

PLANNING COMMISSION REGULAR MEETING
September 10, 2024 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: NDS Conference Room

Members Present: Chairman Mitchell, Commissioner Yoder, Commissioner Schwarz, Commissioner Stolzenberg, Commissioner d’Oronzio, Commissioner Solla-Yates, Commissioner Joy

Staff Present: Patrick Cory, Missy Creasy, Carrie Rainey, Matt Alfele, James Freas, Kellie Brown

Chair Mitchell called the meeting to order and asked for any comments on the agenda. Commissioner Stolzenberg asked about Azalea Springs and the alleyway and why that could not be completely constructed. Mr. Alfele provided the information. It was asked if on the southern end, do they have to complete a sidewalk improvement on Monte Vista. Mr. Alfele noted it is an access easement not an improvement. Commissioner Schwarz asked if the fire department looked at the VERVE. Mr. Alfele noted they did, and no further comments were provided. There is awareness about the underground needs for the utilities to be complete. It was noted that fire was okay with the landscaping. Commissioner Yoder asked about the sidewalk and stairs to Montebello. Mr. Alfele provided background on the decisions made in that case and outlined the other applications associated with this application.

Commissioner Stolzenberg asked about reconfiguring the intersection at JPA/Stadium as part of this project. A brief discussion took place concerning background on this request. Mr. Freas noted that the next step would be talking with Ben Chambers about where that project could be reviewed as part of citywide transportation planning.

Concerning the Special Exception request, Commissioner Stolzenberg noted he would be making a disclosure in the meeting. There was general discussion about the location of the project. Ms. Rainey provided orientation to the location of the project.

A round of introductions of those in the room took place.

Commissioner Solla-Yates told the commission about his appointment to a state committee reviewing building code requirements.

Mr. Alfele provided the code section as a follow up to the sidewalk discussion earlier in the meeting.

Commissioner Schwarz asked if during the University report in the meeting if an update on what is occurring with the properties on West Main Street could be noted.

II. 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 had 2 meetings this month. The meetings were LUPEC and MPO Tech. At both meetings, we discussed the VDOT Ivy Road pipeline study, which is finally wrapping up. It is not in time for this smart-scale round. It is anticipated to generate applications for the next smart-scale round. They are suggesting several improvements, roundabouts, and closing off left turns. The big subject of debate is how to divide those up. There is a new rule from the CTB. If you do a pipeline study, you must apply for the smart-scale in the specified bundle in the study. The study can say that you can do this bundle and that bundle. If it does not do that, you must do all of it at the same time. It is likely too large for a single smart-scale application. They are looking to split it up into something more manageable. Smart-scale applications for this round have been submitted. We are getting the cost estimates that are going to factor into our scores. They are bad. We have 2 main projects submitted from the MPO. The two projects were the Barracks Road improvements, which could be split into two. It is submitted as one big thing and as a split thing. It is something like \$130 million for the whole project. It is more than what the district received for all smart-scale projects the last time. At 5th Street, where they were proposing a DDI, they have decided to do the diverging diamond. They will have to replace the bridge over 64, which the diverging diamond was specifically chosen to avoid having to do. That project is coming in at \$57 million for that DDI. It is not looking good for us to get funded in smart-scale this round or possibly in the future unless things start changing. We are hopefully going to be prudent in managing the smart-scale funds we have already been awarded.

Commissioner Schwarz – At the Board of Architectural Review meeting, there was not anything of major significance. We did get a report from Paul Josey on plans for the trees for the Downtown Mall. I assume that Council saw the report last month. I don't know if they acted on it. The BAR issued a memo saying to do something with this immediately. It would be important to start replacing those trees as soon as possible. The report seemed to imply that there are a couple areas that may not live for much longer. It would be good to get started on a plan of action sooner rather than later. Next month, we will have a work session on furniture and the cafe spaces on The Mall. We seem to have become more lax with everything that has been placed on The Mall. We will try to get an understanding of whether that is Ok, and whether we need to set up some new rules.

Commissioner Solla-Yates – I have been appointed by the state to represent the City of Charlottesville and the University of Virginia in updating the building code. The hope is that it will be able to enact the kinds of walkable, more affordable, attractive pedestrian friendly designs that we call for in Charlottesville Plans Together.

