# Agenda

**PLANNING COMMISSION REGULAR DOCKET**
**TUESDAY, June 13, 2023 at 5:30 P.M.**
**Hybrid Meeting**

## I. Commission Pre-Meeting (Agenda discussion(s))

*Beginning*: 5:00 p.m.
Location: (CitySpace, 100 5th St NE, Charlottesville, VA 22902 and Electronic/Virtual)

## II. Commission Regular Meeting

*Beginning*: 5:30 p.m.
Location: (CitySpace, 100 5th St NE, Charlottesville, VA 22902 and Electronic/Virtual)

**A. COMMISSIONERS' REPORTS**
**B. UNIVERSITY REPORT**
**C. CHAIR'S REPORT**
**D. DEPARTMENT OF NDS**
**E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**
**F. CONSENT AGENDA**
(Items removed from the consent agenda will be considered at the end of the regular agenda)

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

**G. Entrance Corridor** – 2005 Jefferson Park Avenue

## III. JOINT MEETING OF COMMISSION/ COUNCIL

*Beginning:* 6:00 p.m.
*Continuing:* until all public hearings are completed
*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing

1. **SP23-00002 - 218 West Market Street** - Landowner Heirloom Downtown Mall Development, LLC is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-557, 34-558, 34-560 & 34-796 to modify the required stepbacks for a previously authorized mixed-use development at 218 West Market Street ("Subject Property") having approximately 145 feet of frontage on West Market Street and 164 feet of frontage on Old Preston Road. The Subject Property is further identified on City Real Property Tax Map 33 as Parcel 276 (City Real Estate Parcel ID 330276000). The Subject Property is zoned Downtown Mixed Use Corridor (D), subject to the Downtown Architectural Design Control Overlay District and the Urban Core Parking Zone Overlay District. The application requests a modification of the 25-foot minimum required stepback after 45-feet in height pursuant to City Code Sec. 34-558 to authorize a 10-foot minimum stepback after 45-feet in height on the West Market Street frontage and a 5-foot minimum stepback after 45-feet in height on the Old Preston Avenue frontage pursuant to City Code Sec. 34-162. Market Street Promenade, LLC previously received a Special Use Permit (SUP) to authorize the mixed-use development on the Subject Property, which included approval of additional building height and residential density than is allowed by right within the Downtown zoning district. The specific development approved is a 101-foot mixed-use building with ground floor commercial space, and up to 134 residential dwelling units above the ground floor (up to 240 DUA). In the Downtown zoning district, mixed use buildings are allowed by-right, up to a height of 70 feet, with residential density up to 43 dwelling units per acre (DUA). The Comprehensive Plan Future Land Use

Map for this area calls for Downtown Core, but no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Special Use Permit request may contact NDS Planner Carrie Rainey by e-mail (rainey@charlottesville.gov) or by telephone (434-970-3453).

## IV. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded.

1. Discussion - Zoning Ordinance Update
2. Preliminary Discussion – JPA/104 Stadium Road
3. Preliminary Discussion - 2117 Ivy Road

## V. FUTURE MEETING SCHEDULE/ADJOURN

| | | |
|---|---|---|
| | | |
| Tuesday July 11, 2023 – 5:00 PM | Pre-Meeting | |
| Tuesday July 11, 2023 – 5:30 PM | Regular Meeting | Minutes<br>Rezoning and SUP –501 Cherry Avenue<br>Zoning Ordinance Update<br>SUP – 211 Ridge Street - Salvation Army |

**Anticipated Items on Future Agendas**

Rezoning and SUP – 0 Carlton Road
Site Plan –Flint Hill PUD, 240 Stribling Ave, Belmont Heights (1000 Monticello), Hillsdale Place, 1613 Grove Street Extended
Preliminary Site Plan – 0 East High Street
Major Subdivision – Seminole Hillsdale
Future Entrance Corridor

- 1801 Hydraulic Road – revised Comp Sign Plan, (*Hillsdale Place*, Riverbend)
- Review of 2117 Ivy Road for compatibility with Entrance Corridor prior to Rezoning request.

**PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.**

**PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.**

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

Planning Commission premeeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and www.charlottesville.gov/streaming. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: www.charlottesville.gov/zoom .

You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY**
**5/1/2023 TO 5/31/2023**

1. **Preliminary Site Plans**
    a. 1301 Wertland - May 18, 2023
2. **Final Site Plans**
    a. Lyndhall Apartments – 64 University Way - May 3, 2023
3. **Site Plan Amendments**
    a. 212 Ridge McIntire Road (Omni hotel Mall side patio renovation) SPA #1
4. **Subdivision**

May 9, 2023 Planning Commission Minutes are included as the last documents in this packet.

# CITY OF CHARLOTTESVILLE

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**

**STAFF REPORT**

## PLANNING COMMISSION MEETING

**APPLICATION FOR APPROVAL OF A SUBDIVISION**

**APPLICATION NUMBER: P23-0015**

**DATE OF MEETING: June 13, 2023**

**Project Planner:** Brian Haluska
**Date of Staff Report:** May 11, 2023

**Applicant:** Milestone Partners
**Applicant's Representative(s):** Frank Stoner
**Current Property Owner:** Lochlyn Hill Development Group, LLC
**Property Street Address:** 0 Pen Park Lane ("Subject Property")
**Tax Map & Parcel:** 48A039000 and 48A040000
**Current Zoning Classification:** PUD – Planned Unit Development
**Overlay District:** None

## Vicinity Map

## Standard of Review

Subdivisions are reviewed for compliance with City codes and standards, in accordance with procedures prescribed by Virginia Code 15.2-2259 and standards and design requirements specified within the City's subdivision, zoning, and water protection ordinances and the City's Standards and Design Manual. The Planning Commission is the "subdivision agent" for the purpose of reviewing and approving a proposed final subdivision plat for a major subdivision.

As "subdivision agent" the Planning Commission is performing an administrative function, and there are only two possible actions: (1) *Approval*--if the proposed subdivision meets all applicable requirements, the Planning Commission must approve it, or (2) if the Planning Commission determines that the proposed subdivision does not meet all applicable requirements, then the Planning Commission must disapprove the plat, and must articulate specific reasons why the subdivision does not meet the requirements—with reference to specific laws, ordinances and regulations.

## Summary

Frank Stoner of Milestone Partners, acting as agent for Lochlyn Hill Development Group, LLC, is requesting approval of a major subdivision to construct a portion of a previously approved residential development. Per Section 29-3, this subdivision is considered major because it involves extension of public utilities.

The land within the proposed major subdivision is identified on City Real Estate Tax Map 48A, Parcels 39 and 40, and it has frontage on Pen Park Lane and Lochlyn Hill Drive. The site contains approximately 1.26 acres.

## Subdivision Requirements

**A. Section 29-140 requires all subdivision plats and supporting materials to be in accordance with:**

1. Applicable provisions of the Virginia Code
2. The Water Protection Ordinance, Chapter 10 City Code
3. The Fire Prevention Code, Chapter 12 City Code
4. Utilities Ordinance, Chapter 31 City Code
5. Zoning Ordinance, Chapter 34 City Code
6. Charlottesville's Standards and Design Manual
7. Subdivision Ordinance, Chapter 29 City Code, and other applicable City ordinances

B. **Compliance with design standards and improvements (per Sections 29-160 - 29-163)**

1. Blocks: No new blocks will be created as a result of this subdivision.
2. Lots: The applicant is proposing to create six (6) lots.
3. Parks, Schools, and other Public Land: No new parks or schools will be created with this subdivision.
4. Preservation of natural features and amenities: Sections 29-140 and 29-110(a)(16) require subdivision plats to be in conformance with applicable requirements of the zoning ordinance, which includes the Critical Slopes regulations and building site requirements (Section 34-1120). Critical slopes as defined by Section 34-1120(b)(2) are not found on the site.
5. Items Listed in Section 29-111(b): The applicant has submitted a proposed final site plan for staff's administrative review. The documents and information referenced in Section 29-111(b) are included in the site plan that is under review, therefore they do not need to be addressed in this subdivision plat.
6. Monuments: The subdivision plat demonstrates that the following requirements of Section 29-160 have been satisfied:
   a. All boundaries (exterior and interior) of the original survey for the subdivision have monuments in accordance with the Standards & Design Manual (see Sheet 3).
   b. The applicant has verified that these monuments will be set prior to recordation of the subdivision plat, or prior to conveyance of lots with reference to this plat.

**C. Compliance with the Street Standards for Subdivisions (Section 29-180 – 29-183)**

The proposed subdivision does not include any new public street. Land along Pen Park Lane (wherein existing road and sidewalk facilities exist) is dedicated to public use through a prior subdivision plat, and is anticipated to be accepted by City Council at a later date.

**D. Compliance with Utility Standards for Subdivisions (Sections 29-200 – 29-204)**

The specific utility configurations and design details are under review by the Utilities Department as a part of the site plan review process and will be approved administratively by staff as part of final site plan approval. Public easements are required to be shown on a final subdivision plat; once the approved final plat is recorded in the land records, the plat will establish as a matter of record the physical boundaries of the easement areas.

**E. Compliance with applicable zoning district regulations (Sections 34-350 – 34-420)**

The Planning Commission previously considered the proposed lot configuration shown in this plat and ruled that it was not a substantial deviation from the approved PUD plan. The dimensions (area, frontage, building site, etc.) of the six lots will, in staff's assessment, comply with the requirements of the previously approved PUD zoning district. See Section 34-1123 and Section 29-161.

F. **Compliance with the Water Protection Ordinance (City Code Chapter 10).** Per Section 29-202 every development must be designed to achieve state and local requirements for post-development stormwater management, including measures addressing both the quantity and quality of stormwater, as set forth within Chapter 10 of the City Code (Water Protection).
   1. Stormwater Management Plan: a stormwater management concept has been submitted in the final site plan along with the final plat materials, as required by Section 29-111(a)(2). The applicant has also submitted a proposed final Stormwater Management Plan for consideration by the City's VESMP Agent. Such improvements, facilities and treatments are identified within the final site plan, which is currently under administrative review by staff.
   2. Erosion & Sediment Control: the applicant will submit an erosion and sediment control plan as part of the construction plans that are part of the site plan that is concurrently under review. This is permitted by Section 29-111(b).

## Public Comments Received

No comments received.

## Suggested Motions

Motion to Approve: I move to approve the final subdivision plat dated February 10, 2023 for Tax Map 40 Parcels 39 and 40.

Motion to Deny Approval: I move to deny approval of the final subdivision plat dated February 10, 2023 for Tax Map 40 Parcels 39 and 40, based on the following deficiencies:

## Attachments

A. Final Subdivision Plat dated February 10, 2023

## OWNER'S CONSENT

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND / OR TRUSTEES, IF ANY. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED A THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

_____

LOCHLYN HILL DEVELOPMENT GROUP, LLC
BY: FRANK R. STONER, IV
TITLE: MANAGER
TMP 48A040000 (FUTURE UNITS)
TMP 48A039000 (COMMON AREA OPEN SPACE 4)

## CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF _____, 20__

_____
NOTARY PUBLIC
REGISTRATION NUMBER: _____
MY COMMISSION EXPIRES: _____

| EXISTING AREA TABULATION | ACRES |
|---|---|
| EX. OPEN SPACE 4 PHASE III | 0.280 |
| EX. FUTURE UNITS PHASE III | 0.980 |
| TOTAL ON PHASE III PLAT = | 1.260 |

| AREA TABULATION | ACRES |
|---|---|
| LOTS 159-164 | 0.578 |
| OPEN SPACE 4 REVISED | 0.085 |
| FUTURE UNITS REVISED | 0.554 |
| PARCEL A-1 (DEDICATED RIGHT OF WAY) | 0.042 |
| PARCEL A-2 (DEDICATED RIGHT OF WAY) | 0.001 |
| TOTAL THIS PLAT = | 1.260 |

## SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED, BEING A LICENSED LAND SURVEYOR OF THE STATE OF VIRGINIA (LIC. NO. 1458), DOES HEREBY CERTIFY TO LOCHLYN HILL DEVELOPMENT GROUP, LLC AS FOLLOWS:

1.) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES/EASEMENTS OR IMPROVEMENTS ON THIS PROPERTY. THIS SURVEYOR HAS MADE NO INDEPENDENT SEARCH OR INVESTIGATION FOR RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, OWNERSHIP TITLE EVIDENCE, ENCUMBRANCES, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

2.) THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

3.) THE BOUNDARY LINES SHOWN HEREON WERE ESTABLISHED USING PHYSICAL EVIDENCE FOUND AND DEEDS AND PLATS FOUND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ALBEMARLE AND CITY OF CHARLOTTESVILLE, VIRGINIA.

4.) THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY CONVEYED TO LOCHLYN HILL DEVELOPMENT GROUP, LLC BY DEED RECORDED IN INSTRUMENT NUMBER 2016-3812 AND AS SHOWN ON PLAT RECORDED IN INSTRUMENT NUMBER 2016-3811.

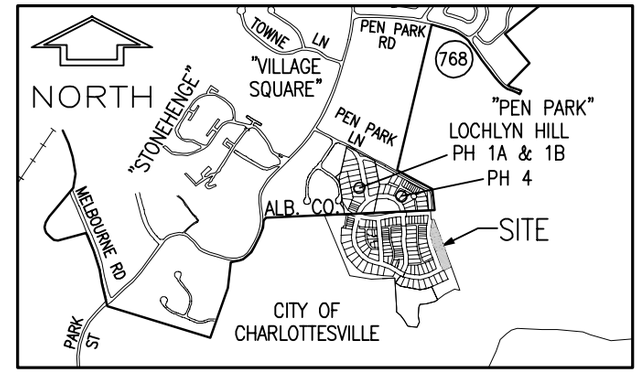
## CITY OF CHARLOTTESVILLE APPROVAL

BY:_____ DATE _____
CITY SUBDIVISION AGENT, OR AUTHORIZED DESIGNEE

BY:_____ DATE _____
CHAIR, CITY PLANNING COMMISSION

| BUILDING SETBACKS | | | | |
|---|---|---|---|---|
| LOTS | UNIT TYPE | FRONT (FT.) | SIDE (FT.) | REAR (FT.) |
| | | MIN | MIN | MIN |
| 159-164 | SFD | 10 | 3 | 28* |

* REAR SETBACK IS ALONG EDGE OF EASEMENT
FOR CORNER LOT SETBACKS, SEE GENERAL NOTES (13D) SHEET 2




VICINITY MAP
(1"=2000')

## SHEET KEY NOTES

SHEET 1 = COVER SHEET
SHEET 2 = GENERAL NOTES
SHEETS 3 AND 4 = EXISTING BOUNDARY CONDITIONS
SHEETS 5 AND 6 = SUBDIVISION PLAT
SHEETS 7 AND 8 = EASEMENT PLAT

SUBDIVISION PLAT

LOTS 159 THROUGH 164
LOCHLYN HILL, PHASE III
BLOCK 4B

CITY OF CHARLOTTESVILLE, VIRGINIA
FEBRUARY 10, 2023

FOR REVIEW

KIRK HUGHES & ASSOCIATES
LAND SURVEYORS AND PLANNERS
220 EAST HIGH STREET
CHARLOTTESVILLE, VA. 22902
(434) 296-6942

C:\UDD\Surveys\2023\2023-022\2023022-01.dwg
PLOTTED: 2/10/2023

## GENERAL NOTES

1.) SURVEY PREPARED FOR LOCHLYN HILL DEVELOPMENT GROUP, LLC.

2.) A PORTION OF THE PROPERTY SHOWN HEREON GRAPHICALLY APPEARS TO LIE WITHIN FLOOD ZONE "X" (AREAS NOT TO BE WITHIN A 1% CHANCE OF ANNUAL FLOODING) AND FLOOD ZONE "AE" (AREAS TO BE WITHIN A 1 % CHANCE OF ANNUAL FLOODING) WITH A BASE FLOOD ELEVATION OF 345.0' AS DETERMINED BY FEMA AND AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL 51003C0287D WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2005.

3.) PROPERTY IS NOT WITHIN AN ALBEMARLE COUNTY AND/OR CITY OF CHARLOTTESVILLE WATER SUPPLY WATERSHED OR AN AGRICULTURAL-FORESTAL DISTRICT.

4.) THE DEVELOPER RESERVES ALL THOSE WATER, SANITARY SEWER, AND DRAINAGE EASEMENTS THAT WILL BE REQUIRED BY THE CITY OF CHARLOTTESVILLE IN ORDER TO ASSUME THE MAINTENANCE RESPONSIBILITY FOR THESE UTILITIES, AND THE RIGHT TO VACATE OR REVISE ANY EASEMENT HEREON PROVIDED THE PROPER AUTHORITY AGREES. SAID EASEMENTS SHALL BE CENTERED ON THE ASBUILT LOCATION OF UTILITIES THEY REPRESENT. DRAINAGE EASEMENTS IDENTIFIED HEREON AS PUBLIC EASEMENTS ARE HEREBY DEDICATED TO PUBLIC USE.

5.) COMMON AREA OPEN SPACE 4 AS SHOWN HEREON SHALL BE MAINTAINED BY THE LOCHLYN HILL NEIGHBORHOOD ASSOCIATION, INC.

6.) ALL LOTS SHALL BE SERVED BY PUBLIC WATER AND SEWER.

7.) EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.

8.) PARCEL A-1 AND A-2 COLLECTIVELY CONTAINING 0.043 ACRES BEING PORTIONS OF "FUTURE UNITS" AND OPEN SPACE 4, RESPECTFULLY, RECORDED IN INSTRUMENT 2019-2201 AND AS SHOWN HEREON ARE HEREBY ADDED TO AND BECOME PART OF PEN PARK LANE EAST AND ARE FURTHER HEREBY DEDICATED TO PUBLIC USE.

9.) NO GRAVES, CEMETERIES OR OTHER OBJECTS OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL WERE FOUND OR OBSERVED ALONG THE PERIMETER OF THE BOUNDARY SHOWN HEREON.

10.) PROPERTY MAY BE SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE. LOTS ARE SUBJECT TO THE LOCHLYN HILL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS.

11.) IRON RODS, UNLESS OTHERWISE NOTED, ARE TO BE SET AT ALL CORNERS UPON THE COMPLETION OF ROAD CONSTRUCTION.

12.) ZONED: PLANNED UNIT DEVELOPMENT (PUD). PLANNED USE: RESIDENTIAL (SINGLE FAMILY DETACHED, TOWNHOMES, APARTMENTS, AND ATTACHED COTTAGES).

13.) SETBACK NOTES (SEE SETBACK TABLE SHEET 1 OF 8).

A.) THE FOLLOWING STRUCTURES: PORCHES (1 & 2 STORY), PORCH STAIRS, DECKS, BALCONIES, BAY WINDOWS, RAISED DOORYARDS, ENTRANCE STOOPS, PLANTERS, ENTRY STEPS AND OTHER SIMILAR STRUCTURES ARE PERMITTED TO EXTEND IN AN ATTACHMENT ZONE (THE AREA BETWEEN THE FRONT SETBACK AND THE RIGHT OF WAY LINE) BY NO MORE THAN TEN (10) FEET. UNDER NO CIRCUMSTANCE MAY THESE STRUCTURES EXTEND INTO EITHER THE RIGHT OF WAY OR WITHIN ONE (1) FOOT OF THE SIDEWALK (WHICHEVER IS MORE RESTRICTIVE).

B.) FOR SINGLE FAMILY DETACHED UNITS THAT ARE FRONT LOADED, THE GARAGE DOOR SHALL BE RECESSED MORE THAN THREE (3) FEET FROM THE ESTABLISHED BUILD-TO LINE.

C.) UNDER NO CIRCUMSTANCES SHALL THE GARAGE DOOR BE ANY CLOSER THAN EIGHTEEN (18) FEET TO THE SIDEWALK.

D.) FOR CORNER LOTS, FRONT BUILD-TO LINE SHALL APPLY TO BOTH SEGMENTS OF THE LOT FACING EITHER STREET. THE SIDE YARD SETBACKS SHALL APPLY TO THE OTHER SEGMENTS OF THE LOT FACING AWAY FROM THE STREETS.

E.) TOWNHOUSES AND MULTI-FAMILY UNIT TYPES MAY BE BUILT ALONG THE SIDE YARD PROPERTY LINE IF CONSTRUCTION METHODS ARE USED THAT ALLOW FOR A COMMON WALL. FOR TOWNHOUSES AND MULTI-FAMILY STRUCTURES BUILT ON THE PROPERTY LINE, THE STRUCTURE'S FOOTING MAY CROSS ONTO THE ADJACENT LOT A MAXIMUM OF EIGHT (8) INCHES.

F.) MODIFIED ACCESSORY STRUCTURE SETBACKS IN FRONT AND CORNER YARDS SHALL BE THE SAME AS THE ESTABLISHED BUILD-TO LINE FOR THAT LOT. IN SIDE YARDS, ACCESSORY STRUCTURE SETBACKS SHALL BE THREE (3) FEET, EXCEPT WITH GARAGE AND CARPORTS, WHERE THE SIDE SETBACK SHALL BE ZERO (0) FEET. IN REAR YARDS, ACCESSORY STRUCTURE SETBACKS SHALL BE FIVE (5) FEET.

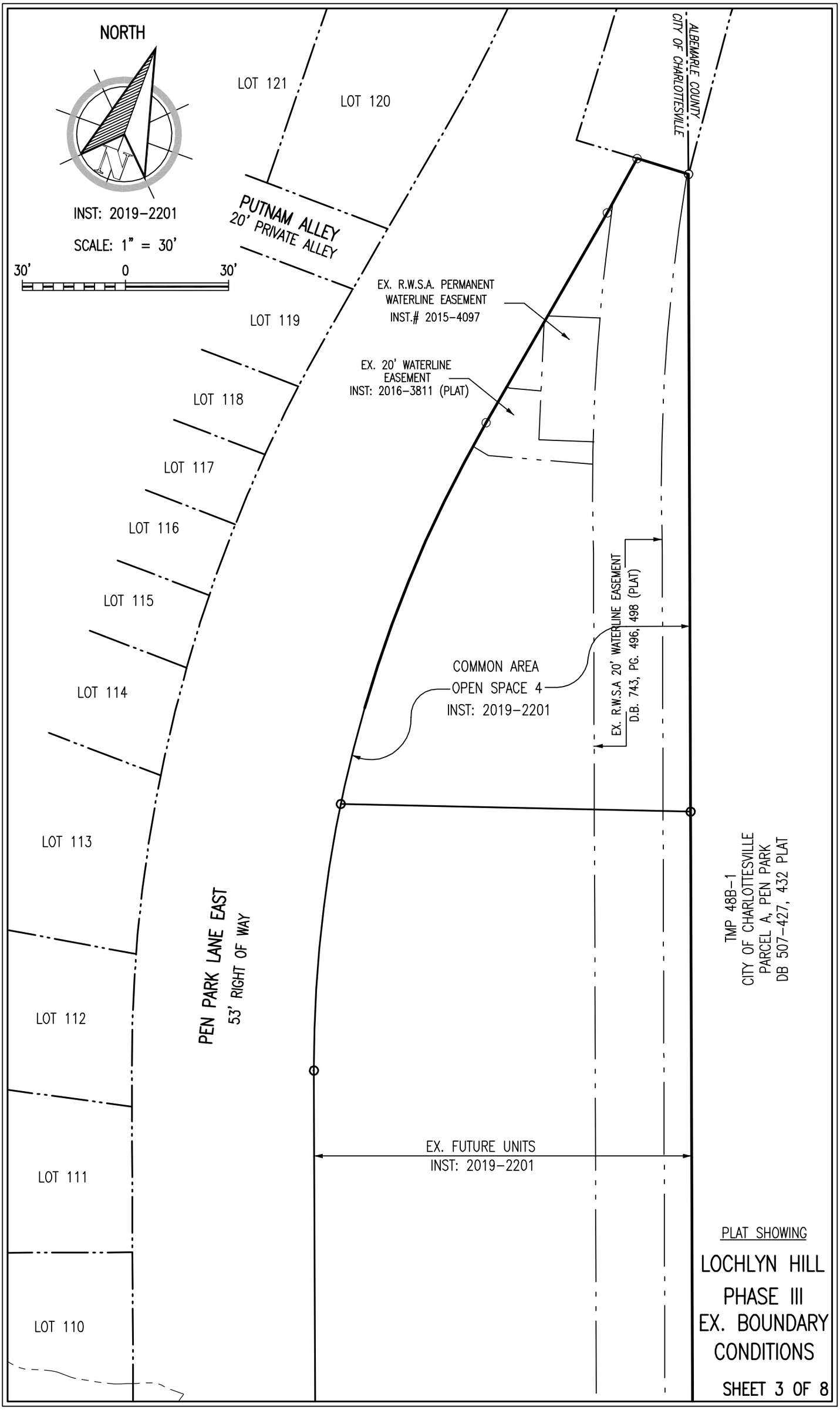
G.) COVERED PORCHES, BALCONIES, CHIMNEYS, EAVES, AND LIKE ARCHITECTURAL FEATURES MAY NOT PROJECT INTO THE SIDE SETBACK AND MAY NOT PROJECT MORE THAN TWO (2) FEET INTO ANY REAR YARD SETBACK. HVAC UNITS ARE ALLOWED ONLY IN THE SIDE AND REAR YARDS AND CANNOT BE WITHIN TWO (2) FEET OF ANY PROPERTY LINE.

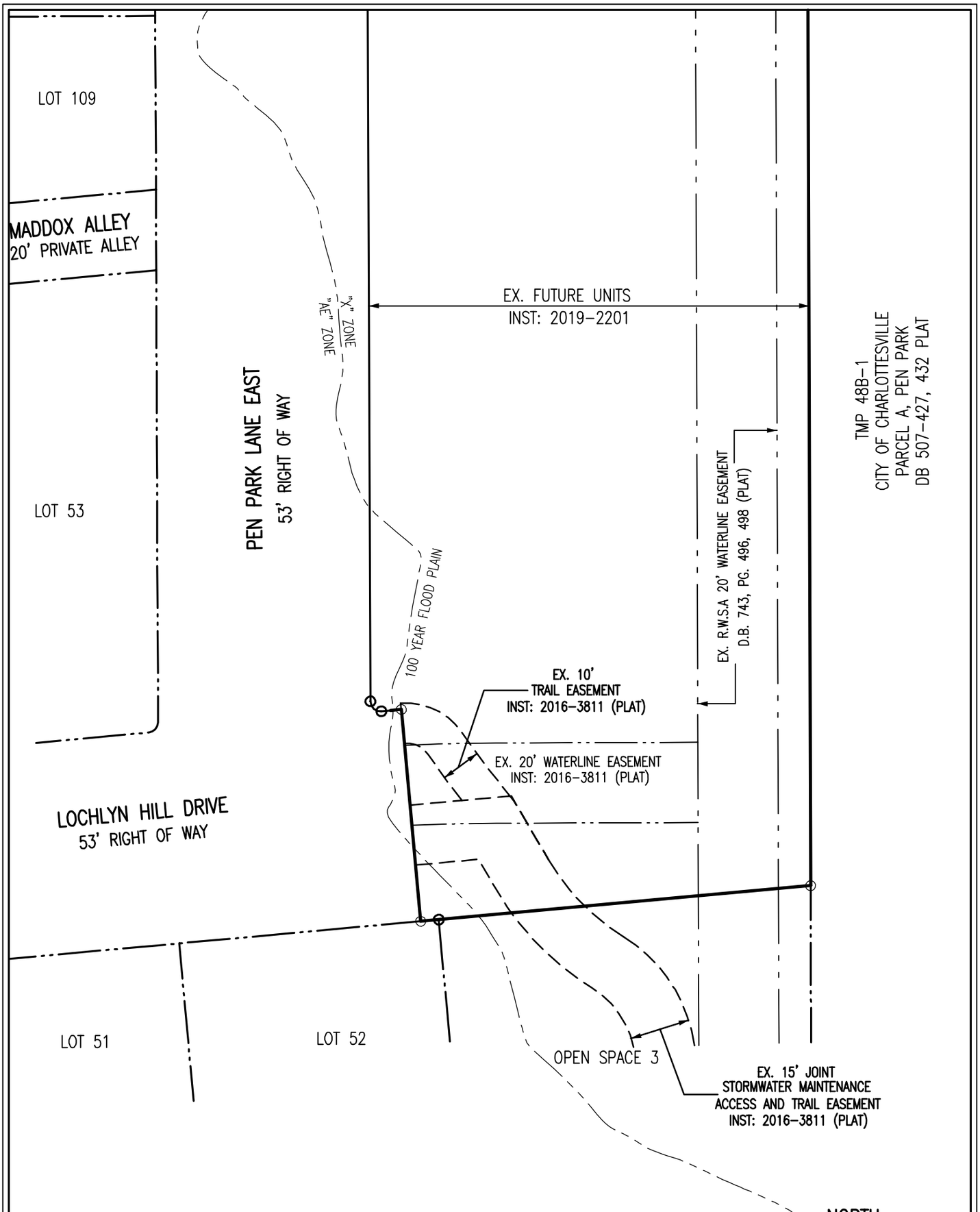
H.) GARAGE AND CARRIAGE HOUSES MAY BE CONNECTED TO THE MAIN STRUCTURE UNDER THE FOLLOWING CONDITIONS: IF CONNECTED WITH UNCONDITIONED SPACE (I.E. SCREED PORCH, COVERED BREEZEWAY, ETC.) THE MODIFIED ACCESSORY STRUCTURE SETBACKS ESTABLISHED IN GENERAL NOTE (F) ABOVE SHALL BE FOLLOWED. IF CONNECTED WITH CONDITIONED SPACE THEN THE MINIMUM SETBACKS ESTABLISHED IN THE SETBACK TABLE AND NOTED HEREON SHALL BE FOLLOWED.

I.) NO STRUCTURE SHALL ENCROACH INTO ANY EASEMENT.

J.) THE MINIMUM FRONTAGE REQUIREMENT FOR ALL LOTS SHALL BE THREE (3) FEET AT THE PUBLIC RIGHT OF WAY OR PRIVATE EASEMENT.

14.) BUILDING HEIGHT: THIRTY-FIVE (35) FEET ALLOWABLE. IF THE HEIGHT OF THE STRUCTURES EXCEED THIRTY-FIVE (35) FEET, ADDITIONAL SETBACKS MAY BE REQUIRED.


NORTH
INST: 2019-2201
SCALE: 1" = 30'
30'
0
30'
LOT 121
LOT 120
PUTNAM ALLEY
20' PRIVATE ALLEY
LOT 119
LOT 118
LOT 117
LOT 116
LOT 115
LOT 114
LOT 113
LOT 112
LOT 111
LOT 110
PEN PARK LANE EAST
53' RIGHT OF WAY
EX. R.W.S.A. PERMANENT
WATERLINE EASEMENT
INST.# 2015-4097
EX. 20' WATERLINE
EASEMENT
INST: 2016-3811 (PLAT)
COMMON AREA
OPEN SPACE 4
INST: 2019-2201
EX. R.W.S.A 20' WATERLINE EASEMENT
D.B. 743, PG. 496, 498 (PLAT)
ALBEMARLE COUNTY
CITY OF CHARLOTTESVILLE
EX. FUTURE UNITS
INST: 2019-2201
TMP 48B-1
CITY OF CHARLOTTESVILLE
PARCEL A, PEN PARK
DB 507-427, 432 PLAT
PLAT SHOWING
LOCHLYN HILL
PHASE III
EX. BOUNDARY
CONDITIONS
SHEET 3 OF 8



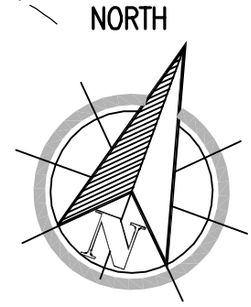

## CURVE TABLE

| NO. | DELTA | RADIUS | ARC | TANGENT | CH. BEARING | CHORD |
|---|---|---|---|---|---|---|
| C1 | 01°21'13" | 373.50' | 8.82' | 4.41' | N 03°09'55" W | 8.82' |
| C2 | 09°59'30" | 373.50' | 65.13' | 32.65' | N 02°30'27" E | 65.05' |
| C3 | 02°30'53" | 373.50' | 16.39' | 8.20' | N 08°45'39" E | 16.39' |
| C4 | 02°23'32" | 431.50' | 18.02' | 9.01' | N 08°49'19" E | 18.02' |

## LINE TABLE

| NO. | BEARING | DISTANCE |
|---|---|---|
| L1 | S 64°46'45" W | 2.71' |
| L2 | N 86°59'33" E | 15.64' |

NORTH



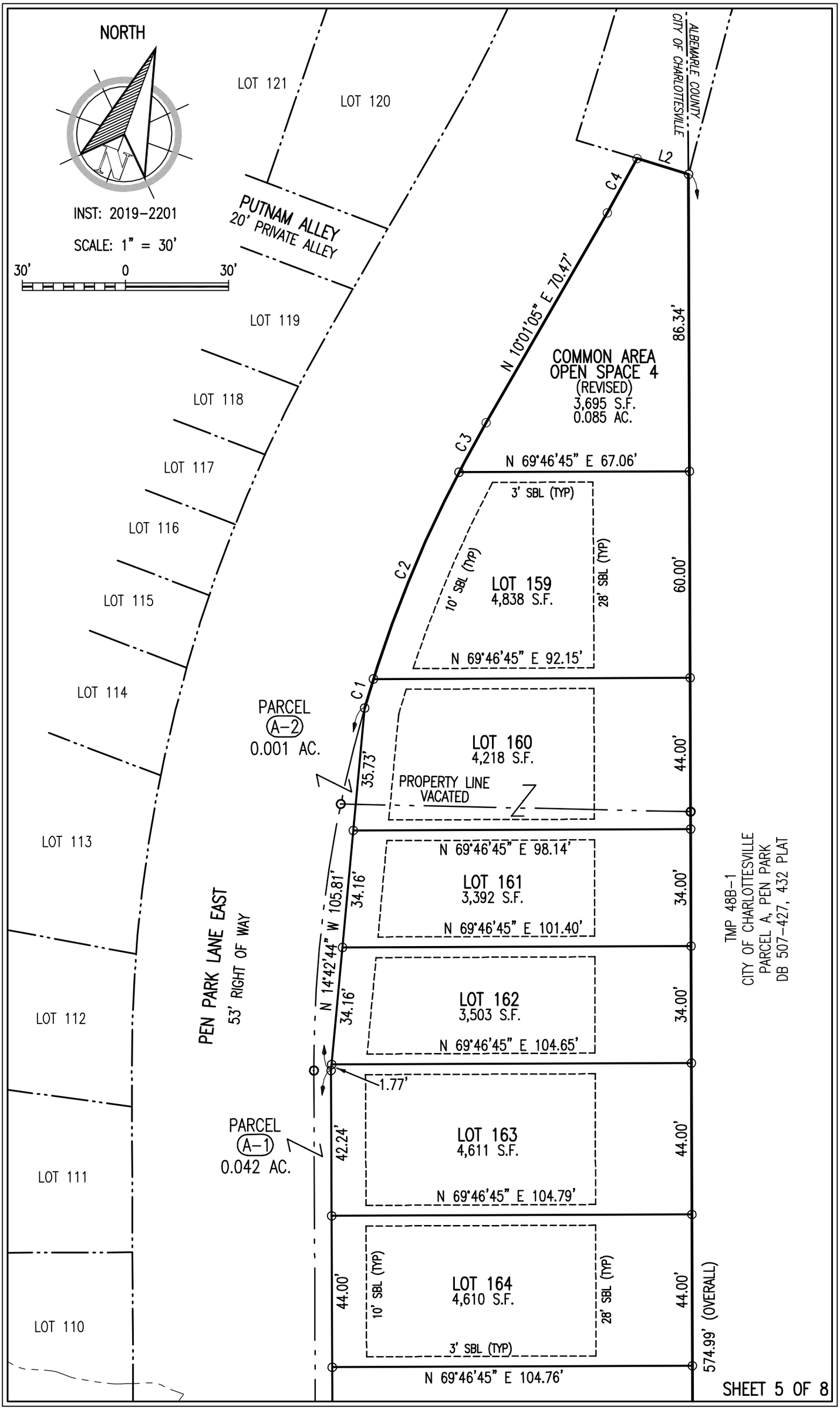
INST: 2019-2201

SCALE: 1" = 30'

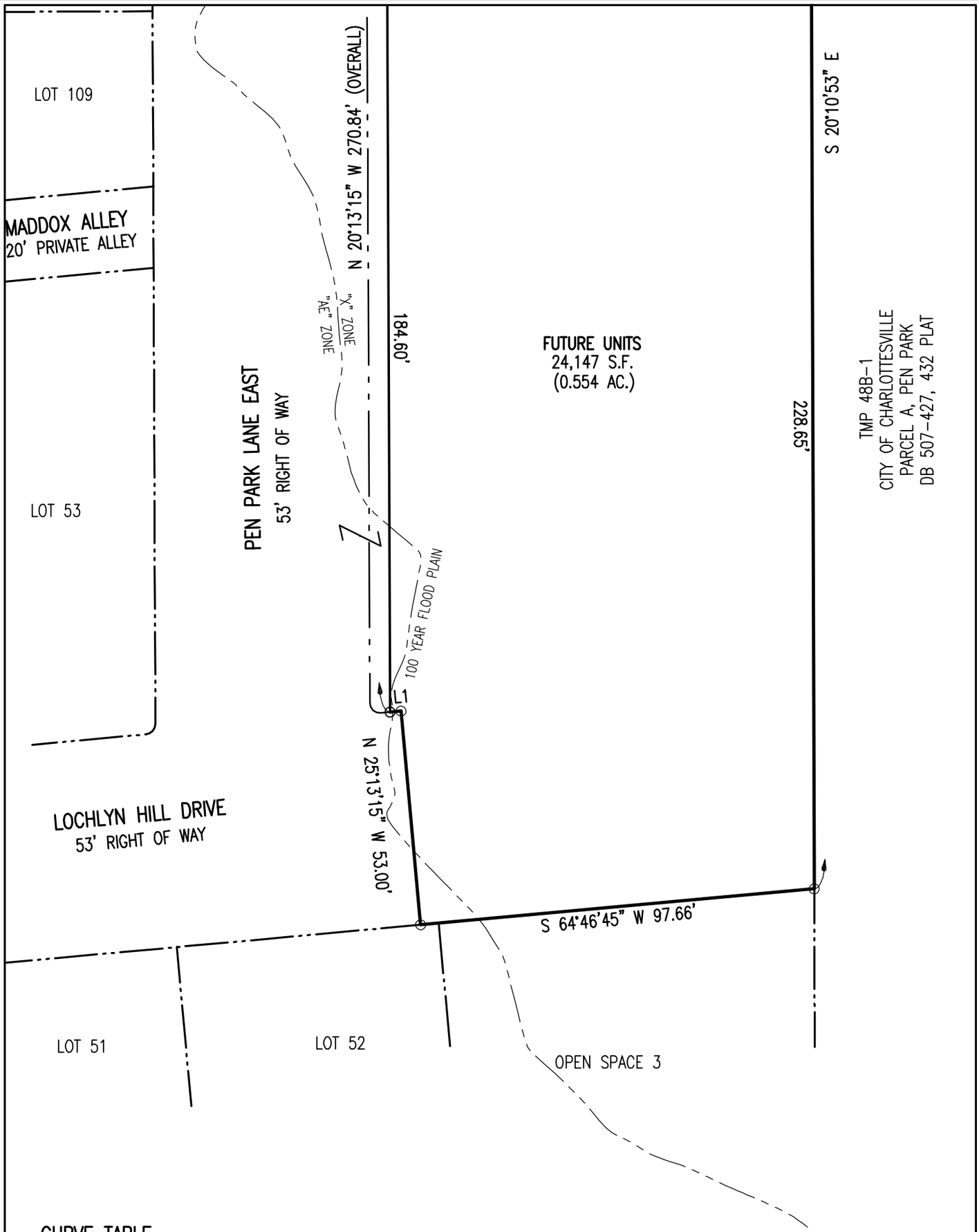
30' 0 30'

PLAT SHOWING

# LOCHLYN HILL
# PHASE III
# EXISTING BOUNDARY CONDITIONS


NORTH
INST: 2019-2201
SCALE: 1" = 30'
30' 0 30'
LOT 121
LOT 120
PUTNAM ALLEY
20' PRIVATE ALLEY
LOT 119
LOT 118
LOT 117
LOT 116
LOT 115
LOT 114
LOT 113
LOT 112
LOT 111
LOT 110
ALBEMARLE COUNTY
CITY OF CHARLOTTESVILLE
C4
L2
N 10°01'05" E 70.47'
86.34'
COMMON AREA
OPEN SPACE 4
(REVISED)
3,695 S.F.
0.085 AC.
C3
N 69°46'45" E 67.06'
3' SBL (TYP)
10' SBL (TYP)
LOT 159
4,838 S.F.
28' SBL (TYP)
60.00'
N 69°46'45" E 92.15'
C2
C1
PARCEL
A-2
0.001 AC.
35.73'
LOT 160
4,218 S.F.
PROPERTY LINE
VACATED
44.00'
N 69°46'45" E 98.14'
LOT 161
3,392 S.F.
N 69°46'45" E 101.40'
34.00'
N 14°42'44" W 105.81'
34.16'
PEN PARK LANE EAST
53' RIGHT OF WAY
LOT 162
3,503 S.F.
N 69°46'45" E 104.65'
34.00'
34.16'
1.77'
PARCEL
A-1
0.042 AC.
42.24'
LOT 163
4,611 S.F.
N 69°46'45" E 104.79'
44.00'
10' SBL (TYP)
LOT 164
4,610 S.F.
28' SBL (TYP)
3' SBL (TYP)
44.00'
44.00'
N 69°46'45" E 104.76'
574.99' (OVERALL)
TMP 48B-1
CITY OF CHARLOTTESVILLE
PARCEL A, PEN PARK
DB 507-427, 432 PLAT

