval to determine its appropriateness and compatibility to the city's entrance corridor design guidelines.

**Commissioner Habbab** – I had a question on the traffic impact. Can you walk me through the perceived impact?

**Mr. O'Connell** – The applicant did provide a traffic study with this project. The traffic study does note that the intersection does get congested during peak hours. The traffic study did not say that the increase in traffic from this development would significantly lower the level of service for the intersection. The study did not recommend any traffic improvements to that intersection. Our traffic engineer reviewed that and concurred with the decision.

**Commissioner Habbab** – I don't know if you got the letter from the UVA Foundation that was some kind of dimension discrepancy between a 10-foot and a 5-foot setback.

**Mr. O'Connell** – I think that has been referenced to the adjacent property, which is the BBQ place on 2119 Ivy Road. That was not looked at too closely as that is not part of the PUD. The applicants are requesting zero setbacks along side and rear lot lines away from the street, which is in line with CX-8 zoning. We did not find an issue with that.

**Commissioner Solla-Yates** – I sent an email earlier asking in response to public comment about left turn control. Can you share what you shared with me?

**Mr. O'Connell** – There was no recommended intersection improvements or changes as part of their traffic study. The traffic engineer agreed with that. We did not recommend a left-turn lane at that intersection.

**Commissioner Solla-Yates** – Is there any control over residents turning left out of the proposed development?

**Mr. O'Connell** – Not currently.

**Councilor Payne** – I know that you said that they explicitly justified the height with the Future Land Use Map and future zoning designation of CX-8. They justified the 10-story height by the height bonus that is part of that. Did they provide any justification for the fact that under those conditions, conservatively the payment in lieu fee would be around \$10 million. They're offering \$2 million. Did they provide any justification for how this current project is meeting that height bonus? Did they just reference that that height bonus exists?

**Mr. O'Connell** – No. The first draft of this application that went for a review by the Planning Commission several months ago only included a 34-12 commitment based on our current ordinance. We worked with them to include an ADU component that is currently in the draft proffer statements. That was their commitment based on our feedback.

**Councilor Pinkston** – I drive in everyday from 250 going east on Ivy and turn right on Alderman Road. It is backed up every day from the police station. I am not wanting to opine on where this project eventually goes in terms of whether it is suitable for other reasons. It absolutely will make that area very difficult to traverse. How many parking spots were they planning to have?

**Mr. O'Connell** – I think that it is 160 spaces.

**Councilor Pinkston** – It is disappointing that the applicant didn't put a lot of thought into the traffic patterns in that area.

**Mayor Snook** – What is planned for the Wells Fargo bank across the street?

**Mr. O’Connell** – I am not aware of anything.

**Mayor Snook** – I know that the bank closed. I don’t know what the plan is.

**Ms. Creasy** – We don’t have an application in review for that site at this point.

**Mayor Snook** – It would seem reasonable that something like that would be proposed. One of the basic concerns that I have about some of these proposals that we have been getting is that they seem to be built to the margins, as much as they can possibly be. I wonder whether the consequence of that is that we end up losing the opportunity for some architecture as art rather than architecture as engineering. I remember seeing some place that there was some waiver that they were requesting. Is that right?

**Mr. O’Connell** – I think there are 1 or 2 standards that might differ from the proposed CX-8 zoning. This would be an entrance corridor. The final design of the building would have to go through the Planning Commission.

**Mayor Snook** – We know that the entrance corridor review is not supposed to be a review of the size of the project. It is a matter of trying to make it more palatable once the size has already been determined.

**Vice-Mayor Wade** – They said that after doing a traffic study, they determined that no improvements were needed. I want staff to look at that and make sure. If this goes forward, we’re going to be getting complaints by everyone in the area about traffic being backed up. It doesn’t make sense. Whether it is a turning lane, an extended turning lane, it is hard to believe it is not improvements. That is something that I would be looking at. As noted, before, the \$2 million might be 5 or 6 units. If that is given to the housing affordability fund, that is low. We have received a lot of comments on this to support this: a few saying that we shouldn’t. There has been a lot of support for this project. I have been on the other end as a planner when these things get approved. If we don’t do our due diligence, the city and staff will get a lot of complaints of: Why didn’t you consider this? Why didn’t you look at this? That is what I will be looking for.

**Councilor Puryear** – I am very familiar with the traffic issue in that section of the city. It is a lot of traffic. We must do our due diligence and have an adequate traffic study done. It is already abysmal. If this should happen, it is going to get worse. Coming from another area, where people complain about traffic, where there really is traffic, it is amazing to me what people say. It is just enough that people in the surrounding areas in the community will complain.

## ii. Applicant Presentation

**Valerie Long, Applicant** –

### Next Slides

I presume that everyone is familiar with the location. It is underutilized given its location.

### Next Slide

As has been discussed, it is designated in the Comprehensive Plan for Urban Mixed-Use Corridor. The existing zoning is Urban Corridor.

### Next Slide

We have a proposal. You have heard the details for the most part. I wanted to make sure that you saw them here. It does include some non-residential space. We're proposing a café on the ground floor. We have a maximum of 287 units proposed. It is most likely that it will be closer to the 230 range. That will depend on the ultimate unit mix and size. The top of the building is 114 feet. We are proposing some amenity space on the top, which I will show you. It does have an outdoor terrace. It does include some indoor bathrooms. If not for those bathrooms being technically habitable space, the upper elements wouldn't count towards that additional space. We felt that it was important to have restrooms for those who might be using the rooftop amenities. We are proposing additional streetscape enhancements, widening the sidewalk along Ivy Road, implementing a planted buffer that is not there today, and a sidewalk along Copeley along this segment where it is possible. It is not possible at this point to build a sidewalk continuing towards the bridge across the railroad. There were some comments about ways that could be accommodated on the bridge, a pedestrian area of some sort. The design of the streetscape along Ivy was designed to be consistent with the current proposal in the draft zoning ordinance. We're also proposing to have some more slides to show some additional bike/pedestrian improvements at that intersection. As discussed, we have several indoor long-term bike spaces. We have an indoor bike room for the tenants and short-term bike spaces out front in a couple of different locations and spaces to accommodate 32 scooter spaces. It will probably be a mixture of outdoor and indoor spaces, on-site car sharing opportunities, and dedicated areas for car shares, and electric car chargers.

#### **Next Slide**

This is an illustrative plan. This evening, we received a copy of the letter that was referenced about the location of the Moe's BBQ building in relation. It may not be exactly rendered accurately. We were not aware of the issue. I do want to point out that the proposed building is planned to be 5 feet from the property line, not right on the property line. We're happy to work with Moe's owners to make sure that is corrected and accurately represented going forward.

#### **Next Slide**

This is a little more detail. This was in the plan set. There is a proposed amenity space with pool and courtyard on the 2<sup>nd</sup> floor there in the middle designed to break up the massing of the building. You can see the rooftop amenity space with a patio and restrooms. There is a walkway for the various stairs.

#### **Next Slide**

These are the various amenities that are proposed. As you can see, the green bicycle boxes, a new sidewalk, expanding existing crosswalk. The University is doing a great job on their portion of Ivy with their new buildings and their various enhanced pedestrian areas. The sidewalk there is fading out of visibility. We would expand and enhance the crosswalk and include the bike and scooter parking.