Commissioner d'Oronzio – The Thomas Jefferson Planning District Commission (TJPDC) met last Thursday. A matter of interest here would have been The Consolidated Annual Performance Evaluation Report for CDBG and HOME, which was largely prepared here in Charlottesville because we are the go-to. That was presented with its last hearing. It is interesting to read that report considering having made some of the allocations. The CAHF Committee held an organizational meeting that was primarily driven at looking at the evaluation tools and how they are scored and weighted. There is still a conceptual conversation to be had. We are cleaning up the questionnaire and the scoring model. There might be some higher-level discussions of how we are evaluating what the priorities are and how that translates to how we score. There are a few 'howlers' in terms of wording. They are subject to multiple interpretations. We are working on that. There is a second meeting to try to bring that together towards the end of the month. The HAC met with Sam Sanders (City Manager) and James Freas (Deputy City Manager) about the land bank. They wanted to take the pulse to make sure that they had the complete rundown from the HAC and understood where the pressure points were and weren't. We have been advised that it is now back with staff and should eventually go to legal. We do not have an exact timeline. The next big step will be getting it scheduled for a work session.

Commissioner Roettger – No Report

Commissioner Yoder – I am happy to be appointed to the Planning Commission. I am looking forward to serving the city and Commission in this role. I am a transportation planner by background and experience. I have studied urban planning. I have solely focused on transportation in my career. I am looking forward to getting more involved with land use. I am looking forward to reading lots of reports about zoning. I am interested in that kind of thing.

B. UNIVERSITY REPORT

Commissioner Joy – We are meeting before the Board of Visitors meets. They are meeting tomorrow through Friday. There will be news coming out of that. I did want to give a couple of updates related to land use and some of the projects that are currently underway. One that you may start to see is the transformation of the Karsh Institute of Democracy. It is along Ivy Road. It is adjacent to the Virginia Guest House, which is the large hotel that sits closer to the parking garage off Ivy. That has officially started construction. They are currently doing site preparation and excavation with the foundations. You will, as the fall progresses, start to see some of the steel coming out of the ground for that. Another project about to start is the UVA Health Team. It is going to be taking the lead with a community outreach regarding the Oak Lawn and Grove Street property. I mentioned that previously. My understanding is that is going to be announced soon. As details come out, I will be happy to report on that at a future meeting. Another project about to start construction is the Darden School of Business. They have some housing that is being envisioned to be part of their main core ground on North Grounds. That is slated to start construction later this fall. Up by Leonard Sandridge Road, there is a temporary access road that has been put in place. This is to create a pathway to Montesano, the old historic house, which is the Center for Politics. They have a modest addition being built to accommodate public programming there. There is construction going on at Fontaine between the energy plant and the parking garage. Those are on track. I have nothing to report on the affordable housing front with the Foundation.

C. CHAIR'S REPORT

i. Annual Meeting

1. Election of Officers

Chairman Mitchell – I was on the road last month. I did not make any meetings. The Parks and Recreation Group has been busy. I think that I copied you on the Parks & Recreation Master Plan that they are getting ready to present to Council.

Annual Meeting

Commissioner Solla-Yates – We were able to deliberate and make a selection. We have contacted the candidates who have agreed to serve again. I would like to thank Chairman Mitchell for coming back. Your service has been exemplary. We are grateful for it and grateful to get a little more from you.

Commissioner d'Oronzio – We also consulted with our current Vice-Chair. We thank him for his willingness to serve again and place his name in nomination.

Ms. Creasy – The nomination on the table is for Hosea Mitchell for Chair and Carl Schwarz for Vice-Chair.

Election of Officers

Chairman Mitchell and Vice-Chairman Schwarz accepted the nominations. Motion passes 6-0.

D. DEPARTMENT OF NDS

Missy Creasy, NDS Deputy Director – We have a work session on the 4th Tuesday, September 24th. We will also be talking about the zoning ordinance. We will be talking about 2 or 3 other things. Looking down the

road, we have our October work session on the 5th Tuesday. That is our joint work session with the Albemarle County Planning Commission. That will be the Community Resilience Project. I will continue to send out our schedule of upcoming work sessions and things to think about in preparation for those.