SHEET 5 OF 8



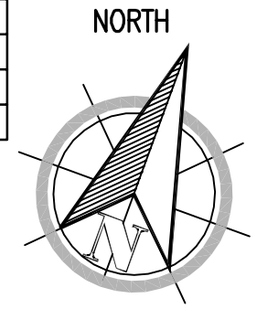

## CURVE TABLE

| NO. | DELTA | RADIUS | ARC | TANGENT | CH. BEARING | CHORD |
|---|---|---|---|---|---|---|
| C1 | 01°21'13" | 373.50' | 8.82' | 4.41' | N 03°09'55" W | 8.82' |
| C2 | 09°59'30" | 373.50' | 65.13' | 32.65' | N 02°30'27" E | 65.05' |
| C3 | 02°30'53" | 373.50' | 16.39' | 8.20' | N 08°45'39" E | 16.39' |
| C4 | 02°23'32" | 431.50' | 18.02' | 9.01' | N 08°49'19" E | 18.02' |

## LINE TABLE

| NO. | BEARING | DISTANCE |
|---|---|---|
| L1 | S 64°46'45" W | 2.71' |
| L2 | N 86°59'33" E | 15.64' |

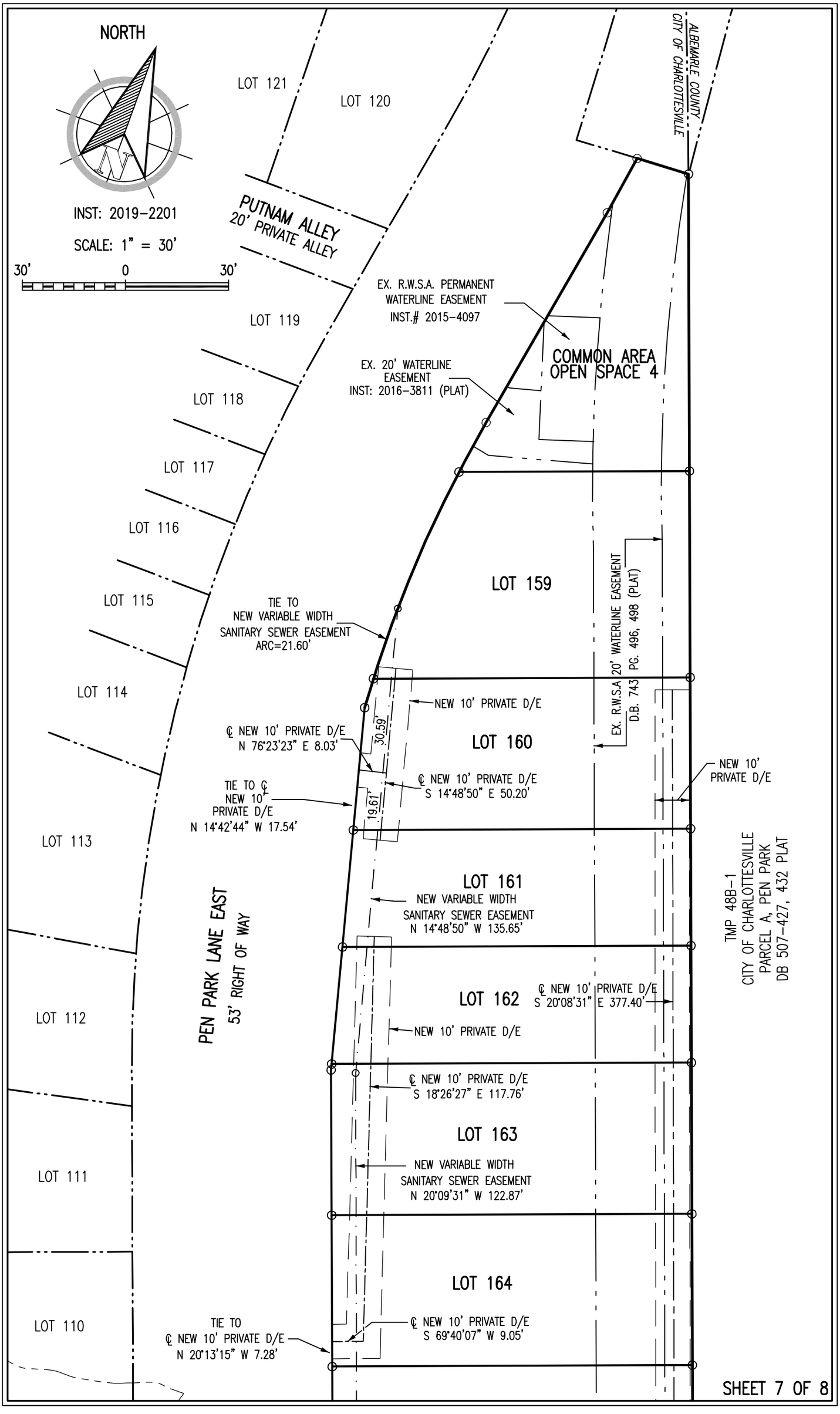
NORTH

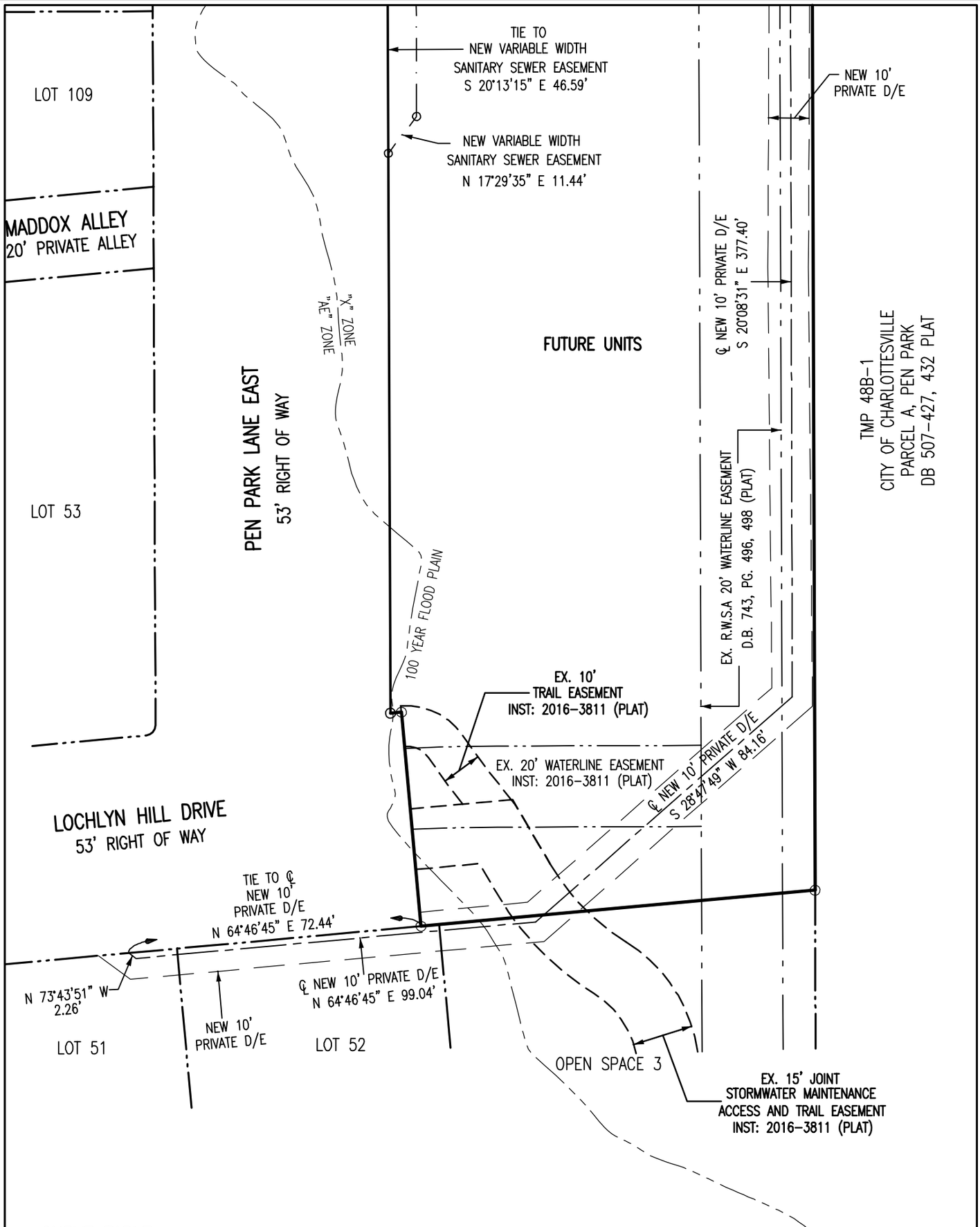



INST: 2019-2201

SCALE: 1" = 30'

30' 0 30'


NORTH
INST: 2019-2201
SCALE: 1" = 30'
30' 0 30'
LOT 121
LOT 120
PUTNAM ALLEY
20' PRIVATE ALLEY
LOT 119
LOT 118
LOT 117
LOT 116
LOT 115
LOT 114
LOT 113
LOT 112
LOT 111
LOT 110
PEN PARK LANE EAST
53' RIGHT OF WAY
ALBEMARLE COUNTY
CITY OF CHARLOTTESVILLE
EX. R.W.S.A. PERMANENT
WATERLINE EASEMENT
INST.# 2015-4097
EX. 20' WATERLINE
EASEMENT
INST: 2016-3811 (PLAT)
COMMON AREA
OPEN SPACE 4
LOT 159
TIE TO
NEW VARIABLE WIDTH
SANITARY SEWER EASEMENT
ARC=21.60'
EX. R.W.S.A 20' WATERLINE EASEMENT
D.B. 743 PG. 496, 498 (PLAT)
NEW 10' PRIVATE D/E
℄ NEW 10' PRIVATE D/E
N 76°23'23" E 8.03'
30.59'
LOT 160
℄ NEW 10' PRIVATE D/E
S 14°48'50" E 50.20'
TIE TO ℄
NEW 10'
PRIVATE D/E
N 14°42'44" W 17.54'
19.61'
NEW 10'
PRIVATE D/E
LOT 161
NEW VARIABLE WIDTH
SANITARY SEWER EASEMENT
N 14°48'50" W 135.65'
LOT 162
℄ NEW 10' PRIVATE D/E
S 20°08'31" E 377.40'
NEW 10' PRIVATE D/E
℄ NEW 10' PRIVATE D/E
S 18°26'27" E 117.76'
LOT 163
NEW VARIABLE WIDTH
SANITARY SEWER EASEMENT
N 20°09'31" W 122.87'
LOT 164
TIE TO
℄ NEW 10' PRIVATE D/E
N 20°13'15" W 7.28'
℄ NEW 10' PRIVATE D/E
S 69°40'07" W 9.05'
TMP 48B-1
CITY OF CHARLOTTESVILLE
PARCEL A, PEN PARK
DB 507-427, 432 PLAT

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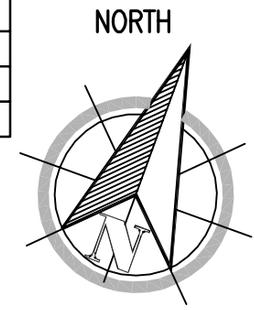


INST: 2019-2201

SCALE: 1" = 30'

30' 0 30'

# CITY OF CHARLOTTESVILLE

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**

**STAFF REPORT**

**REQUEST FOR INITIATION OF ZONING TEXT AMENDMENT**

***104 Stadium Road (TMP 160002000)***

Removal of Individually Protected Property designation

**PLANNING COMMISSION REGULAR MEETING**

**DATE OF PLANNING COMMISSION MEETING: June 13, 2023**

**Project Planner:** Matt Alfele, City Planner and Jeff Werner, Preservation and Design Planner
**Date of Staff Report:** June 1, 2023
**Origin of Request:** Neighborhood Development Services
**Applicable City Code Provisions:** Sec. 34-41 Amendments to the zoning ordinance.

**Initiation Process**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city's zoning district regulations, district boundaries, or zoning district classifications of property. Any such amendments may be initiated by: (1) Resolution of the City Council; or (2) Motion of the Planning Commission. (See City Code Sec. 34-41(a), which is based on Virginia Code Sec 15.2-2286(a) (7)). Initiating, in this context, is the action by which Council or the Commission decides whether to begin a formal study on the proposal, or to decline the request.

If a person or group seeks to effectuate such a change, the amendment can be initiated by Council or Commission, as required by Code. In such an instance, an applicant will be given the opportunity at a regularly scheduled Planning Commission meeting to present their request, seeking a vote in favor of initiating the amendment. Initiating, in this context, is the action by which the Commission decides whether to begin a formal study on the proposal, or to decline the request.

**Discussion**

This initiation request is meant to apply the ordinance to 104 Stadium Road, removing its designation as an IPP (Individually Protected Property), which requires both a zoning text and zoning map amendment with its own public hearing and notification process.

On June 5, 2023, on appeal of the Board of Architectural Review's February 22, 2023 denial, City Council approved a Certificate of Appropriateness for the demolition of the house and gardens at 104 Stadium Road. Links to City Council staff report and resolution:

- 104 Stadium Road - CC memo June 5 2023
- 104 Stadium Road - CC resolution June 5 2023

A zoning map amendment of a particular piece of property can be initiated by Council, Planning Commission, the property owner, owner's agent, or contract purchaser. At this time, it is staff's understanding that the contract purchaser will be pursuing a zoning map amendment in the near future. To ensure the future zoning map amendment runs congruently with the zoning text amendment, staff is asking the Planning Commission to initiation a zoning text amendment. This will facilitate the requests moving through the process at the same time without time restrictions that would come from initiation by City Council.

The City of Charlottesville seeks, through the creation of a protected property list, to protect community health and safety and to promote the education, prosperity and general welfare of the public, through identification, preservation, protection and enhancement of certain buildings, structures, and landmarks, together with their landscapes and settings, which are of special historic, cultural, or architectural significance, and which are located outside the city's major design control districts.

**Standard of Review**

If initiated, the Planning Commission shall review and study each proposed amendment to determine:

1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
3) Whether there is a need and justification for the change; and
4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification. City Code Sec. 34-42

In addition, Sec. 34-274 Additions to and deletions from districts or protected property list outlines requirements for designation of an IPP:

a) City council may, by ordinance, from time to time, designate additional properties and areas for inclusion within a major design control district; remove properties from a major design control district; designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the city's list of protected properties. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.
b) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the board of architectural review ("BAR") as to the proposed addition, removal or designation.

**Appropriate Motions**

Staff supports the request to initiate this zoning text amendment.

The Planning Commission has the following option for moving forward:

1) Initiate the process by making a motion such as: "I move to initiate a proposed zone text amendment to the city's zoning ordinance, to wit: amending Article II, Division 2, Section 34-273(b) to remove 104 Stadium Road (TMP 160002000) as an Individually Protected Property."

**City of Charlottesville**
**Department of Neighborhood Development Services**
**Staff Report**

**Entrance Corridor Review Board (ERB)**
**Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue***

**Planning Commission Regular Meeting**
**Date of Planning Commission Meeting: June 13, 2023**

Project Planner: Matt Alfele
Date of ERB review: March 14, 2023
Application Number: P22-0133
Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)
Tax Parcels: 17-104, 17-103, 17-103.1 (Note: 17-104 is not within the EC Overlay.)
Site Acreage: 1.7 acres (74,531 sq ft)
ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner
Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue Entrance Corridor Review Application,* dated December 20, 2022: Sheets 1 (cover) through 76.
---

**Summary of CoA Request**
Development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue.

* **NOTE**: The ERB reviewed this request on February 14, 2023, resulting in approval of the CoA via a 7-0 vote; however, due to an error regarding the public notice posted at the site, the request was readvertised and reviewed by the ERB on March 14, 2023, resulting in approval of the CoA via a 6-0 vote approving the motion noted below. The ERB's action on February 14 and on March 14 were subsequently appealed to City Council, who heard the appeal on May 15, 2023. (See Appendix for links to the Council memo, the letters appealing the ERB's actions, and staff's response to the appellants' claims.) Council determined the claims regarding the ERB's design review were without merit; however, to resolve a discrepancy regarding the March 14, 2023 ERB notice letter, staff was instructed to readvertise this matter for ERB review.

The submittal and the February 14, 2023 staff report are unchanged and can be accessed via the following (pdf page 18): PC-ERB Meeting - Feb 14 2023.

Staff recommends approval by reference to the motion for approval noted below.

**Suggested Motion**

*Approval (motion as approved with conditions on February 14, 2023 and on March 14, 2023)*: Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

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

**Alternate Motions**

*Deferral*: I move to defer [or, *to accept the applicant's request to defer*] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

*Denial*: Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...

**Appendix**

City Council review of appeal, May 15, 2023

- City Council memo May 15 2023 - 2005 JPA CoA Appeal
- Attachment 1 – 2005 JPA Appeal Letters
- Attachment 1 Addendum - 2005 JPA appeal
- Attachment 2 - 2005 JPA CoA- ERB appeal - Staff Response

# CITY OF CHARLOTTESVILLE

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**

**STAFF REPORT**

## JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING

**APPLICATION FOR A SPECIAL USE PERMIT**

**APPLICATION NUMBER: SP23-00002**

**DATE OF HEARING: June 13, 2023**

**Project Planner:** Carrie Rainey
**Date of Staff Report:** June 1, 2023

**Applicant:** Jeff Levien, Heirloom Downtown Mall Development, LLC
**Applicant's Representative(s):** Valerie Long of Williams Mullen
**Current Property Owner:** Heirloom Downtown Mall Development, LLC

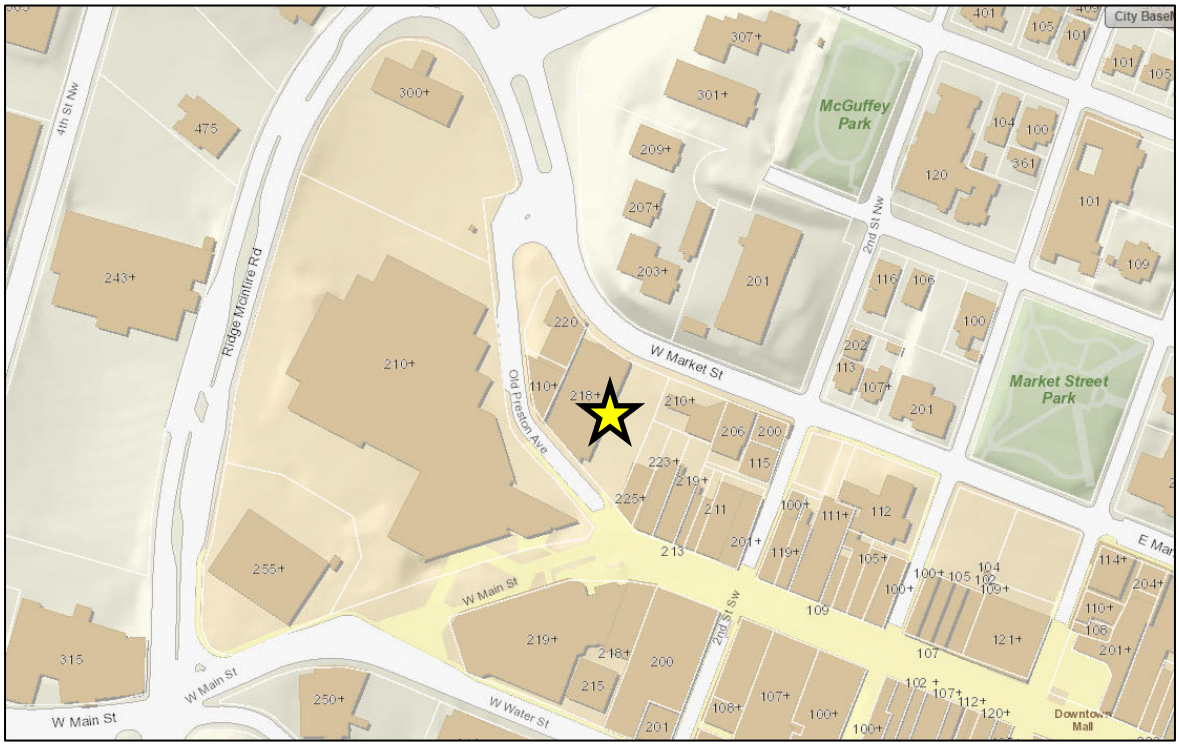
**Application Information**

**Property Street Address:** 218 West Market Street ("Subject Property")
**Tax Map & Parcel/Tax Status:** 330276000 (real estate taxes paid current - Sec. 34-10)
**Total Square Footage/ Acreage Site:** Approx. 0.562 acres or 24,480 square feet
**Comprehensive Plan (Future Land Use Plan):** Downtown Core
**Current Zoning Classification:** Downtown (D) Mixed Use Corridor
**Overlay District:** Downtown Architectural Design Control District (District A) and Urban Core Parking Zone

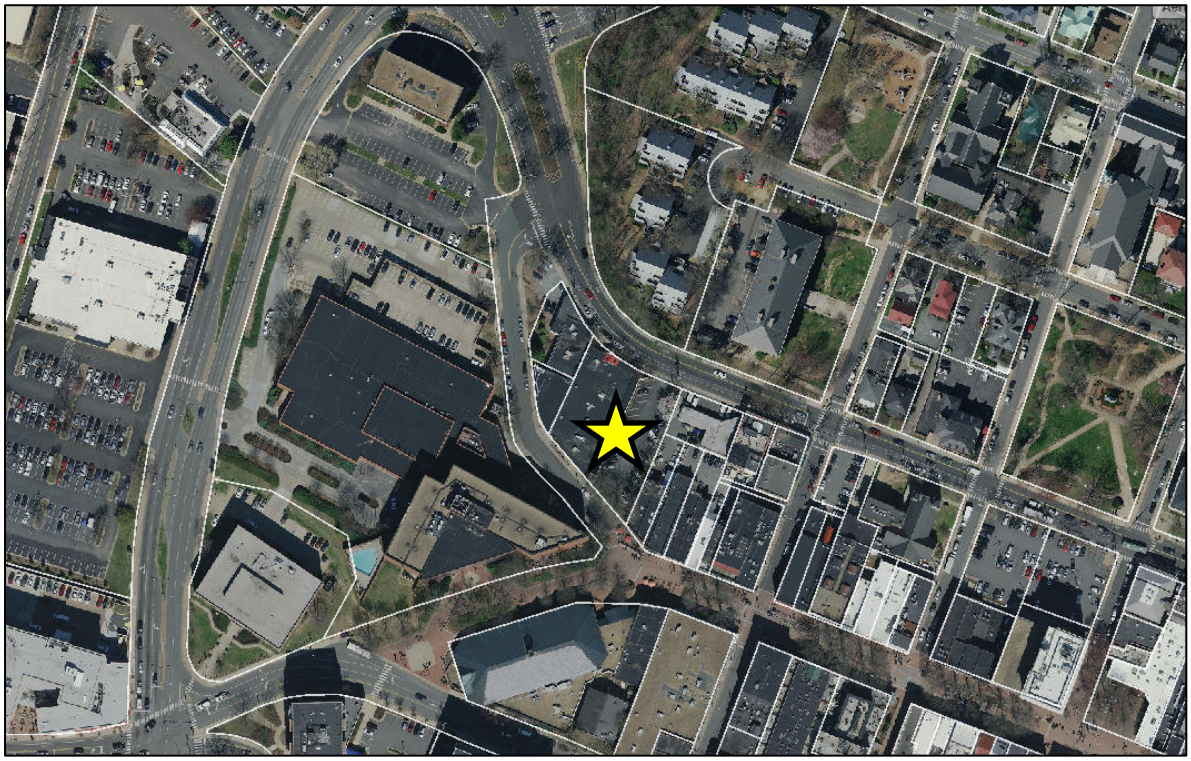
## Applicant's Request (Summary)

The applicant requests a modification to an existing Special Use Permit (SUP), SP19-00006, pursuant to City Code Section 34-162(a) which permits modification to yard regulations including required stepbacks. The existing SUP permits a mixed use building with up to 240 dwelling units per acre (DUA) and up to 101-feet in building height with conditions. The current application requests modification of the required 25-foot minimum stepback at 45-feet in height per Section 34-558(a) to a 10-foot minimum stepback for the West Market Street streetwall and a 5-foot minimum stepback for the Old Preston Avenue streetwall. The property has frontage on W Market Street and Old Preston Avenue.

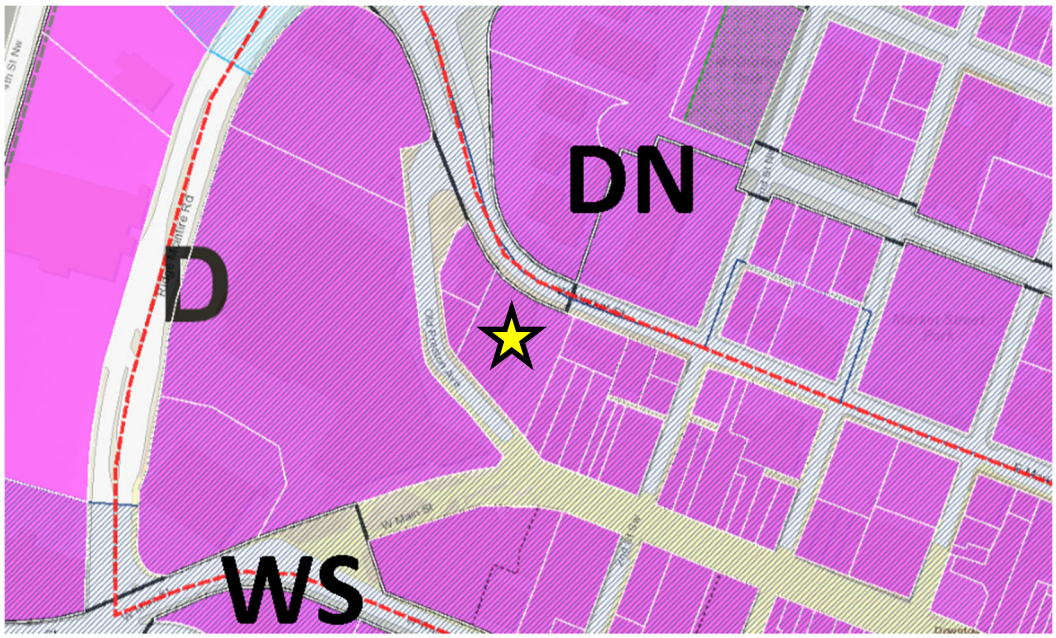
## Vicinity Map




## Context Map 1



## Context Map 2 – Zoning Classifications




**KEY – Magenta (D): Downtown Corridor; Magenta (DN): Downtown North Corridor; Magenta (WS): Water Street Corridor**

## Context Map 3- Future Land Use Map, 2021 Comprehensive Plan

**KEY – Red: Downtown Core, Dark Purple: Urban Mixed Use Node, Light Purple: Urban Mixed Use Corridor, Light Blue: Civic, Dark Pink: Neighborhood Mixed Use Node, Light Pink: Neighborhood Mixed Use Corridor, Dark Brown: Higher Intensity Residential, Medium Brown: Medium Intensity Residential, Light Brown: General Residential, Green: Open Spaces and Park**

## Standard of Review

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Section 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed use or development.

Section 34-157 of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff's analysis of those factors for the proposed modification to the stepbacks, based on the information provided by the applicant. Please reference the previously provided staff reports for the full analysis on the previously approved SUP (SP19-00006) for additional residential density and building height:
**November 12, 2019 Staff Report to Planning Commission:**
http://weblink.charlottesville.org/Public/0/edoc/795297/PC_A_11-12-2019.pdf
**December 2, 2019 Staff Report to City Council:**
http://weblink.charlottesville.org/Public/0/edoc/794415/AGENDA_20191202Dec02.pdf
**September 8, 2020 Staff Report to City Council:**
http://weblink.charlottesville.org/Public/0/edoc/797246/AGENDA_20200908Sep08.pdf

FOR APPLICANTS ANALYSIS OF THEIR APPLICATION PER SECTION 34-157, SEE ATTACHMENT B

**(1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.**
Please reference the previously provided staff reports linked above for the full analysis on the neighborhood appropriateness of the approved SUP (SP19-00006) for residential density and additional building height.

The properties immediately surrounding the subject property are described as:

| Direction | Use | Zoning |
|---|---|---|
| North | Residential | DN |
| South | Hotel | D |
| East | Commercial | D |
| West | Commercial | D |

The Subject Property is on the west end of the Downtown Mall area, just off the brick pedestrian mall. The frontage along Old Preston Avenue currently serves as an unofficial

terminus to the Mall, as the parking surface on the site is the first interaction with cars pedestrians encounter other than the Mall crossings at 2nd Street and 4th Street. The Subject Property also fronts on West Market Street in the 200 block, which serves as a transition between the auto-oriented intersection of Preston Avenue and McIntire Road, and the more urban context of Market Street.

*Staff Analysis:* The proposed development as shown in the Attachment C includes additional building modulation to break down building bulk along adjacent properties in addition to the proposed stepback modification for West Market Street and Old Preston Avenue. The City's vision for the Downtown Corridor is as the principal activity center of the City of Charlottesville. The proposed project would better contribute to the corridor by adding residents to the corridor, and better defining the street edge along both West Market Street and Old Preston Avenue. The additional modulation will result in a building in general harmony with the existing patterns of development within the neighborhood.

**(2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.**

Please reference the previously provided staff reports linked above for the full analysis on conformance with the 2013 Comprehensive Plan. Subsequent to City Council granting the original SUP (SP19-00006) in 2020, City Council adopted the 2021 Comprehensive Plan. Analysis of the proposed development's conformance with the 2021 Comprehensive Plan follows below.

*Below are specific areas of the Comprehensive Plan with which the request may be in line:*

**a. Land Use, Urban Form, and Historic & Cultural Preservation**

**Future Land Use Planning Objectives:**

- Ensure citywide, equitable opportunities for additional housing and enhanced community services.
- Increase opportunities for development near community amenities such as shopping, employment centers, and transit.
- Explore the development potential of vacant or underutilized properties.

**Objectives for Mixed Use Areas:**

- Facilitate economic activity in the City and ensure the availability of sites for incremental business growth and expansion.
- Support the redevelopment of "underutilized" gray-field sites along community corridors.
- Provide opportunities to develop a variety of housing options near employment and community services.

- Develop buildings and public spaces that are human-scaled and contribute to placemaking & Charlottesville's authentic community identity.
- Promote and encourage design elements that enhance community livability such as active uses at the ground floor level along key street frontages.

**Strategy 2.1:** Through City-led efforts and private development, expand community access to housing, as well as amenities and services that improve quality of life.

**Goal 3:** Protect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.

**b. Housing**

**Goal 2:** Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.

**Strategy 2.8:** Encourage the development of affordable housing to take a form similar to nearby market rate housing in design and other physical features, allowing affordable units to blend into existing neighborhoods.

2021 Comprehensive Plan- *Staff Analysis:*

The 2021 Comprehensive Plan Future Land Use Map designates the Subject Property as Downtown Core. All adjacent properties are designated as Downtown Core or Open Spaces and Parks. The Comprehensive Plan describes the Downtown Core designation *as a primary, central mixed use activity hub for the city.* The Plan recommends *a mix of uses in the same building ("vertical mixed use") is encouraged* and form should be *compatible with, and respond to, the existing urban scale and historic/ civic context.* Up to 10 stories in height is contemplated.

Several goals in the Comprehensive Plan speak to a desire to promote additional housing options, particularly those in proximity to activity and economic centers and public transit options, as well as context sensitive redevelopment of underutilized properties. Staff finds the proposed development aligns with these goals. Staff believes the proposed development also aligns with the Downtown Core category description and will not have an adverse impact on the adjacent Open Spaces and Parks designated properties.

**(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.**

Based on the information contained within the application, the proposed development would likely comply with applicable building code regulations. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**(4) Potential adverse impacts, including, but not necessarily limited to:**

**a) Traffic or parking congestion**

The requested stepback modification will not impact traffic or parking congestion. Please reference the previously provided staff reports linked above for the full analysis on traffic impacts related to the approved SUP (SP19-00006) for residential density and additional building height.

**b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment**

Please reference the previously provided staff reports linked above for the full analysis on impacts to the natural environment related to the approved SUP (SP19-00006) for residential density and additional building height.

Attachment C includes an exhibit showing the shadows created by the proposed stepback modifications in comparison to the current stepback requirements. The exhibit demonstrates the proposed stepback modification will not substantially impact the shadows cast by the proposed building. Staff does not anticipate there will be significant noise, lights, dust, fumes, or vibrations generated from the proposed project beyond the level that can typically be anticipated in a mixed-use corridor such as the downtown area.

**c) Displacement of existing residents or businesses**

The requested stepback modification will not impact potential displacement of existing residents or businesses. Please reference the previously provided staff reports linked above for the full analysis on displacement of existing residents or businesses related to the approved SUP (SP19-00006) for residential density and additional building height.

**d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base**

The requested stepback modification will not impact economic development activities. Please reference the previously provided staff reports linked above for the full analysis

on impacts to economic development related to the approved SUP (SP19-00006) for residential density and additional building height.

**e) Undue density of population or intensity of use in relation to the community facilities existing or available**

The requested stepback modification will not impact density or intensity of use. Please reference the previously provided staff reports linked above for the full analysis on impacts of proposed density and intensity of use related to the approved SUP (SP19-00006) for residential density and additional building height.

**f) Reduction in the availability of affordable housing in the neighborhood**

The requested stepback modification will not impact available affordable housing. The applicant offered additional conditions, including conditions obligating affordable housing, in advance of City Council action on the approved SUP (SP19-00006). Please reference the September 8, 2020 Staff Report to City Council linked above for more information on affordable housing related to the approved SUP for residential density and additional building height. No changes to the original approved affordable housing conditions are proposed as a part of this current application (see Staff Recommendation section below for recommended conditions).

**g) Impact on school population and facilities**

The requested stepback modification will not impact school populations or facilities. Please reference the previously provided staff reports linked above for the full analysis on impacts to school population and facilities related to the approved SUP (SP19-00006) for residential density and additional building height.

**h) Destruction of or encroachment upon conservation or historic districts**

Per BAR action taken on April 18, 2023 (see item 7 below), the requested stepback modification will not encroach upon the Downtown Architectural Design Control District. Please reference the previously provided staff reports linked above for the full analysis on impacts to the Downtown Architectural Design Control District related to the approved SUP (SP19-00006) for residential density and additional building height.

**i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant**

Based on the information contained within the application, the proposed development would likely comply with applicable federal and state laws. As to local ordinances (zoning, water protection, etc.), it generally appears that this project, as detailed in the

application, can be accommodated on this site in compliance with applicable local ordinances; however, final determinations cannot be made prior to having the details required for final site plan and building permit approvals. Specific Z.O. requirements reviewed preliminarily at this stage include massing and scale (building height, setbacks, stepbacks, etc.) and general planned uses.

**j) Massing and scale of project**

Please reference the previously provided staff reports linked above for the full analysis on massing and scale related to the approved SUP (SP19-00006) for residential density and additional building height.

Attachment C depicts a new building containing nine (9) stories above the surface of the Subject Property, with one (1) story of underground parking. The materials also depict modulation of the building mass to provide additional light and air flow and provide an exhibit showing the change in shadowing created by the proposed stepback modifications will not substantially impact the shadows cast by the proposed building.

*Staff Analysis:* The Board of Architectural Review will review the proposed building for compliance with the Downtown Architectural Design Control District guidelines. Per BAR action taken on April 18, 2023 (see item 7 below), the requested stepback modification will not adversely impact the Downtown Architectural Design Control District with the understanding the final design will require a Certificate of Appropriateness from the BAR.

**(5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;**

Please reference the previously provided staff reports linked above for the full analysis on consistency with the Downtown (D) Mixed Use Corridor zoning district related to the approved SUP (SP19-00006) for residential density and additional building height.

Section 34-543(1) states *the intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities.* The Downtown (D) Mixed Use Corridor zoning district is generally bounded by East/West Jefferson Street to the north, West Water

Street to the south, 9th Street NE to the east, and 4th Street NW to the west. The district includes a mix of building forms, generally comprised of three (3) to four (4) story buildings but including buildings up to eight (8) stories in height in the vicinity of the Subject Property and up to 10 stories in height elsewhere in the district. Existing buildings generally have little to no stepback applied to upper floors.

*Staff Analysis:* The proposed development as shown in the Attachment C includes additional building modulation to break down building bulk along adjacent properties in addition to the proposed stepback modification for West Market Street and Old Preston Avenue. The proposal will result in a building in general harmony with the surrounding environment.

**(6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and**

Based on the information contained within the application, the proposed development would likely comply with applicable local ordinances. However, final determinations cannot be made prior to having the details required for final site plan and building permit approvals.

**(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.**

On October 18, 2022, the BAR held a preliminary discussion on the proposed stepback modification and confirmed they generally support the proposal.

On April 18, 2023, the BAR took unanimous action to confirm the proposed stepback modification does not adversely impact the Downtown Architectural Design Control District with the understanding the final design will require a Certificate of Appropriateness from the BAR.

## Public Comments Received

*Community Meetings Required by Z.O. Sec. 34-41(c)(2)*

The previous City Planner processing this application waived the community meeting requirement per City Code Sections 34-158(a) and 34-41(c)(2). Please reference the previously provided staff reports linked above for information on community meetings held for the previously approved SUP application.

*Other Comments*

One member of the public expressed concern with the development's impact to the character of downtown and parking. Please reference the previously provided staff reports linked above for information on community meetings held for the previously approved SUP application.

## Staff Recommendation

Staff recommends the Planning Commission focus on appropriate building stepback requirements and the BAR action confirming the proposed modification will not adversely impact the Downtown Architectural Design Control District.

**Recommended Conditions**

Staff recommends that the request for higher density, higher building height, and reduced building stepbacks could be approved with the following conditions (modifications to conditions approved by City Council on September 8, 2020 are shown via ~~strike-through~~ text for proposed text removal and **bold** text for proposed text additions):

1. The specific development being approved by this special use permit ("Project"), as described within the ~~August 13, 2019 site plan~~ **October 10, 2022** exhibit**s** submitted as part of the application materials, as required by City Code Section 34-158(a)(1), shall have the following minimum attributes/ characteristics:
    a. Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).
    b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the ~~August 13, 2019~~

~~site plan~~ **October 10, 2022** exhibit**s** submitted as part of the application materials (subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR.

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

2. The mass of the Building shall be broken up to provide compatibility with the character defining features of the Downtown Architectural Design Control District (City Code §34-272(1)), subject to approval by the City's board of architectural review.
3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue ("Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:
   a. Baseline Survey—Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable. The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.
   b. Protective Plan--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring

or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

c. Advance notice of commencement of activity--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

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

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

5. Additional Building design requirements. In addition to the requirements of condition 2 herein, ~~and also in addition to any other stepback requirements of the zoning ordinance,~~ the Building shall incorporate the following design elements:
   a. The Building shall have windows on all elevations.
   ~~b. The Building shall incorporate voluntary stepbacks as follows:~~
      ~~i. Beginning with the 7th floor, the Building shall be stepped back an additional minimum of 10 feet from East Market Street.~~
      ~~ii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the western property line.~~
      ~~iii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the eastern property line.~~

   c. **After 45-feet, the Building shall have no less than 10-feet of building stepback along the length of the West Market Street streetwall and no less than 5-feet of building stepback along the length of the Old Preston Avenue streetwall.**

6. Affordable Housing. The Owner shall comply with the requirements of City Code Section 34-12 as follows:
   a. Number and Location of Affordable Units. Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and off-site. The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.
   b. Levels of Affordability. The 8 affordable dwelling units shall have the following levels of affordability:
      i. 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI").
      ii. 2 units shall be affordable to those earning up to 60% AMI.
      iii. 2 units shall be affordable to those earning up to 50% AMI.
   c. Affordable Term. The 8 affordable dwelling units shall remain affordable for the following terms:
      i. 6 of the affordable units shall remain affordable for a period of at least 8 years.
      ii. 2 of the affordable units shall remain affordable for a period of at least 16 years.
   d. Non-Concentration of Units. If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.
   e. Variety of Unit Type and Size. If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.
7. Reduced Rent for Community Space. The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:
   a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the

Black community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.

b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of "white box construction" ready for tenant improvements.
c. The lease term shall be for a minimum of 5 years.
d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).
e. Other commercially reasonable lease terms typical for similar commercial space.

## Suggested Motions

1. I move to recommend approval of this application for a Special Use Permit in the Downtown (D) Mixed Use Corridor zone at 218 West Market Street to permit a mixed use development with a residential density up to 240 dwelling units per acre (DUA), additional building height up to 101-feet, and reduced stepback requirements after 45-feet in building height of no less than 10-feet along the West Market Street streetwall and no less than 5-feet along the Old Preston Avenue streetwall with the following listed conditions.
    a. The seven (7) conditions recommended by staff
    b. [alternative conditions, or additional condition(s)]

**OR,**

2. I move to recommend denial of this application for a Special Use Permit in the Downtown (D) Mixed Use Corridor zone at 218 West Market Street.

## Attachments

A. Special Use Permit Application received March 20, 2023
B. Special Use Permit Narrative dated March 14, 2023
C. Special Use Permit Exhibits dated October 10, 2022
D. Board of Architectural Review (BAR) April 2023 Actions Memorandum
E. Special Use Permit (SP19-00006) Resolution granted September 8, 2020

# City of Charlottesville

## Application for Special Use Permit

**Project Name:** 218 W. Market St.

Address of Property: 218 W. Market St.

