

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE LAND FRONTING ON IVY ROAD  
AND COPELEY ROAD  
FROM URBAN CORRIDOR (URB) TO PLANNED UNIT DEVELOPMENT (PUD)**

**WHEREAS**, RMD Properties, LLC is the owner (“Landowner”) of certain land fronting on Ivy Road and Copeley Road, designated on the City Tax Map and Parcel (TMP) as 070001200 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from URB to PUD subject to proffered development conditions, hereinafter referred to as the “Proposed Rezoning”; and

**WHEREAS**, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated May 15, 2023 (Revision #3 dated November 21, 2023), titled “2117 Ivy Road Planned Unit Development Plan Submittal”, and (ii) proffered development conditions and “Exhibit A” diagram submitted in writing to the City; and

**WHEREAS**, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on January 9, 2024 and by City Council on January 16, 2024, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following their January 9, 2024 public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

**WHEREAS**, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00003), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning the property designated on City Tax Map and Parcel (TMP) 070001200 (“Subject Property”), containing, in the aggregate approximately 1.027 acres (approximately 44,736 square feet), from Urban Corridor (URB) to Planned Unit Development (PUD), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

## Approved Proffers

### 1. Affordable Housing

The Project is proposed to be student housing rented by the bedroom. The Applicant shall make a cash contribution to the City's affordable housing fund in the amount equal to Three Million, Two Hundred Fifty Thousand Dollars (\$3,250,000), provided that the approved final site plan and approved building permit will permit a minimum of Six Hundred Thirty-Four (634) bedrooms. Otherwise, the amount will be equal to four and one-half (4 ½) times that which would be required under City Code Section 34-12(d)(2) in effect as of the date of this Proffer Statement, based on the approved final site plan. Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

### 2. PUD Application Plan

- A. **Application Plan.** The Property is depicted on the plans entitled "2117 Ivy Road" dated May 15, 2023, last revised November 21, 2023, prepared by WDG Architecture and Timmons Group (the "Application Plan"). The Property will be developed in general accord with the essential elements of the Application Plan, as required by City Zoning Ordinance Section 34-518.
- B. **Exhibit A.** Notwithstanding the provisions of paragraph 2A above, the Property frontage along Ivy Road shall be developed to reflect the following major elements as shown and noted on attached plans entitled "PUD Exhibit A – Conceptual Building Section" dated December 12, 2023, prepared by Dwell Design Studio ("Exhibit A"), attached, subject to Entrance Corridor Review Board Approval:
- 1) The green zone shall be a minimum of 8 feet in width.
  - 2) The sidewalk shall be a minimum of 10 feet in width.
  - 3) Floors 1-2 shall be recessed at least 2 feet from Ivy Road beyond that shown on the Application Plan.
  - 4) Floors 3-8 shall be recessed 4 feet from Ivy Road beyond that shown on the Application Plan.
  - 5) Floors 9-10 shall be recessed 2 feet beyond floors 3-8.
  - 6) The rooftop architectural trellis shall be recessed 10 feet from the top edge of floor 10.
  - 7) Street tree species will be coordinated with City staff, the Entrance Corridor Review Board, and the University.

With regard to any differences between the approved Application Plan and this proffer statement with Exhibit A, this proffer statement and Exhibit A shall govern.

- C. The Applicant shall submit a revised Application Plan incorporating the provisions of paragraph 2B within 30 days after City Council's action on the Application.

**BE IT FURTHER ORDAINED THAT** the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.