#### **Next Slide**

We wanted to highlight, considering the comments about traffic, that there are several UVA bus stops and the ones off Emmet Street. The closest bus is a block in either direction, either up Alderman or down Ivy.

#### **Next Slide**

This is just another rendering of the conceptual plan at the first level. There are several parking spaces there. Several of them would be dedicated to the on-site retail space. Most of the resident spaces would be on the lower level, which you would access using that ramp down below. You can see the retail space there.

#### **Next Slide**

This is a closeup of the amenity space.

#### **Next Slide**

Like many projects like this, there will be a variety of amenities for the residents on site.

**Next Slide**

We also wanted to point out that the tax revenue from this site that is underutilized. You can see what was paid in taxes and will be owed this year. Based on a conservative estimate of the investment that the applicant is proposing to make, we think it will be about \$900,000 a year at the current rate.

**Next Slide**

We were here in June for a work session. We appreciated all the feedback that you provided. The image on the left is the original rendering. On the right, you can see the changes and improvements that were made based on the feedback, including the first 2 levels being much more open and welcoming. Opening up the space will support pedestrian engagement and activity along Ivy and Copeley. It just seems to lighten it up.

**Next Slide**

We also show that same change in connection with the sidewalk. On the left side is what we showed you in June along Ivy Road. You can see that the only change is the second level being up and open more. You can see in the blue rectangle that is an amenity space that will have some translucency or transparency from the street, which we think will support that. You can see in these images the existing bike lane that would be enhanced and the new proposed planting zone that is not there right now. You have a sidewalk next to the travel lane.

**Next Slide**

We looked at the University's Emmet Street/Ivy Road Plan. They have done such a good job with their design. We wanted to demonstrate how this could fit in with their plan and how the patterns of development are changing rapidly along that corridor. We think that this can fit in very well with what the University is proposing, and they have already built and what could be proposed for other areas adjacent under the existing zoning as well as under the proposed draft zoning.

**Next Slide**

We wanted to demonstrate, knowing that it would be important to everyone, the context of how the project would relate to the existing and proposed buildings along Emmet and Ivy and the patterns of change and development that are occurring. We think that it fits in. There is a lot of change occurring. There is more to come.

**Next Slide**

We have some additional renderings. These are in the plan sets. This one is further to the west on Ivy Road.

**Next Slide**

This is looking from the Ivy Road Shopping Center.

**Next Slide**

This moves closer towards the project site. It is still looking in the same direction.

**Next Slide**

This is getting closer. You can see The Foods of all Nations and the Moe's BBQ in the foreground there.

**Next Slide**

This next image is a view from Alderman Road. We wanted to address concerns that we heard from the neighboring community about the height of the building as viewed from their neighborhood.

**Next Slide**

There is a rendering. It is taken just past the church.

**Next Slide**

These are conceptual renderings from Copeley Road. You can see the garage. This is where the indoor bike storage room would be located as well as some bike racks for bicycles and scooters. Some of those scooters will be inside as well. You can see the amenity space or the void where the pool and terrace are located.

**Next Slides**

This is looking at it from the opposite direction. We're trying to show how that space can be programmed and activated better than it is now. It is a bank that does not get a lot of street activity, given its use, particularly on the weekends, with it being closed much of the time. This will be a big improvement over that. It provides a nice café space for those coming and going, whether they are residents of the building, local residents, neighbors, employees at the University, etc. It will be a nice place to stop.

**Next Slide**

A similar location to provide that streetscape envisioned. You can see the bike racks on the far right and some on the far left as well. Café seating is envisioned outside.

**Next Slide**

We want to talk about height. We know that this is an issue there is a lot of interest in. It is proposed to be 10 stories, 114 feet to the roof. There is an additional rooftop space. It is about 12 to 16 for the elevator, stairs, and the restrooms. Because the restrooms are enclosed in habitable space, they do count towards building height. All those additional things on the roof are about 4.5 percent of that total roof area. We did feel that it was more important to have restrooms available for those using the rooftop amenity space than to not have that count against the height. The top of the building is proposed to be 114 feet.

**Next Slide**

These are additional elevations. This one is from Copeley Road.

We have heard a lot about the concerns about traffic and congestion. We certainly understand that. Our traffic study went through several rounds of review with the city staff. We think that it is a valid study. We have worked hard on it. Because of the nature of this use, the location, this will be the perfect location for future School of Data Center students to live. Employees will be able to walk to many destinations. There are scooters and bike parking. We have worked hard to accommodate, incorporate, and commit to all those multimodal transportation opportunities. The developer feels confident that this is a location that those students and tenants who want to be able to live without a car will be able to do so.

**Commissioner Palmer** – With the mixed-use size on the first floor, what was the square footage for the mixed-use space?

**Ms. Long** – 1700 square feet.

**Commissioner Palmer** – For the loading and service on Ivy Road, that has seemed odd to me. I thought that I saw on a site plan that there would be some sort of dumpster in the middle of that. From what you said, it sounded like that additional service vehicles would be able to pull in there. I want some clarity on that.

**Ms. Long** – Those are some of the site plans issues that haven't been fully flushed out. The idea was to allow a trash truck to pull in, pick up the trash, exit, and be out of the way of the traffic lanes on Ivy Road.

**Steve Bus, Applicant** – The thinking on the site plan that we have worked through with numerous iterations with staff has been this. From a residential traffic perspective, the decision was made to take that off Ivy and put



the residential traffic onto Copeley Road. That is the longer side of the property. The preference is given the proximity of the property to the intersection not to do that on Ivy Road. The retail and the desire to have the retail on that corner like any good retailer or commercial should be. You want the serviceability. You have the elevator core for the residential towards the front where the lobby is. That is where the trash chutes come down by the elevator core. You have a trash and loading in gray that sits there. There was some commentary about some conflicts between that loading zone and the existing power poles. The intent is to underground the power poles in keeping with some of the beautification efforts along Ivy Road to the east and continue that power line undergrounding along our section of Ivy Road.

**Commissioner Palmer** – There is the other side of that, which is the service that you show on there. There are going to be a lot of deliveries with that many units. Is it intended that they would pull in there to deliver? Or would they be using that bike lane to stop on Ivy Road?

**Mr. Bus** – They could pull in there to deliver. They can pull into the main residential garage. You will see that we have a recessed gate. It says res parking gate. You can see the res parking gate right in the middle of the garage. It allows commercial traffic to come in, park all day, except at night. We will close the outer part of the garage during afterhours. That res parking gate can allow Amazon or whoever. They're not garbage truck size. They're just the vans.

**Commissioner Palmer** – It will have to be a learned behavior. Those guys are on a time sensitive thing. They would be more inclined to stop in that bike lane.

**Mr. Bus** – We must do this in other buildings in other locations. You're correct. Students of this generation do get a lot of packages. We have big package rooms in the building. In this case, one of the conditions that we are fine with is requiring them where to take the packages. I am fine with that being a condition.