Tax Map and Parcel Number(s): 330276000

**Current Zoning District Classification:** Downtown Corridor

**Comprehensive Plan Land Use Designation:** Downtown Core

**Is this an amendment to an existing SUP?** Yes

**If "yes", provide the SUP #:** SP19-00006

**Applicant:** Valerie W. Long, Williams Mullen

**Address:** 323 2nd St, SE, Suite 900 Charlottesville, VA 22902

**Phone:** 434-951-5709 **Email:** vlong@williamsmullen.com

**Applicant's Role in the Development (check one):**

Owner X Owner's Agent Designer Contract Purchaser

**Owner of Record:** Heirloom Downtown Mall Development, LLC (Jeff Levien)

**Address:** c/o Manager, 600 West Main Street, Lobby, Charlottesville, VA 22903

**Phone:** 917-612-0630 **Email:** jeff@heirloomdev.com

**Reason for Special Use Permit:**

Additional height: _____ feet

Additional residential density: _____ units, or _____ units per acre

Authorize specific land use (identify)_____

Other purpose(s) (specify City Code section): Stepback Modification: Code Section 34-558 (a)

**(1) Applicant's and (2) Owner's Signatures**

**(1) Signature** Valerie W. Long **Print** Valerie W. Long **Date** 3-14-2023

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): Authorized Agent

**(2) Signature** _____ **Print** **Jeffrey Levien** **Date** **3/14/23**

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____



SP23-00002

# City of Charlottesville

## Pre-Application Meeting Verification

**Project Name:** 218 W. Market St.

**Pre-Application Meeting Date:** n/a: Per attached email, none required

**Applicant's Representative:** _____

**Planner:** _____

**Other City Officials in Attendance:**

_____

_____

_____

_____

_____

**The following items will be required supplemental information for this application and must be submitted with the completed application package:**

1. _____
   _____
2. _____
   _____
3. _____
   _____
4. _____
   _____
5. _____
   _____

**Planner Signature:** _____

| | |
|---|---|
| **From:** | Haluska, Brian |
| **To:** | Nedostup, Megan |
| **Cc:** | Creasy, Missy; Long, Valerie |
| **Subject:** | RE: 218 W. Market St SUP for stepback [WMIMAN-IWOVRIC.FID1053852] |
| **Date:** | Friday, December 16, 2022 12:18:01 PM |

Megan,

No pre-application meeting is needed. We met previously with Jeff Dreyfus and Jeff Levein on this topic.

We are waiving the community meeting requirement, given that the item has already been preliminarily discussed by the BAR, it will require a public hearing with notification to affected property owners, and it is for a project that previously did a community meeting as a part of the original SUP that is being modified.

Brian Haluska
Support Services Manager

---

**From:** Nedostup, Megan <mnedostup@williamsmullen.com>
**Sent:** Friday, December 16, 2022 11:18 AM
**To:** Haluska, Brian <haluska@charlottesville.gov>
**Cc:** Creasy, Missy <CreasyM@charlottesville.gov>; Long, Valerie <vlong@williamsmullen.com>
**Subject:** 218 W. Market St SUP for stepback [WMIMAN-IWOVRIC.FID1053852]

**WARNING:** This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brian,
I am following up on an outstanding question and new question regarding this special use permit.

1. Has a decision been made regarding the community meeting?
2. Do we need a preapplication meeting for this request?

Thank you,

**Megan Nedostup, AICP** (she/her/hers)
*pronounced* "nuh-DAHST-up"
*Senior Land Use Planner*
T 434.951.5723 | C 434.409.9144
email | v-card | website | LinkedIn

323 2nd Street SE | Charlottesville, VA 22902-3200

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# City of Charlottesville

## Application Checklist

**Project Name:** 218 W. Market St.

**I certify that the following documentation is ATTACHED to this application:**

- [ ] 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- [ ] 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- [x] 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- [ ] 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- [x] 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- [x] 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- [x] 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- [x] 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- [x] 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- [ ] All items noted on the Pre-Application Meeting Verification.

**Applicant**

**Signature** Valerie W. Long **Print** Valerie W. Long **Date** 3-14-2023

**By Its:** Authorized Agent

(For entities, specify: Officer, Member, Manager, Trustee, etc.)

# City of Charlottesville

## Fee Schedule

**Project Name:** 218 W. Market St.

| Application Type | Quantity | Fee | Subtotal |
|---|---|---|---|
| Special Use Permit (Residential) | 1 | $1,800 | $1,800 |
| Special Use Permit (Mixed Use/Non-Residential) | | | |
| Mailing Costs per letter | | $1 per letter | |
| Newspaper Notice | | Payment Due Upon Invoice | |
| **TOTAL** | 1 | | $1,800 |

## Office Use Only

**Amount Received:**_____ **Date Paid**_____ **Received By:** _____

**Amount Received:**_____ **Date Paid**_____ **Received By:** _____

**Amount Received:**_____ **Date Paid**_____ **Received By:** _____

**Amount Received:**_____ **Date Paid**_____ **Received By:** _____

March 14, 2023

# *218 W. Market St.*

## *Special Use Permit Amendment*

## *Application Narrative*

City Council approved a Special Use Permit for increased building height and density for the property located at 218 W. Market Street (City Parcel Identification No. 330276000) (the "Property") on September 8, 2020, which SUP was extended on March 4, 2022 by the Director of Neighborhood Services (the "SUP"). The Property is now owned by Heirloom Downtown Mall Development, LLC (the "Applicant"), which is preparing to develop the property as a mixed use building at a height of up to 101 feet, with retail space on the ground floor facing West Market Street, residential dwelling units at a density of up to 240 dwelling units per acre, and underground parking (the "Project"), as permitted by the SUP. As part of the SUP approval, the Applicant offered additional conditions of approval requiring enhanced affordable housing in excess of the zoning ordinance requirements (more affordable units, at deeper affordability levels, for a longer affordable term, and of a variety of unit types and sizes), and the provision of community space within the building at a substantial discount for a non-profit entity. During the design process for the Project, the design team identified a zoning anomaly for this site that we wish to correct through an amendment to the SUP. The Property is zoned Downtown Mixed Use, and is located in the Downtown Historic District.

The streetwall regulations for the Downtown Mixed Use district states the following in Section 34-558(a):

> "After forty-five (45) feet, there shall be a minimum stepback of twenty-five (25) feet along the length of the street wall. However, any streetwall fronting upon a numbered street within this district between Ridge Street and 10th Street East shall, after forty-five (45) feet, be required to have a stepback of five (5) feet. These streetwall/stepback requirements shall not apply to any building facade along Water Street; if a building has frontage along Water Street and any other street, then only its facade along Water Street is exempt from these requirements."

Section 34-162 of the Zoning Ordinance provides that in reviewing an application for a special use permit, the City Council may reduce or otherwise grant exceptions to yard regulations, including stepback requirements.

We are requesting an amendment to the existing Special Use Permit to reduce the twenty-five (25) foot stepback along West Market Street and Old Preston Avenue as follows:

1. A minimum ten (10) foot stepback on West Market Street
2. A minimum five (5) foot stepback on Old Preston Avenue

As the only through-block parcel on the north side of the downtown mall, this parcel is an anomaly in the City, as it requires a 25-foot stepback on both West Market Street and Old Preston Avenue. This presents impediments to maximizing the parcel's potential for increased density and for contributing positively to the urban fabric on both streets. The double 25-foot stepback on this parcel results in a building footprint that makes it impossible to achieve the type of density the Special Use Permit allows, and that the City desires as it works to expand its overall housing stock generally, and in particular its affordable housing stock and options as specifically set forth in this SUP. The double

25-foot stepback will cramp and distort the standard dimensions and shapes of the residential units within the Project. Additionally, if the 25-foot stepback were consistently applied along West Market Street (as currently required), it will result in a downtown core of podium buildings with small towers sitting atop 3 story bases.

In meetings and conversations with Neighborhood Development Services staff, we learned that there was no consideration for the uniqueness of this particular parcel when the current zoning ordinance was adopted. It is our understanding that the primary purpose of the larger stepback requirement in the Downtown district was to prevent the "canyon effect" on the downtown mall, given the predominantly 3-story height of historic structures there, and the importance of the mall as a public gathering place. But the Property does not front on the downtown mall, but rather on Old Preston Avenue and W. Market Street, such that the purpose of the larger stepback is not furthered when required in connection with the Project.

We further find it notable that the same section of the ordinance specifically exempts building facades along Water Street from the 25-foot stepback requirement. For example, the newly constructed CODE building is exempt from the 25-foot stepback along its Water Street façade. Yet the ordinance nevertheless provides that "if a building has frontage along Water Street and any other street, then only its facade along Water Street is exempt from these requirements," such that any parcel with double-frontage on the downtown mall and Water Street would still be subject to the 25-foot stepback requirement on the mall side, in furtherance of the goals of avoiding the canyon effect on the downtown mall. With the CODE building, this provision functions exactly as intended, in that it incorporates the 25-foot stepback on the downtown mall side, where the importance of avoiding the canyon effect is relevant and appropriate, but its Water Street façade is exempt from the 25-foot stepback. If the 25-foot stepback were required on both the downtown mall and Water Street facades of the CODE building, it would have resulted in a podium building with small towers instead of the iconic architectural design that developed.

The fact that the 25-foot stepback is expressly exempted from Water Street is further evidence that the Ordinance intended to avoid imposing a double-25-foot stepback on any single through-block parcel, for any through-block parcel fronting on Water Street will also front on the downtown mall.

As noted above, the strict application of the 25-foot stepback requirement on both sides of the Property would require a 25-foot stepback along Old Preston Avenue as well as Market Street. However, the only reason it is required on Old Preston Avenue is because of an anomaly in the ordinance. As noted previously, the streetwall regulations for the Downtown zoning district expressly exempt numbered side streets from the 25-foot stepback requirement:

> "After forty-five (45) feet, there shall be a minimum stepback of twenty-five (25) feet along the length of the street wall. <u>However, any streetwall fronting upon a numbered street within this district between Ridge Street and 10th Street East shall, after forty-five (45) feet, be required to have a stepback of five (5) feet."</u> [*emphasis added*]

We contend that Old Preston Avenue, while not technically a "numbered side street" was intended to benefit from the exception highlighted above, and that it was an oversight in the ordinance that it was left out. Old Preston Avenue is a narrow street, and fronting on its west side is the Omni Hotel and its large utility cabinets, loading and service area, and parking garage. It functions as a side street at best, almost more like an alley, which makes a 5-foot stepback much more appropriate.

We also learned that the 25-foot stepback requirement along West Market Street was adopted largely to prevent a tall structure from encroaching too closely on Market Street Park should such a structure ever be built on the open parking lot immediately south of the park. While this may be

reasonable for that particular, individual parcel (especially since that individual parcel is not a thru-block parcel that would result in a double 25-foot stepback), it is not reasonable for all parcels along West Market Street.

If the 25-foot stepback is required for development of all other parcels along West Market Street, it would result in an entire street of podium structures. From an urban design perspective, this is contrary to the 10-foot building stepback typically employed in new construction to allow light and air to make its way to the street while still accommodating reasonably sized terraces for residential units.

It's also important to note that other than one very specific and limited exception discussed below, the stepback requirements for all other mixed use zoning districts in the City range from 0-feet to 10-feet, as shown in more detail on page 5 of the supplemental application materials entitled "Request for Stepback Relief at 218 West Market Street," prepared by Bushman Dreyfus and Heirloom Development, dated October 10, 2022 (the "Application Exhibits." The sole exception applies to the four (4) parcels in the Water Street District that front on South Street between Ridge Street and 2nd Street SW, across from the small South Street Corridor zoning district. The South Street Corridor mixed use district, which was specifically created to protect the small grouping of historic homes along South Street wedged against the railroad tracks, most of which have been converted to offices and/or apartments. As noted in the description of the purpose and intent of the South Street Corridor district, "in order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor district has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area." Among those South Street Corridor specific regulations is a maximum building height of just 45 feet, such that it is appropriate and relevant to require a 25-foot stepback for any buildings constructed on the four parcels zoned Water Street District that front on the South Street District. By contrast, there is no similar reason to require a 25-foot stepback along Market Street, much less along Old Preston Avenue.

Given that except for the unique exception noted above, **all other** mixed use zoning districts in the City have no more than a 10-foot stepback, and that many do not have any stepback, the 25-foot stepback required on the entirety of Market Street seems excessive as well as detrimental. Furthermore, without any founding principles as to its necessity, it is inherently arbitrary. And requiring the double-25-foot stepback along Old Preston Avenue as well, when no portion of the parcel actually abuts the downtown mall, is particularly so.

Modifying the 25-foot stepback requirement via an amendment to the SUP will both allow the City to correct the zoning anomaly of a 25-foot stepback on a minor street such as Old Preston Avenue, and rectify the disparity between the required 25-foot stepback on West Market Street and the more typical urban condition of a 10-foot stepback to ensure a moderate building scale and provide residential terraces of a reasonable size.

This modification request does not constitute a design proposal, nor does it increase density or building height, as those are fixed by the SUP. Rather, the stepbacks define the envelope within which the design team must work to create a building that will be approved at a later date by the Board of Architectural Review (the "BAR"). Modifying the stepbacks at this time will provide the BAR and the design team greater flexibility in how we shape and sculpt a building that is appropriate for this particular site.

Because the Property is located in a Historic District, the BAR provides a recommendation as to whether the proposed amendment to the SUP will have an adverse impact on the Historic District, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. Prior to submitting this SUP application, the Applicant and its design team brought the

proposal to the BAR for a consultation about the proposal's consistency with the ADC District guidelines. The BAR discussed the proposal at its meeting on October 18, 2022, and requested that staff report to the Neighborhood Development Services Director that they are generally supportive of the Applicant's proposed modifications to the building stepbacks.

Section 34-157 of the Zoning Ordinance provides that in considering an application for a Special Use Permit, the City Council shall consider the following factors (italicized):

(1) *Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;*

As described above and shown on "Comparison of Stepback Regulations" on sheet 5 of the Application Exhibits, the proposed modification of the stepbacks would be harmonious with existing patterns of use and development within the neighborhood and within other areas nearby in the City, in that it allow stepbacks that are consistent with the stepback regulations in all other mixed use zoning districts.

(2) *Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;*

The 2021 adopted Comprehensive Plan designates this property as Downtown Core, which is described as "A primary, central mixed-use activity hub for the city," and describes the form as "Compatible with, and respond to, the existing urban scale and historic/civic context." As described above, and demonstrated in the attached plans, the proposed reduction in stepbacks is consistent with the stepback regulations in other areas of the City and meets the recommendations of the Comprehensive Plan.

**Downtown Core:** A primary, central mixed use activity hub for the city.

***Objectives for Mixed-Use Areas***

- Facilitate economic activity in the City and ensure the availability of sites for incremental business growth and expansion.
- Support the redevelopment of "under-utilized" gray-field sites along community corridors.
- Provide opportunities to develop a variety of housing options near employment and community services.
- Develop buildings and public spaces that are human-scaled and contribute to placemaking & Charlottesville's authentic community identity.
- Promote and encourage design elements that enhance community livability such as active uses at the ground floor level along key street frontages.
- Encourage compact block and street networks and a built environment that facilitates walking, biking, and bus riding.

| | | | | |
|---|---|---|---|---|
| | **Downtown Core**<br>A primary, central mixed use activity hub for the city. | Compatible with, and respond to, the existing urban scale and historic/civic context. | Up to 10 stories | Commercial, employment, residential. A mix of uses in the same building ("vertical mixed use") is encouraged. Include an inclusionary zoning mechanism to support housing affordability. |

(3) *Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;*

The reduction the stepback regulations will have no impact on the building's ability to comply with all the applicable building code regulations.

(4) *Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:*

a. *Traffic or parking congestion;*

No traffic or parking congestion will occur with this amendment to the SUP for stepbacks.

b. *Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;*

As shown in the Application Exhibits, the reduction of stepbacks will better enhance the natural environment to allow light and air space between two building masses.

c. *Displacement of existing residents or businesses;*

Displacement of existing residents or businesses will not occur with this amendment to the SUP for stepbacks.

d. *Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;*

The amendment to the SUP for stepback reduction will not discourage economic development in any way.

e. *Undue density of population or intensity of use in relation to the community facilities existing or available;*

The amendment to the SUP for stepback reduction will not result in additional units within the project or affect the intensity of use in relation to the community facilities available.

f. *Reduction in the availability of affordable housing in the neighborhood;*

The amendment to the SUP for stepback reduction will not reduce the availability of affordable housing, which will remain regulated by the City ordinance and SUP conditions.

g. *Impact on school population and facilities;*

The amendment to the SUP for stepback reduction will not have an impact on the school population or facilities.

h. *Destruction of or encroachment upon conservation or historic districts;*

As described above and shown in the Application Exhibits, the stepback reduction is consistent with the design and form of other areas of the city and will not have an impact on the conservation or historic districts. More importantly, during its October, 2022 consultation on the Applicant's request to modify the stepbacks, the BAR requested that staff report to the Neighborhood Development Services Director that they are generally supportive of the Applicant's proposal.

i. *Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,*

The Project will conform with applicable federal, state, and local laws.

j. *Massing and scale of project.*

As described above, and demonstrated in the Application Exhibits, the massing and scale of the project will be significantly improved with the reduction of stepbacks. It will allow additional light and air space by breaking the building massing into two smaller building masses.

(5) *Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;*

No changes to the use are proposed with this SUP amendment. As described above and demonstrated within the Application Exhibits, the stepback reduction will allow a form of development that will be compatible with adjacent and nearby areas of the City.

(6) *Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and*

The development will meet all applicable general and specific standards set forth within City's ordinances and regulations.

(7) *When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.*

As noted above, the BAR provided preliminary feedback on the applicant's proposal on October 18, 2022. As part of the SUP review process, we understand that the BAR will consider the request again and provide a recommendation to the city council.

For all of the reasons described herein, the Applicant requests an amendment to the Special Use Permit to reduce the building stepback along West Market Street to 10 feet, and the building stepback along Old Preston Avenue to 5 feet, which will be consistent with adjacent areas and nearby in the City. Granting the requested amendment will further the goals of the Comprehensive Plan without creating any adverse impacts on the public.

Thank you for your consideration of this request.

101770572.4

**REQUEST FOR STEPBACK RELIEF AT 218 WEST MARKET STREET**

**218 WEST. MARKET ST.**

| | |
|---|---|
| **ZONE:** | MIXED-USE DOWNTOWN CORRIDOR "D" ARCHITECTURAL DESIGN CONTROL DISTRICT URBAN CORRIDOR PARKING ZONE |
| **PRIMARY STREETS:** | WEST MARKET ST., OLD PRESTON AVE. |
| **LAND AREA:** | 0.56 ACRES/24,393 SF |
| **DENSITY:** | 240 DUA - 9/8/20 APPROVED SUP |
| **DWELLING UNITS:** | 134 UNITS - 9/8/20 APPROVED SUP |
| **STREET WALL HT:** | 40' MIN., 45 ' MAX. |
| **OVERALL HEIGHT:** | 101' - PER 9/8/20 APPROVED SUP |
| **AVERAGE GRADE PLANE:** | 448'-3" |
| **STEPBACK:** | 25' AFTER 45', BOTH STREET WALLS |

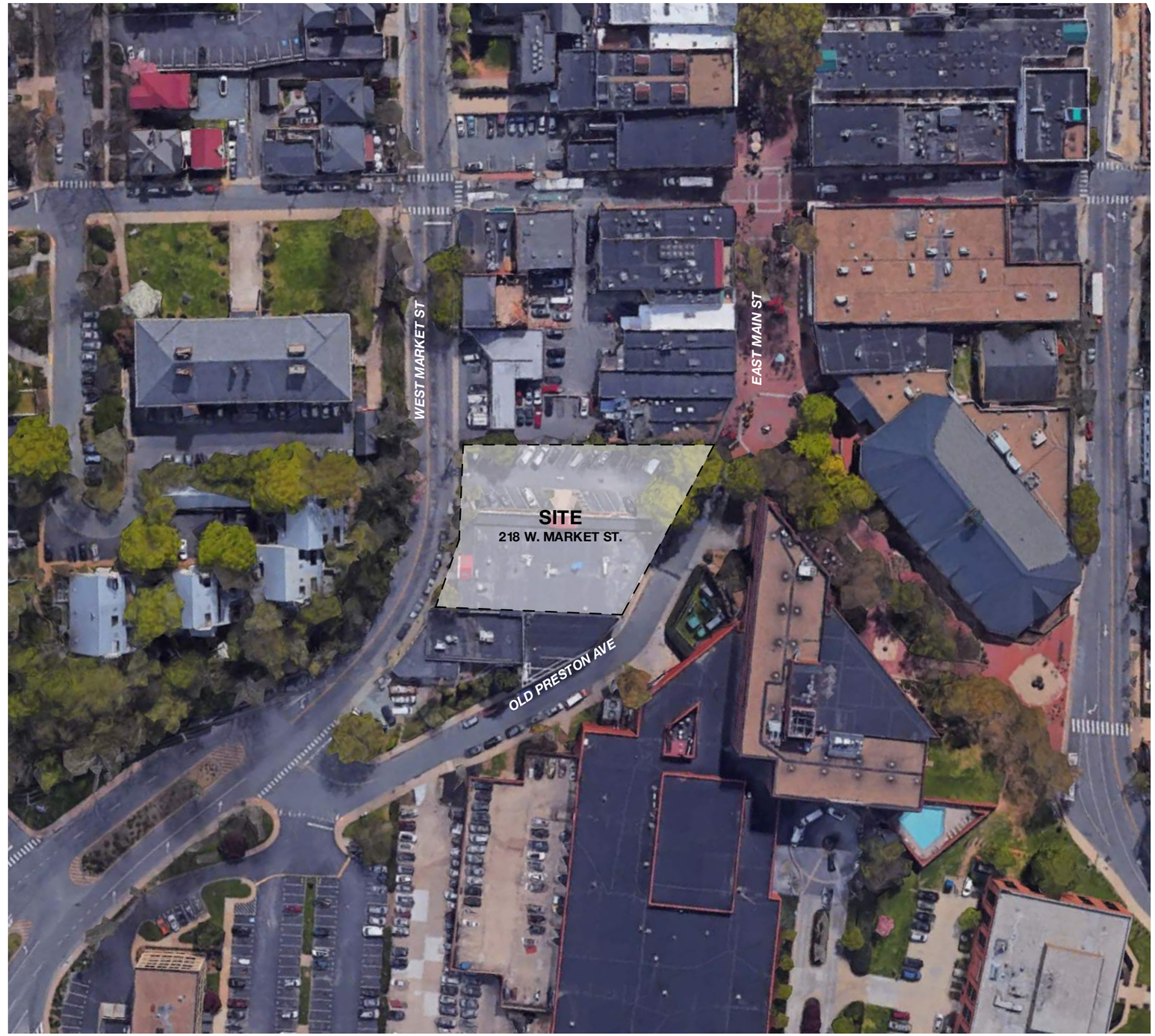
Sec. 34-558. - Streetwall regulations.

*"After forty-five (45) feet, there shall be a minimum stepback of twenty-five (25) feet along the length of the streetwall. However, any streetwall fronting upon a numbered street within this district between Ridge Street and 10th Street, East shall, after forty-five (45) feet, be required to have a stepback of five (5) feet.*

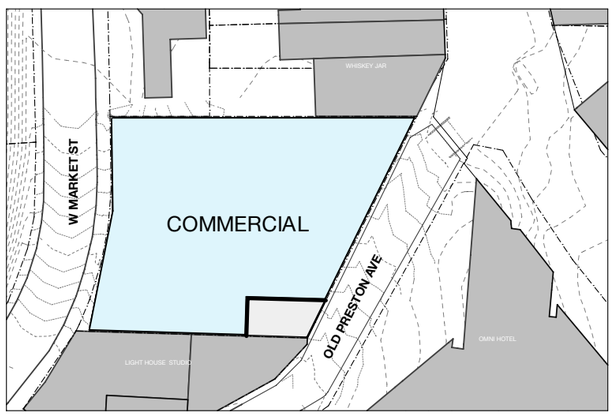
**SPECIAL USE PERMIT MODIFICATION**

| | |
|---|---|
| **STEPBACK:** | 5' AFTER 45' ALONG OLD PRESTON AVENUE<br>10' AFTER 45' ALONG WEST MARKET STREET |

*"After forty-five (45) feet, there shall be a minimum stepback of five (5') along the length of the Preston Avenue streetwall and ten (10') feet along the length of the West Market Street streetwall.*



**LEVELS 2 AND 3**

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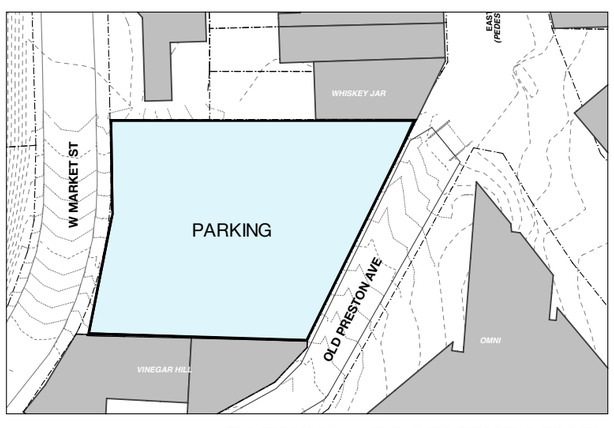
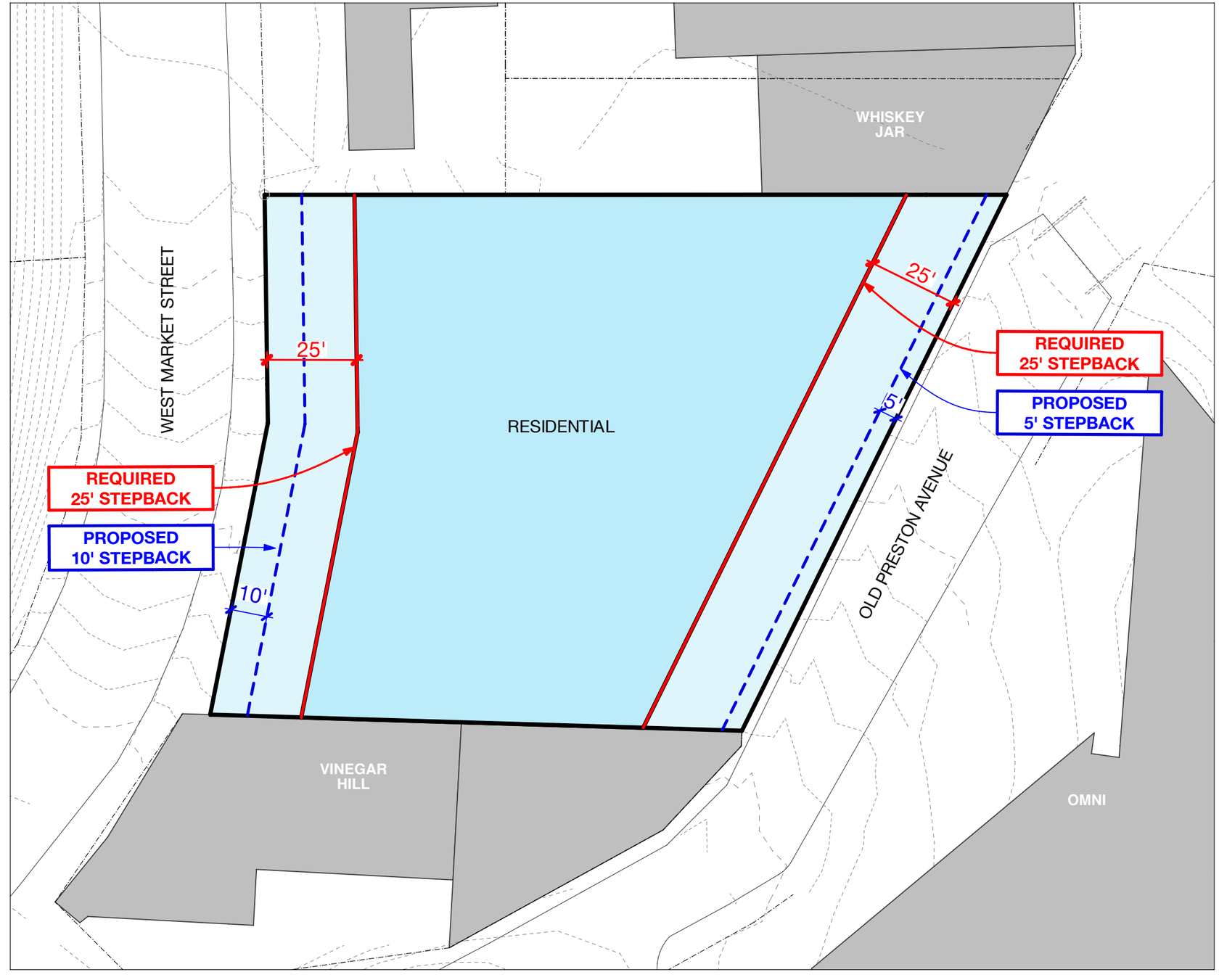



**PARKING - BASEMENT LEVEL**




**LEVELS 4 -9**

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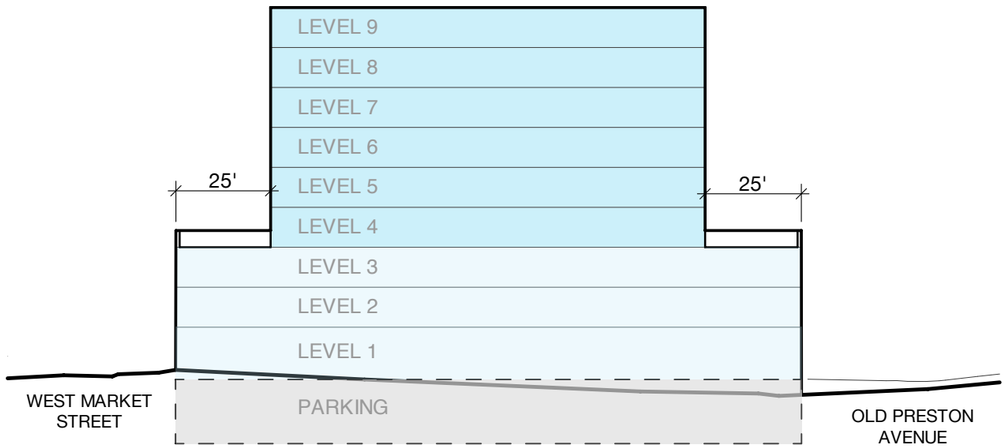
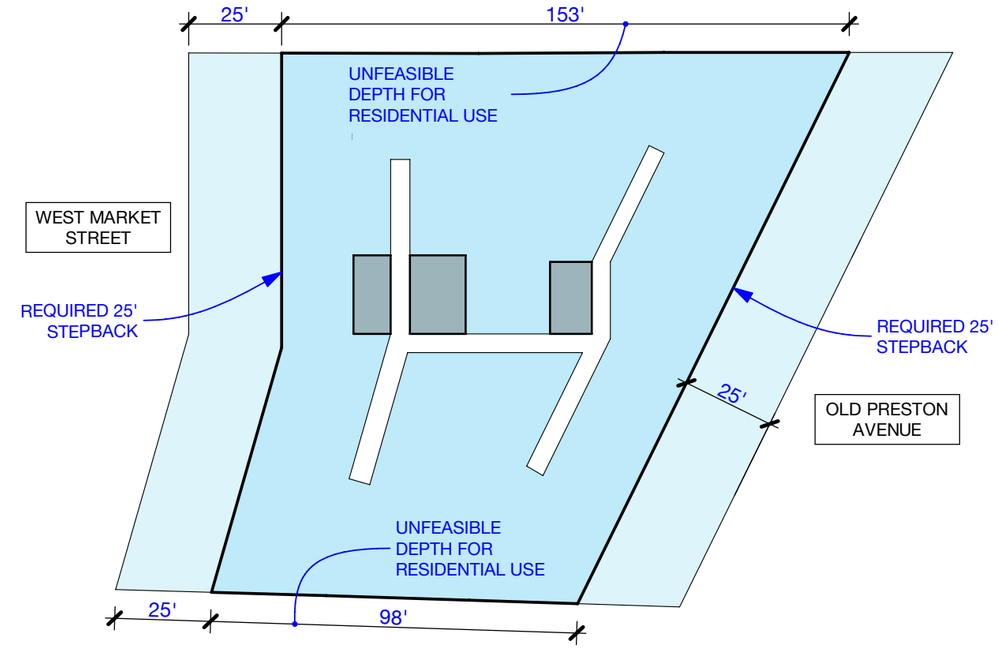
**FLOOR PLAN LAYOUTS EXPERIENCE A HARDSHIP FOR PROPERLY DESIGNED RESIDENTIAL UNITS.**

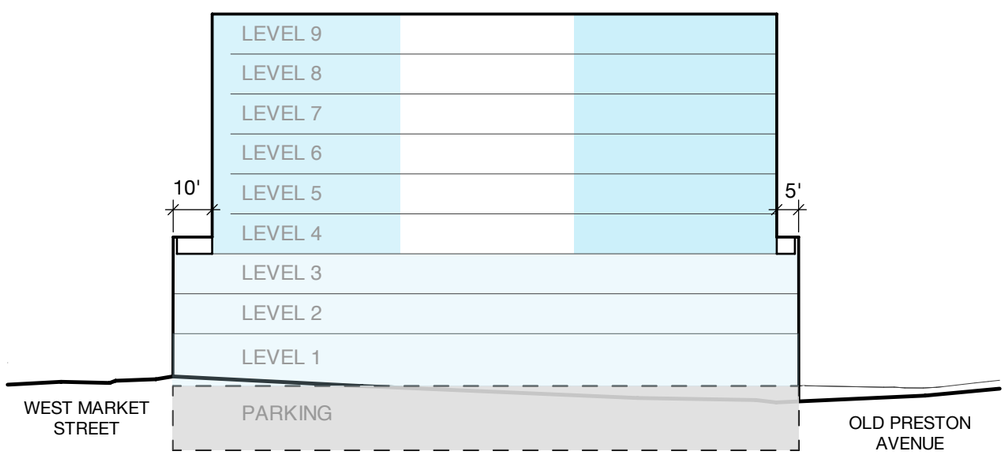
**NOTE: STEPBACK RELIEF WILL NOT CHANGE UNIT QUANTITY.**