James Freas, Deputy City Manager – We have a new NDS Director. Kellie Brown started with us on Monday. She is in the process of getting grounded into the department and the city.

Kellie Brown, NDS Director – I am happy to be with the City of Charlottesville. I am coming from Arlington, Virginia where I was a planner for 16 years. I worked on a variety of programs, projects, and initiatives. Most recently, I was involved in the county’s efforts to expand housing options. We have a kindred relationship with Charlottesville in terms of expanding housing options and areas that previously only allowed for single detached homes. I also worked on a variety of other issues; zoning amendments for things like school relocateables or simply allowing more opportunities to make expansions and additions to our existing housing stock in Arlington. I worked on corridor revitalization efforts, neighborhood planning, and sidewalk design. I am excited to be in Charlottesville. I am looking forward to the opportunity to implement and apply the city’s new Comprehensive Plan and new Development Code. I am focused on continuing to create a culture of a collaborative inclusive community engagement, efficient development review, and strong inter-departmental and inter-agency coordination.

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

No Public Comments

F. CONSENT AGENDA

1. Minutes – December 13, 2022 – Regular Meeting
2. Minutes – July 9, 2024 – Regular Meeting
3. Site Plan – VERVE PUD – Stadium Road and JPA
4. Site Plan & Subdivision – Azalea Springs

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

III. PLANNING COMMISSION PUBLIC HEARINGS

Continuing: Until all public hearings are complete

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

PL-24-0061 – 240 Stribling PUD Proffer Amendment – Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application pursuant to City Code 34-41 and 34-66(d) (adopted September 15, 2003 as amended) to amend the approved Proffer Statement (approved by City Council on April 18, 2022) for the 240 Stribling Avenue Planned Unit Development (PUD) (Tax Map and Parcel (TMP) 18A025000). The request is to amend the proffer statement to allow a portion of the required affordable dwelling units be built within the Flint Hill PUD (project number P20-0107) development which is currently under construction. The proposed amendment would also lower the required affordability to 50% Area Medium Income, (AMI) from the current 60% AMI for a minimum of two (2) of the required affordable dwelling units. If this request is approved, up to eight (8) of the required twenty-six (26) affordable dwelling units at 240 Stribling Avenue could be built within the Flint Hill PUD development. The remaining eighteen (18) required affordable units would still be built within the 240 Stribling Avenue development. If approved, at least 10.5% of the new units at 240 Stribling will still be affordable dwelling units. The Comprehensive Land Use Map for this area calls for Medium Intensity Residential and the Subject Property is zoned R-C (Residential C) but is regulated by the PUD Development Plan approved by City Council. Information pertaining to this application

may be viewed online at <https://www.charlottesville.gov/1077/Agendas-Minutes> (available online at least five days prior to the Public Hearing) or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Rezoning 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 holding a public hearing and making a recommendation to City Council on a proffer amendment for a proposed residential development at 240 Stribling Avenue. Southern Development on behalf of the landowner Belmont Station LLC has submitted an application to amend the approved proffer statement, which was originally approved by City Council on April 18, 2022 for 240 Stribling Avenue, the Planned Unit Development (PUD). The request is to amend the proffer statement to allow a portion of the required affordable dwelling units to be built within the Flint Hill Development, which is currently under construction. The proposed amendment would also lower the required affordability to 50 percent AMI (Area Median Income) from the current 60 percent AMI for a minimum of 2 of the required affordable dwelling units. If this request is approved, up to 8 of the required 26 affordable dwelling units at the 240 Stribling Avenue could be built within the Flint Hill PUD development. The remaining 18 required affordable units would still be built within 240 Stribling. If approved, at least 10.5 percent of the new units at 240 Stribling will be affordable dwelling units.

Chairman Mitchell – With the phrase ‘could be built,’ am I worried about that?

Mr. Alfele – No. Staff’s recommendation is approval on this. The affordable dwellings will either be built in Stribling or built in Flint Hill. We are still going to get the units. We will get some of the units quicker if they are put in Flint Hill. The Stribling Avenue development is still under site plan review. We are still ways away from that getting approval and breaking ground. Flint Hill has broken ground. They are doing land work on that project. They started a few months ago. We will start to see stuff come out of the ground at that development.

ii. Applicant Presentation

Charlie Armstrong, Applicant – This only adds an option for 8 of the units to be built at Flint Hill.