**Commissioner Palmer** – In terms of the parking number of 160, how did that coalesce?

**Mr. Bus** – We have 2 levels of parking here. We have the ground level and another level down. We have maximized it. We did not want to build a podium where you have 4 levels of parking above ground. It wasn't the way to activate it. We have prior experience in Charlottesville. We did the 1000 West Main Project. The parking ratio of that project was around 20 percent. We're around that ratio right now. We have seen parking ratios on urban campuses to be around 20 percent. One of the key points that was made is that students coming out of the dorms aren't all bringing cars. Some students do bring cars. We are catering to the students or non-students who don't want or need a car. It is a big component of their budget. It costs them \$150 for the space. It costs \$300 to operate the car. We like to provide alternatives with sites and projects that are in proximity where students don't need a car. They do not need it if they don't want it. There are some students that are going to bring a car. This is an alternative to do that. That is called sustainability.

**Commissioner Palmer** – I was curious about the pool location on that second floor. Some of the pushback on this project is about the height. I know that pool creates this cutout of the floor plane so that you could maybe achieve your number of units. If you didn't have such a cutout, maybe you could bring the height down a little bit. I was curious if you had thought about that or if that pool location is set for a reason.

**Mr. Bus** – Overall on the massing, as staff pointed out, the URB is an 80-foot height limit. CX-8 is an 8-story, 114 feet height. If you get into the requirements around the bonuses, it is 10 stories up to 142 feet in the draft code. We must provide some open space. Under the current code and even in the draft code, there is a certain amount of open space we must provide. The space that you see here outlined meets that open space requirement under the new code. You have the one section in yellow that is on the roof that has fire pits. That will be closed after hours. The pool and courtyard on level 2 faces south and east. It will get sunlight. Ultimately, we did not

want to create a donut. If we do a donut, every unit must have light and vent. If we closed it off, we would be creating this doughnut. What we wanted to do was to create a view coming out of that corridor looking down the green way to the east.

**Commissioner Habbab** – On the floorplan that you were showing us, there was a crosswalk. Is that something you would be installing that goes across Copeley?

**Mr. Bus** – Yes.

**Commissioner Habbab** – I had a question on the average café seating clearance. I know that it varies. What is that? Do you have any concerns on how tight that is? What is the average?

**Mr. Bus** – You will see that the overall sidewalk width at the café is around 12 feet. You have the back of curb, the green zone, a pedestrian sidewalk where the person is there around 7 feet, and the café zone, which is about 5 feet. The total is 12 feet. Frankly, we probably don't even need 5 feet for that café zone. What we're generally looking at is two-top type tables. This is the old on the left and the new is on the right. Some of the comments in the preliminary discussion back in July was that this felt heavy over the sidewalk on the left. We cut that out and opened it up. Proportionally, that building looks better.

**Commissioner Habbab** – I appreciate the recess pulling that up to the two floors to help break up the scale of the pedestrian level and create some interest there. Parking and traffic-wise, this is more of a comment. Thanks for pointing out that it is student housing, and it is not typically 9 to 5.

My other question is on the cash in lieu. Looking at the draft zoning ordinance and what we are hoping to get to, if we don't look at it considering the bonus, just at the 60 percent, looking at about 24 units. I am assuming that you're proposing 242 based on the application or 4.4 million in cash in lieu payments. In this proposal, you're providing 1.7 roughly double the current requirements. It is a difference of about 7 million. Can you speak to why there is that difference?

**Mr. Bus** – The proposal is 2 parts. Here is a little bit of personal and company background. I am one of the few people in the room who has built on-site units in other towns. We have a lot of experience doing affordable housing. In some places, they want the cash proffer. In other places, they prefer to build them. We did complete a project that required 8 percent at 60 percent AMI as part of an increase in height density and all that. Because the code is in flux, we have outlined a 2-pronged approach to it. It is a matter of what is the preference of this Commission and Council.

**Commissioner Habbab** – Even with that 2-pronged approach, there is a big difference between if you choose a cash in lieu option matching up with what we're hoping to get.

**Mr. Bus** – The \$10 million is a massive number and not feasible in any reasonable thing. I would have to see the underlying. There was some conversation that I understand to be around \$185,000 a unit. This is very recent. We're still trying to figure it out ourselves. This was submitted a month ago prior to these discussions that have been happening in the last week.

**Commissioner Solla-Yates** – Historically on this property, there has been some control about left turns. Left turns, in general, take longer, cause more queuing, more confusion, more danger, harder to see. Vehicles have more blind spots. A left turn is a more dangerous movement. Have you thought about controlling left turns?

**Mr. Bus** – Yes. It is a fine point to do. You can see that the traffic would be a left turn into the garage. You can take a right turn into the garage. I believe that you're referring to a left turn motion coming out and going left

onto Copeley. We would be fine restricting against the left turn because it is a blind turn. That is an Ok recommendation.

**Scott Dunn, Applicant Traffic Engineer** – It would direct more traffic to the intersection.

**Commissioner Stolzenberg** – Don't we want people going up Copeley to Massie and going to Barracks?

**Mr. Dunn** – This has been an ongoing discussion with the city traffic engineer. There has been some concern with traffic entering off Copeley into the site by the left because the traffic ques from the signal. We discussed doing a 'don't block the box' option putting some pavement markings down to preserve that open space there. It is an issue of if you get in the traffic, you're looking left trying to look around 2 rows of traffic to continue. It is the same to your right. If you do prohibit the left out of the site, which is the most dangerous movement, it would send additional vehicles down to the signalized intersection. Based on the distributions we discussed with this project, we have about 20 percent of the overall traffic going there. In the afternoon peak hour, it would be an additional 15 to 20 vehicles that would go to that signalized intersection based on the distribution.

**Commissioner Stolzenberg** – In your study, the queuing at the left turn from Copeley onto Ivy was the main problem point for your part of that intersection. If going up Copeley over the bridge, would you just extend that turn lane if necessary? Why didn't you propose that?

**Mr. Dunn** – The way that it curves now, there is not a lot of additional width to do anything. If you look on Copeley Road, the opposite side of this project is the only sidewalk that exists out there. That also carries over the bridge. We don't have any room to widen. If we extended that right turn lane that is going southbound on Copeley, it is going to back over into the thru lane. That is the point where we have enough width to accommodate two side-by-side vehicles. It really is a function of the road as it exists today. Overall, all the intersections that we studied, there were four of them in the general area. Every intersection operated at level of service C or better. There were a couple of movements that had a level of service D, which is acceptable under general practice. The addition of site traffic didn't affect that with respect to the operations on Copeley itself. In the background conditions, the queues coming down Copeley to the intersection were maybe 370 feet. With the addition of site generated traffic, it went to almost 400. It was a difference of 20 to 30 feet with additional cars in the queue.

**Commissioner Stolzenberg** – I had some questions about your bike markings. Are they conceptual? Yes, we're going to lay down some bike paint or are those what you're committing to along Ivy Road?

**Mr. Bus** – There is an aerial in your packets. You see those green bicycle boxes around Grounds. They're very common. This is an area of refuge.

**Commissioner Stolzenberg** – Often, you see green boxes in front of your left turn. There are a few other places that I would point out where green paint would help; a dashed line in front of your loading dock, for example. Would you commit to sitting down with our city traffic engineer and transportation planner and put in that paint anywhere that works?