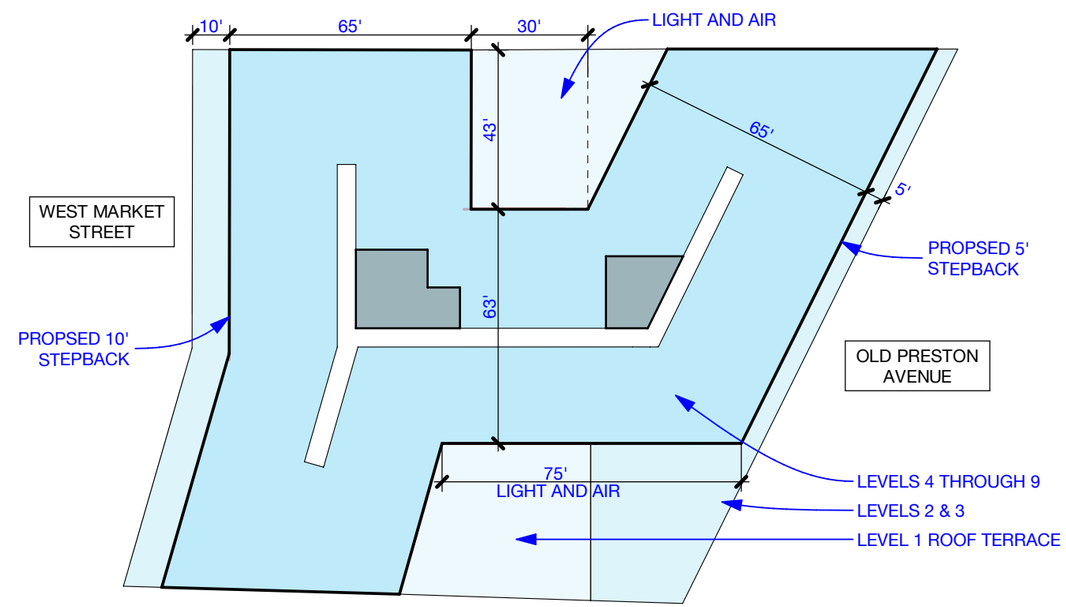

**REQUIRED STEPBACKS**




**REQUIRED STEPBACKS**

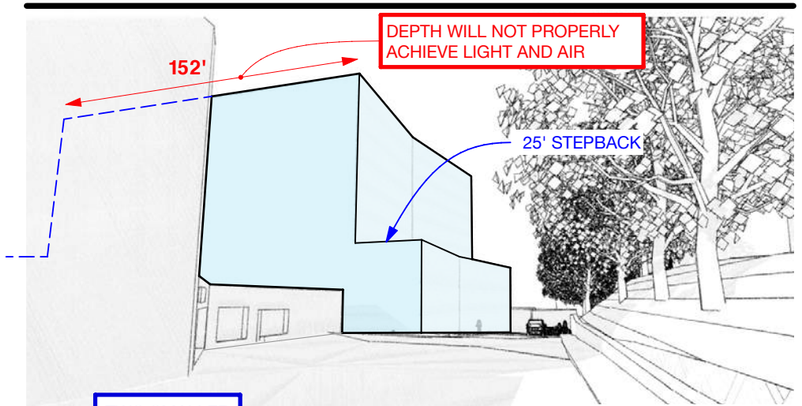



**PROPOSED STEPBACKS**

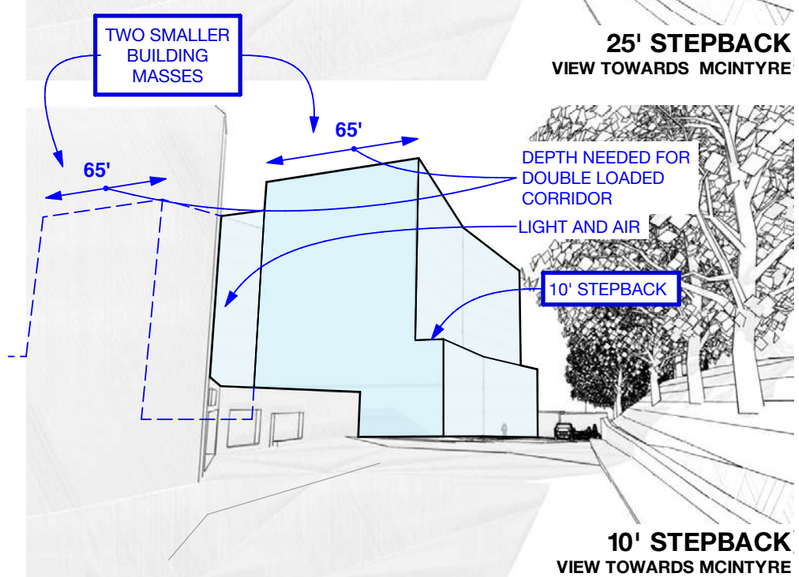



**PROPOSED STEPBACKS**

## WEST MARKET - VIEW TOWARDS MCINTYRE

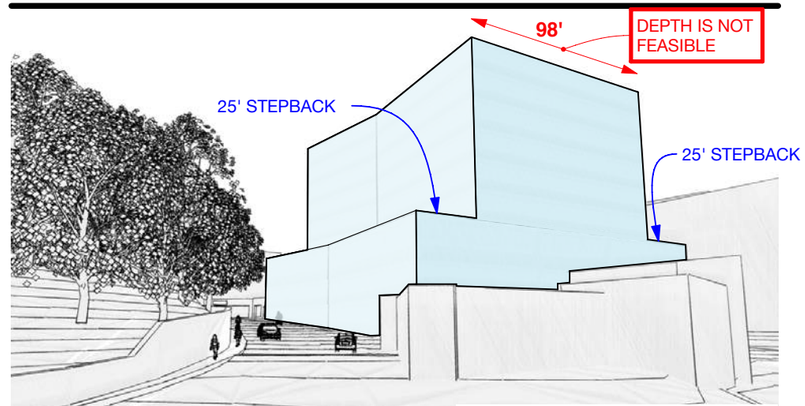



**25' STEPBACK**
VIEW TOWARDS MCINTYRE

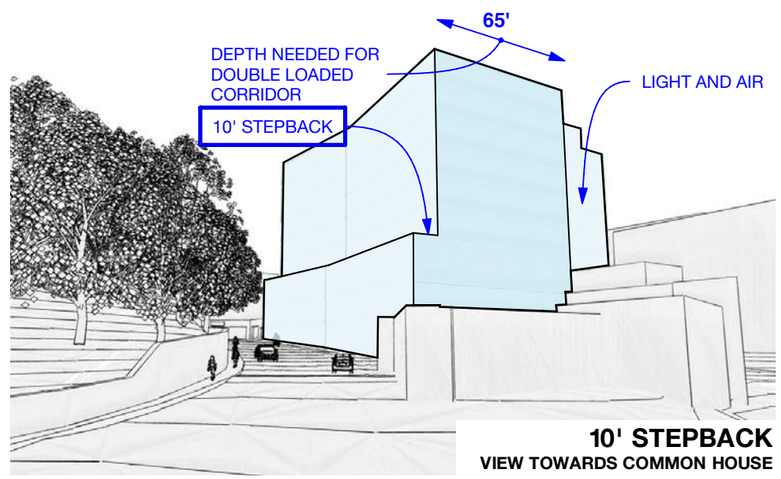



**10' STEPBACK**
VIEW TOWARDS MCINTYRE

## WEST MARKET - VIEW TOWARDS COMMON HOUSE



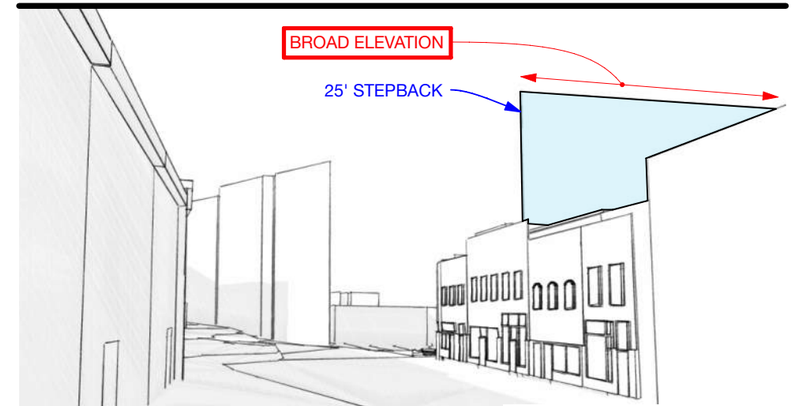

**25' STEPBACK**
VIEW TOWARDS COMMON HOUSE



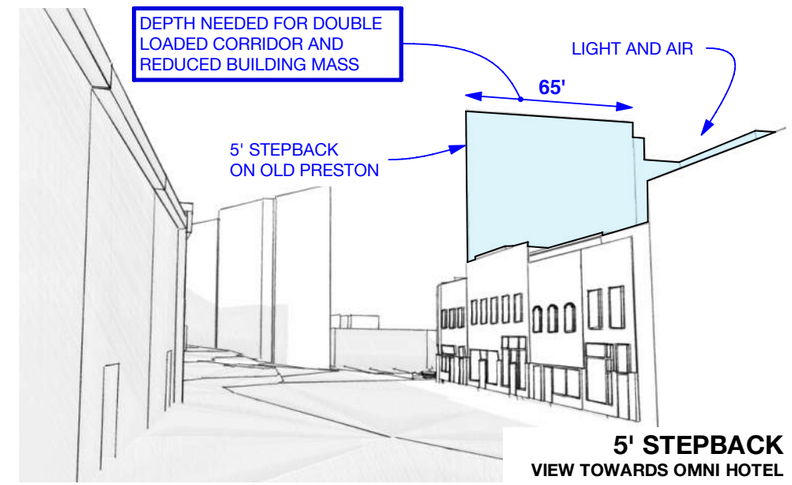

**10' STEPBACK**
VIEW TOWARDS COMMON HOUSE

WEST MARKET TOWARDS COMMON HOUSE

## DOWNTOWN MALL - VIEW TOWARDS OMNI HOTEL




**25' STEPBACK**
VIEW TOWARDS OMNI HOTEL




**5' STEPBACK**
VIEW TOWARDS OMNI HOTEL

DOWNTOWN MALL TOWARDS OMNI HOTEL

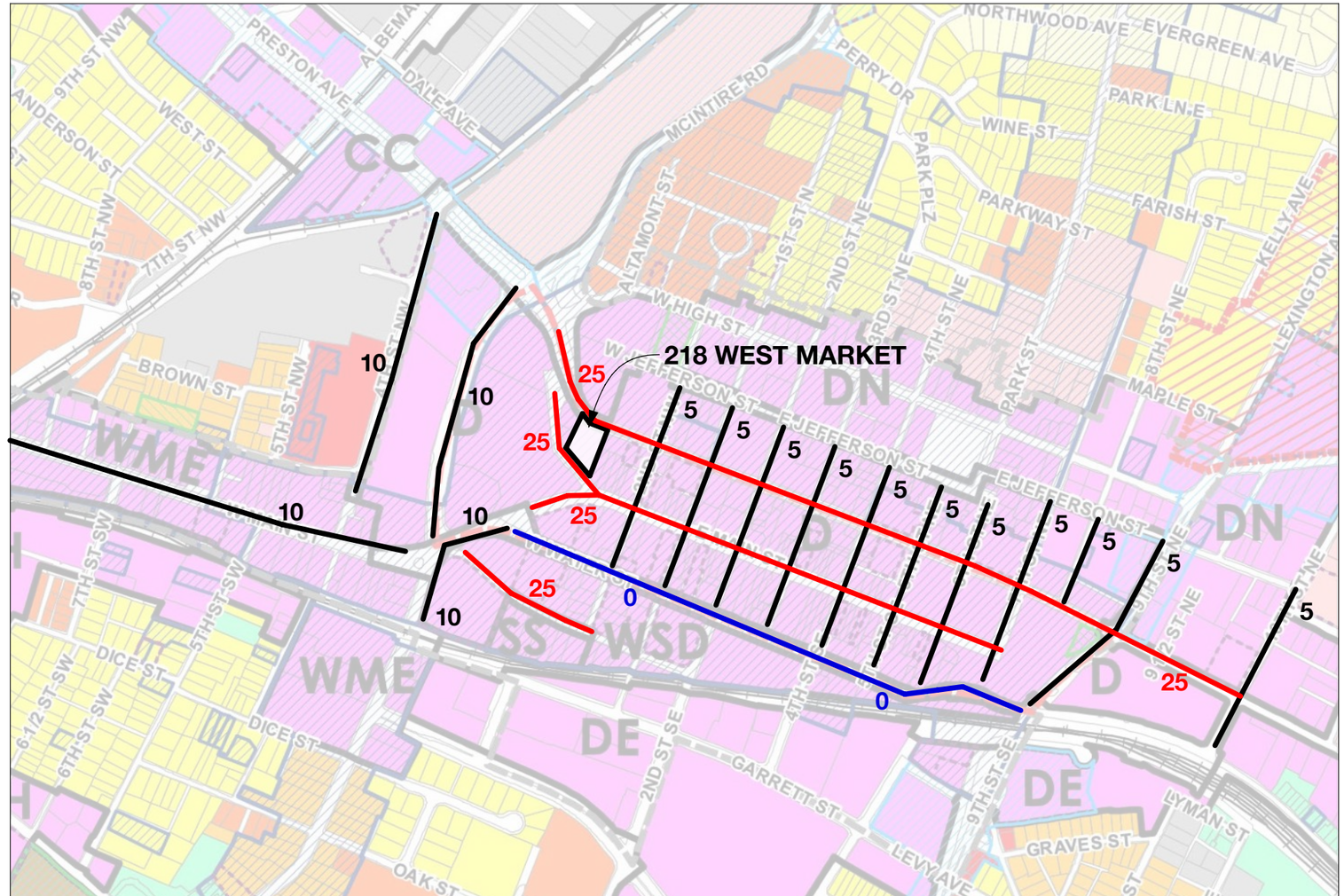
**5' AND 10' STEPBACK PRECEDENT AT MIXED-USE LOCATIONS**
**218 WEST MARKET STREET IS UNIQUELY BURDENED**

## COMPARISON OF STEPBACK REGULATIONS:

Downtown Stepback Requirement: 25' stepback after 45' along entire streetwall. Buildings fronting on Water Street are exempt.

Stepbacks in Nearby Zoning Districts and other Mixed Use Districts:

| | |
|---|---|
| Downtown Extended: | 10' after 50', along 70% of the streetwall. |
| Downtown North: | Only for facades facing a low-density residential district, 10' after 3 stories, along 70% of the streetwall. Otherwise, none. |
| Water Street: | None along Water Street. |
| Along South Street: | 25' after 45' because of small height limits applicable to the South Street zoning district with historic buildings, and 10' after 45' along Ridge Street. |
| West Main East: | 10' after 40'. |
| West Main West: | 10' after 40'. |
| Corridor: High Street: | None, max. building height is only 35'. |
| Neighborhood Commercial | 10' after 45 feet, only along 50% of the streetwall. |
| Central City Corridor: | 10' after 45' along 70% of the streetwall. |
| Highway: | None. |
| Cherry Ave: | 10' after 35'. |
| Urban: | None. |




None of the other mixed use districts require a 25 foot stepback on the front other than Water Street District, and there the stepback is only required for those buildings that front on South Street. South Street's zoning district's intent is to "preserve the historic pedestrian scale" of a small grouping of large historic homes, where the maximum building height is 45 feet.

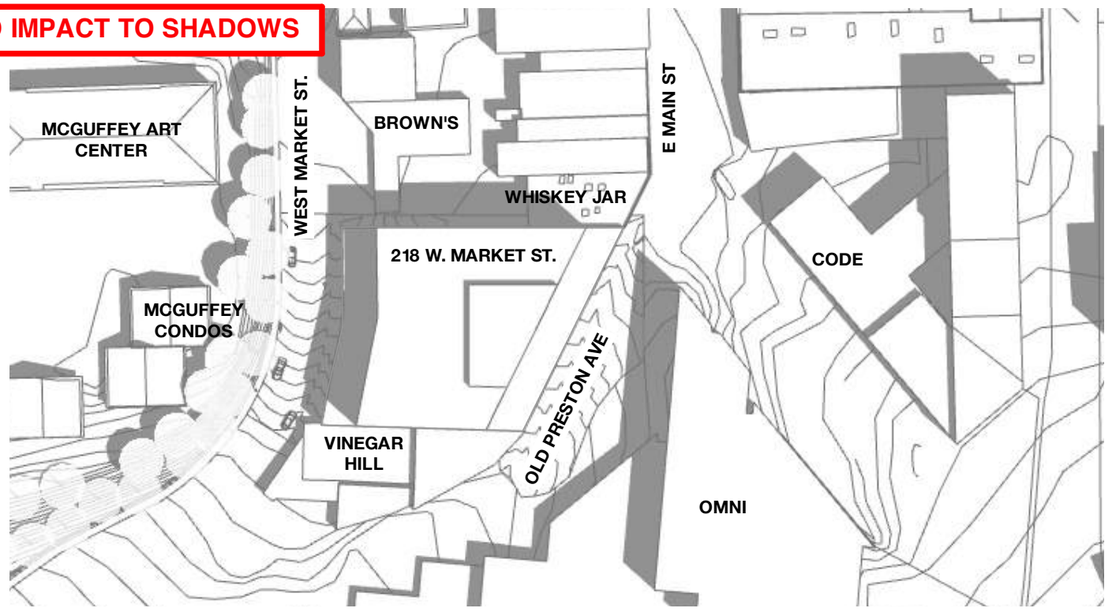
The buildings along Market Street do not have an equivalent "special" district to protect per the "purpose and intent" of the South Street zoning district.

For buildings in the Downtown District that front on Water Street, and for buildings in the Water Street District that front on Water Street, there is NO stepback requirement – note the 101' streetwall of the CODE building along Water Street.

**LEGEND**

- **0' STEPBACK**
- **5' STEPBACK**
- **10' STEPBACK**
- **25' STEPBACK**

NO IMPACT TO SHADOWS

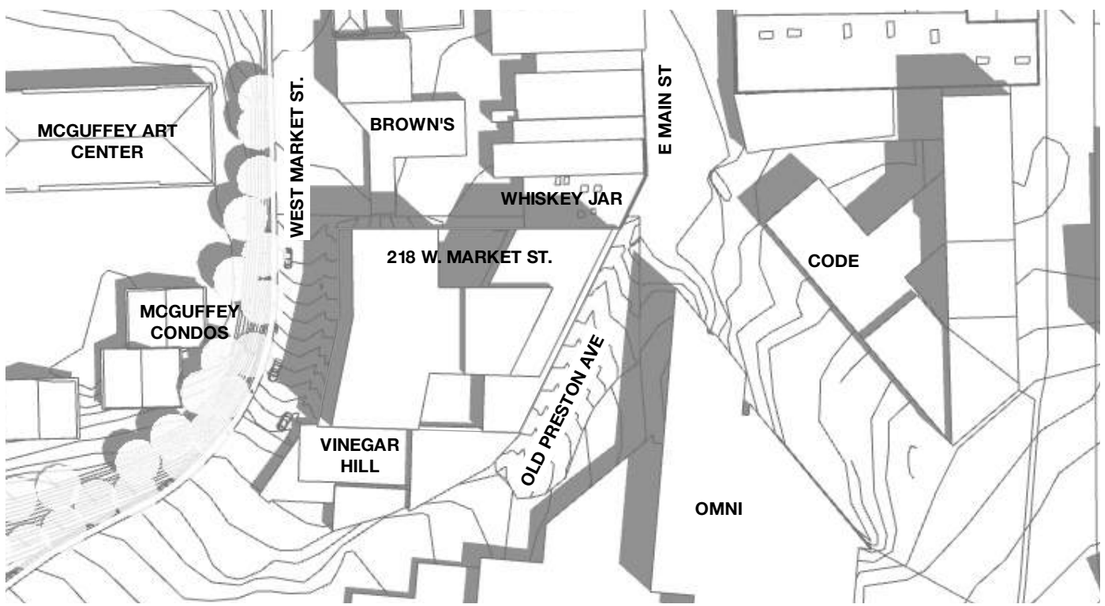



REQUIRED STEPBACKS - LONGEST DAY OF THE YEAR: 2PM JUNE 21ST

N

REQUIRED STEPBACKS - SHORTEST DAY OF THE YEAR: 2PM DECEMBER 21ST

N




PROPOSED STEPBACKS - LONGEST DAY OF THE YEAR: 2PM JUNE 21ST

N

PROPOSED STEPBACKS - LONGEST DAY OF THE YEAR: 2PM DECEMBER 21ST

N

**Agenda**
**City of Charlottesville**
**Board of Architectural Review**
**Regular Meeting**
**April 18, 2023, 5:30 p.m.**
**Hybrid Meeting (In-person at CitySpace and virtual via Zoom)**

Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review. Staff will introduce each item, followed by the applicant's presentation, which should not exceed ten minutes. The Chair will then ask for questions from the public, followed by questions from the BAR. After questions are closed, the Chair will ask for comments from the public. For each application, members of the public are each allowed three minutes to ask questions and three minutes to offer comments. Speakers shall identify themselves and provide their address. Comments should be limited to the BAR's purview; that is, regarding only the exterior aspects of a project. Following the BAR's discussion and prior to taking action, the applicant will have up to three minutes to respond.

**Pre-Meeting Discussion**

**Regular Meeting**

**A. Matters from the public not on the agenda [or on the Consent Agenda] (please limit to 3 minutes per speaker)**

**B. Consent Agenda** (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

**1.** Meeting minutes November 15, 2022; December 20, 2022; January 18, 2023; February 22, 2023.

**Motion to approve Consent Agenda** by Mr. Schwarz. Second by Mr. Zehmer. Vote 6-0, motion passed unanimously.

**2. Certificate of Appropriateness Application**
BAR 23-04-03
800 East Market Street (Key Rec Center), Tax Parcel 530160000
Downtown ADC District
Owner/Applicant: City of Charlottesville Public Works
Project: Install metal gate at dumpster enclosure

**Motion to approve Consent Agenda** by Mr. Schwarz. Second by Mr. Zehmer. Vote 6-0, motion passed unanimously.

*Approval*: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed alterations to the dumpster enclosure at 800 East Market Street satisfy the BAR's criteria and are compatible with this property and other

properties in the Downtown ADC District, and that the BAR approves the application as submitted, with the following conditions:

- Should existing conditions require minor changes, the BAR authorizes staff to review and approve those modifications.
- Gate should reflect the design of the handrail near the enclosure. [Image above.]
- The repairs and alterations to the brick will comply with the design guidelines for masonry. Specifically, that high-pressure or abrasive cleaning methods will not be used for cleaning the brick.

**3. SUP Recommendation**
BAR 23-04-02
218 West Market Street, Tax Parcel 330276000
Downtown ADC District
Owner: Market Street Promenade, LLC, Owner
Applicant: Heirloom Real Estate Holdings LLC, Applicant
Request: Modify height stepback. (In lieu of 25-ft stepback at 45-ft height: Old Preston Ave allow 5-ft stepback at 45-ft height; W. Market St allow 10-ft stepback at 45-ft height.)

**Motion to approve Consent Agenda** by Mr. Schwarz. Second by Mr. Zehmer. Vote 6-0, motion passed unanimously.

(Approved motion will be submitted for consideration by the Planning Commission and City Council.)
*Finding of no adverse impact*: I move to recommend that, based on the information submitted, modifying the Special Use Permit for 218 West Market Street to reduce the height stepbacks on West Market Street and Old Preston Avenue will not adversely impact the Downtown ADC District, with the understanding that the final design will require BAR review and approval.

**4. Certificate of Appropriateness Application**
BAR 23-03-02 (deferred from March 21, 2023)
506 Park Street, TMP 530123000
North Downtown ADC District
Owner: Presbyterian Church Ch'ville Trust
Applicant: Todd Shallenberger, Waterstreet Studio
Project: Landscaping: Memorial Garden and Tree Planting Plan

**Motion to approve Consent Agenda** by Mr. Schwarz. Second by Mr. Zehmer. Vote 6-0, motion passed unanimously.

Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed memorial garden plan and tree replacement plan at 506 Park Street satisfy the BAR's criteria and are compatible with this property and other properties in the North Downtown ADC District, and that the BAR approves the application as submitted.

**C. Deferred Items**
(See BAR 23-03092 on Consent Agenda)

**D. New Items**

*5:45* **5. Certificate of Appropriateness Application**
BAR 23-04-01
810 West Main Street, TMP 300002000
West Main Street ADC District
Owner: Union Station Partners LLC
Applicant: Kurt Keesecker / brw architects
Project: Roof Canopy Addition

**Motion to approve CoA** by Mr. Schwarz. Second by Mr. Bailey. Vote 6-0, motion passed unanimously.

*Approval*: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed patio canopy at 810 West Main Street satisfies the BAR's criteria and is compatible with this property and other properties in the West Main Street ADC district, and that the BAR approves the application as submitted with the following conditions:

- *Lighting will be Full cut-off. Lamping will be dimmable, have a Color Temperature not exceeding 3000K, and Color Rendering Index not less than 80, preferably not less than 90.*

**E. Other Business**

6. Informal discussion windows
7. Staff questions/discussion
    - DT Mall NRHP update – April 19 meeting
    - Letter of support for CLG Grant requests:
        - *GPR Survey and Archeological Assessment of McKee Block*
        - *In-Depth Analysis of Ceramic, Faunal, and Personal Item Artifacts Recovered at the Swan Tavern Archeological Site*

**Motion to approve letter of support** by Mr. Zehmer. Second by Mr. Birle. Vote 7-0, motion passed.

- Informal discussions:
    - BAR training
    - Term expirations
    - Board composition
    - Minor reviews/approvals

**F. Adjourn**

| **2023 BAR** | |
|---|---|
| **BAR meeting date** | **Submittal Deadline** |
| Tuesday, April 18, 2023 | Tuesday, March 28, 2023 |
| Tuesday, May 16, 2023 | Tuesday, April 25, 2023 |
| Wednesday, June 21, 2023 | Tuesday, May 30, 2023 |
| Tuesday, July 18, 2023 | Tuesday, June 27, 2023 |
| Tuesday, August 15, 2023 | Tuesday, July 25, 2023 |
| Tuesday, September 19, 2023 | Tuesday, August 29, 2023 |
| Tuesday, October 17, 2023 | Tuesday, September 26, 2023 |
| Tuesday, November 21, 2023 | Tuesday, October 31, 2023 |
| Tuesday, December 19, 2023 | Tuesday, November 28, 2023 |

# RESOLUTION
# APPROVING A SPECIAL USE PERMIT
# FOR PROPERTY LOCATED AT
# 218 WEST MARKET STREET

**WHEREAS,** landowner Market Street Promenade, LLC is the current owner of a lot identified on 2019 City Tax Map 33 as Parcel 276 (City Parcel Identification No. 330276000), having an area of approximately 0.562 acre (24,480 square feet) (the "Subject Property"), and

**WHEREAS,** the landowner proposes to redevelop the Subject Property by constructing a mixed use building at a height of up to 101 feet on the Subject Property, with retail space on the ground floor facing West Market Street, residential dwelling units at a density of up to 240 dwelling units per acre, and underground parking ("Project"); and

**WHEREAS,** the Subject Property is located within the Downtown Architectural Design Control District established by City Code §34-272(1) and contains an existing building that is classified as a "contributing structure", and the City's board of architectural review (BAR) has been notified of this special use permit application and the BAR believes that any adverse impacts of the requested additional height, the loss of the existing contributing structure, and the massing of the proposed building to be constructed can be adequately addressed within the process of obtaining a certificate of appropriateness from the BAR;

**WHEREAS,** the Project is described in more detail within the Applicant's application materials dated submitted in connection with SP19-00006 and a preliminary site plan dated August 13, 2019, as required by City Code §34-158 (collectively, the "Application Materials"); and

**WHEREAS,** the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on November 12, 2019; and

**WHEREAS,** upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its application materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed special use permit for the Project; and

**WHEREAS,** upon consideration of the Planning Commission's recommendation, and the Staff Reports discussing this application, public comments received, as well as the factors set forth within Sec. 34-157 of the City's Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-557 and 34-560, a special use permit is hereby approved and granted to authorize a building height of up to 101 feet, and residential density of up to 240 dwelling units per acre, for the Project, subject to the following conditions:

1. The specific development being approved by this special use permit ("Project"), as described within the August 13, 2019 site plan exhibit submitted as part of the application materials, as required by City Code §34-158(a)(l), shall have the following minimum attributes/ characteristics:

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

    b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the August 13, 2019 site plan exhibit submitted as part of the application materials (subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR.

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

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

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

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

a. *Baseline* Survey-Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

   The Landowner shall engage an independent third-party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

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

c. *Advance notice of commencement of activity--The* Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

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

and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

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

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

    a. The Building shall have windows on all elevations.

    b. The Building shall incorporate voluntary stepbacks as follows: (i) beginning with the 7th floor, the Building shall be stepped back an additional minimum of 10 feet from East Market Street; (ii) beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the western property line; (iii) beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the eastern property line.

6. Affordable Housing. The Owner shall comply with the requirements of City Code Section s follows:

    a. Number and Location of Affordable Units. Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and off-site. The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.

    b. Levels of Affordability. The 8 affordable dwelling units shall have the following levels of affordability: (i) 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI"); (ii) 2 units shall be affordable to those earning up to 60% AMI; (iii) 2 units shall be affordable to those earning up to 50% AMI.

    c. Affordable Term. The 8 affordable dwelling units shall remain affordable for the following terms: (i) 6 of the affordable units shall remain affordable for a period

of at least 8 years; (ii) 2 of the affordable units shall remain affordable for a period of at least 16 years.

d. Non-Concentration of Units. If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.

e. Variety of Unit Type and Size. If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.

7. Reduced Rent for Community Space. The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:

a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the Black community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.

b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of "white box construction" ready for tenant improvements.

c. The lease term shall be for a minimum of 5 years.

d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).

e. Other commercially reasonable lease terms typical for similar commercial space

Approved by Council
September 8, 2020

Kyna Thomas

Kyna Thomas, CMC
Clerk of Council

*Scrivener's error corrected 4-27-23

# CITY OF CHARLOTTESVILLE

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**

**STAFF REPORT**

## PLANNING COMMISSION PRELIMINARY DISCUSSION

**APPLICATION FOR A ZONING MAP AMENDMANT**

**DATE OF THE MEETING: July 13, 2023**

**Project Planner:** Matt Alfele
**Date of Staff Report:** May 30, 2023

**Applicant:** Subtext
**Applicant's Representative(s):** Dylan Lambur, Development Manager with Subtext
**Current Property Owner:** Stadium Road Limited Partnership, Woodrow LLC, Woodrow Too LLC, and 1705 JPA LLC

**Application Information**

**Property Street Address:** 409 Stadium Road, 100-114 Stadium Road, and 1705 Jefferson Park Avenue
**Tax Map & Parcel/Tax Status:** 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (real estate taxes paid current - Sec. 34-10)
**Total Square Footage/ Acreage Site: Approx.** 3.31 acres (144,183 square feet)
**Comprehensive Plan (General Land Use Plan):** Urban Mixed Use Corridor
**Current Zoning Classification:** R-3 Residential and R-3 Residential with Historic Overlay (104 Stadium Road is an Individually Protected Property)
**Overlay District:** Entrance Corridor and IPP
**Project Name:** VERVE Charlottesville

## Purpose of Meeting and Applicant's Request (Summary)

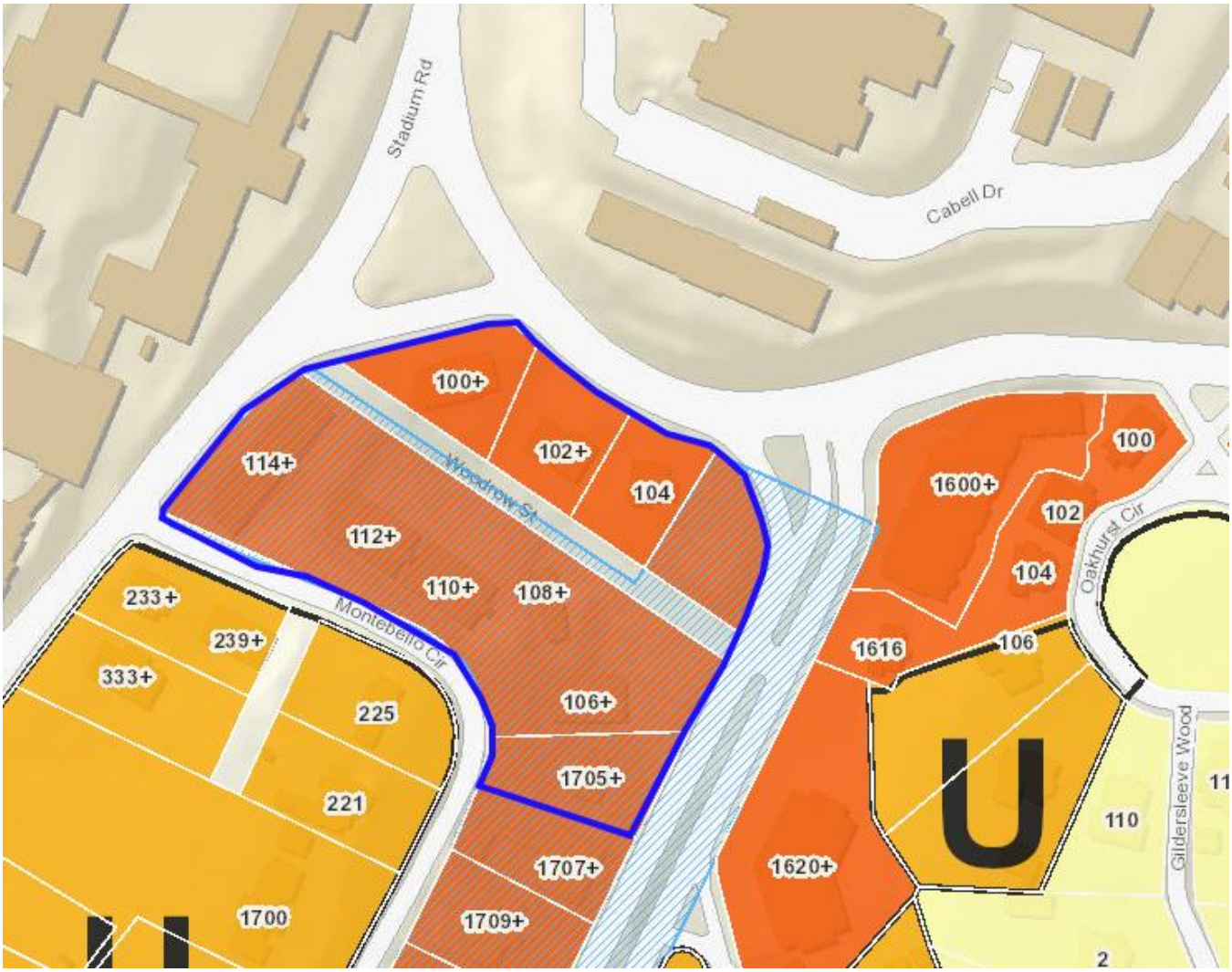
Subtext is looking to redevelop the six properties between Stadium Road, Emmet Street, and Jefferson Park Avenue into a multifamily building with up to 350 units. The proposed development would be approximately 105 to 115 feet in height with structured parking and improvements to City infrastructure. To facilitate this development, as presented, the applicant will need to pursue multiple approvals from City Council. These include rezoning the Subject Properties from R-3 Residential to Planned Unit Development (PUD), removal of the IPP designation from 104 Stadium Road through both a Zoning Map Amendment and a Zoning Text Amendment, approval of a Critical Slope Waiver, closure of Woodrow Street, and development rights affirmation related to restrictions placed on 409 Stadium Road. The applicant and their

team are looking for feedback from the Planning Commission on the proposed project prior to moving forward with application(s) submissions and a Public Hearing.

## Vicinity Map

## Context Map 1

## Context Map 2- Zoning Classifications



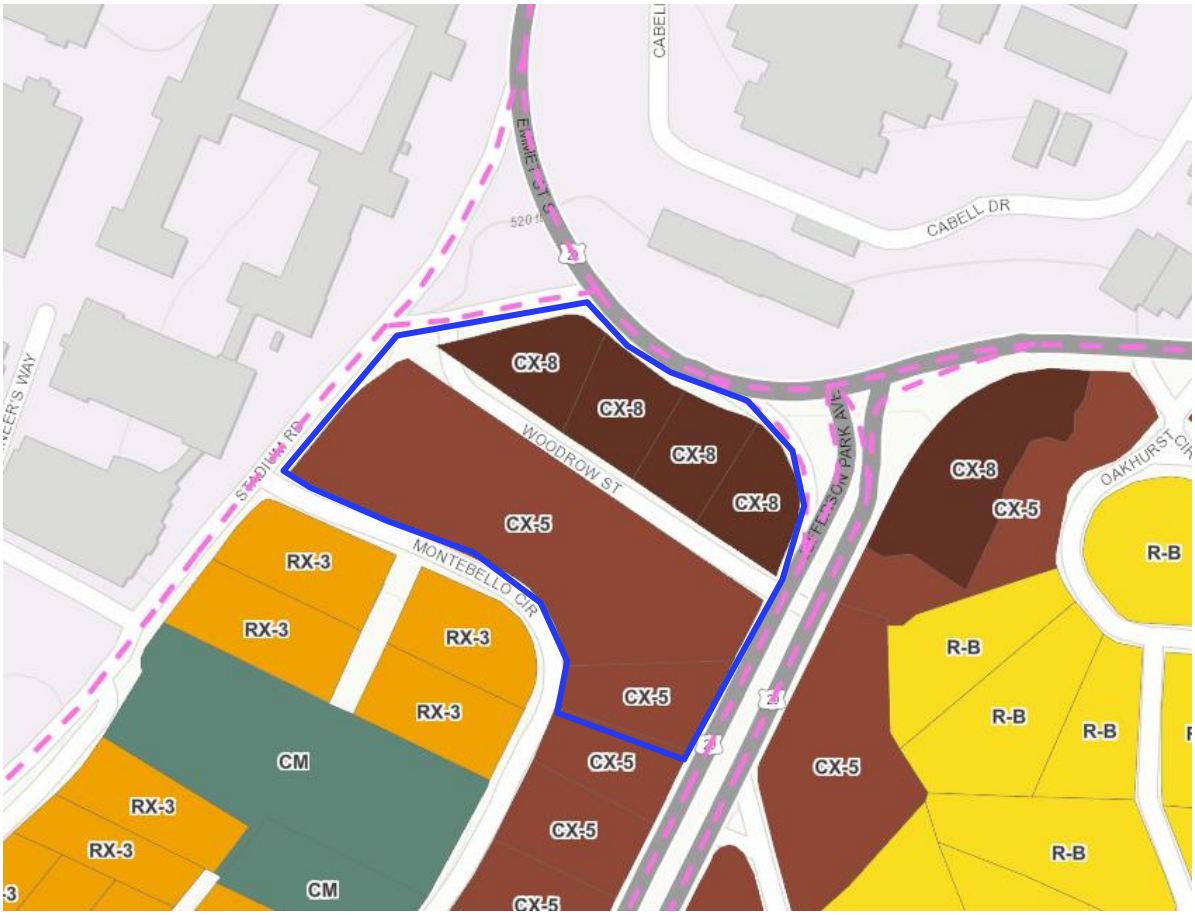

KEY - Orange: R-2U, Dark Orange: R-3, Yellow: R-1UH, Blue Hatching: Entrance Corridor

## Context Map 3- General Land Use Plan, 2021 Comprehensive Plan

KEY: Purple: Urban Mixed Use Corridor, Light Brown: Medium Intensity Residential, Darke Brown: Higher-Intensity Residential

## Context Map 4 - Critical Slope Map

## Context Map 5 - Module 1 (Zoning Map) from Cville Plans Together




Note: *This information is being provided only as a general concept and could change prior to adoption by City Council. The Planning Commission should not use this information as an either-or scenario for the proposed PUD and should only use it as a general direction for this section of the City. Also note the map does not reflect the suggested change from the joint work session of May 23. 2023. At that work session the Planning Commission and City Council stated the CX-5 sections within the development area should be changed to CX-8 (with consideration given to the grade change along Montebello Circle).*

R-B = Small lots with a base of six (6) dwellings and a maximum of twelve (12) with affordable units.

RX-3 = Unspecified lot sizes with unlimited density. Size and density of the sites are controlled by form such as 80% maximum building coverage, setbacks, parking location restrictions, massing, and transparency. Hight for RX-3 includes a base of forty-four (44) feet with a bonus up to seventy-two (72) feet.

CM (Campus Use) = Larger lots with unlimited density. Size and density of the sites are controlled by forms such as 60% maximum building coverage, setback, parking location restrictions, massing, transparency. Hight for CM includes a maximum of seventy-two (72) feet.
CX-5 = Unspecified lot size with unlimited density. Size and density of the sites are controlled by forms such as massing and setbacks. Lot cover allows 100%, but a minimum of 10% outdoor amenity space is required.
CX-8 = See the chart below:

| **Redevelopment of the Subject Properties** | **By-Right R-3** | **Draft language for CX-8** | **Proposed PUD** |
|---|---|---|---|
| ***Density*** | 21 Dwelling Units per Acre<br>69 Units | Unlimited | 105 Dwelling Units per Acre<br>347 Units |
| ***Lot Coverage (percentage of the lot a building can cover)*** | 75% | 100% (but must provide 10% outdoor amenity space) | 65% |
| ***Height*** | 45 Feet | Base of 8 stories/114' and a bonus of 10 stories/142' | 115' (no stories provided at this time) |
| ***Setbacks*** | Front = 25'<br>Rear = 25'<br>Side = 1 foot/2 feet height, 10 feet, min | Primary street lot line (min/max) = 0' / 10'<br>Side street lot line (min/max) = 0' / 10'<br>Side lot line (min)= 0'<br>Rear lot line (min)= 0'<br>Alley lot line (min)= 5' | Front at Emmet = 15' to 60'<br>Front at Stadium = 20' to 45'<br>Front at JPA = 20' to 55'<br>Rear at Montebello = 25' to 45' |
| ***Additional Setbacks*** | No additional setbacks for by-right development | Transition may be required.<br>Max width of 275' with active depth of 15' min on a Primary St. and 9' min on a Side St. | Undetermined |
| ***Affordable Units*** | 0 | 10% once above 10 units | 5% over 1 FAR |
| ***Parking*** | Dependent on development type, but minimums are required. | Not Required | +/-500 |
| ***Screening—Specific uses*** | Not Required | Transition may be required | Undetermined |

**Proposed Discussion points for the Planning Commission:**

1. Given the direction the new zoning code is headed, what are the Planning Commission's thoughts as it relates to utilizing the Planned Unit Developments mechanism for the proposed development?
2. The applicant is proposing a rezoning to a Planned Unit Development. Unlike a SUP no conditions can be placed on a rezoning, but the applicant can offer proffers. To help facilitate the best development possible, are there any suggestions or general themes the applicant should keep in mind as they craft their proffer statement?
3. Due to the grade change between Montebello Cir and JPA, what concerns or suggestions does the Planning Commission have as it relates to height and massing?
4. Any other thoughts, concerns, or suggestions?

**Attachments**

A. Presentation Materials dated May 23, 2023

Attachment A

May 23, 2023

City of Charlottesville
Planning Commission
c/o Mr. Matthew Alfele
P.O. Box 911
Charlottesville, VA 22902

RE: Planning Commission Work Session

Dear Commissioners,

We are pleased to share with you the enclosed conceptual materials associated with VERVE Charlottesville. The approximately 3.3-acre project site is located directly across the street from the University of Virginia campus and includes 100 Stadium Road, 104 Stadium Road, 409 Stadium Road, 106-114 Stadium, and 1705 Jefferson Park Avenue, all of which are under common ownership.

Subtext is planning to redevelop the property with a high-quality multi-family residential project, which will provide much-needed housing at a pedestrian to campus location. This is a phenomenal location for high density residential development immediately adjacent to UVA grounds and has the potential to be a gateway project along the Entrance Corridor, while also furthering the goals of the Citywide Comprehensive Plan, the Draft Zoning Ordinance, and the Streets That Work Plan.

There are several unique constraints associated with the project site project and limitations under the current zoning district. In order to achieve the envisioned project, the following requests would need to be made:

1. Density
   Permitted: 21 DUA — Proposed: 105 DUA
2. Height
   Permitted: Up to 45’ — Proposed: Up to 115’
3. Front Yard Setback
   Permitted: 25’ — Proposed: 15’-20’
4. Rear Yard Setback
   Permitted: 75’ — Proposed: 25’
5. Critical Slope Waiver
6. Zoning Map Amendment (104 Stadium Road)
7. Vacate and Close Woodrow Street
8. Modification of Development Restriction (409 Stadium Road)

Given the complex nature of the site with heavy grade changes throughout, numerous frontage types/contexts; and with the number of requests that would need to be made, we would like to propose a Planned Unit Development as a comprehensive approach for the public approvals of this project. This can provide the opportunity to incorporate guidance and highlights from the Draft Zoning. Additionally, with guidance coming from numerous other guide plans and ordinances, and in places partially conflicting with each other, a PUD would allow a proposal to be considered with the project benefits and the project requests in a wholistic way by staff, Planning Commission, and City Council.

Enclosed you will find supplementary materials including a project summary, location and context maps, the Comprehensive Plan and Draft Zoning Designations, a conceptual site plan, a conceptual massing, and conceptual renderings.

Thank you in advance for your consideration, and we look forward to working with you and the City of Charlottesville to plan a quality project of which we can all be proud.