Chairman Mitchell – Is the AMI going to be 50 percent AMI for the 2 units or not?

Mr. Armstrong – If they are built at Flint Hill.

Commissioner d’Oronzio – With the AMI piece, what is the providence of the use of the term ‘very low-income household’ and the change to the proffer?

Mr. Armstrong – It is just a way to differentiate from low and moderate, which is in the current proffer.

Commissioner Stolzenberg – That is what HUD uses. That is what 50 percent AMI is. Low and moderate is the misnomer because 80 percent is low for HUD. 50 percent is very low for HUD.

Commissioner d’Oronzio – It is hardly universal. The reason why I asked that is that I find that sometimes these definitions are used in there with the unintended consequences. Why are you doing this?

Mr. Armstrong – It is an opportunity for us to get an obligation satisfied. We are currently developing Flint Hill. We have an opportunity and space for additional units at Flint Hill. We are not up against the density cap there with our site planning. It opens up future possibilities for Stribling to do market rate units if we take care

of them now. From the city's point of view and citizen point of view, I would say the reason is to get the units sooner and to get deeper affordability. From our point of view, it is just to check some obligations off our list.

Commissioner d'Oronzio – It will provide you with more maneuvering. Otherwise, it gives you a little more space and maneuvering to do what you want to do with Stribling.

Mr. Armstrong – Certainty is always better than uncertainty for my business.

Commissioner Stolzenberg – My recollection is that on the south side of Flint Hill, there were in the plan 2 notional 8-unit stacked townhouse buildings. The thought at the time was that you would sell both buildings to Habitat. Eight would be required, but 16 could be built. What happens if we don't approve this? Does Habitat not buy the other building?

Mr. Armstrong – Either way, we are doing 8 units with Habitat in one of those buildings. Without this, I don't know about the other building. We have not determined a definite plan. With this, we would contract with Habitat to get both of those to them.

Commissioner Yoder – Will the units built at Flint Hill be a different size than the other units than if they were built at Stribling instead? Would they have the same number of bedrooms if they were built at Flint Hill then if they were built in the Stribling development?

Mr. Armstrong – I don't know the answer to that. We have not planned Stribling far enough along to know. If they are at Flint Hill, they will be Habitat's townhouse condominium product. They are doing something similar in Southwood right now. I don't know if that is identical. I think it is pretty close. For Stribling, in the site plan, we have a mix of townhomes and multi-family buildings that could be condos or apartments. We have not designed that building yet or those multi-family buildings.

Commissioner Solla-Yates – Thank you for the creativity. Very few people come to us with solutions.

iii. Public Hearing

No Public Comments

iv. Commission Discussion & Motion

Commissioner d'Oronzio – This opens a conversation perhaps in the context of our work session about offsite or semi-offsite relocation of affordable units. Do we want to have some further thought on how that process might work or not work? This seems very straightforward and simple. We have one set of players. What if we don't, at some future time? It might be worthwhile to reserve some time for that conversation.

Motion – Commissioner Stolzenberg – **I move to recommend that City Council should approve PL-24-0061 on the basis that the amendment to the proposed Proffer Statement is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner d'Oronzio. Motion passes 6-0.**

IV. Commission's Action Items

1. Special Exception Request – 113 West Main Street

i. Staff Report

Carrie Rainey, City Planner – Before you tonight is a Special Exception Permit request to allow a fenced courtyard along West Market Street on the subject property. A Special Exception Permit is one of the new relief processes allowed through the new development code made effective in February. The other new relief process introduced in the development code is an Administrative Modification, which generally allows the Administrator to grant a 15% modification to physical dimensional standards. The development code continues to allow our previously permitted relief processes such as Special Use Permits, Critical Slope Special Exceptions, and Variances from the Board of Zoning Appeals. One update to note is that Special Use Permits are no longer an avenue for additional building height and apply only to specific uses.