**Mr. Bus** – Yes. We have been working with them.

**Commissioner Stolzenberg** – A couple of potential big improvements that you can make for bikes that would be a bit more of a commitment. You're going to have a lot of bicyclists in your project. One would be potentially taking your sidewalk area along Copeley Road and turning that into more of a shared-use path to get bikes coming southbound off Copeley off the street and bringing them up to the intersection off the street into something like queue stage, protected intersection. That is going to be more expensive and not exactly your

responsibility. It should be the city's responsibility. It is going to be years before we get around to doing something like that.

**Mr. Bus** – Those lanes are wide. If we added a green box at the front of that, it would be weird to bring bike traffic, suck it into the site, where we want pedestrians.

**Mr. Dunn** – We can work with the city traffic engineer on seeing what the best option for a multi-use path to the side is versus what we can do to restripe those widthwise. You can integrate some green paint depending on the pavement markings there. Have some bike boxes as you approach Copeley to hold bikes there in that area to provide a refuge. Those are things that we can easily work out. It is not a huge expense. It is a pavement marking exercise.

**Commissioner Stolzenberg** – These are site plan problems, not conditions. I think that bike boxes would help a lot. I am thinking of the Oakhurst/Bypass intersection at JPA.

**Mr. Dunn** – What we're trying to be cognizant here is that we want to make every accommodation that we can for bikes and pedestrians. We're also realizing that there is heavy traffic through there. Trying to balance all the needs of all the users. There are a lot of cars on Ivy Road. We are limited to what we can do with respect to the overall intersection.

**Commissioner d'Oronzio** – Going to back to Commissioner Habbab's comments about the fee in lieu, there has been a lot of talk about the fee in lieu. Commissioner Habbab and I had this view at the prior presentation here. If we're referring to the new proposed zoning, this is 8 floors with a possible bonus to 10 for affordable housing. The bonus to 10 is contingent on 50 percent, not 60 percent for the height. What I am looking at here is that if we're going to look at this height and you are referencing this new zoning. I have concerns about the exploitation and advantageous policies on both, which waters this down. If your view on this is that we're looking at the 10-story bonus height we're doing for affordable housing, we can't bonus the height with money. It would seem to me that conforming to the intent of the new zoning, it would be at 50, not 60. That sounds a little muddled. I am trying to get a sense of equity for what we're doing here. I am not as concerned with height as a lot of other people are. If we're going to be arguing that we're getting the 2-story bonus height for affordable housing, you need the affordable housing to get the height.

**Mr. Bus** – We have seen this be successful in places like Minneapolis. It has been an 8 and 60. The 60 percent is an important limit. 80 percent doesn't address affordability. What happens at 50 is that you can't even almost cover variable costs, much less the fixed cost of the affordable units. We have studied this. That is why we structured the proffer to be something that was over an 8 at 60 to go to 10 at 60. Just getting to the 50 is tough. That is why we expressed an earnest option in the proffer to do them on site at what we stipulated.

**Commissioner d'Oronzio** – I am unsurprised to learn that managing the financing and dollars of affordable housing isn't easy.

**Mr. Bus** – There are some other updates and inputs that I would recommend on some of the studies that were done. The study was well organized. There are two alternatives. We're comfortable with doing one of the two. We can discuss adjustments to the cash proffer. We were just operating with a formula that we knew a month ago, not the formulas that I have seen coming out the last couple of days.

**Commissioner d'Oronzio** – It is not official. We have had some draft figures available as well. It is the foundation on the prior one. It is the conflation of the two.

**Mr. Bus** – It is possible to do in student housing. Don't think that it is not unmanageable. It is manageable. There are specifics that we can get into with staff. With student housing, there is some flexibility that we identified in the proffer statement to comport these procedures with what we have seen work in other cities to do it for students. Students have needs, just like anybody else.

**Commissioner Schwarz** – In the drawings, you have a side wall that says, 'site wall for discussion.' Is that your internal notes or is there something you wanted to discuss about that?

**Mr. Bus** – It was in the back of the site topography where it drops off. We don't need the wall. The foundation walls would suffice. It is just a matter of going to calculate the average grade elevation. Under prior code, you average things. You can see the average grade elevation. That is what leads to that 130-foot-tall determination at the penthouse. The only reason that we ran that calculation to there is because we're including a bathroom adjacent to the elevator core. If you measure the height of every elevator core in the city, every building in the city would be another 15/16 feet taller. The true measure, as we see it, is measured from Ivy Road. The height of this is about 114 feet. That is in keeping with the intent of CX-8.

**Commissioner Schwarz** – It was 'for discussion' that was written. I want to make sure. I believe that you said that you're intending to bury the power lines. You're not going to move them across the street.

**Mr. Bus** – No. We're going to underground them. The line comes from these to the west.

**Commissioner Schwarz** – We have gotten that a couple of times where the lines end up multiplying and getting moved across the street. That doesn't do anybody any good. It looks like you have 3 street trees showing up on all your architectural drawings. Your site plan shows two with a whole bunch of utilities underground. Your property appears to be about 150 feet wide. Is there room to put those back?

**Mr. Bus** – I think that Timmons has a more defined landscape plan. I think that it was part of the packet but not in the slide show. It is just a limit as to what we can practically fit in the planters. This is like competing uses within limited frontage where you have requirements for bike parking, short-term bike parking to meet the intent of the new code along Ivy and the public bike parking on Copeley. We also have the scooter parking.

**Ms. Long** – At the site plan stage, we will have to comply. If there is room to add more trees and address all the other bike and pedestrian improvement situations, we will try to squeeze one in.

**Commissioner Stolzenberg** – On the proffer, for your onsite option, you talk about Pell Grants. Your rent is 60 percent AMI. The qualification for your tenant, it is Pell Grant recipient or 100 percent AMI.

**Mr. Bus** – That is a misstatement. It is Pell Grants.

**Commissioner Stolzenberg** – This is for non-Pell Grant.

**Mr. Bus** – I am not sure about the exact section of the text you're referring to.

**Commissioner Stolzenberg** – In the staff report, it is qualifying tenants. Students who qualify for any level of federal Pell Grant shall be qualifying tenants. For all other tenants, those people in households certified by the applicant to have combined annual adjusted income that does not exceed the applicable median family income for the applicable calendar year shall be qualified tenants. It is the same text in your proffer.

**Mr. Bus** – The applicable number should be 60. The important part is that the rent itself is that they are students. They're going to be almost always qualifying under the Pell Grant. A Pell Grant is a measure of family household wealth they certify.

**Ms. Long** – The applicable isn't important. It depends on whether it is a one-person household the size of the household. That depends on household income, 60 percent of the household income. It is not intended to say 100 percent of the income. It is 60 percent AMI for non-students.

**Commissioner Stolzenberg** – I thought that under the current code, you could have roof pertinences enclosed up to 25 percent. That is what level 10 at 323 is.

**Ms. Long** – I thought so too. I looked at it again yesterday for that reason. My recollection is that it says that if it is elevators, shafts, etc., it does not count towards the roof. Under that, there is a separate section of exemptions. There is an exemption. It specifically says 'non-habitable residential space.' To my interpretation, that means a restroom that is habitable residential space. I think that the intent was to prevent residential units in the apparent space. We would be thrilled if a restroom doesn't count. That was our read conservatively.

**Commissioner Stolzenberg** – It makes me wonder how those other buildings were built. It is semantic. It would make some people feel better if you changed it to say 114-foot height limit. You're proffering the general form of this development.