**Sincerely,**

Dylan Lambur

Dylan Lambur
Development Manager
Subtext

Attachment A

# VERVE CHARLOTTESVILLE

PLANNING COMMISSION WORKING SESSION

JUNE 13, 2023

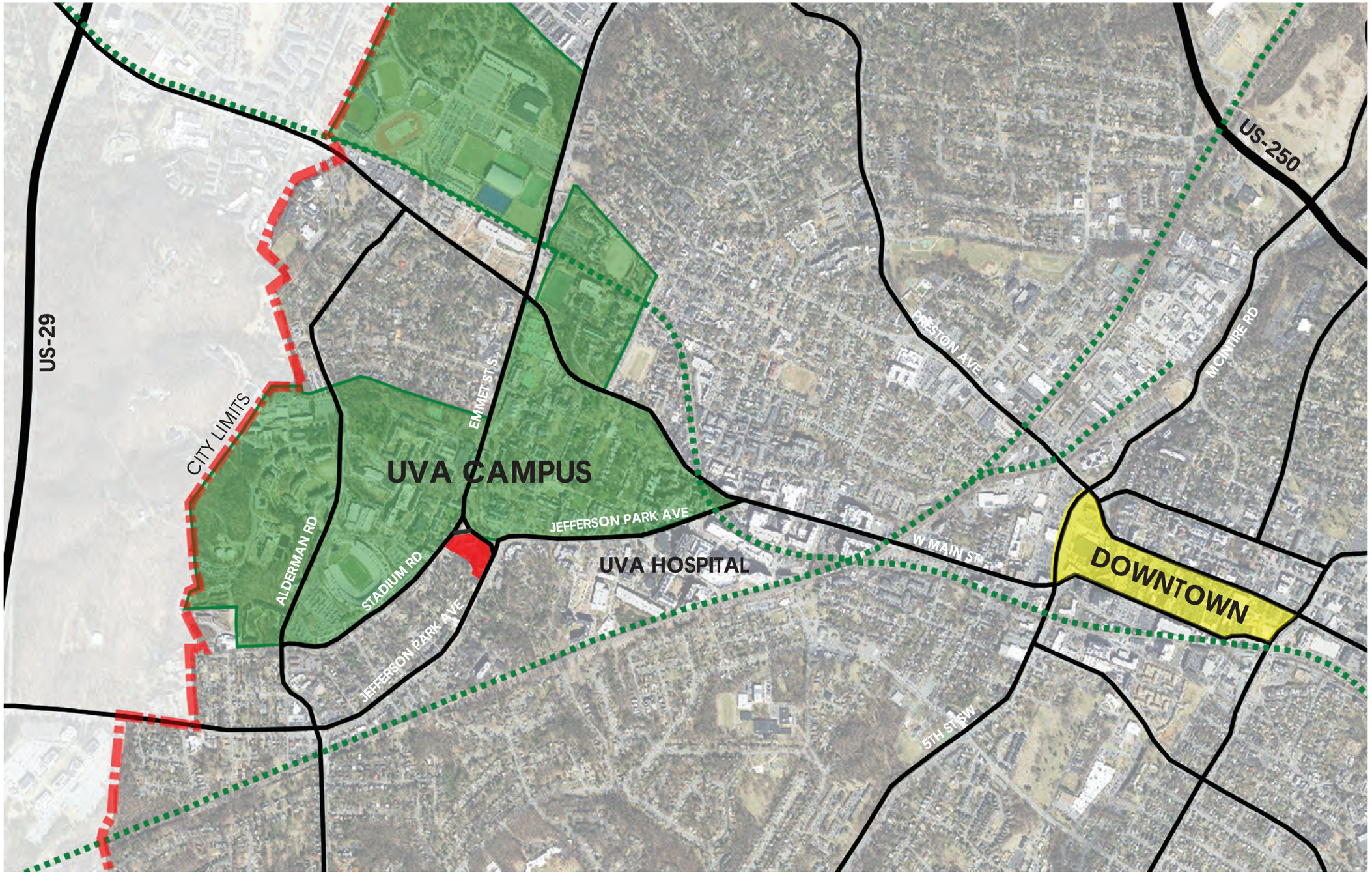
subtext esg WA WOLF ACKERMAN TIMMONS GROUP

Attachment A

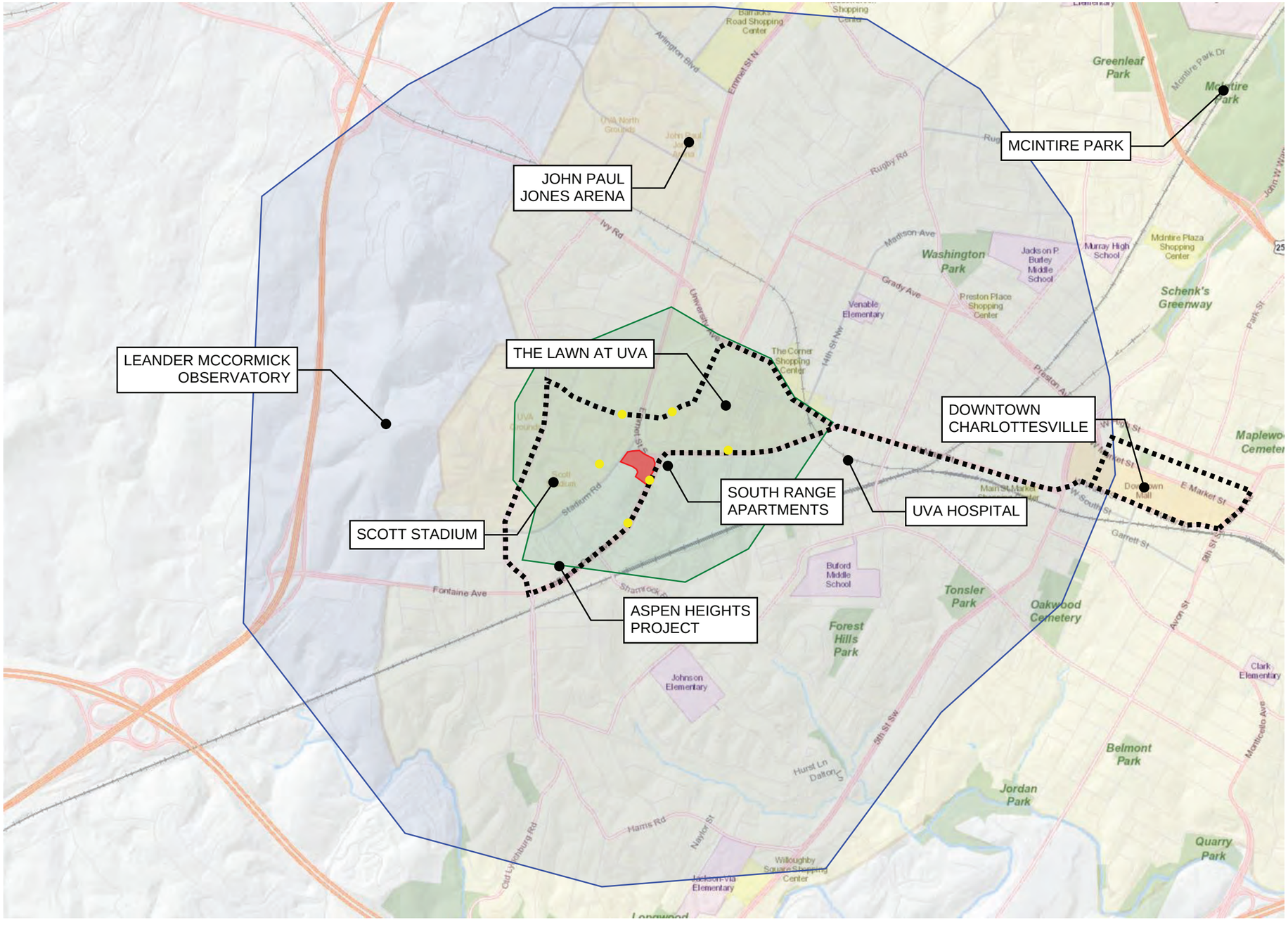
# PROJECT EXPERIENCE

Attachment A

# SITE LOCATION



# SITE CONNECTIVITY




WALK SCORE: 70
Most errands can be accomplished on foot

BIKE SCORE: 64
Some bike infrastructure

TRANSIT SCORE: 48
A few nearby public transportation options

TROLLEY ROUTE

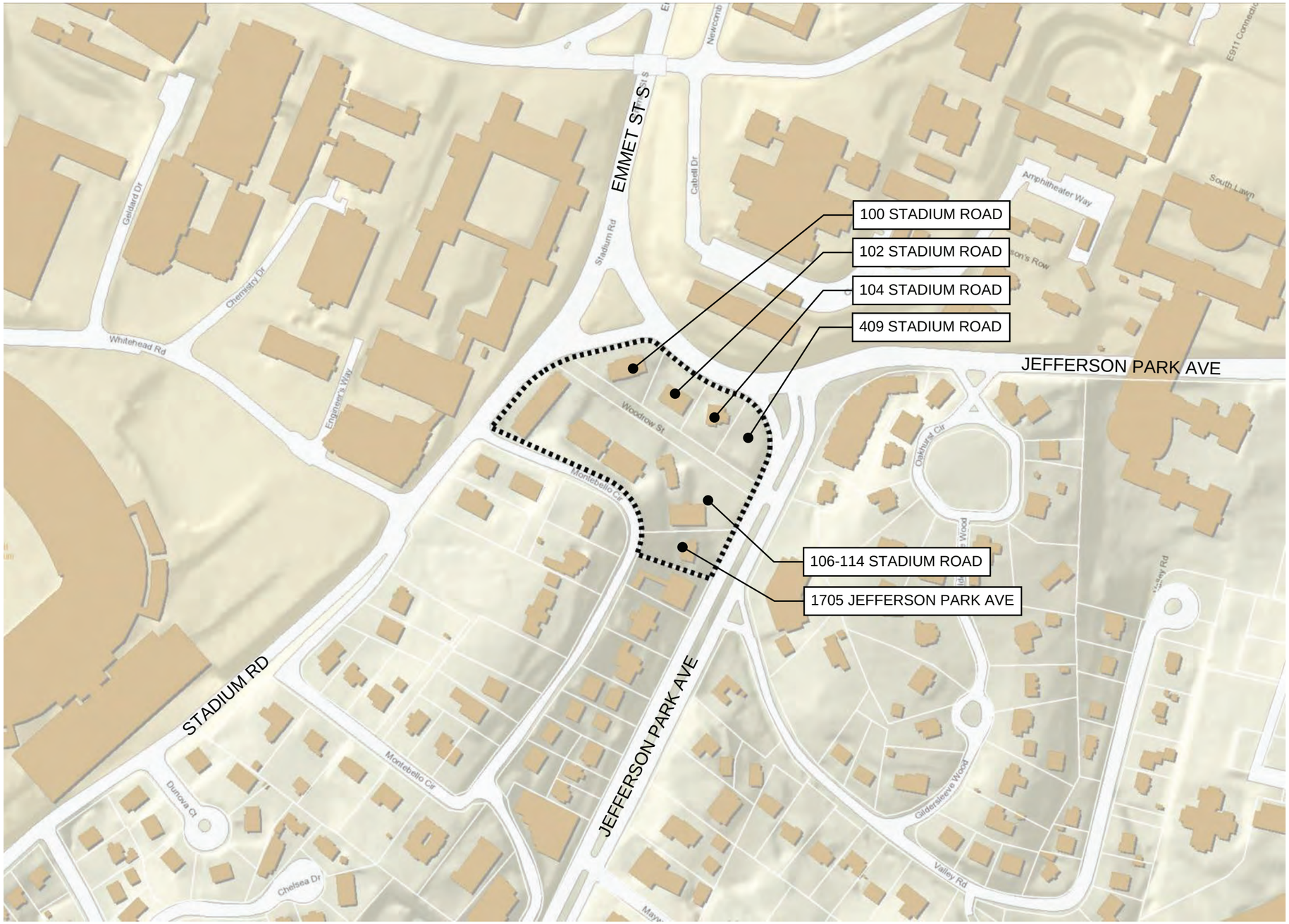
10 MIN WALK

10 MIN BIKE

BUS STOPS IN CLOSE PROXIMITY TO PROJECT SITE

Attachment A

# PROJECT SITE PARCELS




# VERVE CHARLOTTESVILLE - PLANNING COMMISSION WORK SESSION

Attachment A

# FURURE LAND USE

| | | | | |
|---|---|---|---|---|
| | **Urban Mixed Use Corridor** Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city. | Respond to existing residential, environmental, historic context. | 5 stories, up to 8 at key intersections, such as intersections of *Streets That Work* Downtown, Industrial, Mixed Use, or Neighborhood corridors | Commercial, employment, residential. Include an inclusionary zoning mechanism to support housing affordability. |

URBAN MIXED USE CORRIDOR

MEDIUM INTENSITY RESIDENTIAL

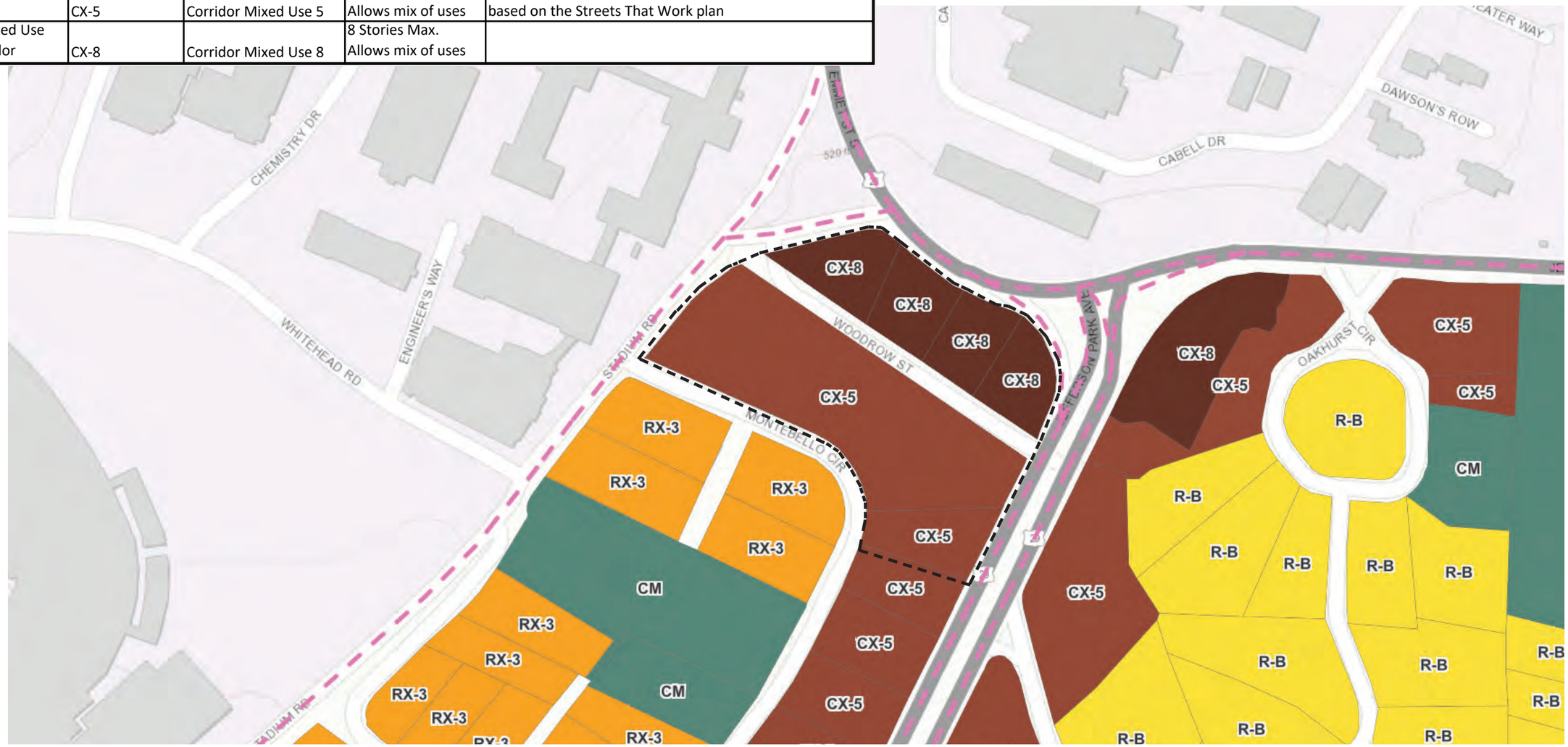
HIGHER INTENSITY RESIDENTIAL

UNIVERSITY OF VA

Attachment A

# DRAFT ZONING

| LAND USE | NEW DISTRICT | NEW DISTRICT NAME | DISTRICT NOTES | MAPPING NOTES |
|---|---|---|---|---|
| **MIXED USE** | | | | |
| Neighborhood Mixed Use Corridor | CX-3 | Corridor Mixed Use 3 | 3 Stories Max. Allows mix of uses | |
| | CX-5 | Corridor Mixed Use 5 | 5 Stories Max. Allows mix of uses | Generally located in close proximity to key intersections based on the Streets That Work plan |
| Urban Mixed Use Corridor | CX-8 | Corridor Mixed Use 8 | 8 Stories Max. Allows mix of uses | |




VERVE CHARLOTTESVILLE - PLANNING COMMISSION WORK SESSION

Attachment A

# CONCEPTUAL SITE PLAN *- not for submission*

**SUMMARY OF PROPOSED CONCEPT**

| | |
|---|---|
| AREA | 3.31 ACRES |
| ZONING | R-3 (existing)<br>CX-8, CX-5 (proposed) |
| OVERLAYS | Entrance Corridor |
| DENSITY | ~350 Units |
| HEIGHT | 105'-115' |
| PARKING | ~500 |
| BIKE PARKING | ~200 |
| FRONT YARD AT EMMET ST. | 15' (ranges up to 60') |
| FRONT YARD AT STAD. RD. | 20' (ranges up to 45') |
| FRONT YARD AT JPA | 20' (ranges up to 55') |
| REAR YARD AT MONTEB. | 25' (ranges up to 45') |
| LOT COVER | 65% |

VERVE CHARLOTTESVILLE - PLANNING COMMISSION WORK SESSION

Attachment A

# SITE CONTEXT BIRD'S EYE VIEW - from northwest

Attachment A

# CONCEPTUAL RENDERING - looking W from Emmet St & Jefferson Park Ave *- not for submission*

VERVE CHARLOTTESVILLE - PLANNING COMMISSION WORK SESSION

Attachment A

# CONCEPTUAL RENDERING - looking E from Emmet St *- not for submission*

VERVE CHARLOTTESVILLE - PLANNING COMMISSION WORK SESSION

# CITY OF CHARLOTTESVILLE

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**

**STAFF REPORT**

## PLANNING COMMISSION PRELIMINARY DISCUSSION

**APPLICATIONS FOR A REZONING**

**DATE OF THE MEETING: June 13, 2023**

**Project Planner:** Dannan O'Connell
**Date of Staff Report:** June 2, 2023

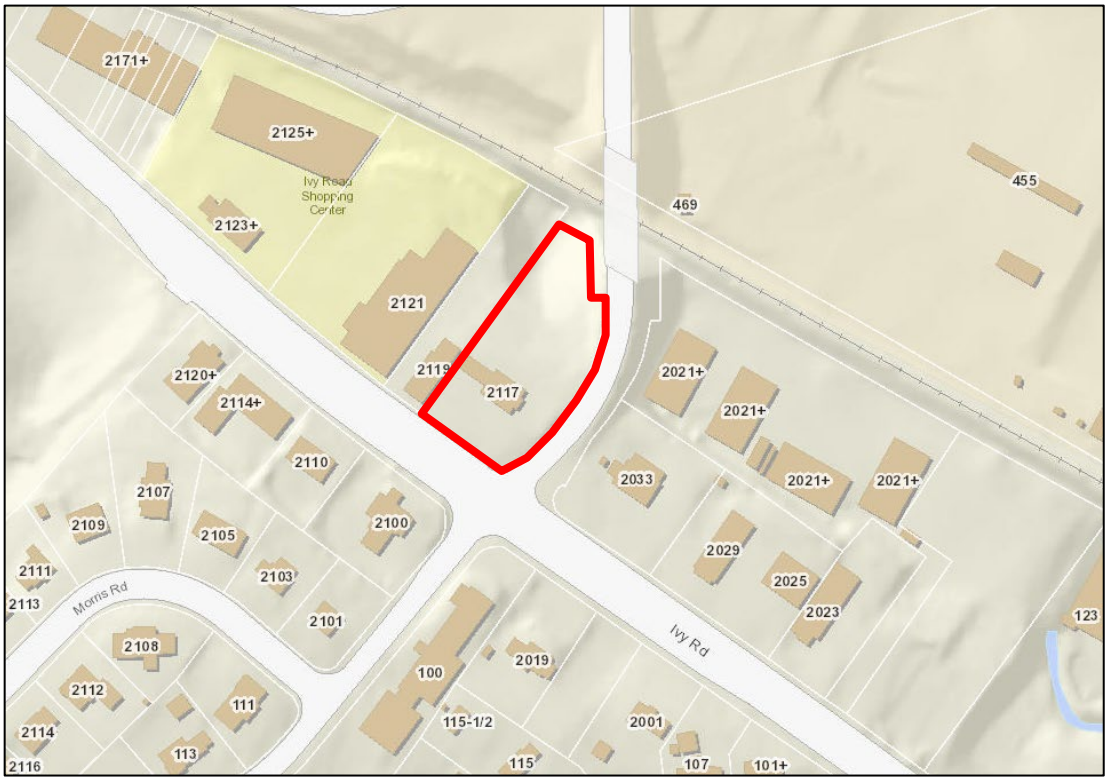
**Applicant:** Williams Mullen
**Applicant's Representative(s):** Valerie Long
**Current Property Owner:** RMD Properties, LLC
**Application Information**
**Property Street Address:** 2117 Ivy Road
**Tax Map & Parcel:** 070001200
**Total Square Footage/ Acreage Site: Approx.** 1.027 acres (44,736 square feet)
**Comprehensive Plan (General Land Use Plan):** Urban Mixed-Use Corridor
**Current Zoning Classification:** Urban Corridor (URB)
**Overlay District:** Entrance Corridor Overlay District

## Purpose of Meeting and Applicant's Request (Summary)

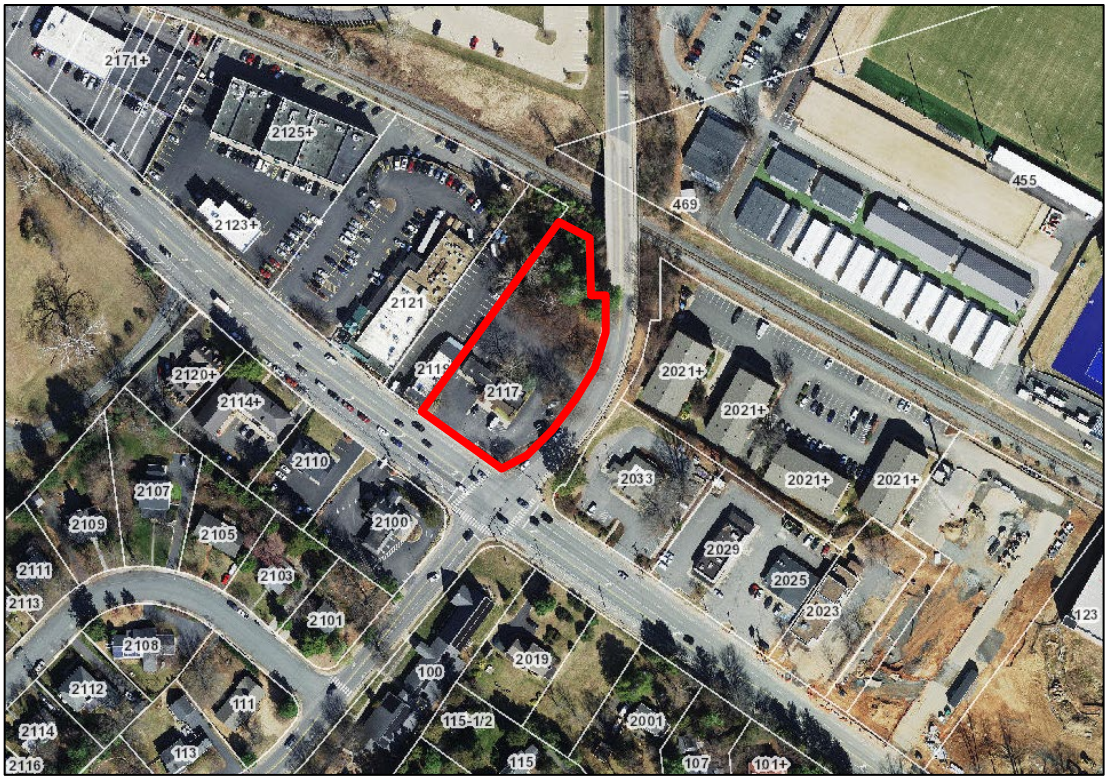
Williams Mullen (Applicant) and RMD Properties, LLC (Owner) are proposing to redevelop a commercial property located at the intersection of Ivy Road and Copeley Road. The site consists of a single lot that is currently developed with a commercial drive-thru bank building. The applicant is proposing to rezone this property from University Corridor (URB) to Planned Unit Development (PUD), subject to a development plan. PUDs are allowed on parcels with less than two acres currently zoned Urban Corridor, per a recent Zoning Text Amendment approved by City Council this year.

The applicant is proposing to construct a ten-story multi-family apartment building with ground floor commercial space and underground parking. The applicant and their team are looking for feedback from the Planning Commission on the proposed project prior to moving forward to a Public Hearing.

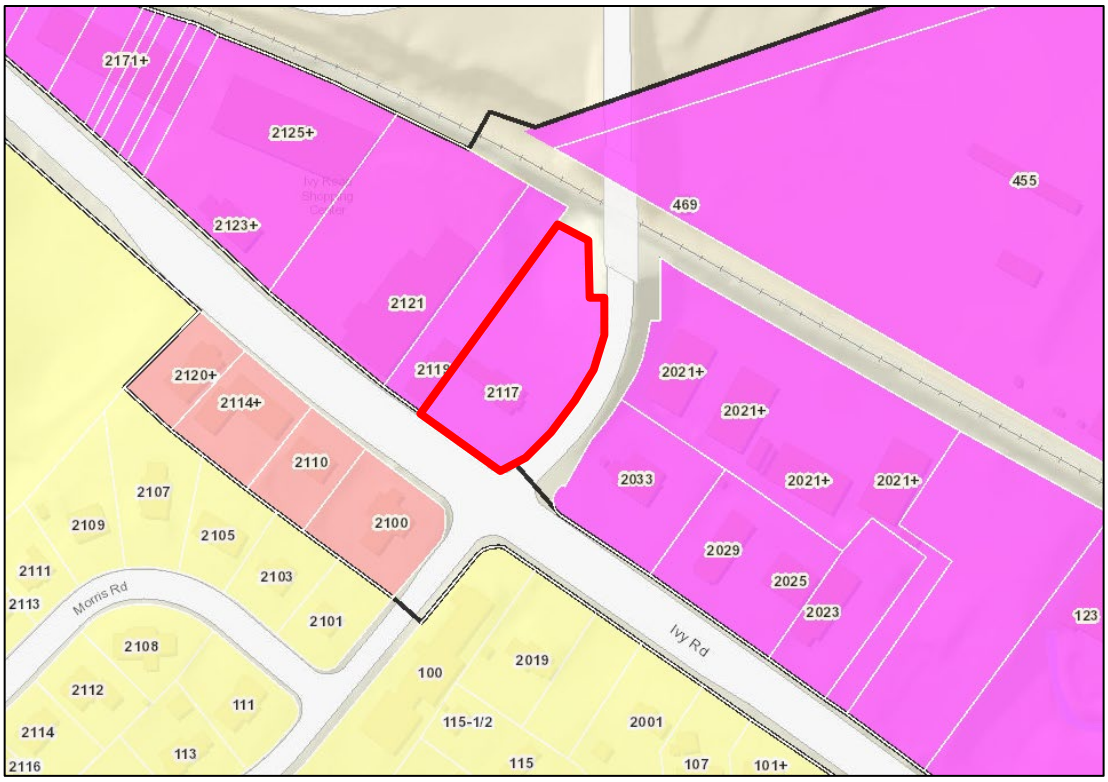
## Vicinity Map




## Context Map 1

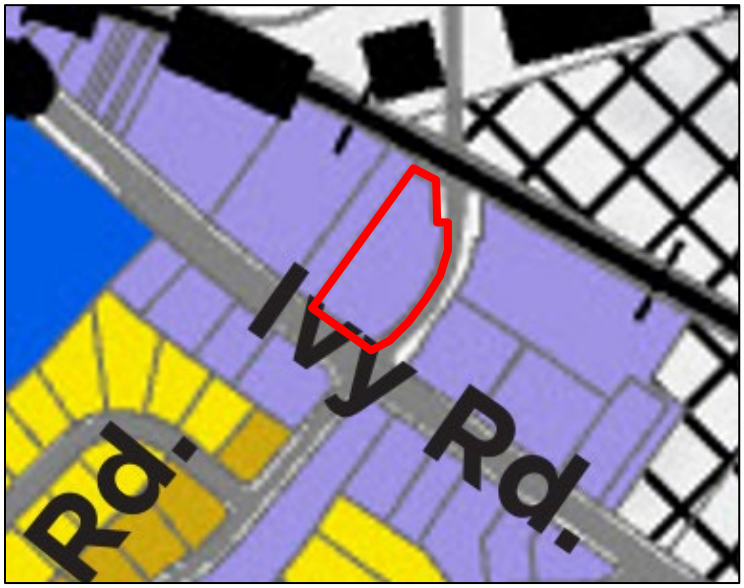


## Context Map 2- Zoning Classifications




**KEY– Purple: Urban Corridor (URB); Pink: Business (B-1); Yellow: Single-Family Residential (R-1U)**

## Context Map 3- General Land Use Plan, 2021 Comprehensive Plan

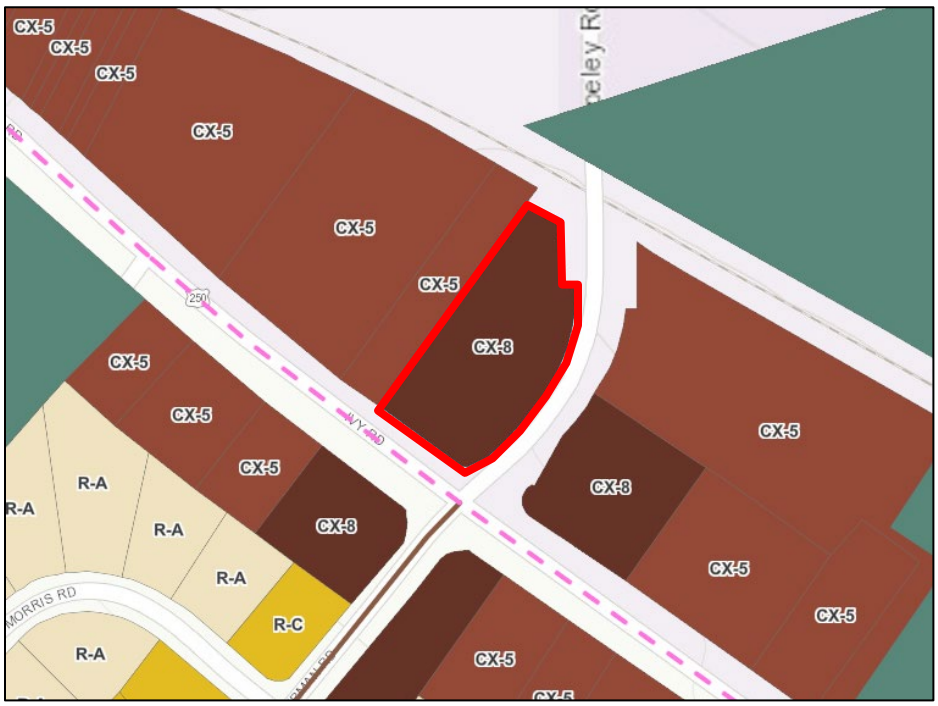



**KEY: Purple: Urban Mixed-Use Corridor; Blue: Education; Yellow: General Residential; Light Brown: Medium Intensity Residential; Hatched: University of Virginia properties**

## Key Elements of the proposed Development

1. New apartment building:
    a. Ground floor with 3,500 sq. ft. of commercial space, plus indoor bike and scooter storage.
    b. Nine floors of multi-family apartments (studio up to four-bedroom), plus rooftop penthouse 'floor'.
    c. Parking on ground floor and basement level below building.
2. Density of 295 Dwelling Units per Acre (DUA), with a maximum of 287 dwelling units.
3. Open space:
    a. 10,500 sq. ft. of open amenity spaces provided on 2nd floor courtyard and roof deck.
    b. Required: 15% of parcel gross area; a portion of which shall consist of landscaped open areas, in an amount equal to twenty (20) percent of commercial floor area.
4. Maximum height of 142'.
5. Parking:
    a. 160 parking spaces provided.
    b. Required per Sec. 34-984 (unless modified as part of PUD): 1 Space required per 1 or 2-bedroom residential unit; 2 Spaces required per 3 or 4-bedroom residential unit; 3.5 Spaces per 1,000 sq. ft. of gross floor area for general retail; 1 Space per 250 sq. ft. of seating area for restaurants/cafes.

## Module 1 (Zoning Map) from Cville Plans Together



Note: *This information is being provided only as a general concept and could change prior to adoption by City Council. The Planning Commission should not use this information as an either-or scenario for the proposed rezoning and should only use it as a general direction for this section of the City.*

Proposed new zoning for subject property: Corridor Mixed Use (CX-8)

1. No specified lot size or limits on residential density.
2. Size and density of the sites are controlled by form such as setbacks, build-to width, parking locations restrictions, massing, and transparency.
3. Front and side setbacks: 0' minimum, 10' maximum.
4. Allowed building height of 114' (8 stories) with a bonus up to 142' (10 stories) for developments with affordable housing units.

## Proposed Discussion points for the Planning Commission:

1. Are there any concerns from the Planning Commission for the proposed PUD as it relates to the draft zoning designation of CX-8 and bulk zoning regulations?
2. Are there any concerns from the Planning Commission as it relates to the height and massing that is being proposed? (As a reminder, the proposed development is in the Entrance Corridor and would require a Certificate of Appropriateness from this body.)
3. Taking into consideration #1 and #2, are there any comments or suggestions the applicant should consider as they move forward with the proposed PUD?

## Attachments

A. Applicant Materials

May 15, 2023

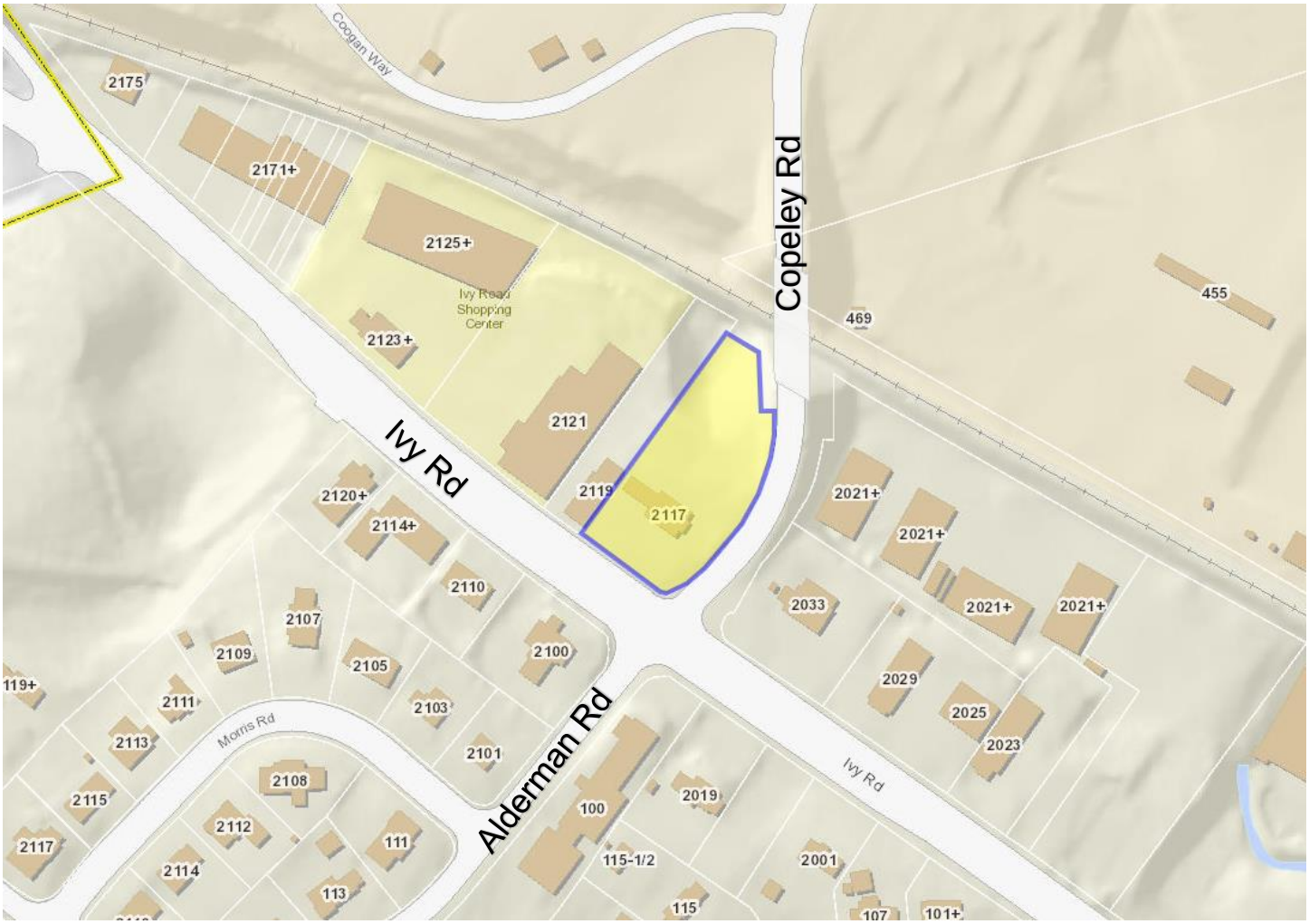
# *2117 Ivy Road*

# *PUD Rezoning Application Narrative*

## Project Description

RMD Properties, LLC (the "Applicant") is the owner of property located at 2117 Ivy Road, at the corner of Ivy Road and Copeley Road, in the City of Charlottesville. The Applicant wishes to develop the property as a mixed-use development, with a small retail/commercial space and multi-family/student apartments (the "Project"). The subject property is further described and shown below (the "Property"):

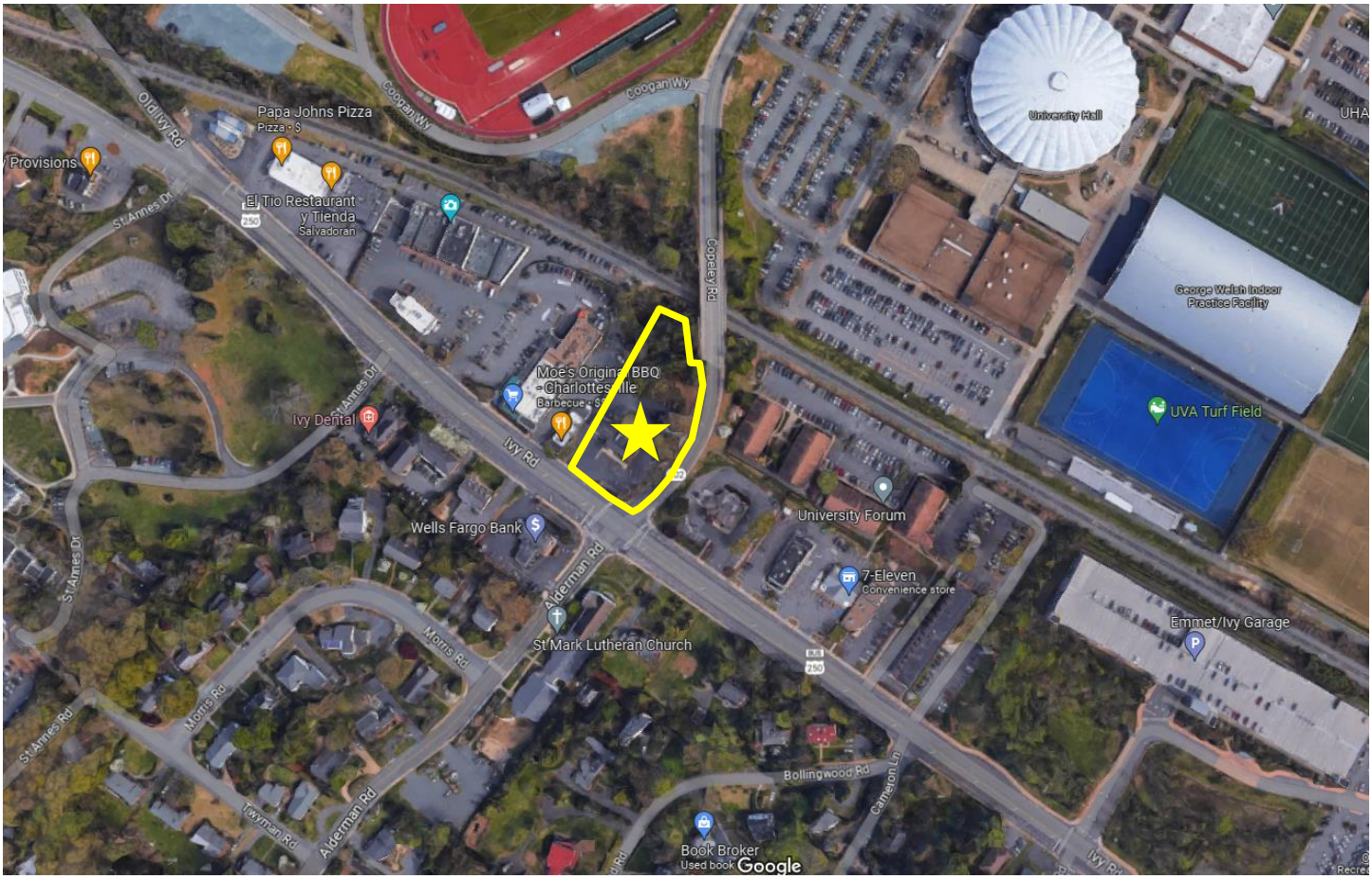
| Tax Map Parcel | Acreage per Assessor's Records | Owner |
|---|---|---|
| 070001200 | 1.02 ac. | RMD Properties, LLC |



The Property currently contains a drive thru bank, is zoned Urban Corridor (URB) with the Entrance Corridor Zoning Overlay and is designated in the City of Charlottesville Future Land Use Map ("FLUM") as Urban Mixed Use Corridor and is proposed to be zoned CX-8 Corridor Mixed Use 8 under the draft Chapter 34 of the City's new zoning code. The Applicant proposes to rezone the Property from URB to Planned Unit Development ("PUD") to develop a mixed-use building to include non-residential and multi-family and student apartments, which PUD is generally consistent with the Zoning and Building criteria set forth in the draft Chapter 34.

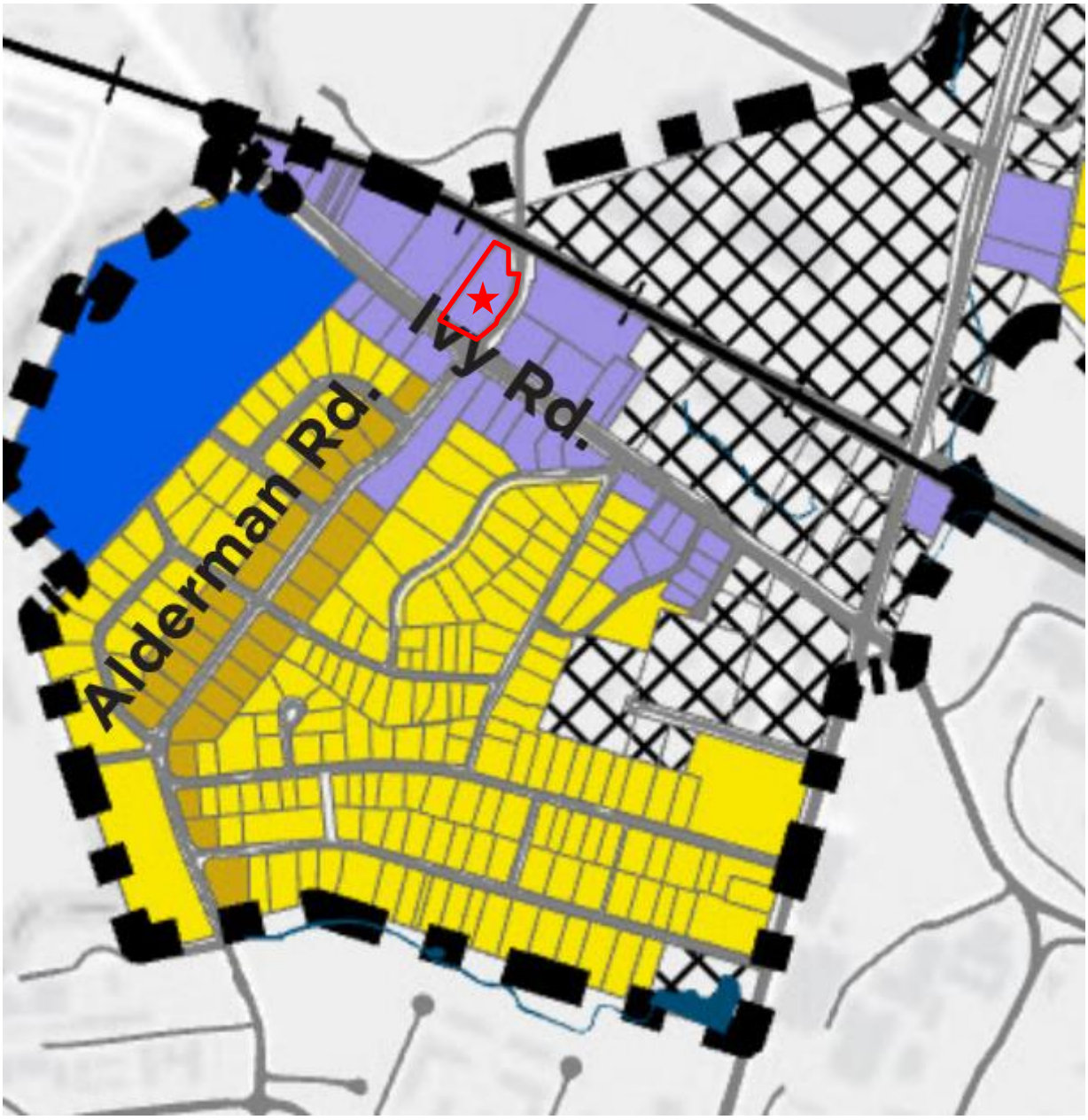
**Surrounding Area**

The surrounding area is comprised of a large variety of commercial, retail, residential uses, and institutional uses at The University of Virginia ("UVA"). UVA's Athletic Complex including Lannigan Track, Davenport Field, Kockner Stadium, Palmer Park, George Welsh Indoor Practice Facility, and John Paul Jones Arena are located north of the Property; to the south are commercial buildings, St. Mark Lutheran Church, and the Lewis Mountain neighborhood. To the east, across Copeley Road, currently houses a number of buildings including apartments and a 7-Eleven Convenience store, which properties are planned to be redeveloped per UVA's Office of the Architect Ivy Corridor Plan. To the west, is the Moe's BBQ restaurant and the Ivy Square Shopping Center, which houses a number of commercial and retail businesses, as well as the grocery store, Foods of All Nations. Below is a map showing the Property and surrounding area.