A Special Exception Permit allows Council to grant modifications to specific physical dimensional standards in code. Special Exception Permits cannot be granted for additional building height, dwelling units per lot, or development bonuses. Example dimensional standards that can be modified through a Special Exception permit include parking design standards, entrance spacing, transition requirements, and fence heights as is before you today.

Special Exception Permit applications do not require a public hearing but do require a Planning Commission recommendation and a City Council decision, both during a public meeting. When making a recommendation, the Planning Commission should consider the following factors:

1. Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property.
2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan.
3. Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practices.

The Planning Commission may also set forth reasonable conditions to apply when recommending approval.

Before we begin discussing the application on your agenda tonight, are there any questions or clarity needed regarding the Special Exception Permit process?

The application before you tonight is for 113 West Main Street, which has frontage on both the Downtown Mall and West Market Street. The DX Downtown Mixed-Use district does not permit fencing in front yards or side street yards unless a Special Exception Permit is granted. The applicant has requested to install perimeter fencing in the front yard on West Market Street to create a courtyard for residential use. The applicant proposes 2 gates along the West Market Street frontage to provide pedestrian and vehicular access.

Staff finds the proposed improvements are harmonious with the existing patterns of development within the neighborhood. The front yard use of surrounding properties includes parking lots, lawn and landscaping, and fenced outdoor dining space. The proposed fences and gates are of a similar scale to existing fencing in the area and provide visual connection with West Market Street to activate the pedestrian realm.

As the property is located within the Downtown Architectural Design Control District, the Board of Architectural Review reviewed the application at their May 2024 meeting. The Board found the proposed improvements to be compatible with the Downtown ADC District. The Board provided a Certificate of Appropriateness with the condition that the wood planks are either painted or have an opaque stain, with the color to be approved by the Preservation Planner.

The Future Land Use Plan of the 2021 Comprehensive Plan designates the subject property and surrounding properties as Downtown Core, which is a primary, central mixed use activity hub for the city. The proposed fences and gates will allow the creation of a resident courtyard adjacent to and visible from the West Market Street corridor, which will increase activation and pedestrian interest on the corridor in line with goals of the Downtown Core.

Several goals in the Comprehensive Plan speak to a desire for context sensitive redevelopment. The Board of Architectural Review has confirmed the proposed fences and gates are compatible with the Downtown ADC District. Staff finds the proposed improvements support the goals and strategies of the Comprehensive Plan.

As the application aligns with the Comprehensive Plan and provides outdoor amenity space for residents and street activation for West Market Street, staff finds granting the Special Exception Permit is consistent with good zoning practice and general public welfare and recommends approval of permit. Staff does not recommend any conditions be placed on this Special Exception Permit. Any proposed modifications to the fence and gate details will be reviewed by the Board of Architectural Review for consistency with the issued Certificate of Appropriateness.

Commissioner Solla-Yates – Looking at the image for Context Map 2 Zoning classifications, the contrast between the purple DX and dark red CX-8 is challenging. I don't have a solution tonight. It is something to think about.

Chairman Mitchell – You do not mention the wood planks condition that the BAR was imposing. The reason you don't do that is because the BAR is going to have a chance to look at this again to make certain.

Ms. Rainey – What the BAR did earlier in May 2024 was say that the Preservation Planner (Jeff Werner) could actually confirm the color choice of the wood as an administration process to follow up on their Certificate of Appropriateness.

ii. Applicant Presentation

Adrienne Strong, Applicant – Our client wants to turn a little used loading zone into something his residents can use. Right now, it tends to be viewed as an extension of the road or the sidewalk. He is trying to prevent some of the maintenance issues that have come up because of that and unintentional parking there. There are no latching gates. It is not to keep people out or keep anybody in. It is just a visual distinguishing, defining courtyard aspect.

iii. Commission Motion & Discussion

Commissioner Stolzenberg – **In the interest of full disclosure, the applicant has been my landlord for several years, not in this building. I believe that I can neutrally judge on this issue.**

Motion – Commissioner Schwarz – **I move to recommend approval of this application for a special exception permit in the DX Downtown Mixed-Use Zone at 113 West Main Street to permit installation of fences and gates. Second by Commissioner d'Oronzio. Motion passes 6-0.**

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

The meeting was adjourned at 6:22 PM.