**Ms. Long** – For a lack of a better term, the roof is 114, not including 12 to 16 additional feet for restrooms and elevator shafts.

**Councilor Payne** – The draft inclusionary zoning policy has been around for over a year. Numbers and payments in lieu equivalents have been available for several months. This is a project justified under the CX-8 zoning. What was your rationale in terms of how you ended up in what to proffer for affordability? What were you basing that off?

**Mr. Bus** – What other projects have been doing.

**Councilor Payne** – Other projects under our current zoning or based on future zoning?

**Mr. Bus** – We're operating in a transitional time. The understanding was that you have this current code. The cash proffer in the new code wasn't fully flushed out. It was an extremely large number. It was around \$400,000 to \$500,000 a unit for cash proffer depending on the type of unit. It was something that I didn't even think reflected economic reality to be able to pay \$500,000 for a unit in cash proffer, which is why we offered to put affordable units in the building.

**Councilor Payne** – The justification for the project is the future zoning, CX-8. You're getting an application in a couple weeks before the new zoning would take effect. What is the rationale for pursuing a project justified under our future zoning right now?

**Ms. Long** – We did submit the application several months ago. We have been working on the application with city staff even longer. There is a lot of work that went into the pre-planning and the pre-application meetings. From the beginning, we knew it would be a challenge given the timeline and the overlap in the transition period that we are in. Unfortunately, contract issues did not allow us to wait and see what happens with the zoning ordinance. We only had so long, under the contract provisions, the study period, due diligence. What we did was look at the Comprehensive Plan and tried, as best as we could, to have the project comply with the draft zoning ordinance as it was evolving along the way. Initially, our application showed the comparison. Here is

what you could do under the existing URB zoning, here is what we propose. Here is what we could do under the draft zoning. To demonstrate, not so much justification, as just showing efforts towards consistency and compliance with the direction that the draft was going. With affordable housing, we knew that was going to be in flux for some time. I was at the meeting last night. We all discussed some new ways to calculate the fees in lieu for student housing. We haven't yet seen those numbers. We're anxious to see them. Without knowing where those figures will end up, when the ordinance will be adopted, we tried to propose what Mr. Bus and his team, based on other projects in other similar college towns, what is economically viable. They want to build the project. It must be worked. They know that they need to make an appropriate affordable housing contribution if it is fee in lieu or is units. Knowing what the comparison is, is challenging. From last night's discussion, I understand the reason those numbers in the draft ordinance felt so large and felt so unviable. We now understand that it is because the constructions cost method of calculating the fee in lieu is not intended to be a viable number. It is intended to be discouraging so that you get the units. We're trying to work with the city and figure out what is the right number to reflect the commitment and the role of the project, but in a way that is still viable.

**Mr. Bus** – Going back to our timeline in January, from January to through April, we worked looking at this under the URB. You can go to 8 stories, 80 feet with a limit of 64 dwelling units per acre. We didn't want to get into the games of doing all 6-bedroom units. From our experience of doing 1000 West Main, the densities under West Main south were 180 dwelling units per acre. It might have been up to 240 per acre.

**Ms. Long** – For clarification, when it was approved, it was called 1000 West Main. It is now the project that is called The Lark on West Main. It is behind the credit union building. At the time, West Main Street, where that land was zoned, a special use permit permitted up to 240 dwelling units per acre. They built less than that.

**Mr. Bus** – Working from January through April, we were effectively working within a PUD that contemplated the new code. The new code is substantially a form-based code. You can take density where density doesn't matter. What form is what everybody in the room here is paying attention to. Density is a side construct and we're working within the form and with parking and other things that get to the livability. You can see with the architecture, landscaping, and the feel with what we're trying to do. We're trying to make the place livable and desirable so that students don't keep pushing out into the neighborhoods. That is one of the biggest problems on a college campus. Students keep pushing out into neighborhoods.

**Councilor Payne** – I am aware of that. I understand all that. I understand, particularly in this location, with the adjacency to the University, as well as the fact that you're not directly abutting a neighborhood. I understand the justification is based on the future draft zoning and the Future Land Use Map. The holdup I still have is, even under the most conservative assumptions, the contribution to affordable housing is underneath what that draft zoning would be to the tune of several million dollars. I have a lot of concern over a project that is pulling the things that they like from the draft zoning but not the things they don't like. That under contribution to affordable housing is not trivial for the city. It has a direct impact on the ability for us to invest in significant affordable housing projects that we know are in the pipeline that aren't yet funded. I am not trying to be difficult for the sake of being difficult. It is a major concern for me. It does not seem appropriate for a project that is really justified under the draft zoning to not follow all the elements of it.

**Councilor Pinkston** – Can you help me? Your strategy is to build units as opposed to do fee in lieu. Do I have that backwards?

**Mr. Bus** – The proffer statement was 2-pronged. One was that we pay the fee equal to 2 times the current amount in the current ordinance. B, we do 10 percent of the units/10 percent of the bedrooms at 60 percent of AMI. The only difference between Part B and the current code is 10 at 60 versus 10 at 50. The 10 at 50 is a

difficult threshold to reach without subsidy. In Pittsburgh, for instance, they have 10- or 15-year subsidy to go to 15 at 50 percent.

**Councilor Pinkston** – To be clear, you're willing to do either: 10 percent at 60 percent AMI or cash?

**Mr. Bus** – That is correct.

**Councilor Payne** – You're strictly talking about your evaluation of building those units at 50 percent AMI or did you also look at the calculation for payment in lieu fee at 50 percent AMI?

**Ms. Long** – The former.

**Commissioner Habbab** – What is the term of affordability? How long are those units affordable?

**Mr. Bus** – It is like Minneapolis, Seattle, and Pittsburgh. It is not something into perpetuity.

**Councilor Pinkston** – Is 10 percent the rules that we would be going with to get the bonus density and bonus height?

**Councilor Payne** – Yes with 50 percent AMI. All that could be the calculation of payment in lieu. If it is built directly, the period of affordability is 99 years.

**Councilor Pinkston** – If we get units built, that is better than all things considered than the fee in lieu.

**Councilor Payne** – If they are at the correct AMI for 99 years.

**Mayor Snook** – I am concerned about several things. The first is that we can reasonably anticipate that the Wells Fargo property is going to come in with a similar project. We can reasonably anticipate that the city is going to end up having to solve a traffic problem with that intersection. You all are partly a cause of that problem. People have complained that we are launching these changes or proposing these changes without having done any study of challenges to our infrastructure. My response has been that we're not required to do so legally. Some people think we are. They're wrong. It is wise for us, in an instance like this where we think we know what is likely to happen. It would be wise for us to figure out what an answer might be and if it is going to end up being a problem for the city for us to consider that at the same time. That doesn't directly affect whether you all build a tall building there. It is something that the city needs to think about. I am not a fan of what we have now as a draft proposing CX-8 at the boundary line or virtually every entrance corridor to the city. It makes a mockery of the purpose of our having an entrance corridor ordinance. It ends up saying the reason that we're going to put tall buildings on the borders there is because we only must worry about ticking off city residents on one side and not both sides. I have a real problem with the notion of building up in this spot for that reason. I want to lay that out there. I am concerned that people coming south (towards the left) on Copeley. I have the problem right even without the big building there that I can't see the intersection until the last minute. I can't see the intersection until I get all the way around that curve. I have been surprised by the amount of traffic backed up there. I wonder whether it would involve cutting back on the size of your building a little bit. If you cut the curve a little bit, straighten that out, you improve the sight lines, and somebody could see more than just 50 feet away from the intersection. That would mean that the building to the right of the swimming pool area would have to be cut back a little bit. I wonder whether that is even possible.