**Comprehensive Plan Land Use Designation**

The FLUM designates the Property as Urban Mixed-Use Corridor which is described as “higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city.” The Property is outlined in red on the image below from the FLUM. The height recommendations in the FLUM state a maximum of 5 stories, up to 8 stories at key intersections.



**Draft Zoning District**

While the adoption of the City's new Zoning Code has not occurred to date, the district proposed for this parcel is CX-8 "Corridor Mixed Use 8", shown below in yellow. This designation includes a maximum height of 8 stories with a bonus up to 10 stories for affordable housing. The submitted PUD plan includes detailed comparison of the proposed CX-8 zoning code side-by-side with the proposed Project.

**Application Plan**

The proposed PUD Plan prepared by WDG Architecture and Timmons Group, dated May 12, 2023 (the "PUD Plan") is enclosed with this application. The Project proposes a 10-story building that contains approximately 3,000+ square feet of non-residential space, and a maximum of 287 multi-family residential dwelling units with structured parking and modern amenities. Envisioned amenities include a second-floor courtyard and pool, fitness/yoga studio, club room/study area, and rooftop terrace and gathering space.

The Project is designed to meet the standards of both existing and within the draft zoning code and includes a greenscape strip, sidewalks, multiple pedestrian entrances, pedestrian outdoor amenity space at the café, and public bike storage as well as electric scooter and bike storage. The Project includes structured parking, as well as secured bike parking for its residents.

**Consistency with the Comprehensive Plan**

The Project conforms to the City's Comprehensive Plan in the following areas:

Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation

As stated above, the FLUM designated this Property as Urban Mixed Use Corridor, which is a mixed use district, and includes the following description:

| | | | | |
|---|---|---|---|---|
| | **Urban Mixed Use Corridor** Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city. | Respond to existing residential, environmental, historic context. | 5 stories, up to 8 at key intersections, such as intersections of *Streets That Work* Downtown, Industrial, Mixed Use, or Neighborhood corridors | Commercial, employment, residential. Include an inclusionary zoning mechanism to support housing affordability. |

In addition to the above, the Comprehensive Plan lists the following Objectives for Mixed-Use Areas:

- *Facilitate economic activity in the City and ensure the availability of sites for incremental business growth and expansion.*

  The Project meets this objective by providing commercial and retail space, as well as providing space for electric bike and scooter rentals.

- *Support the redevelopment of "underutilized" gray-field sites along community corridors.*

  The Project is a redevelopment of an underutilized site within the Ivy Road corridor.

- *Provide opportunities to develop a variety of housing options near employment and community services.*

  The Project provides housing options for students (graduate and undergraduate), faculty/staff, and young professionals near the largest employer in Charlottesville, UVA. Ivy Road also contains a number of nearby community services within walking and biking distance from the Project, including a grocery store approximately 80 feet away.

- *Develop buildings and public spaces that are human-scaled and contribute to placemaking & Charlottesville's authentic community identity.*

  The Project is designed to create building and public spaces that are human-scaled by providing outdoor pedestrian outdoor or café space, enhanced pedestrian facilities that include greenscape and sidewalk, architectural variety with material and design, all of which will engage the street and provide community placemaking.

- *Promote and encourage design elements that enhance community livability such as active uses at the ground floor level along key street frontages.*

  The ground floor engages the street frontages of both Ivy and Copeley Roads by providing active uses including the potential for café, retail, and lobby spaces, as well as using the bike storage rooms to provide engaging art space at the pedestrian level.

- *Encourage compact block and street networks and a built environment that facilitates walking, biking, and bus riding.*

  The Project is located within an existing block and street network and will be enhancing the existing built environment by providing streetscape elements that engage the pedestrian and encourage walking, biking and transit. There is an existing bike lane along Ivy Road that will remain along the frontage of the Project, University Transit Service has a stop location within 1/3 of a mile from the Project, and Charlottesville Area Transit stops along Emmett Street, which are within ½ of a mile from the Project.

<u>Chapter 5: Housing</u>

The proposed Project will increase the City's housing stock in a location that can both support increased density and that has been designated by the City for increased residential use. Specifically, it will increase the student and young professional housing stock, which will decrease the pressure on single-family residential neighborhoods that have been populated by student rentals. By placing increased height and reasonable residential density in an area that can accommodate the growth. The Project supports the City's goals and vision. Not only will the Project add to the City's existing housing stock, it will also comply with the affordable housing ordinance, thereby supporting affordable housing throughout the City. The Project expands the diversity of housing choices and provides increased density in close proximity to UVA, where increased density is desired, which promotes a more sustainable City. Specifically, the Project supports the following strategies within the Housing Chapter:

*Goal 2: Diverse Housing Throughout the City- Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

*Strategy 2.1: Encourage mixed-use and mixed-income neighborhoods and housing developments throughout the city and support zoning changes to allow them by-right.*

*Strategy 2.2: Promote housing redevelopment and infill development that supports bicycle and pedestrian- oriented infrastructure improvements and robust public transportation to better connect residents to jobs and commercial activity.*

Chapter 6: Transportation

The Project will allow its residents to live in easy walking and biking distance to UVA, nearby commercial areas, as well as within walking distance to a bus stop. Specifically, the Project supports the following goals and strategies within the Transportation Chapter.

*Goal 1: Complete Streets: Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.*

*Strategy 1.1: Continue to implement projects from the City's Bicycle and Pedestrian Master Plan, Streets that Work Design Guidelines, Safe Routes to School planning, and small areas plans, prioritizing underserved neighborhoods, locations lacking connectivity to key destinations in the city, and improvements needed within Future Land Use Map nodes, corridors, and other areas of increased development.*

*Strategy 1.2: Consistently apply universal design features, including ADA (Americans with Disabilities) standards as outlined in the Public Right of Way Accessibility Guidelines (PROWAG), and ensure that sidewalks are free of obstructions and that accessible curb ramps exist at all pedestrian crossings where conditions allow.*

*Goal 2: Coordination with Land Use & Community Design- Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and convenient travel in conjunction with implementation of the Future Land Use Vision.*

*Strategy 2.2: Through development processes, implement and incentivize improved facilities and amenities for non-motorized travelers, including those needed to support multimodal travel by residents, workers, and visitors.*

*Goal 3: Parking Supply and Management- Provide a balanced approach to parking that supports economic vitality, achieves urban form goals, minimizes environmental impacts, and accommodates pedestrians, bicycles, transit users, and disabled individuals.*

**Consistency with the proposed Zoning District**

The objectives of a PUD and how the Project addresses them are as follows:

(1) *To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;*

The rezoning of the Project to PUD allows a higher quality and type of development that is desired by the City, as described within its Comprehensive Plan, to be built. The current district of URB does not allow for the type of development envisioned and described within the City's Comprehensive Plan, and this district allow the flexibility to provide a development that meets the City's goals, especially in light of the draft CX-8 zoning district for this site.

(2) *To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.*

The arrangement, design, and architecture of the proposed building and open spaces creates an efficient, attractive, flexible and environmentally sensitive design while creating public, pedestrian friendly, placemaking spaces.

(3) *To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;*

The Project includes a variety of apartment sizes which addresses this objective.

*(4) To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;*

This objective is not applicable since single family dwellings are not proposed at this location. However, the location of the Project and the density proposed efficiently uses the land to allow additional housing to be provided which addresses the City's lack of housing supply.

*(5) To provide for developments designed to function as cohesive, unified projects;*

The Project is designed to create a cohesive, unified building with quality amenities and placemaking spaces.

*(6) To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;*

The Project is designed to be harmonious and complement the future plans of redevelopment by UVA, as well as the existing nearby commercial and retail areas.

*(7) To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;*

This objective is not applicable, the Project is a redevelopment of an existing bank.

*(8) To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and*

The proposed Project will have coordinated architectural styles and will provide traditional materials with a transitional-contemporary style that will compliment existing and future redevelopment in the Ivy corridor.

*(9) To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;*

The proposed Project provides enhanced pedestrian facilities along the frontage of Ivy and Copeley Road that connects to the nearby commercial and retail uses, and to UVA. The proposed streetscape also meets the design standards outlined in the draft zoning code by providing a greenscape area and wide sidewalk.

*(10) To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.*

As stated above, the Project provides enhanced pedestrian facilities that will connect to the existing sidewalks, and the location is within walking distance to a large number of services and destinations. There are existing bike lanes on Ivy Road that will remain, and transit stops are within walking distance of the Project. In addition, the Project is providing bike storage, both private and secured for the residents, but also space for a public electric bike and scooter rental location. All of these options will provide the residents with alternative forms of transportation other than single vehicle use and will reduce the overall transportation impacts.

**Impact on Public Facilities and Infrastructure:**

Public Transportation Facilities:
Included with this Application is a Traffic Impact Analysis prepared by Timmons Group (the "Traffic Study"). Traffic counts were conducted on January 26, 2023. The Traffic Study is subject to review and comment by the City, and full details are included in the Traffic Study, but a summary of its key conclusions are as follows:

- The signalized intersection of Ivy Road and Copeley Road continues to operate in similar conditions to 2028 background at an overall LOS C. There are no significant changes in queueing between background and future conditions and all queues are contained within their existing storage.

- The signalized intersection of Ivy Road and Rotherey Road/Parking Garage Access continues to operate in similar conditions to 2028 background. All queues are contained within their existing storage with the exception of the southbound left in the PM peak which extends 145 feet beyond the provided storage.

- The signalized intersection of Ivy Road and Emmet Street continues to operate in similar conditions to 2028 background. All queues are contained within their existing storage.

- The signalized intersection of Massie Road and Copeley Road continues to operate in similar conditions to 2028 background with an overall LOS B during both peaks. All queues are contained within their existing storage.

- At the unsignalized site entrance, the eastbound approach operates at LOS B during both peaks with a maximum queue of 47 feet in the AM peak and 234 feet in the PM peak. The northbound approach operates at LOS A during both peaks with a maximum queue of 73 feet in the AM peak and 136 feet in the PM peak. The southbound approach operates at LOS A during both peaks with a maximum queue of 176 feet in the AM peak and 364 feet in the PM peak. The queues will not impact the operations of the traffic signal at Ivy Road.

Other Public Transportation and Multi-modal Infrastructure:
The Project proposes to replace the existing standard concrete sidewalk along the Ivy Road frontage (*and the Copeley Road frontage has no sidewalk*) of the Property with an enhanced streetscape that includes a greenscaped area and wide sidewalk that will improve the existing pedestrian infrastructure. In addition, as stated above, internal bike and scooter storage are provided to the residents, as well as a public electric bike and scooter rental location, which will further support and enhance multi-modal transportation. The Project is also located within walking distance to transit stops, and is in a prime location where goods and services, educational and athletic facilities, and employment areas are within close walking distance and the need for using a personal vehicle is not necessary.

Schools:
The Applicant expects that the Project's residents will consist mainly of UVA students, faculty/staff, and young professionals and will have minimal impact on the City's school system.

Fire/Rescue/Safety:
This project will be served by the nearby Fontaine Fire Station on Jefferson Park Avenue, which provides fire and rescue services to this area.

Public Parks:
The Project will include a variety of amenity areas on site, which will likely include a roof-top amenity space, pool and courtyard, yoga/fitness studio space, club room, and workspace. As mentioned, many of the residents are expected to be affiliated with UVA and will also have access to the University's amenities, gyms, and nearby

athletic complexes. Given this variety of high-quality on-site amenities and nearby UVA affiliated facilities, we do not expect there to be a material impact on public parks.

**Impacts on Environmental Features**
As proposed, the Project does not create any detrimental impacts to any environmental features. There are no critical slopes on site. The Project will meet the requirements of the City and the Department of Environmental Quality.

**Affordable Housing:**
The Project will comply with the requirements of the Zoning Ordinance § 34-12.

**Historic Resources**:
There are no known historic resources on the Property.

(102596378.1)

# 2117 IVY ROAD

## CHARLOTTESVILLE, VA 22903

## PLANNED UNIT DEVELOPMENT PLAN SUBMITTAL

MAY 15, 2023

SITE VICINITY MAP

NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

DRAWING INDEX


| Sheet Number | Sheet Name |
|---|---|
| A-000 | COVER SHEET |
| A-001 | COVER |
| A-002 | ZONING INFORMATION |
| A-003 | ARCHITECTURAL SITE PLAN AND BUILDING INFORMATION |
| A-004 | CONCEPTUAL OUTDOOR AMENITY SPACE DIAGRAM |
| A-005 | CONCEPTUAL FLOOR PLANS |
| A-006 | CONCEPTUAL ELEVATIONS |
| A-007 | CONCEPTUAL ELEVATIONS |
| A-008 | CONCEPTUAL BUILDING SECTIONS |
| A-009 | CONCEPTUAL BUILDING SECTIONS |
| A-010 | CONCEPTUAL PERSPECTIVE IMAGES |


NOT TO SCALE

NOT FOR CONSTRUCTION


WDG

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CHARLOTTESVILLE, VA 22903

OWNER\APPLICANT
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CHARLOTTESVILLE, VA 22902
TEL - 217.474.5904

| # | |
|---|---|
| PUD SUBMISSION | 05/15/23 |

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WDG PROJECT NO:
PWA2022005

COVER

A-001

# CURRENT URB ZONING

## Use Types under Existing Zoning Ordinance

B = Permitted; ( ) = Use Not Allowed; P = Provisional Use Permit; S = Special Use Permit; T = Temporary Use Permit; A = Ancillary Use

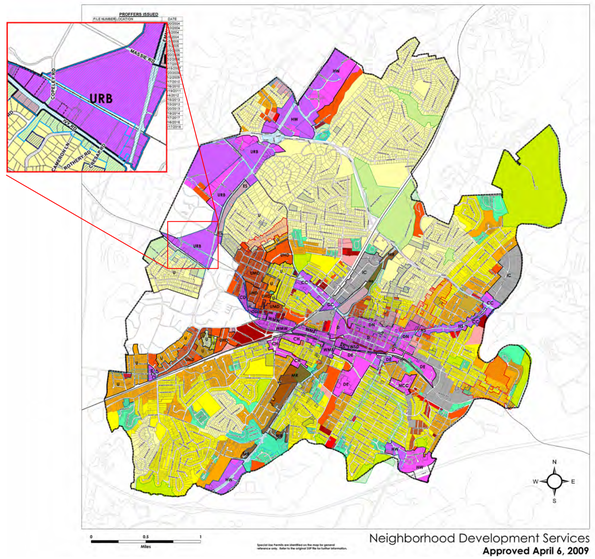
| | Proposed PUD | Existing Zoning: URB (*for Reference*) | Notes |
|---|---|---|---|
| **RESIDENTIAL AND RELATED USES** | | | |
| Accessory apartment, internal | | | |
| Accessory apartment, external | | | |
| Accessory buildings, structures and uses (residential) | B | B | |
| Adult assisted living | | | |
| 1—8 residents | | | |
| Greater than 8 residents | | | |
| Adult day care | | | |
| Amateur radio antennas, to a height of 75 ft. | | | |
| Bed-and-breakfasts: | | | |
| Homestay | B | B | |
| B & B | B | B | |
| Inn | B | B | |
| Boarding: fraternity and sorority house | | | |
| Boarding house (rooming house) | | | |
| Convent/monastery | | B | |
| Criminal justice facility | | | |
| Dwellings: | | | |
| Multifamily | B | B | |
| Single-family attached | | | |
| Single-family detached | | | |
| Townhouse | | | |
| Two-family | | | |
| Family day home | | | |
| 1—5 children | | | |
| 6—12 children | | | |
| Home occupation | B | P | |
| Manufactured home parks | | | |
| Night watchman's dwelling unit, accessory to industrial use | | | |
| Nursing homes | | | |
| Occupancy, residential | | | |
| 3 unrelated persons | B | | Permitted by-right under draft ZO |
| 4 unrelated persons | B | B | |
| Residential treatment facility | | | |
| 1—8 residents | | B | |
| 8+ residents | | S | Permitted by-right under draft ZO |
| Shelter care facility | | S | |
| Single room occupancy facility | B | S | Permitted by-right under draft ZO |
| Temporary family health care structure | B | | Permitted by-right under draft ZO |
| **NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL** | | | |
| Access to adjacent multifamily, commercial, industrial or mixed-use development or use | B | | |
| Accessory buildings, structures and uses | B | B | |
| Amusement center | B | P | Permitted by-right under draft ZO as General Indoor entertainment and recreation |
| Amusement enterprises (circuses, carnivals, etc.) | | | |
| Amusement park (putt-putt golf; skateboard parks, etc.) | | | |
| Animal boarding/grooming/kennels: | B | | Permitted by-right under draft ZO as Personal Service |
| With outside runs or pens | B | | Permitted by-right under draft ZO as Personal Service |
| Without outside runs or pens | | | |
| Animal shelter | | | |
| Art gallery: | | | |
| GFA 4,000 SF or less | B | B | |
| GFA up to 10,000 SF | B | S | Permitted by-right under draft ZO as General retail |
| Art studio, GFA 4,000 SF or less | B | B | |
| Art workshop | B | B | |
| Assembly (indoor) | | | |
| Arena, stadium (enclosed) | | | |
| Auditoriums, theaters | | | |
| Maximum capacity less than 300 persons | B | | |
| Maximum capacity greater than or equal to 300 persons | B | | Permitted under draft ZO as General Indoor entertainment and recreation |
| Houses of worship | B | B | Permitted under draft ZO as General Indoor entertainment and recreation |
| Assembly (outdoor) | | | |
| Amphitheater | | S | |
| Arena, stadium (open) | | | |
| Temporary (outdoor church services, etc.) | B | T | Permitted under draft ZO as Temporary Outdoor Assemblies |
| Assembly plant, handcraft | | | |
| Assembly plant | | | |
| Automobile uses: | | | |
| Auto parts and equipment sales | | S | |
| Gas station | | S | |
| Rental/leasing (such as Zipcar or similar car share only) | B | S | |
| Repair/servicing business | | S | |
| Sales | | | |
| Tire sales and recapping | | B | |
| Barber, wholesale | | | |
| GFA 4,000 SF or less | B | B | |
| GFA up to 10,000 SF | B | | Permitted by-right under draft ZO |
| Banks/financial institutions | B | B | |
| Bowling alleys | | | |
| Car wash | | S | |
| Catering business | B | B | |
| Cemetery | | | |
| Clinics: | | | |
| Health clinic (no GFA limit) | B | | Permitted by-right under draft ZO |
| Health clinic (up to 10,000 SF, GFA) | B | B | |
| Health clinic (up to 4,000 SF, GFA) | B | B | |
| Public health clinic | B | B | |
| Veterinary (with outside pens/runs) | | | |
| Veterinary (without outside pens/runs) | | | |
| Clubs, private | B | B | |
| Communications facilities: | | | |
| Attached facilities utilizing utility poles as the attachment structure | B | B | |
| Attached facilities not visible from any adjacent street or property | B | B | |
| Attached facilities visible from an adjacent street or property (if painted to match attachment structure) | B | | |
| Carrier on wheels (COW) | T | | |
| Towers | | | |
| Monopole tower | | | |
| Guyed tower | | | |
| Lattice tower | | | |
| Self-supporting tower | | | |
| Contractor or tradesman's shop, general | | | |
| Crematorium (independent of funeral home) | | | |
| Data center >4,000 | | B | |
| <4,000 | | B | |
| Daycare facility | B | B | |
| Dry cleaning establishments | B | B | |
| Educational facilities (non-residential) | | | |
| Elementary | B | B | |
| High schools | B | B | |
| Colleges and universities | B | | Permitted by-right under draft ZO as Education |
| Artistic instruction, up to 4,000 SF, GFA | B | B | |
| Artistic instruction, up to 10,000 SF, GFA | B | | Permitted by-right under draft ZO as Education |

## Use Types under Existing Zoning Ordinance

B = Permitted; ( ) = Use Not Allowed; P = Provisional Use Permit; S = Special Use Permit; T = Temporary Use Permit; A = Ancillary Use

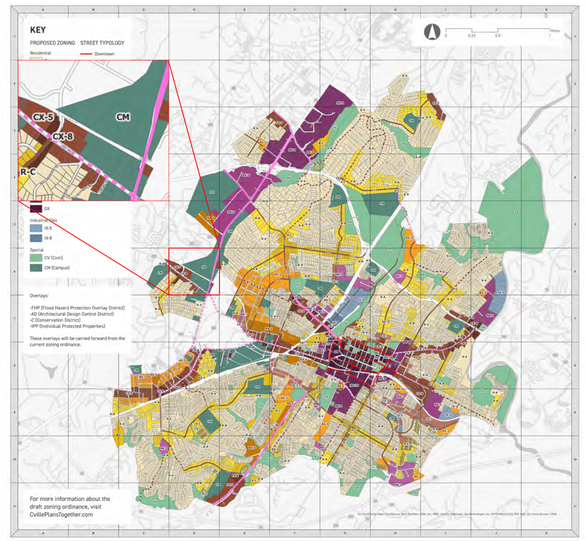
| | Proposed PUD | Existing Zoning: URB (*for Reference*) | Notes |
|---|---|---|---|
| Vocational, up to 4,000 SF, GFA | B | | Permitted by-right under draft ZO as Education |
| Vocational, up to 10,000 SF, GFA | B | | Permitted by-right under draft ZO as Education |
| Electronic gaming café | | | |
| Funeral home (without crematory) | | | |
| GFA 4,000 SF or less | | B | |
| GFA up to 10,000 SF | | S | |
| Funeral homes (with crematory) | | | |
| GFA 4,000 SF or less | | | |
| GFA up to 10,000 SF | | | |
| Golf course | | | |
| Golf driving range | | | |
| Helipad | | | |
| Hospital | | | |
| Hotels/motels: | | | |
| Up to 100 guest rooms | B | B | |
| 100+ guest rooms | B | B | |
| Laundromats | B | | Permitted by-right under draft ZO as Personal Service |
| Libraries | B | B | |
| Manufactured home sales | | | |
| Micro-producers | B | B | |
| Small Breweries | B | S | Permitted by-right under draft ZO |
| Mobile food units | B | P | |
| Movie theaters, cineplexes | B | S | Permitted by-right under draft ZO as General Indoor entertainment and recreation |
| Municipal/governmental offices, buildings, courts | B | B | |
| Museums: | | | |
| Up to 4,000 SF, GFA | B | B | |
| Up to 10,000 SF, GFA | B | B | |
| Music hall | B | B | |
| Offices: | | | |
| Business and professional | B | B | |
| Medical | B | B | |
| Philanthropic institutions/agencies | B | B | |
| Property management (ancillary to MFD) | B | A | |
| Other offices (non-specified) | B | B | |
| Outdoor storage, accessory | | S | |
| Parking: | | | |
| Parking garage | B | A/S | Permitted under draft ZO |
| Surface parking lot (19 or less spaces) | B | B | |
| Surface parking lot (more than 20 spaces) | B | A | Permitted under draft ZO |
| Temporary parking facilities | T | | Permitted under draft ZO as Temporary Surface Parking Lot |
| Photography studio | B | B | |
| Photographic processing; blueprinting | B | | |
| Radio/television broadcast stations | B | B | |
| Recreational facilities: | | | |
| Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property) | B | B | |
| Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property) | | | |
| GFA 4,000 SF or less | B | B | |
| GFA (4,001—10,000 SF) | B | B | |
| GFA more than 10,000 SF | B | S | Permitted by-right under draft ZO |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city-owned), and related concession stands | B | B | |
| Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private) | | S | |
| Restaurants: | | | |
| All night | B | S | Permitted by-right under draft ZO as General food and beverage |
| Drive-through windows | | S | |
| Fast food | B | B | Permitted by-right under draft ZO as General food and beverage |
| Full service | B | B | Permitted by-right under draft ZO as General food and beverage |
| 24-hour | B | | Permitted by-right under draft ZO as General food and beverage |
| Towing service, automobile | | | |
| Technology-based businesses | B | B | |
| Taxi stand | B | B | |
| Transit facility | B | B | |
| Utility facilities | | S | |
| Utility lines | B | B | |
| **NON-RESIDENTIAL USES: RETAIL** | | | |
| Accessory buildings, structures and uses | B | B | |
| Consumer service businesses: | | | |
| Up to 4,000 SF, GFA | B | B | |
| Up to 10,000 SF, GFA | B | B | |
| 10,001+ GFA | B | B | |
| Farmer's market | B | S | Permitted by-right under draft ZO |
| Greenhouses/nurseries | | S | |
| Grocery stores: | | | |
| Convenience | B | B | |
| General, up to 10,000 SF, GFA | B | B | |
| General, more than 10,000 SF, GFA | B | B | |
| Home improvement center | B | | Permitted by-right under draft ZO as General retail |
| Pharmacies: | | | |
| 1—1,700 SF, GFA | B | B | |
| 1,701—4,000 SF, GFA | B | B | |
| 4,001+ SF, GFA | B | B | |
| Shopping centers | B | S | Permitted by-right under draft ZO as General retail |
| Shopping malls | B | S | Permitted by-right under draft ZO as General retail |
| Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.) | T | T | |
| Other retail stores (non-specified): | | | |
| Up to 4,000 SF, GFA | B | B | |
| 4,001 SF to 20,000 SF GFA | B | B | |
| More than 20,000 SF, GFA | B | B | |
| **NON-RESIDENTIAL: INDUSTRIAL** | | | |
| Accessory buildings, structures and uses | | | |
| Assembly, industrial | | | |
| Beverage or food processing, packaging and bottling plants | | | |
| Brewery and bottling facility | | | |
| Compounding of cosmetics, toiletries, drugs and pharmaceutical products | | | |
| Construction storage yard | | | |
| Temporary construction yard | T | T | |
| Contractor or tradesman shop (HAZMAT) | | | |
| Frozen food lockers | | | |
| Greenhouse/nursery (wholesale) | | | |
| Industrial equipment: service and repair | | | |
| Janitorial service company | | | |
| Kennels | | | |
| Laboratory, medical >4,000 sq. ft. | B | | |
| <4,000 sq. ft. | B | B | |
| Laboratory, pharmaceutical >4,000 sq. ft. | B | | |
| <4,000 sq. ft. | B | B | |
| Landscape service company | | | |
| Laundries | | | |
| Manufactured home sales | | | |
| Manufacturing, light | | | |
| Moving companies | | | |
| Printing/publishing facility | | S | |
| Open storage yard | | | |
| Outdoor storage, accessory to industrial use | | | |
| Research and testing laboratories | B | | |
| Self-storage companies | | | |
| Warehouses | | | |
| Welding or machine shop | | | |
| Wholesale establishments | | | |

## CURRENT ZONING MAP




Neighborhood Development Services
**Approved April 6, 2009**

## NEW DRAFT ZONING MAP




# PROPOSED CX-8 ZONING

## Use Types under Draft Zoning Code

P = Use allowed; S= Special Use Permit required; (*) = Use standards apply; (-) = Use Not Allowed

| | Proposed PUD | Draft Zoning Code: CX-8 |
|---|---|---|
| **RESIDENTIAL USES** | | |
| **Household Living** | | |
| General household living | P | P |
| Manufactured home park | – | – |
| **Group Living** | | |
| General group living (up to 8 residents) | P | P |
| General group living (8+ residents) | P | P |
| Adult assisted living (up to 8 residents) | P | P |
| Adult assisted living (8+ residents) | P | P |
| Residential treatment facility (up to 8 residents) | P | P |
| Residential treatment facility (8+ residents) | P | P |
| **PUBLIC AND INSTITUTIONAL USES** | | |
| **Civic** | | |
| General Civic | P | P |
| Religious assembly | P | P |
| Shelter | P | P |
| Criminal justice facility | – | – |
| **Day Care** | | |
| Day care center (1 to 12 persons) | P | P |
| Day care center (12+ persons) | P | P |
| **Education** | | |
| General Education | P | P |
| College, university or vocational school | P | P |
| **Parks & Open Space** | | |
| General parks and open space | P | P |
| Cemetery | – | – |
| **Utilities** | | |
| Utility, major | S | S |
| Utility, minor | P | P |
| Communication facility, attached (utility pole or not visible) | P* | P* |
| Communication facility, attached (visible- painted to match attachment structure) | P* | – |
| Communication facility, tower | – | – |
| **COMMERCIAL USES** | | |
| **Entertainment & Recreation** | | |
| General indoor entertainment and recreation (up to 4,000 SF) | P | P |
| General indoor entertainment and recreation (4,000+ SF) | P | P |
| General outdoor entertainment and recreation | S | S |
| Club, private | P | P |
| Electronic gaming café | – | – |
| Golf course | – | – |
| Golf driving range | – | – |
| **Food & Beverage** | | |
| General food and beverage (up to 4,000 SF) | P | P |
| General food and beverage (4,000+ SF) | P | P |
| Micro-producer | P | P |
| Small brewery | P | P |
| **Lodging** | | |
| General lodging (up to 10 guest rooms) | P | P |
| General lodging (10+ guest rooms) | P | P |
| **Medical** | | |
| General medical (up to 4,000 SF) | P | P |
| General medical (4,000+ SF) | P | P |
| Hospital | S | S |
| Medical laboratory (up to 4,000 SF) | P | P |
| Medical laboratory (4,000+ SF) | P | – |
| **Office** | | |
| General Office (up to 4,000 SF) | P | P |
| General Office (4,000+ SF) | P | P |
| **Parking** | | |
| Commercial surface parking | P* | P* |
| Commercial structured parking | P* | P* |
| Remote parking | P* | P* |
| **Personal Service** | | |
| General personal service (up to 4,000 SF) | P | P |
| General personal service (4,000+ SF) | P | P |
| Animal Care, outdoor | P | P |
| Gym or studio | P | P |
| **Retail** | | |
| General retail (up to 4,000 SF) | P | P |
| General retail (4,000+ SF) | P | P |
| Artisan workshop | P | P |
| Farmer's market | P | P |
| Greenhouse or nursery | – | – |
| **Transportation** | | |
| Passenger terminal | P | P |
| Helipad | – | – |
| **Vehicle Sale & Service** | | |
| Vehicle repair or service (up to 1 acre) | – | – |
| Vehicle repair or service (1+ acres) | – | – |
| Vehicle sale or rental (such as Zipcar or similar car share only) | P | – |
| Fueling station | – | – |
| **INDUSTRIAL USES** | | |
| **Industrial & Manufacturing** | | |
| Bakery, wholesale (up to 4000 SF) | P | P |
| Bakery, wholesale (4000+ SF) | P | – |
| Low-impact industrial and manufacturing (up to 4000 SF) | P | – |
| Low-impact industrial and manufacturing (4000+ SF) | – | – |
| High-impact industrial and manufacturing | – | – |
| Research and development | P | – |
| **Warehouse & Distribution** | | |
| General warehouse and distribution (up to 25,000 SF) | – | – |
| General warehouse and distribution (25,000+ SF) | – | – |
| Data center | P* | P* |
| Distribution storage yard | – | – |
| Recycling drop-off center | – | – |
| Self-service storage | – | – |
| Vehicle storage yard | – | – |
| **ACCESSORY USES** | | |
| Alcohol sales for on-premise consumption | P | P |
| Drive-through | – | – |
| Family day home | P | P |
| Home occupation | P* | P* |
| Homestay | P* | P* |
| Outdoor dining | P* | P* |
| Outdoor display | P* | P* |
| Outdoor entertainment | P* | P* |
| Outdoor storage | P* | P* |
| **TEMPORARY USES** | | |
| Temporary outdoor assemblies | P* | P* |
| Temporary outdoor sales | P* | P* |
| Amusement enterprises | P* | P* |
| Mobile food unit | P* | P* |
| Temporary family health care structures | P* | P* |
| Temporary construction yard | P* | P* |
| Temporary surface parking lot | P* | P* |
| Carrier on wheels (COW) | P | – |

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| PUD SUBMISSION | 05/15/23 |

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ZONING INFORMATION

**A-002**

## BUILDING REGULATION COMPARISON

| Building Regulations | Proposed PUD | | Draft Zoning Code: CX-8 | |
|---|---|---|---|---|
| **1. HEIGHT** | | | | |
| Overall height (max stories/feet) | | | | |
| | | | Base | Bonus |
| Stories (max) | 10 | | 8 | 10 |
| Height (max) | 142' | | 114' | 142' |
| **2. MASSING** | | | | |
| Width (max) | | | | |
| Primary street: Ivy Rd | 275' | | 275' | |
| Side street: Copeley Rd | 0' | | 0' | |
| Active Depth (min) | | | | |
| Primary street: Ivy Rd | 15' | | 15' | |
| Side street: Copeley Rd | 0' | | 9' | |
| **3. GROUND STORY** | | | | |
| Story height (min) | | | | |
| Residential | 10' | | 10' | |
| Nonresidential | 14' | | 14' | |
| Finished floor elevation (min/max) | | | | |
| Residential | 2' / 5' | | 2' / 5' | |
| Nonresidential | –2' / 5' | | –2' / 5' | |
| **4. TRANSPARENCY** | | | | |
| | Primary St: Ivy Rd | Side St: Copeley Rd | Primary St: Ivy Rd | Side St: Copeley Rd |
| Ground story (min) | | | | |
| Residential | 35% | 30% | 35% | 30% |
| Nonresidential | 50% | 30% | 50% | 30% |
| Upper story (min) | 20% | 20% | 20% | 20% |
| Blank wall width (max) | 25' | 25' | 15' | 25' |
| **5. ENTRANCES** | | | | |
| | Primary St: Ivy Rd | Side St: Copeley Rd | Primary St: Ivy Rd | Side St: Copeley Rd |
| Street-facing entry spacing (max) | 40' | 75' | 40' | 60' |
| Entry Feature | Yes | Yes | Yes | Yes |
| **6. WALLS & FENCES** | | | | |
| Front yard height (max): Ivy Rd | 4' | | 4' | |
| Side street yard height (max): Copeley Rd | None | | 6' | |

## ZONING LOT REGULATIONS

| Zoning Lot Regulations | Proposed PUD | Draft Zoning Code: CX-8 |
|---|---|---|
| **1. SIZE FOR SUBDIVISION** | | |
| Area (min) | None | None |
| Width (min) | | |
| Front access | 40' | 40' |
| Side/rear access | 15' | 15' |
| **2. DENSITY** | | |
| Dwellings per zoning lot (max) | Unlimited | Unlimited |
| **3. COVERAGE** | | |
| Building coverage (max) | None | None |
| Outdoor amenity space | 10% | 10% |
| **4. BUILDING SETBACKS** | | |
| Primary street lot line (min/max): Ivy Rd | 0' / 20' | 0' / 10' |
| Side street lot line (min/max): Copeley Rd | 0' / 20' | 0' / 10' |
| Side lot line (min) | 0' | 0' |
| Rear lot line (min) | 0' | 0' |
| **5. BUILD TO** | | |
| Build-to-width (min) | | |
| Primary street: Ivy Rd | 75% | 75% |
| Side street: Copeley Rd | 45% | 45% |
| **6. TRANSITION** | | |
| Transition type | None | None |
| **7. PARKING LOCATION** | | |
| Front yard | Not allowed | Not allowed |
| Side street yard | Not allowed | Not allowed |
| Side yard | Allowed | Allowed |
| Rear yard | Allowed | Allowed |

## PROJECT INFORMATION AND UNIT MIX

CONCEPTUAL BUILDING PROGRAM:
- UNITS: 287
- BEDROOMS: 632

ALL FIGURES ARE APPROXIMATE

| AREA SUMMARY | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| TOTAL GSF | RESIDENTIAL | LOBBY, AMENITY | COMMERCIAL, OTHER | COMMON | SERVICE | PARKING | | EXTERIOR AMENITY AREA |
| 329,403 | 220,267 | 14,121 | 3,518 | 26,726 | 9,151 | 55,620 | | 14,672 |

**PLANNING, ZONING STATISTICS:**

| | | |
|---|---|---|
| BUILDING FOOTPRINT | 35,270 | SF |
| LOT AREA | 44,736 | SF (1.027 AC SURVEYED) |
| LOT COVERAGE | 78.8% | |
| FLOOR AREA RATIO (FAR) | 6.12 | |

| UNIT TYPE | Studio | 1-Bed | 2-Bed | 3-Bed | 4-Bed | TOTAL: |
|---|---|---|---|---|---|---|
| TOTAL UNIT by TYPE | 18 | 139 | 18 | 17 | 95 | |
| % of TOTAL UNITS | 6.3% | 48.4% | 6.3% | 5.9% | 33.1% | 100.0% |

| MAX. UNITS | APPROXIMATE BEDROOMS |
|---|---|
| 287 | 632 |

| PARKING INFORMATION | Number of Spaces | Estimated Spaces per Unit | Estimated Spaces per Bed |
|---|---|---|---|
| Standard Parking Spaces (including compact and Accessible Spaces): | 160 | 55.75% | 25.32% |
| Additional "Effective Parking" (Resident Car Share Spaces 2 spaces, each is equivalent to 30 standard spaces): | 60 | 20.91% | 9.49% |
| Total Vehicular Parking (including car share "Effective Spaces"): | 220 | 76.66% | 34.81% |
| Bike and Scooter Parking: | 130 | 45.30% | 20.57% |

| PARKING SUMMARY | |
|---|---|
| ANTICIPATED PARKING REQUIRED (PER ZONING SECTION 34-984 - 0.3 SPACE/PER BEDROOM = 190 SPACES) | 190 |
| PARKING PROVIDED WITHOUT CAR SHARE EFFECTIVE SPACES | 160 |
| PARKING PROVIDED WITH CAR SHARE EFFECTIVE SPACES | 220 |
| ALTERNATIVE PARKING (BIKE AND SCOOTER) | 130 |
| **TOTAL PARKING (ALL MODES, VEHICULAR + ALTERNATIVE)** | **350** |

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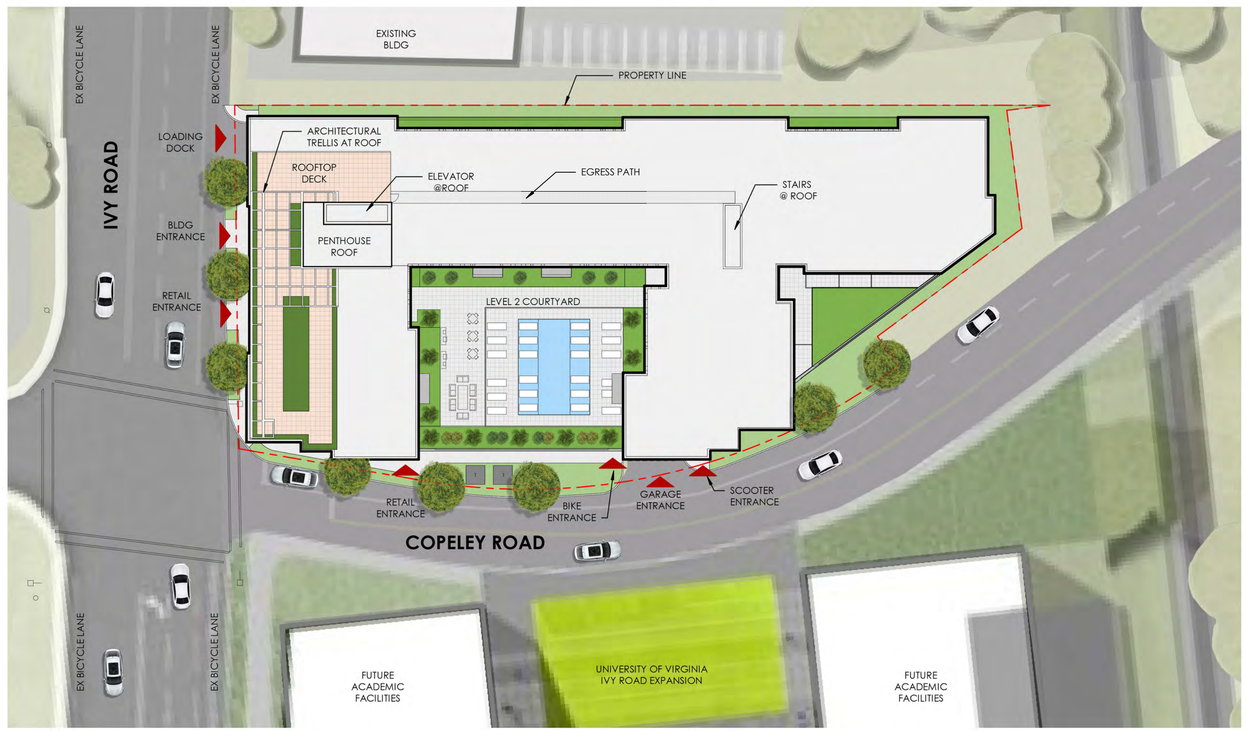