**Mr. Bus** – This is the upper level. It doesn't reflect what would be the sight distance coming towards that intersection. I believe the site, from going out there today, the sight distance problem you're referring to is that



there is a guardrail that runs on the inside of that curve as you come over the railroad bridge. To the extent that there might need to be some type of flashing warning that the intersection is ahead or something to that extent.

**Ms. Long** – What you’re seeing is the upper floors and doesn’t reflect that the first 2 floors don’t have as much overhang. At the vehicle or pedestrian level, it won’t look as obstructive as perhaps this image would lead you to believe.

**Mr. Bus** – This is the ground floor. You can see that the building is at ground. For the first 20 feet, it is pulled back significantly off that curve. We’re well behind the guardrail that is likely the thing that obstructed your view of the intersection.

**Mayor Snook** – The other problem is that you’re coming from higher up. Something that is 20 feet up may still be an obstruction of your view. It is something that concerns me. I am not going to jump on the rest of the discussion of what the proper amount that would be for payment fee in lieu of affordable housing units being built. I will note that whatever it is we end up with, I hope that whatever we end up with, it is the same thing on Monday night as it is on Tuesday night. Last night, we had certain numbers. If we’re going to have the same numbers on Tuesday night, we must decide that we’re going to apply either the \$180,000 or \$335,000. It shouldn’t be a matter of negotiation from project to project what that number is going to be.

**Vice-Mayor Wade** – I appreciate the discussion about the transportation impacts that alleviate some of my concerns. I don’t have anything to follow up on. I support Councilor Payne’s comments about the impact on housing affordability. I know that we got some copies of some comments from UVA about some concerns. Some of them seem more like big issues than others. Somehow, either a response from staff or from the applicant so that I can factor that in when it comes to Council.

**Councilor Puryear** – My concerns are Councilor Payne’s concerns. I hear what you’re saying about traffic. I hear what the mayor is saying about traffic. Remember that you are dealing with students. They may not have cars. They do have scooters, they jog, they stay on their phones, and they are not looking where they’re going. It may not be vehicular traffic. It may be pedestrian concerns that you need to be concerned about. If you’re not concerned about it, walk on The Grounds, and watch how the students walk and stay on their phones, use their bikes, use their scooters, or use their mopeds. You need to be concerned about that. I am very concerned about what Councilor Payne has addressed.

### iii. Public Hearing

**Anthony Artuso** – I am speaking on behalf of the Lewis Mountain Neighborhood Association. The neighborhood association has written several letters about this project. Over 215 people have signed a petition opposing the project as currently designed from the Lewis Mountain Neighborhood. The is almost universal opposition to the current design. Height, massing, and sight design of the proposed PUD is out of scale with the adjacent neighborhood. It is not compatible with UVA’s Ivy Corridor Plan or other new developments along Ivy Road across the county line. It does not contribute to the quality of the Ivy entrance corridor, which provides entry to Charlottesville’s most cultural and historic landmarks. The proposed PUD conflicts with several goals established for Charlottesville’s newly approved Comprehensive Plan, including utilizing small area plans to guide growth and development in areas likely to be redeveloped. The Ivy corridor is an area likely to be redeveloped. There has been no small area planning there. It is clear that is needed. Mayor Snook’s comments about that intersection make that very clear. The Comprehensive Plan requires coordinating actions of large institutions, city, and county governments to support regional urban form, environmental, and transportation goals. It is evident from UVA’s letter that there has been no such coordination with respect to this project, encouraging creative context, sensitive planning, and design. The only context sensitive about this is that they know that they’re near the University and want to cram as many students in there as they can.

Ensuring compatibility with Charlottesville's entrance corridor design guidelines; those guidelines specify that new development should be architecturally compatible with the historic landmarks, buildings, and structures to which these routes lead and be compatible in massing, scale, materials, and colors with those structures that contribute to the overall character and quality of the corridor. UVA's Ivy Corridor Master Plan defines the overall character of that corridor. It is already underway. They spent years working on that. They collaborated with the community on that design and development. They have made it clear that this doesn't match that. That plan specifies 4-story buildings along Ivy Road and 6- or 7-story buildings back from Ivy Road. The neighborhood would be happy to see a mixed-use development at 2117 Ivy Road that meets those guidelines. We're not opposed to mixed-use development. We welcome more residential housing development in the corridor. We think that would be positive. This is simply cramming as much right into the boundaries of that site. The preferred ADU contribution is selling the birthright of the city for a bowl of porridge.

**Ivo Romenesko** (920 Windsor) – I have spoken in favor of urban development and infill development of many projects over the years. The challenge that we face in the city is that we have a fixed amount of land, and we have a growing population. We have some choices. We either build up or we move out. Moving out means moving to the suburban areas. The largest employer in the area is here in this neighborhood. Residents will likely live here, or they will drive here. We will have traffic if we continue to have a lot of demand in this area. That demand is through employment. When I look to the east from this project, I see that there is a plan for intense development along Ivy Road. When I look to the west, I see a sports complex. Sometimes at night, you see the lights from the ball diamond or the soccer fields and potential for future development. We don't know what that will look like. Building a lower project or a smaller project with only 3 to 6 floors. I don't see that that makes sense for the city. It would be an underdevelopment. I am not aware of any project that was built that didn't have an adequate amount of density where floors were added. I don't think there is a cure after a project is completed. Let me give an example. I look back to 1800 Jefferson Park Avenue. It was built in 1966. It is 9 to 10 stories tall. I don't recall that it has caused damage to the neighborhood. In fact, it is going through a rebirth. It has been renovated. It has worked for a long time. Traffic is a major issue. Proper traffic controls and building units where people want to live and go to school/work is a wise choice. Affordable housing is always a challenge. I see it as more of a supply and demand challenge. If you want to cure affordable housing, you increase supply.

**Natalie Oschrin** (531 Caroline) – It is extremely important that housing like the 2117 Ivy project is approved in Charlottesville. The ultimate point is that we don't have enough homes for our residents, which drives up costs and drives people out. I was recently elected to City Council, and while I am not yet sworn in, I hope that the numbers of voters who showed up to vote in support of my very pro-housing platform will have an impact here. People are ready for big steps like this apartment complex. There have been detractors, within the city government, the public, and from UVA. They are worried this building is too much or too different, and I'd like to address those concerns. First, those who say it's too much are worried about the scale. We can't be afraid of height. Charlottesville is land-constrained and if UVA keeps buying land, the city will keep losing it and the tax revenue it could generate. We must go up and be excited about it. There is no objective reason why a shorter entrance corridor to a city is better, it's just what we're used to here. A slow slide into less dense areas at the edge of town is how sprawl gets started. There are plenty of tall buildings in Charlottesville already and tall buildings that are beautiful everywhere. We don't have to limit ourselves like this. A centrist compromise isn't based on the actual needs of the community. Reducing beds from 600 to 400 based on gut feeling isn't founded in data. I'm sure if given a number of 900 units initially, they would feel more comfortable with 600 units just because it's fewer, not because it's necessarily better. A ten-story building is a significant benefit to the community in that it provides housing, which we desperately need. The facts point to this being a no-brainer. In the letter from UVA opposing this project, they say that the building will be too different from the plans that they have for the area. They make the point that they have kept their height to four stories. While that may be true, it doesn't matter. They missed the opportunity to build taller than four stories and it's not their land. The point comes off as a petulant response, they are upset they didn't get the chance to nab the land first. But that's

how it works sometimes, and we don't need to punish a group on UVA's behalf for aiming higher, especially when they are trying to provide housing. There have been some neighborhood complaints about renters which fail to recognize that 60% of the city are renters, and that doesn't mean they have any less buy-in to the community. People rent for all reasons, and around here, that includes inability to afford purchasing homes of their own, as much as they may desperately want to. Renters are residents too. Increasing supply anywhere alleviates pressure somewhere else, so these 600 beds would free up space in other neighborhoods, increasing opportunity for others in those areas. Since this complex would be primarily for students, the location is perfect. It's close to amenities (school, grocery, Barracks Road), and includes significant INDOOR protected bike storage, as well as scooter spaces and car share spaces that facilitate a reduction in car dependency that we need to reach our climate goals. Please approve rezoning this project to allow for the full 10 stories so we can begin to make progress in addressing our housing crisis.

**Alice Roscher** – UVA is not opposed to development on this property or the rights of developers to propose or build projects on properly zoned and approved sites. A block from this site, as you head east towards downtown, you can see that UVA is not opposed to development. We have a few projects happening now. I am not here to slam this project or to suggest that it is only Ok for UVA to be able to develop property along Ivy Road. Neither of those is an accurate description of our interest in this proposal or UVA's position in general. What would ask the Planning Commission and City Council to consider on this project is how the proposed structure fits in with the existing residential and commercial character of the area and the city's own established guidelines. Does the proposal meet the city's stated preferences and expectations spelled out in its entrance corridor design guidelines? Does a 10-story fit in with the city's vision for the corridor as it relates to the scale of development or the character of the entire corridor as a whole? Would the PUD, as proposed, offer adequate pedestrian infrastructure on a commercial street as stipulated in the entrance corridor? Would development of this size create undue traffic pressures at an extremely busy intersection? These seem like reasonable and appropriate questions as it relates to this project. They are the same kinds of questions that the University working with the city and the adjacent neighbors was asked to consider on the Ivy Corridor projects. Do the Ivy Corridor designs reflect the city's entrance corridor guidelines for lower-scale development, in our case 4 stories on the street edge. The taller buildings that are a maximum of 6 stories are set back on the property against the railroad. I would like restate UVA's commitment to being part of the solution for the affordable housing issues in our area. The University is interested in eventually requiring all first- and second-year students to live in UVA housing on Grounds. Right now, only first-years are required to do so. If we can make this transition, it will reduce the demand from students on existing apartments and housing off Grounds, potentially increasing the number of available rental units in the community. UVA is also committed to adding up to 1500 new affordable housing units to the local market over the coming years by partnering with developers to build on land owned by UVA and UVA Foundation. This land is provided free of cost. This is real activity and real progress. UVA is proud and excited to be taking actual steps to be a part of the solution for our community. The University has been here for more than 200 years. We hope to be here for another 200 years. We're committed to being a good neighbor.

**Mo Van De Slopa** (608 Cabell) – I want to focus on one thing, which is the abject absurdity of UVA writing a letter in opposition to this project. Monopolists oppose competition. We know that if this project does not go through, UVA is going to buy this land. The best-case scenario is that they might build a dorm on it. More likely, we won't get any kind of housing on this situation. I would warn you that you only have so much land in the city. Virginia state law does not allow Charlottesville to annex any further. Each plot of land that the University can buy is a plot of land that cannot be taxed. We have some concerns raised over the difference between the proffer amounts based off the current zoning code versus the new one. I understand that there is a differential there. I assure you that, over the course of this building's lifetime, the property taxes that they will pay on it will more than make up for any proffers.

**George Snyder** (Lewis Mountain) – A lot has been said about this. I live near this proposed development. I am going to ask that you deny the variance requests. These rules are in place for a reason. These extra stories are not allowed in the zoning unless it is paid for, which is what they are trying to do.

**Public Speaker #1** – I would like for you to deny this. It was set for 8 stories. They wanted more. It sounds like they want 2 extra floors, and they only want to pay \$2 million. They want extra and they don't want to give the amount of money that you should get for this building. They will certainly be making a good profit. The city talks about wanting to be there to help people, who don't have the money. The city should care about how it looks and how it is for people to live there. What I saw from that was a big square box with a lot of apartments. If you want to make apartments or places that families want to go, this is just a dorm. I don't know why somebody is building a dorm. It doesn't help families at all.

**Christine Paulozola** (Douglas Avenue) – I have done business with the bank that is currently on site. I am afraid of how it is designed to have the entrance and the exit to this huge development going off that road that goes over the hill towards the U Hall that comes into town the other way towards that huge intersection at Ivy Road. The way that you have designed this building, people are going to be going in and out of the building only off Copeley Road. People turning left will have to go across 2 lanes of traffic. You will have the intersections backing up because left lane turners will not be able to cross the 2 lanes of traffic. The whole entrance and exit of this development need to be looked at in real time. It needs to be looked at with a projected volume of traffic that is a dangerous curved bridge. If you have athletic events, JPJ events, and football games, you are going to have a dangerous situation that will be compounded by the only way in and out of this apartment building being on a dangerous that people must turn left. You need to re-examine the entrance and the exit for this building.

#### iv. Commissioner Discussion and Motion

**Ryan Franklin, City Attorney** – There was a lot talked about with the new draft zoning ordinance. As you are deliberating whether to approve this PUD, you're approving it looking at the materials as presented, with the proffers as they exist, with the application materials as presented based upon the current zoning criteria for PUDs, not on the draft or any other hypotheticals.

**Commissioner Palmer** – My comments won't be much different than what my comments were in June when we saw this project. It hasn't changed a lot. These PUDs are a difficult thing for us to examine. It feels like it is all or nothing. That was coming out in some of the public comments that you are either for it or against it. This project, like all projects, has some benefits for the community and highlights some concerns for the community. In terms of benefits, the student housing close to Grounds is big benefit of this. I don't think that anybody would question that. I did appreciate, in their presentation and proposal, the TDM strategies, especially for bike parking and a little bit of car share. That is to be commended. The on-site affordability offered to students within their proffer is nice to see. Sometimes, students are forgotten in that conversation about affordability. Whether they do in lieu or on site, I know that it is up for determination. It is nice to see that it would be available for students. The number one concern that we talked about the most is the height and scale of this project. Everything that I have seen in terms of the city planning/plans for this area and UVA plans for this area points to a height/maximum of 8 stories. We're now at 10 stories. If it could be 8 stories, they can accomplish the number of units they want to get within 8 stories. That would go a long way towards this being a better project. I continue to have those concerns with the traffic on the site. It is under-parked. It is not going to generate these huge numbers of cars. The nature of the site on that corner with those issues that people have highlighted on Copeley Road and site. I don't know where you put the entrance. This seems like the least bad place for it. That is going to continue to be a concern for this project.