1 CONCEPTUAL ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'-0"

LEGEND - SITE PLAN
- GRASS @ LEVEL 1
- SYNTHETIC TURF/ VEGETATION (@ LEVEL 2) (@ ROOF LEVEL)
- BOXWOOD @ ROOF
- ROOFTOP DECK
- EGRESS PATH
- LEVEL 2 PAVING @ PRIVATE TERRACES @ COURTYARD
- SIDEWALK
- POOL
- PROPOSED TRANSFORMER LOCATION
- TREES @ STREET LEVEL
- EXISTING TRAFFIC LIGHT
- EXISTING POLES

0' 7'-6" 15' 30' 60'

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ARCHITECTURAL SITE PLAN AND BUILDING INFORMATION

SCALE: As indicated

**A-003**

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| Open Space/Outdoor Amenity: Proposed PUD | |
|---|---|
| | |
| **Required Open Space Square Footage** | |
| 15% of gross area of parcel | 6,710 |
| 20% of gross floor of commercial uses | 3,608 |
| **Total Required:** | **10,318** |
| | |
| **Conceptual Open Space Square Footage** | |
| 2nd Floor Courtyard | 6,215 |
| Roof Deck | 4,350 |
| **Total Provided:** | **10,565** |

| Open Space/Outdoor Amenity: Draft Zoning Code CX-8 | |
|---|---|
| | |
| **Required Open Space Square Footage** | |
| 10% of gross area of parcel | 4,474 |
| **Total Required:** | **4,474** |
| | |
| **Conceptual Open Space Square Footage** | |
| 2nd Floor Courtyard (Common Outdoor Amenity) | 6,215 |
| Roof Deck (Common Outdoor Amenity) | 4,350 |
| **Total Provided:** | **10,565** |

1 CONCEPTUAL OUTDOOR AMENITY SPACE - 2ND FLOOR & ROOF
SCALE: 1" = 30'-0"

0' 7'-6" 15' 30' 60'

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CONCEPTUAL OUTDOOR AMENITY SPACE DIAGRAM
SCALE: As indicated

**A-004**

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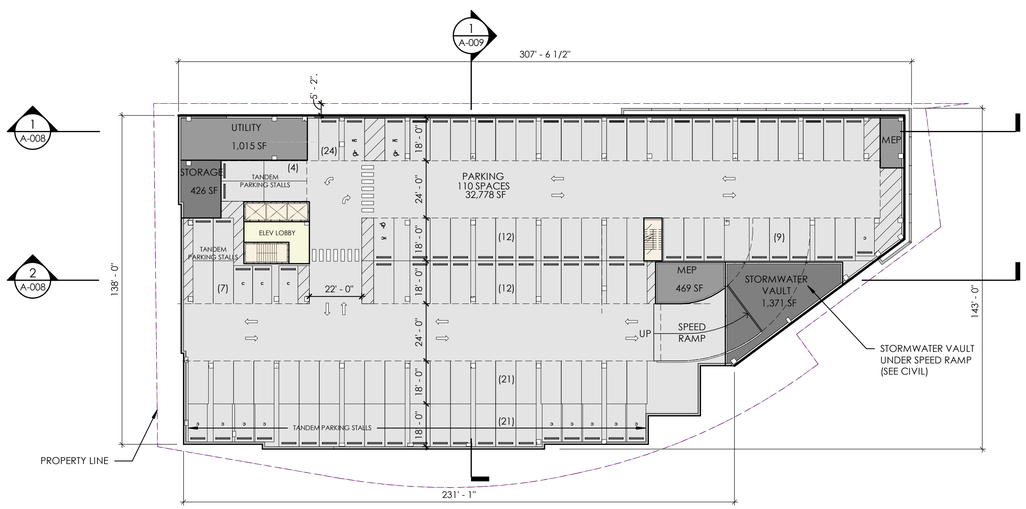
4 CONCEPTUAL TYPICAL FLOOR PLAN - LEVEL 3 - 10
SCALE: 1" = 30'-0"

2 CONCEPTUAL FLOOR PLAN - LEVEL 1
SCALE: 1" = 30'-0"

3 CONCEPTUAL FLOOR PLAN - LEVEL 2
SCALE: 1" = 30'-0"




1 CONCEPTUAL FLOOR PLAN - LEVEL B1
SCALE: 1" = 30'-0"

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| # | | |
|---|---|---|
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CONCEPTUAL FLOOR PLANS

SCALE: As indicated

A-005

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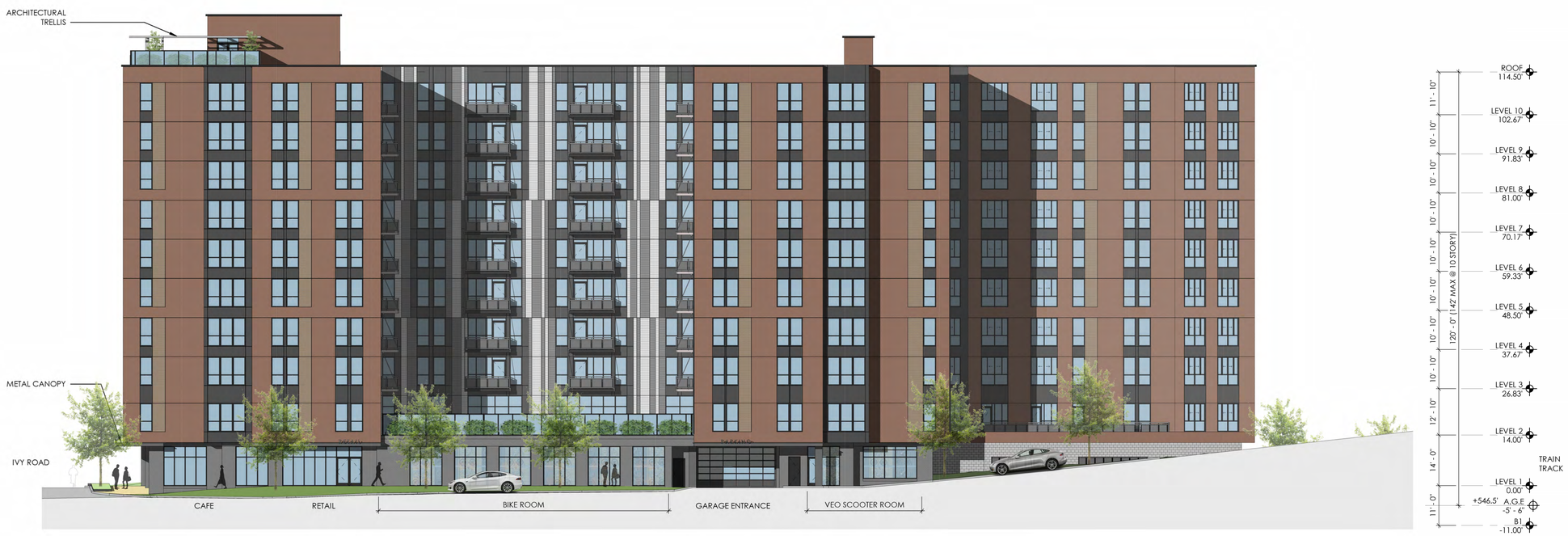
2 CONCEPTUAL SOUTH ELEVATION @ IVY ROAD
SCALE: 1/16" = 1'-0"




1 CONCEPTUAL EAST ELEVATION @ COPELEY ROAD
SCALE: 1/16" = 1'-0"

## CONCEPTUAL LEGEND - EXTERIOR MATERIALS

- WALL TYPE A - DARK BRICK
- WALL TYPE B - COMPOSITE PANEL
- WALL TYPE C - COMPOSITE PANEL
- WALL TYPE D - COMPOSITE PANEL
- WALL TYPE E - COMPOSITE PANEL
- VINYL WINDOWS
- ALUMINUM STOREFRONT
- DARK GRAY BLOCK
- METAL MESH SCREEN
- SECTIONAL LOADING DOCK DOOR W/METAL FRAME & TRANSLUCENT PANELS
- GLASS WINDSCREEN
- METAL RAILING SYSTEM
- MECHANICAL SCREEN
- CONCRETE WALL

ALL MATERIALS SUBJECT TO ENTRANCE REVIEW BOARD APPROVAL

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CHARLOTTESVILLE, VA 22903
TEL 434.327.1690

LAND USE COUNSEL
WILLIAMS MULLEN
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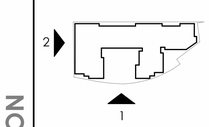
CHARLOTTESVILLE, VA 22902
TEL 434.951.5700


# 2117 IVY ROAD
CHARLOTTESVILLE, VA 22903

OWNER\APPLICANT
RMD PROPERTIES
211 E HIGH ST.
CHARLOTTESVILLE, VA 22902
TEL - 217.474.5904

| | |
|---|---|
| PUD SUBMISSION | 05/15/23 |

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WDG PROJECT NO: PWA2022005

CONCEPTUAL ELEVATIONS

SCALE: As indicated

A-006

NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

2 CONCEPTUAL NORTH ELEVATION @ RAILROAD
SCALE: 1/16" = 1'-0"

1 CONCEPTUAL WEST ELEVATION
SCALE: 1/16" = 1'-0"

## CONCEPTUAL LEGEND - EXTERIOR MATERIALS

- WALL TYPE A - DARK BRICK
- WALL TYPE B - COMPOSITE PANEL
- WALL TYPE C - COMPOSITE PANEL
- WALL TYPE D - COMPOSITE PANEL
- WALL TYPE E - COMPOSITE PANEL
- VINYL WINDOWS
- ALUMINUM STOREFRONT
- DARK GRAY BLOCK
- METAL MESH SCREEN
- SECTIONAL LOADING DOCK DOOR W/METAL FRAME & TRANSLUCENT PANELS
- GLASS WINDSCREEN
- METAL RAILING SYSTEM
- MECHANICAL SCREEN
- CONCRETE WALL

ALL MATERIALS SUBJECT TO ENTRANCE REVIEW BOARD APPROVAL

NOT FOR CONSTRUCTION

0' 4' 8' 16' 32'


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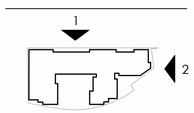
| # | | |
|---|---|---|
| | PUD SUBMISSION | 05/15/23 |

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CONCEPTUAL ELEVATIONS

SCALE: As indicated

A-007

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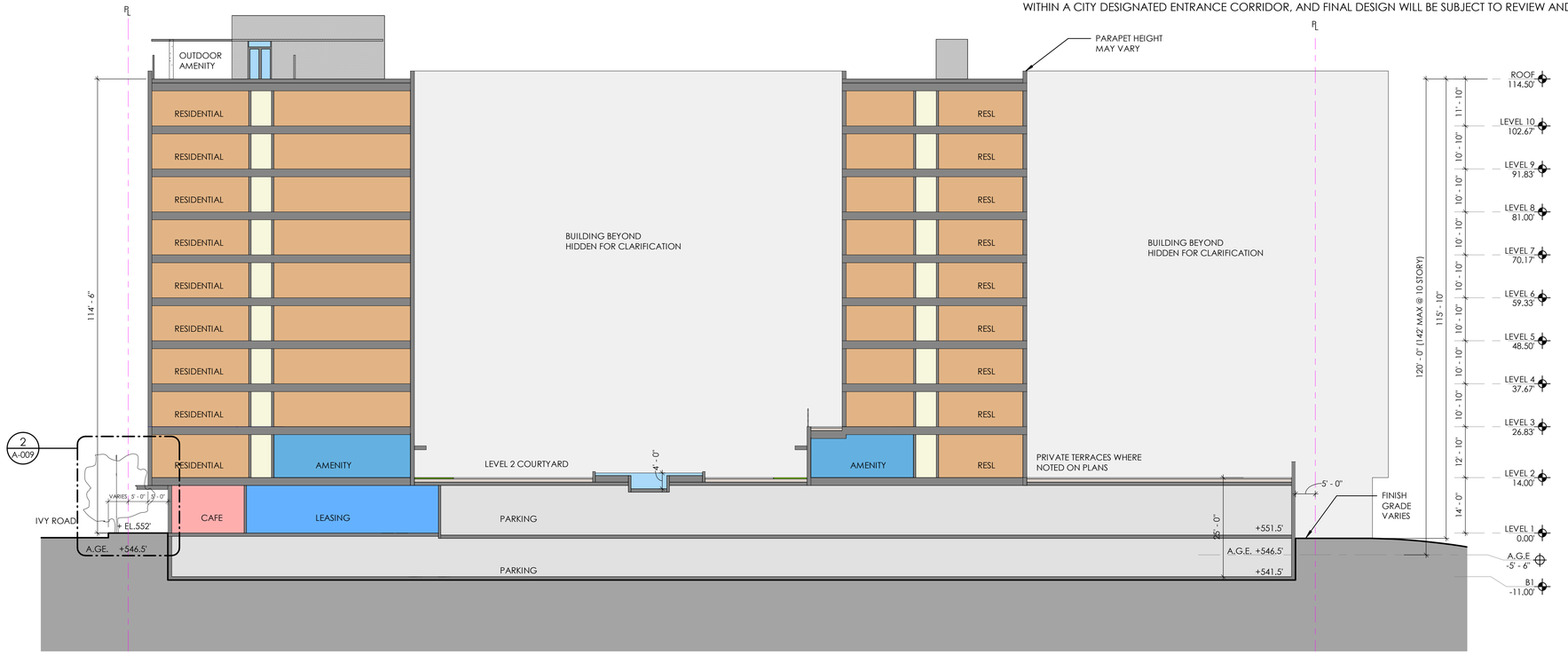
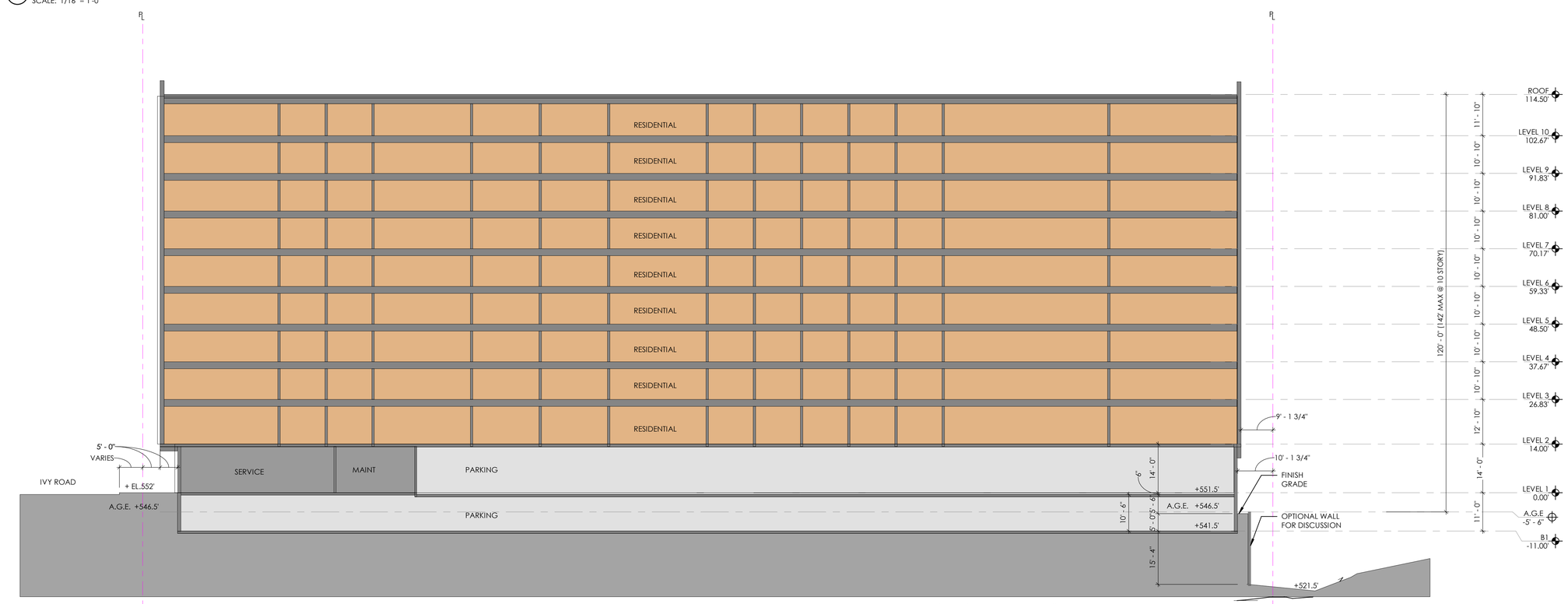



## 2 BUILDING SECTION LOOKING WEST

SCALE: 1/16" = 1'-0"




## 1 BUILDING SECTION

SCALE: 1/16" = 1'-0"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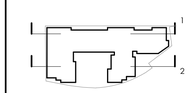
| | |
|---|---|
| PUD SUBMISSION | 05/15/23 |

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CONCEPTUAL BUILDING SECTIONS

SCALE: As indicated

**A-008**

NOT FOR CONSTRUCTION

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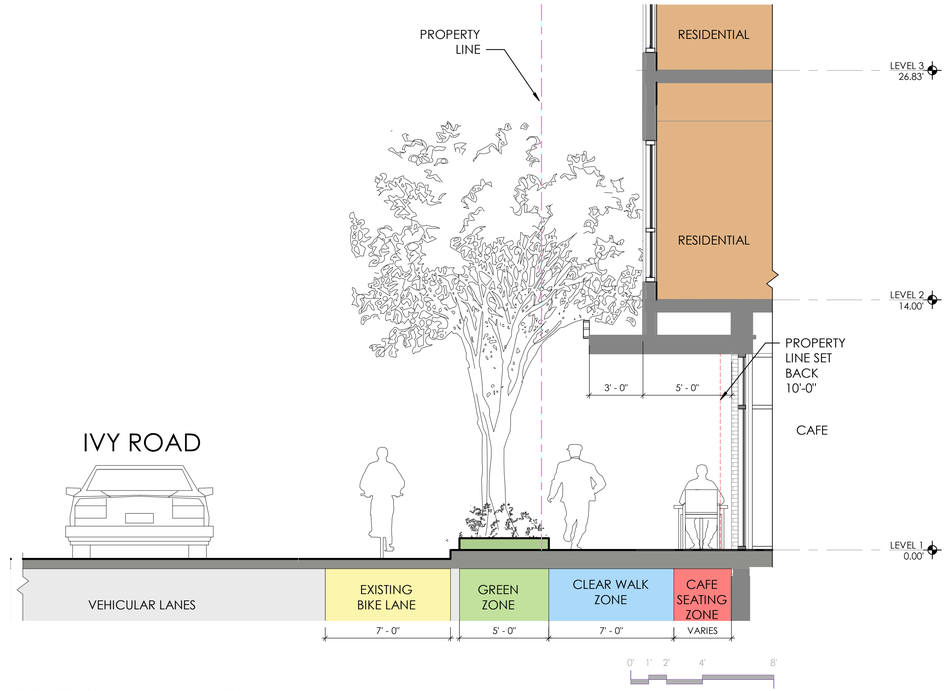
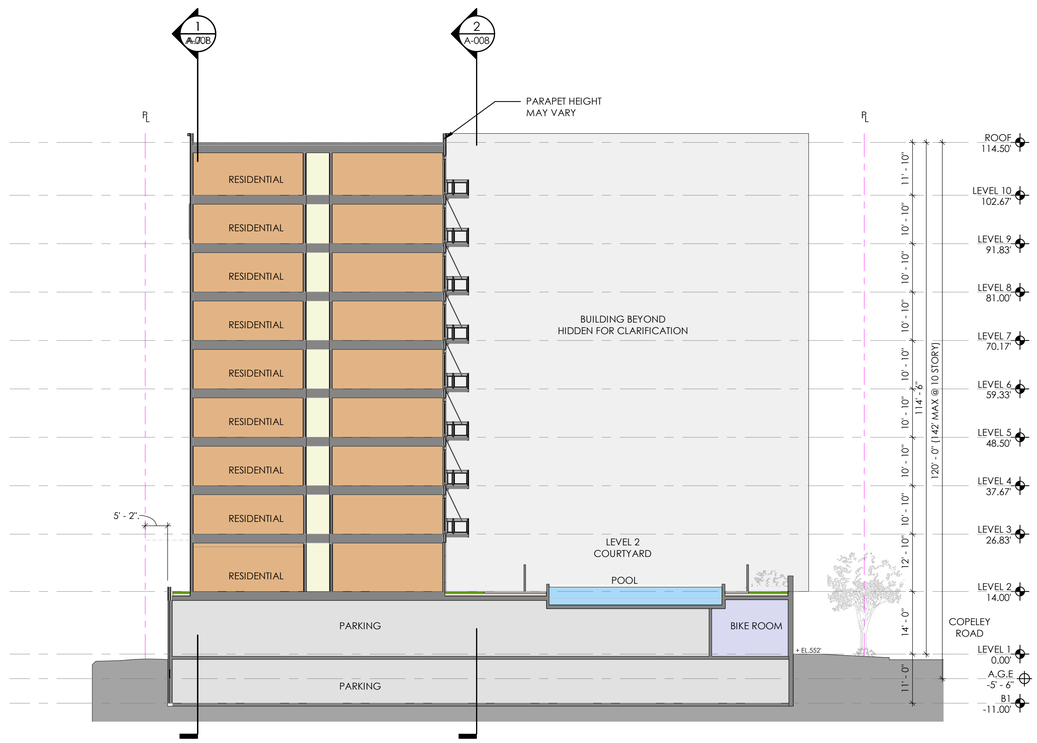



2 CONCEPTUAL STREET SECTION
SCALE: 1/4" = 1'-0"




1 CONCEPTUAL B+UILDING SECTION LOOKING NORTH
SCALE: 1/16" = 1'-0"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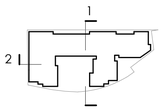
| # | | |
|---|---|---|
| | PUD SUBMISSION | 05/15/23 |

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WDG PROJECT NO: PWA2022005

CONCEPTUAL BUILDING SECTIONS

SCALE: As indicated

A-009

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4 - PERSPECTIVE - IVY RD

2 - DETAIL PERSPECTIVE - IVY & COPELEY

3 - PERSPECTIVE - COPELEY

1 - PERSPECTIVE - COPELEY & IVY

NOT TO SCALE

NOT FOR CONSTRUCTION

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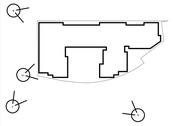

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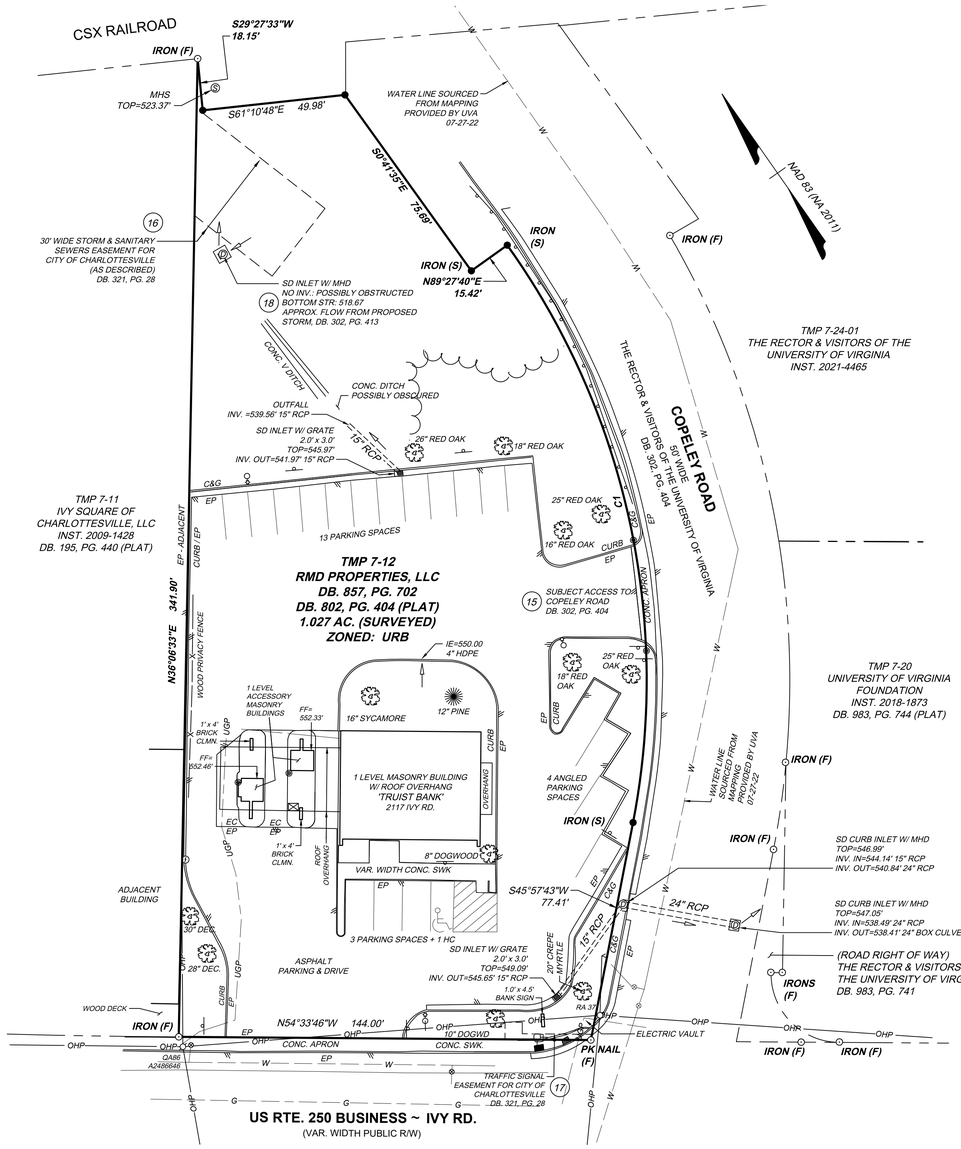
WDG PROJECT NO:
PWA2022005

CONCEPTUAL
PERSPECTIVE IMAGES

SCALE: 12" = 1'-0"

A-010




## LEGEND

- WATER VALVE
- SANITARY SEWER MANHOLE (MHS)
- STORM DRAINAGE MANHOLE
- STORM DRAINAGE (SD) GRATE INLET
- DRAINAGE / FLOW DIRECTION
- RCP — REINFORCED CONCRETE PIPE
- HDPE — HIGH DENSITY POLYETHYLENE PIPE
- LIGHT POLE
- UTILITY BOX / VAULT AS NOTED
- UTILITY POLE
- ELECTRIC METER
- OHP — OVERHEAD POWER
- W — UNDERGROUND WATER UTILITY
- SAN — SANITARY SEWER PIPE
- G — UNDERGROUND GAS LINE
- UGP — UNDERGROUND POWER UTILITY
- GUARD RAIL
- EDGE OF PAVEMENT (EP)
- TREE / VEGETATION LINE
- DECIDUOUS (DEC) TREE
- CONIFEROUS TREE
- SIGN
- BOLLARD
- C&G — CURB & GUTTER
- SWK — SIDEWALK
- EP — EDGE OF PAVEMENT
- DB. — DEED BOOK
- PG. — PAGE
- INST. — INSTRUMENT
- (F) — PROPERTY COR. FOUND, AS NOTED

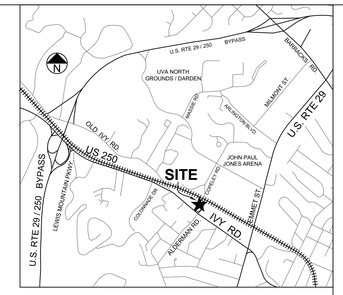
CONTOUR INTERVAL = 1'

**CURVE TABLE**

| CURVE | RADIUS | LENGTH | TANGENT | DELTA | CHORD BEARING | CHORD |
|---|---|---|---|---|---|---|
| C1 | 261.52' | 212.25' | 112.36' | 46°30'03" | S22°42'42"W | 206.47' |

SCALE 1"=25'

0 25' 50'




VICINITY MAP 1" = 2,000'

## SURVEY NOTES:

1. PROPERTY & ZONING INFORMATION:
SUBJECT PROPERTY:
OWNER: RMD PROPERTIES, LLC
REFERENCE: DEED BOOK 857, PAGE 702

CITY PID: 070001200 (TMP 7-12)
PROPERTY ADDRESS: 2117 IVY ROAD
AREA: 1.027 ACRES (SURVEYED)
ZONED: URB

2. DIMENSIONAL ZONING REGULATIONS, PER CITY OF CHARLOTTESVILLE CODE, CHAPTER 34, ARTICLE VI:
SETBACKS -
PRIMARY STREET FRONTAGE - 5 FEET MINIMUM, 30 FEET MAX.
LINKING STREET FRONTAGE - 5 FEET MINIMUM, 20 FEET MAX.
SIDE - NONE

MAX. STRUCTURE HEIGHT - 60 FEET

3. EXISTING PARKING: STRIPED / DESIGNATED PARKING SPACES OBSERVED AND DEPICTED HEREON.

4. THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD SURVEY BY TIMMONS GROUP COMPLETED ON JULY 15, 2022.

5. HORIZONTAL DATUM IS BASED ON NAD83 (NA2011), VIRGINIA STATE GRID, SOUTH ZONE. DATUM ESTABLISHED THROUGH NETWORK GPS (LEICA SmartNET) OBSERVATIONS.

6. BASED ON FEMA FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 51003C0267D, PANEL 267 OF 575, EFFECTIVE DATE FEBRUARY 4, 2005, THE PROPERTY SHOWN HEREON LIES IN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

7. THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT, NOTED AS FOLLOWS:
- COMMITMENT NO. SHTC22-1195, FROM CHICAGO TITLE INSURANCE COMPANY, DATED JULY 06, 2022.

8. THE LANDS SURVEYED ARE THE SAME AS DESCRIBED IN THE REFERENCED TITLE COMMITMENT.

9. THERE IS NO OBSERVABLE EVIDENCE OF BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT PROPERTY; NO EVIDENCE OF RECENT EARTH MOVING WORK OBSERVED (INCIDENTAL TO SUBSTANTIAL GRADING CHANGES). DEMOLITION OF HOUSE APPARENT

10. NO EVIDENCE OF CEMETERY OR BURIAL GROUND OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY FIELD-WORK.

11. ON THE DATE OF THE SURVEY, THERE WAS NO VISUAL EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL. (COLLECTIONS OF RESIDENTIAL RUBBISH OBSERVED IN SOME AREAS.)

12. REGARDING TABLE A, ITEM 11, LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE DERIVED FROM THE FOLLOWING METHODS;

- OBSERVED EVIDENCE COLLECTED DURING FIELD PROCEDURES AND SURVEY OF SITE;

- MISS UTILITY (811) TICKET INITIATION, TICKET NO. A219300827. NO FORMAL UNDERGROUND UTILITY INVESTIGATION (SUE) BEYOND INFORMATION PROVIDED BY MISS UTILITY HAS BEEN CONDUCTED BY THIS FIRM.

- WATER LINE AND VALVES ON COPELEY ROAD DEPICTED VIA GIS DATA PROVIDED BY THE UNIVERSITY OF VIRGINIA.

## SCHEDULE B, PART II EXCEPTIONS FROM COVERAGE

THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT, COMMITMENT NO. SHTC22-1195 FROM CHICAGO TITLE INSURANCE COMPANY, ISSUED JULY 06, 2022.

SCHEDULE B, PART II EXCEPTIONS ARE AS FOLLOWS:

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET. **NOT A SURVEY MATTER**.

2. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW, AND NOT SHOWN BY THE PUBLIC RECORDS. **NOT A SURVEY MATTER**.

3. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS. **NOT A SURVEY MATTER**.

4. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES SOLELY AS TENANTS AND SOLELY WITH RESPECT TO SPACE OCCUPIED BY EACH SUCH TENANT, TOGETHER WITH NON-EXCLUSIVE RIGHTS IN COMMON WITH OTHER TENANTS IN AREAS USED BY ALL TENANTS. **NOT A SURVEY MATTER**.

5. TAXES, STORM WATER, UTILITY, RECYCLING AND SPECIAL ASSESSMENTS WHICH BECOME DUE AND PAYABLE SUBSEQUENT TO THE EFFECTIVE DATE HEREOF, LIENS, AND SUPPLEMENTAL TAXES WHICH MAY COME DUE AND ALL TAXES FOR SUBSEQUENT FISCAL YEARS, BUT NOT YET DUE AND PAYABLE. **NOT A SURVEY MATTER**.

6. SUCH STATE OF FACTS AS WOULD BE DISCLOSED BY AN ACCURATE SURVEY END INSPECTION OF THE PREMISES. **INCIDENTAL TO SURVEY DEPICTED HEREON.**

7. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND.
NOTE: UPON RECEIPT OF SATISFACTORY PLAT OF SURVEY AND INSPECTION REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS DISCLOSED THEREBY. **INCIDENTAL TO SURVEY DEPICTED HEREON**.

15. TERMS, PROVISIONS, AND CONDITIONS OF THAT CERTAIN DEED DATED APRIL 24, 1968, RECORDED OCTOBER 17, 1968, IN DEED BOOK 302, PAGE 404.
a. SLOPE EASEMENT - **AFFECTS, NOT PLOTTABLE.**
b. ACCESS TO COPELEY ROAD - **AFFECTS AS SHOWN.**

16. EASEMENT: GRANTED UNTO THE CITY OF CHARLOTTESVILLE DATED JULY 23, 1970, RECORDED IN DEED BOOK 321, PAGE 28. GRANTS EASEMENT FOR A SEWER LINE OR OTHER UTILITIES AND APPURTENANCES THERETO, AT 30' WIDE DESIGNATED AND UNDESIGNATED LOCATIONS, WITH INGRESS, EGRESS AND CLEARAGE. PLAT RECORDED THEREWITH SHOWS EASEMENT. **AFFECTS AS SHOWN.**

17. EASEMENT: GRANTED UNTO THE CITY OF CHARLOTTESVILLE, VIRGINIA, DATED NOVEMBER 21, 1984, RECORDED MARCH 15, 1985, IN DEED BOOK 461, PAGE 74. GRANTS EASEMENT TO INSTALL AND MAINTAIN A TRAFFIC SIGNAL DEVICE AND APPURTENANCES THERETO, AT DESIGNATED AND UNDESIGNATED LOCATIONS, WITH INGRESS, EGRESS AND CLEARAGE. **AFFECTS AS SHOWN.**

18. PLAT MADE BY WILLIAM S. ROUDABUSH, JR. &ASSOCIATES DATED APRIL 1966, REVISED MAY 6, 1966 AND DECEMBER 27, 1967, ENTITLED, "PLAT SHOWING PROPERTY AND EASEMENTS TO BE ACQUIRED BY THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA - FROM R. MARSHALL DAVIS & ROSA LEE DAVIS, AND MARGARET UPSHUR BROWN MASSIE, CHARLOTTESVILLE, VIRGINIA-, RECORDED WITH DEED IN DEAD BOOK 302, PAGE 404, SHOWS THE FOLLOWING:
a. EXISTING STREAM. **NOT LOCATABLE OR PLOTTABLE.**
b. PROPOSED STORM DRAIN. **AFFECTS AS SHOWN.**

## RECORD DESCRIPTION:

ALL THOSE CERTAIN LOTS OR PARCELS OF LAND SITUATE, LYING AND BEING IN THE CITY OF CHARLOTTESVILLE, VIRGINIA, DESIGNATED AS "PARCEL X-1, PARCEL X-2 AND PARCEL F-4" ON THAT CERTAIN PLAT MADE BY WILLIAM S. ROUDABUSH, JR. & ASSOCIATES, ENTITLED, "PLAT SHOWING PROPERTY AND EASEMENTS TO BE ACQUIRED BY THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA- FROM R. MARSHALL DAVIS & ROSA LEE DAVIS, AND MARGARET UPSHUR BROWN MASSIE, CHARLOTTESVILLE, VIRGINIA", DATED APRIL 1966, REVISED MAYE, 1966, AND DECEMBER 27, 1967, AND RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF CHARLOTTESVILLE, VIRGINIA, WITH DEED IN DEED BOOK 302, PAGE 413.

BEING THE SAME REAL ESTATE CONVEYED TO RMD PROPERTIES, LLC, A VIRGINIA LIMITED LIABILITY COMPANY BY DEED OF GIFT FROM R. MARSHALL DAVIS AND FRANCIS L. BUCK, TRUSTEES OF THE ROSA LEE DAVIS LIVING TRUST DATED JULY 8, 1996, DATED JUNE 20, 2002, RECORDED JUNE 21, 2002, IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF CHARLOTTESVILLE, VIRGINIA, IN DEED BOOK 857, PAGE 702.