**Commissioner Habbab** – Looking at the big picture, I believe this is a good, efficient use of land. It could be a catalyst for revitalization of the Ivy Corridor as a pedestrian hub tying into the UVA expansion. It is a great value to Ivy. I am taking that into consideration. The recess of the first 2 levels does a lot to break up the scale and help that pedestrian experience. I appreciate the applicant's effort to bring that into their revised design. The planted buffer is appreciated. I was hoping for more trees there. With the traffic, I trust our city staff to figure that out. With the applicant, it is a tough site. Something will be built there. Whether it is an 8- or 10-story project, I don't think that will have a big impact on whatever they do there. I was having some concerns driving in from Ivy and looking at that as an entrance into Charlottesville. You get hit with this massive wall. Until something gets built next door at Food of all Nations and Moe's BBQ, it is going to stay that way. I am not sure what a good solution would be at this time. Perhaps, this is something that we can address at the ERB. It feels subjective right now. With the proffer, I saw a 30 percent multiplier in the affordable housing statement. Is there a 60 percent AMI with a 30 percent multiplier?

**Commissioner d'Oronzio** – That is referring to the backend. The multiplier isn't a multiplier. It is the cost of housing. 30 percent of your gross income is the maximum you should expect.

**Commissioner Habbab** – With the proffer, I bring up the CX-8 because it was referenced by the applicant in the application as justification. I will meet you at CX-8 with no bonus at 114 feet disregarding the 10 stories. In a base CX-8, our proposed requirement is 10 percent of units at 60 percent AMI for 99 years or cash in lieu equivalent to that amount. This does not meet that. There is a big difference there. One of the speakers brought up a good point that I had not considered given the current circumstances of this project. I was willing to take a hard stance on that proffer. I have considered. Instead of 'killing' this project, I hope that the applicant can work that out with City Council.

**Commissioner Solla-Yates** – Many of my thoughts have been expressed. I appreciate that this is a difficult site. We're not going to get to perfect on it. The big ideas are right. The efforts by the applicant to address the street and make it comfortable for pedestrians are important and relatively successful at this stage. We have additional design review to go should this go forward. The region has a huge affordable housing problem. \$2 million is a step in the right direction. A bigger step would be very welcome. That \$2 million is exciting. I am hesitant to say 'no' to that. The innovation of doing more to be creative with travel and parking demand is important and exciting. It will build best practices in the region, which is important. Overall, relatively positive on this currently.

**Commissioner Stolzenberg** – Let's talk about traffic. I have seen the morning backups. VDOT says that Ivy Road has 12,000 cars a day. Where is that traffic coming from? It is coming from people who are forced to drive into the city, people who are moving out to Crozet because we don't build homes in the city. It is not coming from people in apartments living along Ivy Road where they have a choice to walk or bike. The 38 trips at the peak hour that this building is putting onto Ivy Road is a tiny 'drop in the bucket.' It is 12 trips in the AM hour. It has no effect Ivy Road traffic moving along Ivy Road. This is a project that follows absolute best practices for TDM. Between the parking ratio, the on-site bike parking, the bike storage, and the car share, there is a real opportunity here for the people who live in this development to not have to drive places. It is right next to a grocery store. If we aren't going to allow people to live in places like that or if we're going cut units off by the dozen, to say that this needs to be 20 percent smaller and then we will be satisfied, we have gotten our piece removed from it. It is a mistake. For Council to deny this project, it would nothing less than climate arson. The project is a 'no-brainer.' The scale is reasonable. Every plan for this corridor has said that the goal is to make it an activated pedestrian corridor that works for people walking along it. That is what human scale is. For years, it has been a strip mall corridor. Building up to the lot line with amenities for pedestrians, for transparency, and for activation, that is what makes a street human-scale, comfortable to walk on. Despite the height, which is not a huge factor in what makes a street pedestrian friendly, the way that this building addresses the streetscape is a lot more human-scale and more beneficial than much of UVA's proposed development. This project needs to be

approved. I share some concerns about the proffer. I hope that the applicant revises it. The amount that they're proffering is a couple years of tax revenue here. We're talking about hundreds of students out of other units. I applaud UVA for their efforts on housing. If they build 2<sup>nd</sup> year dorms and don't kick the upper classmen out of the residential colleges, that will help. Combining new units for people to live in with new dorms at UVA to live in will help even more. I recommend approval of the project.

**Commissioner d'Oronzio** – If the students are here and they're not going to live in this building, they're going to live somewhere else. If they're living somewhere else, they're going to use the infrastructure to move around the city and the county as any other resident elsewhere would. Here you do self-select. I don't use my car but once or twice a month or I don't have one. If you're starting out with traffic being lousy and developing there is going to make it lousier, then your answer is not to develop until somebody magically fixes the traffic. That is not an answer. As to the proffer and its amount, I would like to see bigger dollar amount. I am very interested in building affordable units for students. We don't talk about this much in our housing plan. We have a shockingly high number of students who are on the verge of homelessness. We are not without homeless students, who are couch surfing on steroids and trying to get by. We are addressing a housing issue. With the height issue, if we're talking about 8 stories versus 10 stories, I don't see a qualitative difference even if it is a quantitative one. I am inclined to support this project.

**Commissioner Schwarz** – I am very strongly in support of this project for points that my fellow commissioners have made. The traffic is going to get bad no matter if this building comes in there or not. As Commissioner Stolzenberg has pointed out, people who use the corridors are not necessarily the people who live on the corridors. They are a corridor for a purpose, which is to shuttle people from further away into the city. I am frustrated by this continued idea that height is bad, that we're trying to create a zoning code that mitigates height. We should not be looking at height and density as bad things. Hopefully, our zoning code is one that creates good height and good density. I find that very frustrating. The idea that we can't have height on our entrance corridors because somehow it is a bad thing. The point of the entrance corridor is that we get to review it. We get to put an aesthetic review on any development that happens on our entrance corridors. We need to put people in locations where they are least likely to need a car. We need to put as many people there as possible if we're going to benefit the rest of the city. There not many better spots put a lot of people. This one would be a potentially successful development. The people who live there will very likely not need to have cars. I am strongly in support of this project.

**Chairman Mitchell** – It is my intent to vote in favor of the application and make a recommendation to Council to approve it. There are 2 points where I think we do not have consensus on this board. The height is more than what I would like. I would recommend to the applicant that they begin giving some thought to maybe reducing the height a bit before it goes to Council. I am not sure that I count 3 votes yet on the height of this building. You need to give that some thought. The other piece that we don't have consensus on is putting affordable housing units in that are dedicated to students. It doesn't do zip for the people who work on the 0 level of the medical center. People who work at the 0 level of the medical center are not going to live at 2117 Ivy Road. A payment in lieu of a project that goes into student housing does do something for the people who work on the 0 level of the medical center. The two points of no consensus are payment in lieu versus on-site affordable housing in student oriented properties and height. It is my intent to support the application.

**Motion – Commissioner Stolzenberg – I move to recommend that City Council should approve ZM23-00003 on the basis that approval of the proposed PUD Development Plan is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner Schwarz. Motion passes 6-0.**

### III. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded

The meeting was adjourned at 9:20 PM.