## ALTA/NSPS SURVEYOR'S CERTIFICATION

TO: CHICAGO TITLE INSURANCE COMPANY, RMD PROPERTIES, LLC, & UP CAMPUS HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND / OR ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a-b), 8, 11(a), 13, 14, 16, 17, 18, & 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 4, 2021. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF VIRGINIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

COMMONWEALTH OF VIRGINIA
JOSEPH C. MEDLEY
Lic. No.3385
08-05-22
LAND SURVEYOR

## 'ALTA/NSPS LAND TITLE SURVEY'

OF 1.027 ACRES
FRONTING IVY ROAD
BEING
CITY PID 070001200
IN THE
CITY OF CHARLOTTESVILLE, VIRGINIA

| | |
|---|---|
| Venable Area | Charlottesville, VA |
| DATE: *August 5, 2022* | SCALE: *1"= 25'* |
| SHEET *1* OF *1* | J.N.: *54985* |
| DRAWN BY: *MKT - JCM* | CHECK BY: *JCM* |
| LAST REVISED: - | |

**Property Information within 500 feet of Proposed PUD**

| Property Owner | Property Address | Address | City, State | Zip Code | Parcel ID Number | Zoning |
|---|---|---|---|---|---|---|
| BOLLINGWOOD PROPERTIES, LLC | 115 BOLLINGWOOD RD | 580 MASSIE RD | CHARLOTTESVILLE VA | 22903 | 70024000 | R-1U |
| BOYADJIAN, SIMON K | 2120 IVY RD | 2120 IVY RD | CHARLOTTESVILLE VA | 22903 | 70003000 | B-1 |
| C & O RAILWAY COMPANY | 0 UNKNOWN | C-12 500 WATER | JACKSONVILLE FL | 32202 | 350555000 | MLTP |
| CAPONE, GERARD, JR | 2107 MORRIS RD | 2107 MORRIS RD | CHARLOTTESVILLE VA | 22903 | 70003700 | R-1U |
| DAVIS, ROGER HB JR & JEANNE S, TRUSTS | 13 IVY RD | 6207 RIVERSIDE FARM LN | CAPE CHARLES VA | 23310 | 70001400 | URB |
| ELIAS, WILLIAM J & JULIANA B | 123 BOLLINGWOOD RD | 123 BOLLINGWOOD RD | CHARLOTTESVILLE VA | 22903 | 70022000 | R-1UH |
| EQUITY SHELTER, LLC | 2114 IVY RD | P O BOX 6156 | CHARLOTTESVILLE VA | 22906 | 70003210 | B-1 |
| FIELDS, MARY ELIZABETH | 111 ALDERMAN RD | 111 ALDERMAN RD | CHARLOTTESVILLE VA | 22903 | 70003180 | R-IU |
| GORMAN, NEAL A & CARLA DURAN-GORMAN, TRUSTEES | 2108 MORRIS RD | 2108 MORRIS RD | CHARLOTTESVILLE VA | 22903 | 70003110 | R-IU |
| HILINSKI, MICHAEL & DAPHNA BASSOK | 2109 MORRIS RD | 2109 MORRIS RD | CHARLOTTESVILLE VA | 22903 | 70003600 | R-IU |
| IVY SQUARE OF CHARLOTTESVILLE, LLC | 2121 IVY RD | 1 BOAR'S HEAD POINTE | CHARLOTTESVILLE VA | 22903 | 70001000 | URB |
| IVY SQUARE OF CHARLOTTESVILLE, LLC | 2119 IVY RD | 1 BOAR'S HEAD POINTE | CHARLOTTESVILLE VA | 22903 | 70001100 | URB |
| IVY SQUARE OF CHARLOTTESVILLE, LLC | 2123-25 IVY RD | 1 BOAR'S HEAD POINTE | CHARLOTTESVILLE VA | 22903 | 70001300 | URB |
| JEFFERSON, NATIONAL BANK | 2100 IVY RD | P O BOX 2609 | CARLSBAD CA | 92018 | 70003201 | B-1 |
| LEE, SEUNG HUN & LOUCA, DESPO A | 2103 MORRIS RD | 2103 MORRIS RD | CHARLOTTESVILLE VA | 22903 | 70003900 | R-1U |
| LESSARD, STEPHEN C | 2101 MORRIS RD | 228 E 13TH ST APT 26 | NEW YORK NY | 10003 | 70003100 | R-1U |
| MONTAGUE, PERCY, IV & ANNE C | 117 BOLLINGWOOD RD | 117 BOLLINGWOOD RD | CHARLOTTESVILLE VA | 22903 | 70023000 | R-1U |
| SMITH, MARK J & MARINA M HEISS | 2105 MORRIS RD | 2105 MORRIS RD | CHARLOTTESVILLE VA | 22903 | 70003800 | R-1U |
| ST ANNE'S-BELFIELD, INC | 2132 IVY RD | 2132 IVY RD | CHARLOTTESVILLE VA | 22903 | 70001101 | R-1U |
| ST MARKS EVAN LUTHERAN CHURCH | 100 ALDERMAN RD | 100 ALDERMAN RD | CHARLOTTESVILLE VA | 22903 | 70003101 | R-1U |
| STEBBINS, DENISE C | 113 ALDERMAN RD | 113 ALDERMAN RD | CHARLOTTESVILLE VA | 22903 | 70003170 | R-1U |
| THE RECTOR & VISITORS OF THE UNIVERSITY OF VIRGINIA | 2023 IVY RD | PO BOX 400884 | CHARLOTTESVILLE VA | 22904 | 70002200 | URB |
| THE RECTOR & VISITORS OF THE UNIVERSITY OF VIRGINIA | 2015 IVY RD | PO BOX 400884 | CHARLOTTESVILLE VA | 22904 | 70002300 | URB |
| THE RECTOR & VISITORS OF THE UNIVERSITY OF VIRGINIA | 2015 IVY RD | PO BOX 400884 | CHARLOTTESVILLE VA | 22904 | 70002401 | URB |
| THE RECTOR & VISITORS OF THE UNIVERSITY OF VIRGINIA | 101 EMMET ST N | PO BOX 400884 | CHARLOTTESVILLE VA | 22904 | 80001000 | MLTP |
| THE STORY HOUSE LLC | 2110 IVY RD | 2110 IVY RD | CHARLOTTESVILLE VA | 22903 | 70003190 | B-1 |
| UNIVERSITY OF VIRGINIA FOUNDATION | 2033 IVY RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70002000 | URB |
| UNIVERSITY OF VIRGINIA FOUNDATION | 2025-29 IVY RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70002100 | URB |
| UNIVERSITY OF VIRGINIA FOUNDATION | 2019 IVY RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70025000 | R-1U |
| UNIVERSITY OF VIRGINIA FOUNDATION | 0 IVY RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70026000 | R-1U |
| UNIVERSITY OF VIRGINIA FOUNDATION | 2001 IVY RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70027000 | R-1U |
| UNIVERSITY OF VIRGINIA FOUNDATION | 107 BOLLINGWOOD RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70028000 | R-1U |
| UNIVERSITY OF VIRGINIA FOUNDATION | 101 BOLLINGWOOD RD | PO BOX 400218 | CHARLOTTESVILLE VA | 22904 | 70029000 | R-1U |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ALTA NSPS LAND TITLE SURVEY

SCALE: 1" = 25'

C-001

S:\1103\54985-2117_IvyRoad\DWG\Sheet\CD\54985-C1.0-SURVEYSHEET.dwg | Plotted on 5/17/2023 5:58 PM | by Ben Perdue

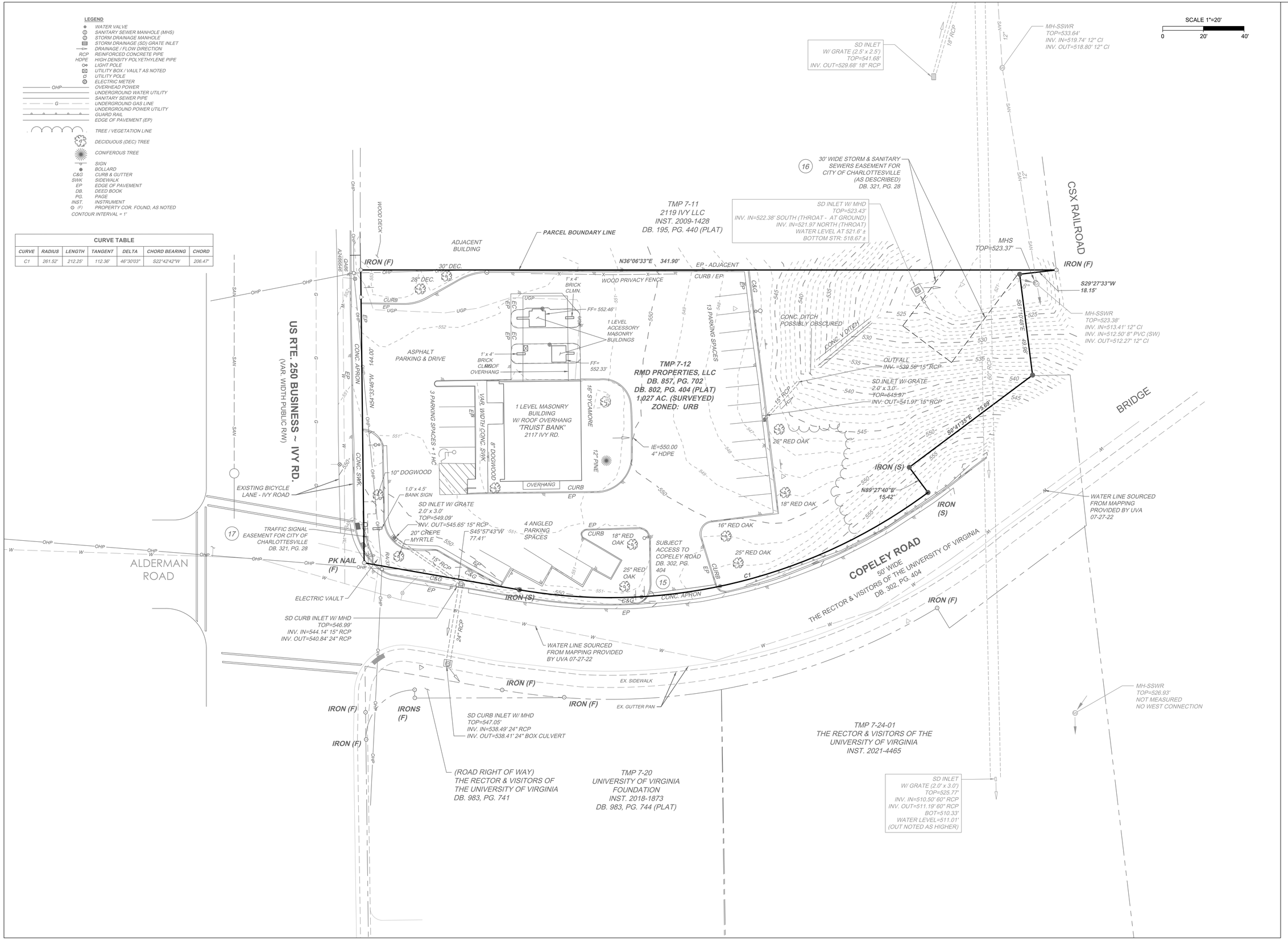
LEGEND

- WATER VALVE
- SANITARY SEWER MANHOLE (MHS)
- STORM DRAINAGE MANHOLE
- STORM DRAINAGE (SD) GRATE INLET
- DRAINAGE / FLOW DIRECTION
- RCP REINFORCED CONCRETE PIPE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- LIGHT POLE
- UTILITY BOX / VAULT AS NOTED
- UTILITY POLE
- ELECTRIC METER
- OHP OVERHEAD POWER
- UNDERGROUND WATER UTILITY
- SANITARY SEWER PIPE
- G UNDERGROUND GAS LINE
- UNDERGROUND POWER UTILITY
- GUARD RAIL
- EDGE OF PAVEMENT (EP)
- TREE / VEGETATION LINE
- DECIDUOUS (DEC) TREE
- CONIFEROUS TREE
- SIGN
- BOLLARD
- C&G CURB & GUTTER
- SWK SIDEWALK
- EP EDGE OF PAVEMENT
- DB. DEED BOOK
- PG. PAGE
- INST. INSTRUMENT
- (F) PROPERTY COR. FOUND, AS NOTED

CONTOUR INTERVAL = 1'

**CURVE TABLE**

| CURVE | RADIUS | LENGTH | TANGENT | DELTA | CHORD BEARING | CHORD |
|---|---|---|---|---|---|---|
| C1 | 261.52' | 212.25' | 112.36' | 46°30'03" | S22°42'42"W | 206.47' |





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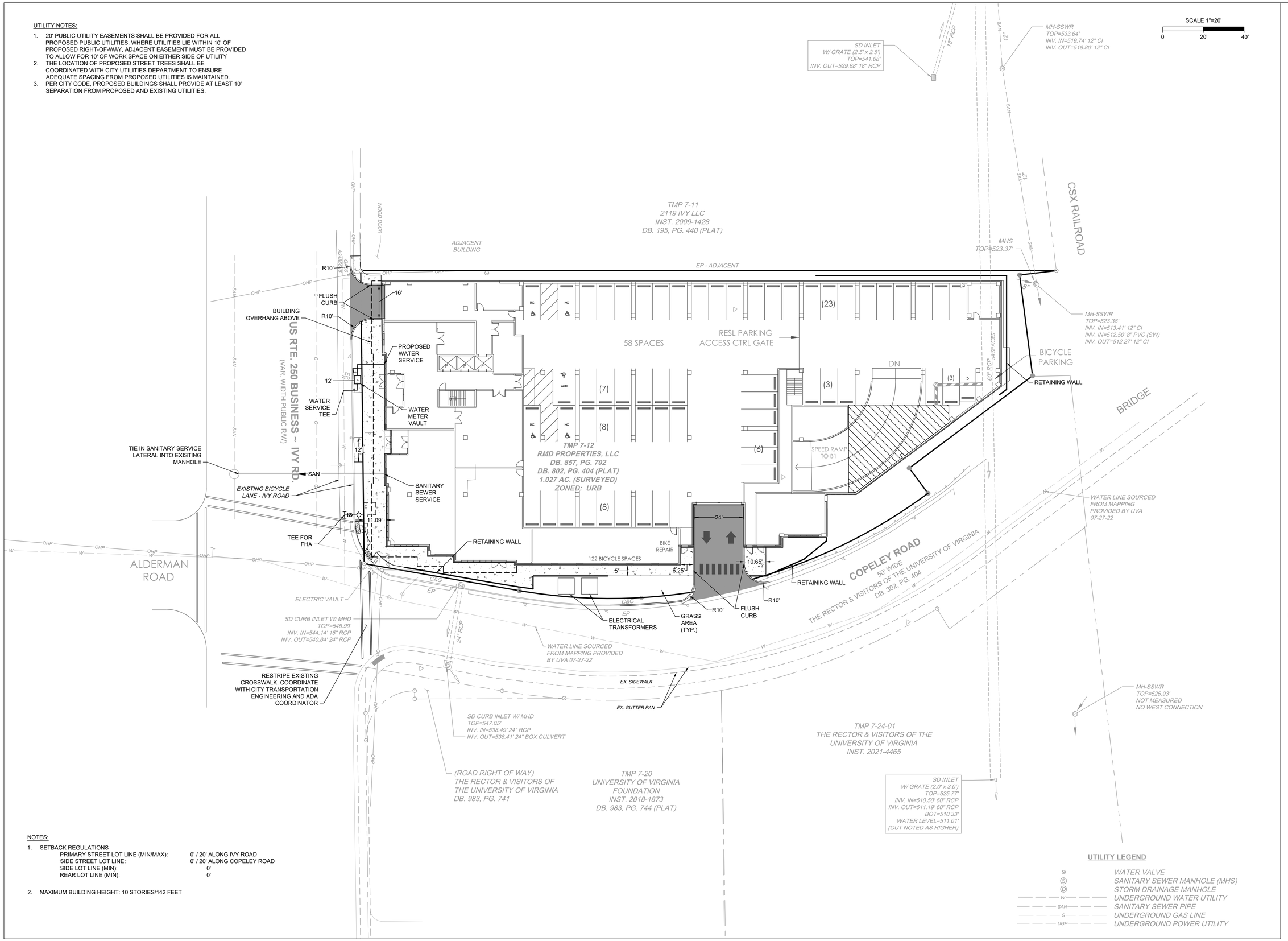
EXISTING CONDITIONS PLAN

SCALE: 1" = 20'

**C-002**

UTILITY NOTES:

1. 20' PUBLIC UTILITY EASEMENTS SHALL BE PROVIDED FOR ALL PROPOSED PUBLIC UTILITIES. WHERE UTILITIES LIE WITHIN 10' OF PROPOSED RIGHT-OF-WAY, ADJACENT EASEMENT MUST BE PROVIDED TO ALLOW FOR 10' OF WORK SPACE ON EITHER SIDE OF UTILITY
2. THE LOCATION OF PROPOSED STREET TREES SHALL BE COORDINATED WITH CITY UTILITIES DEPARTMENT TO ENSURE ADEQUATE SPACING FROM PROPOSED UTILITIES IS MAINTAINED.
3. PER CITY CODE, PROPOSED BUILDINGS SHALL PROVIDE AT LEAST 10' SEPARATION FROM PROPOSED AND EXISTING UTILITIES.




NOTES:

1. SETBACK REGULATIONS

| | |
|---|---|
| PRIMARY STREET LOT LINE (MIN/MAX): | 0' / 20' ALONG IVY ROAD |
| SIDE STREET LOT LINE: | 0' / 20' ALONG COPELEY ROAD |
| SIDE LOT LINE (MIN): | 0' |
| REAR LOT LINE (MIN): | 0' |

2. MAXIMUM BUILDING HEIGHT: 10 STORIES/142 FEET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WDG PROJECT NO: PWA2022005

LAYOUT & UTILITIES PLAN

SCALE: 1" = 20'

C-003

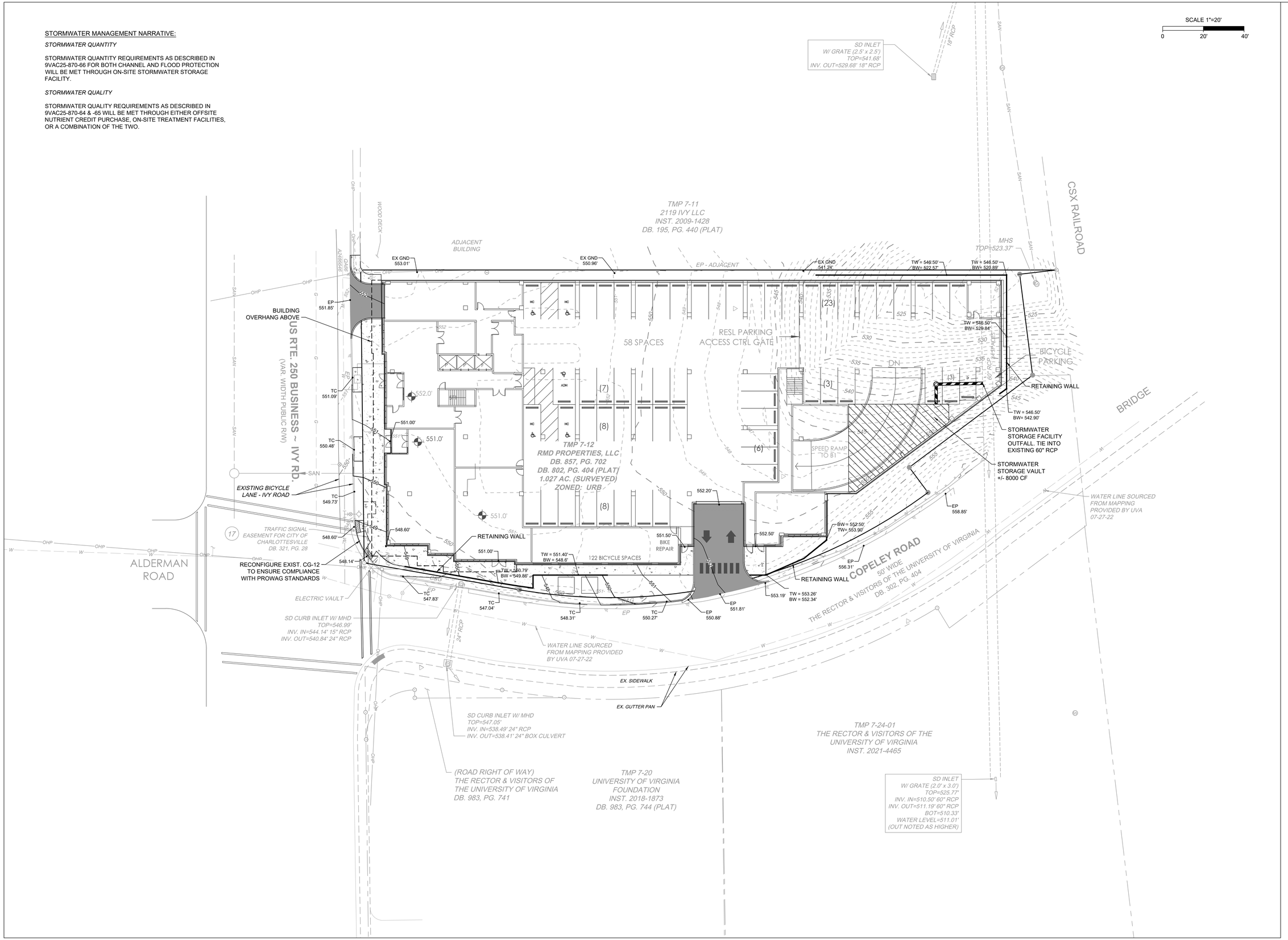
STORMWATER MANAGEMENT NARRATIVE:

*STORMWATER QUANTITY*

STORMWATER QUANTITY REQUIREMENTS AS DESCRIBED IN 9VAC25-870-66 FOR BOTH CHANNEL AND FLOOD PROTECTION WILL BE MET THROUGH ON-SITE STORMWATER STORAGE FACILITY.

*STORMWATER QUALITY*

STORMWATER QUALITY REQUIREMENTS AS DESCRIBED IN 9VAC25-870-64 & -65 WILL BE MET THROUGH EITHER OFFSITE NUTRIENT CREDIT PURCHASE, ON-SITE TREATMENT FACILITIES, OR A COMBINATION OF THE TWO.





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WDG PROJECT NO: PWA2022005

GRADING AND DRAINAGE PLAN

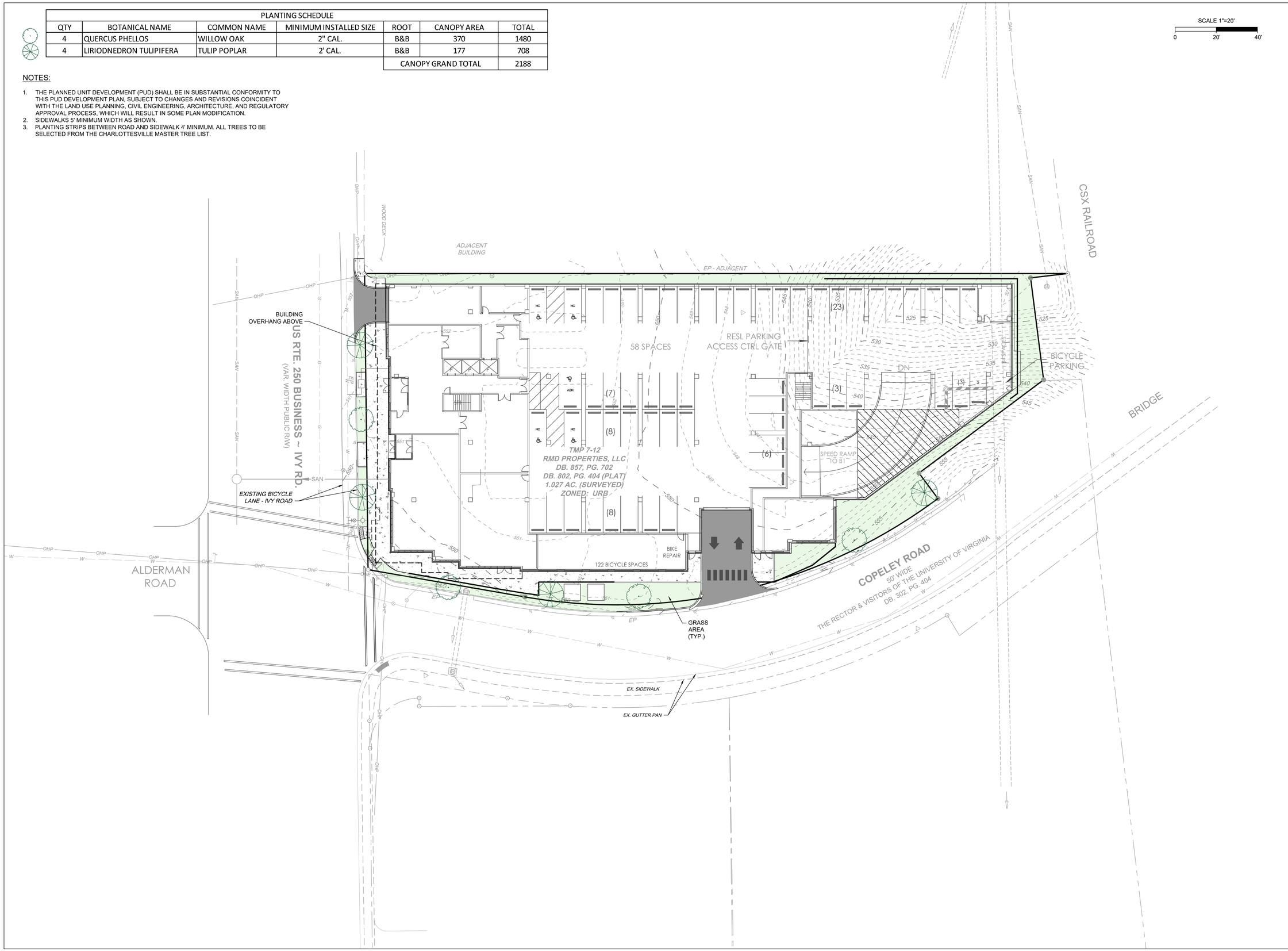
SCALE: 1" = 20'

**C-004**

| PLANTING SCHEDULE | | | | | | |
|---|---|---|---|---|---|---|
| QTY | BOTANICAL NAME | COMMON NAME | MINIMUM INSTALLED SIZE | ROOT | CANOPY AREA | TOTAL |
| 4 | QUERCUS PHELLOS | WILLOW OAK | 2" CAL. | B&B | 370 | 1480 |
| 4 | LIRIODNEDRON TULIPIFERA | TULIP POPLAR | 2' CAL. | B&B | 177 | 708 |
| | | | | CANOPY GRAND TOTAL | | 2188 |

NOTES:

1. THE PLANNED UNIT DEVELOPMENT (PUD) SHALL BE IN SUBSTANTIAL CONFORMITY TO THIS PUD DEVELOPMENT PLAN, SUBJECT TO CHANGES AND REVISIONS COINCIDENT WITH THE LAND USE PLANNING, CIVIL ENGINEERING, ARCHITECTURE, AND REGULATORY APPROVAL PROCESS, WHICH WILL RESULT IN SOME PLAN MODIFICATION.
2. SIDEWALKS 5' MINIMUM WIDTH AS SHOWN.
3. PLANTING STRIPS BETWEEN ROAD AND SIDEWALK 4' MINIMUM. ALL TREES TO BE SELECTED FROM THE CHARLOTTESVILLE MASTER TREE LIST.

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|---|---|
| PUD SUBMISSION | 05/15/23 |

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WDG PROJECT NO: PWA2022005

LANDSCAPE PLAN

SCALE: 1" = 20'

C-005

Minutes

# PLANNING COMMISSION REGULAR MEETING
## May 9, 2023 – 5:30 P.M.
## Hybrid Meeting

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

***Beginning:*** 5:00 PM
***Location*:** City Space
**Members Present**: Commissioner Stolzenberg, Commissioner Schwarz, Chairman Solla-Yates, Commissioner D'Oronzio, Commissioner Mitchell
**Staff Present**: Patrick Cory, Remy Trail, Missy Creasy, Dannan O'Connell, James Freas, Sam Sanders

Chair Solla-Yates called the meeting to order at 5:00pm. He asked if there were any questions regarding the minutes on the consent agenda and asked Commissioner Stolzenberg to address the motion during the regular meeting. Chair Solla-Yates asked if there were any questions on the preliminary discussion. He also asked about the next steps for the Zoning Ordinance revision. Mr. Freas provided a review of the schedule and upcoming releases of materials.

## II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:30 PM.

***Beginning***: 5:30 PM
***Location***: City Space

### A. COMMISSIONER'S REPORT

**Commissioner Stolzenberg** – The only meeting this month was the Downtown Mall Committee last Thursday. We covered two topics: the fountains and the trees. The tree situation was a little depressing; coming to terms with the nature of mortality. We need to figure out what to do next. We heard about the RFP out right now for a tree plan: a plan how to maintain the trees and what to replace them with in the future and how to replace them; whether taking out a block at once and planting new things or just replacing the trees that have to come down when they come down. Those would have to be trees capable of growing under a canopy of oaks. There is a host of problems with the trees at the moment, notably the grate situation eating into the base of their trunks. The fountains were an interesting conversation. Originally the fountains were intended to be more interactive than they are today. We had some interesting discussions on that situation.

**Commissioner Mitchell** – I attended the Parks and Recreation Advisory Board meeting. As always, they are very busy. There were a number of updates of the projects that they are working on. The skate park retaining wall is just about done. We talked about the Tonsler parking lot and the Maplewood Cemetery retaining wall that is moving along. The McIntire drainage project is still something that they're working on. With the Riverview restroom restoration, there was a bid. The bid came back at $600,000. They have to do a lot of boring and a lot of electrical work. That's more than what we were expecting. They are going to rebid that. Most of the projects that are going out for bid are coming back significantly higher than what we expected. We are having difficulty in getting people to bid on some of the projects that we

are working on. We also talked about the Master Plan. The Master Plan update is now out for bid. The Grove is now open and available to visit. We need to do a bit of seeding and a little work on the grading. The objective is to make this a place to go and reflect and to think about city leaders. If you get a chance, I would encourage you to go and check it out. The LUPEC group (UVA, City of Charlottesville, and Albemarle County) met as well. There was a presentation from UVA; their thermal energy study. This study is there to support the goal of being carbon neutral by 2030 and fossil free by 2050.

**Commissioner Schwarz** – A couple of weeks ago, I met Genevieve Keller and Mary Joy Scala from Preservation Piedmont. They wanted to hear my thoughts on any conflicts with the code and the BAR. They met with Mr. Freas the next week. There was a short meeting of the BAR. There is going to be a new restaurant use in the Amtrak station. They were trying to get a COA for a rooftop patio. On BPAC, we do have a new Bike and Pedestrian Coordinator. I don't think they have started. May is bike month. Next week is bike to work week. If you go to livablecville.org, there is a calendar of the events. There will be food stations set up at certain locations.

**Commissioner D'Oronzio** – The HAC and HAC subcommittee met on the 19th and 26th. The subject was Module 2. The subcommittee pulled together some recommendations. I am not sure that the recommendations went to Council and Planning Commission. They certainly went to our Chair, the Mayor, and Mr. Freas. The general reception of that was that there were some technical concerns about state and federal guidelines in conflict and how that needs to be addressed specifically so we don't trip up 'over ourselves' in the middle of a project. There was a discussion over the term of 'affordability' and making sure there is some bifurcation between homeownership and rentals. There was a suggestion that we go back to some of the language in city housing policy about people based and project based; at least for now to have some kind of reference. There was a Ford Based Code matter; don't be so concerned about bedroom counts. Let the inside of the buildings be the inside of the buildings. On the bonus and density piece, there was a discussion on the practicality of this 100 percent bonus for 100 percent affordability and the math not adding up. In terms of the sensitive area matter, this is a complicated matter to discuss. If the Planning Commission and City Council want to refer that to the HAC, please do so. The CPT is meeting on the 24th

**Commissioner Habbab** – Not Present

**Commissioner Russell** – Not Present

## B. UNIVERSITY REPORT

**Commissioner Palmer** – We have two big things for the month of May: Graduation and Final Exercises the weekend of May 20th and 21st. On the 22nd, there is going to be some major road closures on Grounds: the western portion of McCormick Road starting around the Physics Building and going around to the Alderman intersection. That is going to be closed for the summer to finish the streetscape that hadn't been completed with Gilmer Hall because there were other projects happening. Timing-wise we know that there was a second project of getting low temperature, hot water across Alderman Road to the dorms to improve their energy efficiency and help meet those goals that Commissioner Mitchell mentioned. The second part of that is the major closure of Alderman and McCormick intersection. There will only be one condition that you can get through there. If coming from Fontaine, you loop up O Hill, come around and down McCormick, and go east down McCormick. You can take a left on Alderman to go north.

## C. CHAIR'S REPORT

**Chairman Solla-Yates** – No Report – Tree Commission Report email from Commissioner Habbab – Tree planting has been completed. There were 162 trees planted, mostly around the schools. Grant funding is being sought to conduct an urban tree canopy study and an urban forestry plan. There was discussion on the new draft zoning. There was discussion about tree baits, which was an idea from public comments that we received. Incentivize tree planting by private owners through a possible stormwater tax credit. They had a presentation from Rivanna Conservation Alliance on their work. They had some information from the urban tree canopy using data from 2018 and planned out how to hit different targets. If we want to maintain a 38 percent canopy in 30 years, we have to plant 2500 trees every year. It would be expensive and difficult.

## D. DEPARTMENT OF NDS

**Ms. Creasy** – We're scheduled for a work session on May 23rd. We will be focused on Module 3 as well as zoning map change requests that we have received. The steering committee is getting ready to meet again in May to get ready for Module 3. We have a general plan about milestones going forward in the next couple of months.

**James Freas, NDS Director** – Next week, we will have Module 3 out. The comment period is through mid-June. We are focused on producing the consolidated draft zoning ordinance, which we're aiming to have released by the end of July. At that point, it is a 'baton handoff' to you guys. We open up a public hearing. Our recommendation would be that you devote an entire meeting to the public hearing and then move into your deliberations and decision making.

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

No Public Comments

## F. CONSENT AGENDA

1. Minutes – November 9, 2021 – Regular Meeting
2. Minutes – November 23, 2021 – Work Session.

**Commissioner Stolzenberg – Moved to Approve – Second by Commissioner Mitchell – Motion passes 3-0 with two abstentions.**

There was a discussion regarding Land Trusts and Land Banks started by Commissioner D'Oronzio and Commissioner Mitchell. It is a complex process to get land trusts in place. It will require help from the City Attorney. The Affordable Housing Plan calls for the use of Land Trusts. There are a couple around the city. Somebody, other than the homeowners, owns the dirt. The improvements are owned by the individual. If not paying for the land, you get a more affordable product. We need to get the land to start. Five years ago City Council was presented with a Land Bank ordinance. It was given to HAC to review. There was a Land Bank ordinance drafted. There is a language in the Land Bank that protected the land.

# III. 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

No Public Hearings scheduled for this meeting.

## IV. COMMISSION'S ACTION ITEMS

*Continuing*: until all action items are concluded

1. Preliminary Discussion – 626 and 630 Cabell Avenue

**Staff Presentation and Introduction**

**Dannan O'Connell, City Planner** – This is a preliminary discussion for 626 and 630 Cabell Avenue. These are two lots. One is developed with apartments and one is currently vacant. They are zoned R-3 and R-2u. If you have looked these up on GIS, our GIS is not accurate. The property lines are correct. The zoning is not correct. The property lines have been changed/amended. The current property is split-zoned R-3 (multifamily) and R-2 (two family). The request being contemplated is a rezoning of the R-2u portion of this lot and to change both lots to R-3 (multifamily residential). This is to accommodate a by right multifamily development; adding more apartments to the existing two lots. Two questions to consider:

1. Is R-3 zoning appropriate for this location?
2. Is there anything the applicant should consider as they move forward with their rezoning application?

**Commissioner Mitchell** – It looks like they have moved a lot of trees. Did they have to get approval to remove those trees or did they just take them down?

**Mr. O'Connell** – I don't believe there was any approval required for that. That might have been part of the demolition of the single family home.

**Commissioner Mitchell** – It is on a slope. Is it a critical slope?

**Mr. O'Connell** – Yes.

**Commissioner Mitchell** – Is there a waterway at the base of that slope?

**Mr. O'Connell** – I don't believe so.

**Applicant Presentation**

**Kevin Riddle, Applicant** –
**Next Slide**
It can be confusing on the numbering and the address of the parcel right now. The city GIS calls it 630 Cabell now. What were two parcels have been combined.

**Next Slide**

Here is the site. This aerial is a little old. On the lower part of the site, there is a small house that was demolished years ago. What remains is the larger apartment building that has 8 apartments in it on the north part of the site.

**Next Slide**
Here it is with current zoning. It is an R-3. You can start to see the little sliver in this illustration that is R-2u. It is worth noting that if you overlay the proposed new zoning, what are R-3s would go to R-3x. All of the R-2us that extend to the east on Cabell Avenue are proposed to change to R-3x as well. The rezoning of this little sliver makes sense. It is compatible with the vision for the neighborhood.

**Next Slide**
We have zoomed in on the site with a survey. North is to the right. Cabell Avenue is to the top. You can see running down the middle of the site on the left side is the property line that had been abandoned. The small square slot on the left was 626. It has been combined with the larger lot.

**Next Slide**
Here is the site with the zoning overlay. You can see where the R-2U comes in a little bit on the site.

**Next Slide**
It is called out here. It's only about 1200 square feet. Changing it to R-3 makes sense because the zoning is consistent. Density and calculations can now be consistently applied. It will allow the owner flexibility to have one additional dwelling on the property than he can have without this portion included.

**Next Slide**
Here is the site plan with the proposed building. It is still very much in a concept phase. We're still working through it. Basically, the new building proposal is intended to be by right. It is going to honor the height limits of an R-3. We had been considering proposing that the front façade of the new building might align with the existing building. We thought that made sense. As it turns out, there might be some complication in simply aligning it. The current ordinance calculation would be set by another method. That might be something that if we wanted to do it, we would have to get an SUP. We're still weighing whether it would be worth it to bring it up a little closer. The intention is to do it by right. If we were to get it aligned with the existing building, we believe right now as the ordinance is written, after the rezoning, have to get an SUP.

**Ms. Creasy** – If you are requesting an SUP, there is also the opportunity to request changes to the setbacks. You have to have a principle purpose for the SUP first.

**Mr. Riddle** – What we're asking for here is simply a rezoning. It was our understanding rezoning the sliver wouldn't carry with it an option to also ask for exceptions that you normally have to get with an SUP.

**Ms. Creasy** – Rezonings and SUPs have different paths.

**Commissioner Stolzenberg** – If you request an SUP for density because you can't build 5 units, then you could ask for the front yard change. If you get a rezoning and you build 5 units by right, you will need another reason for an SUP to get the change.

**Mr. Riddle** – To avoid getting into that conversation tonight, we're going to go with the assumption that the face of the building on Cabell Avenue will be where it is supposed to be by the current front yard calculations. There will also be a proposed extension of the surface parking to satisfy current requirements if the 5 dwellings are constructed there.

**Next Slide**
This is the entry to the parking around the back of the existing apartment building. To the left is the sliver of land that is currently R-2.

**Next Slide(s)**
This is roughly the location where the new building would be constructed. You can see the existing building there on the left.

**Next Slide**
There would be one apartment at the base level that would be accessible for disabled tenants. There would be a stair that would come up along the south side. To access from that level, there are townhouses built above.

**Next Slide**
This is a section through the building. This is how it would be working. If you're approaching the property from Cabell Avenue on the left, you could enter one of the lower townhouses into the living and dining level and go downstairs to your bedrooms. Or you can go up a level to what would be the first level of the upper townhouses. At the topmost level are the bedrooms for those townhouses.

**Next Slide**
This is birdseye view. Material choices are still up in the air. This is the direction that we are pursuing. Plantings have not been decided yet. We would be satisfying canopy requirements. We look forward to finding room for at a least couple of large trees to be planted in the front along with understory plantings and some trees down there at the lower level, especially close to the open courtyard of the bottommost unit.

**Next Slide**
This is a street view of the building. We imagine there being porches on the front and at the entry levels of each of those townhouses.

**Commissioner Mitchell** – Will these be for UVA students?

**Mr. Riddle** – That's pretty likely. It is not certain. They are pretty generously sized apartments. I don't know if the owners consider them possibly becoming condos. There is the room there and the way that the living and dining levels are operating. It is not super-tight in the apartments.

One thing that I wanted to clarify is that I did get a determination from city staff that while the slopes are quite steep, because it is not within 250 feet of a waterway, they are technically not critical slopes. As I understand it, we would not have to seek waiver to build on this property.

**Ms. Creasy** – I believe this is the site where Engineering did the review on?

**Mr. Riddle** – I received some emails. They told me that the way I was reading the ordinance was correct. It stipulates that they are 25 percent or greater and they are within 250 feet of a waterway.

**Commissioner Stolzenberg** – There are critical slopes. Where was the waterway?

**Mr. Riddle** – I believe that the color fill that you see on the GIS map just identifies any contours that indicate 25 percent.

**Mr. Freas** – This was reviewed with engineering. They have confirmed that there wasn't a waterway within 250 feet of the area. The wording is more convoluted than that. The slopes have to be continuous. Even if it is more than 250 feet away and it is continuous with a slope that is more than 250 feet away, it gets picked up. My understanding was that it was demonstrated is that the slopes on this property are not continuous with the slopes that are within 250 feet. That detail may not be something that was picked up on when that map was produced at the time. As I understand it, that map is subject to revision based on an applicant providing specific evidence of lack of continuity.

**Commission Discussion, Questions, and Recommendations**

**Chairman Solla-Yates** – We did have a question that was shared with us. It was whether R-3 zoning was appropriate for this location.

**Commissioner Mitchell** – I will say that the R-3 zoning is consistent with our vision of that area and it is ideal for students.

**Commissioner Stolzenberg** – What is the rush? Why now?

**Mr. Riddle** – We have talked to the owner. We have looked at the R-X3. The possibility is there whether it comes to perhaps reducing parking, getting more dwellings on the site. The owner feels that at this time that he would like to get all of it zoned R-3. He may want to go quickly on this. Just not being really sure when the zoning can take effect. We're hopeful that it will soon.

**Commissioner Stolzenberg** – In looking at the site, it seems reasonable to me that you could have more units there and/or even more height, less parking. All of which you can get through an SUP in R-3. You can also get that front setback changed. There is value in the new building lining up with the old building and not being set back further. The process for an SUP is about the same as the process for a rezoning. It seems like that would be the more logical path.

**Mr. Riddle** – I am unclear if we could request an SUP.

**Commissioner Stolzenberg** – If you want to get a rezoning and SUP for more than 5 units, you can.

**Mr. Riddle** – What you are saying brings up an interesting question regarding the draft zoning. I believe that the height limit is listed as 3 stories. In general, is everyone on the Commission feeling like that height limit could be pushed. Can R-X3 go to 4 stories? Is that something it could accommodate? I am thinking what R-3 currently is. That's 45 feet. With 45 feet, you can typically get 4 stories. I know there is

a bonus level that is potentially achievable. That provides one avenue. I am wondering if so many of these properties that would be converted from R-3 to RX-3 wouldn't benefit from having one more story allowed than what is currently drafted. That's one way this owner might actually have a harder time getting the flexibility that he might want to develop more housing. He can spread out more. It is nice there are those potential yard reductions coming for the proportions of the building and the allowance for more open space. It seems sensible to me that you might be able to go up higher. He is not going to have to construct as many footings. For people who have a budget and sticking with it, building higher can have some cost advantages. I wonder if RA couldn't be 3.5 stories instead of 2.5 stories.

**Commissioner Stolzenberg** – We have had the RA discussion. It is interesting because the Fifeville neighborhood has asked about something between RX-3 and RX-5. There isn't that much RX-3 in the city. I have been thinking that this kind of student area/lower Venable between 14th and Rugby should probably be RX-5 instead of CX-3. There is some vacant land in various places.

**Commissioner D'Oronzio** – I believe in feet, not stories.

**Commissioner Palmer** – This seems like an appropriate use of site. Beyond that, I don't have much to add.

**Chairman Solla-Yates** – I find the idea of having some space for faculty or staff very exciting. That's what I keep hearing from faculty and staff. They would love the opportunity live close to work. I would say that student housing is an appropriate use in an area with predominantly student housing. That seems reasonable to me. My general understanding from the Comprehensive Plan is that we want more student housing in student housing areas. I don't find height troubling in student housing areas. Aesthetically, there will be some differences, some design challenges. There is a lot of grade. I think it would make those more manageable. I can't commit to say that all RX-3 should be RX-5. Broadly, I see strong advantages to allowing more housing near the University. It makes a lot of sense.

**Commissioner Stolzenberg** – This is not a site that is fronting on non-student housing on any border or across any street. It seems reasonable to me to have more housing.

**Mr. Riddle** – Is it fair to say that I can take from the conversation that the possibility of rezoning this sliver seems appropriate to most people here? There might also be the option of using an SUP to potentially consider greater density as an alternative.

**Commissioner Stolzenberg** – I would say that even if you're going for the 5 unit plan you're talking about here, the SUP makes more sense. You can get that front setback change. It is the same process.

2. Discussion – Zoning Ordinance Update

**Commissioner Schwarz** – I know that we have been submitting a lot of comments. During our work sessions, we don't come to a lot of consensus. I feel that we're going to get the draft and it is going to be a bit of a surprise. It seems like Code Studio has very strong opinions about how they want this to be done. Am I making that up?

**Commissioner Mitchell** – It goes back to my worry when you (staff) pass us the baton. I have been here before. That's why it is going to be so important that we have a very good step-by-step process once you pass this baton and go through that thing and incrementally approve it instead of approving it all at once. Either reach consensus or reach 4 votes with a recommendation to take to Council.

**Commissioner D'Oronzio** – Would it make sense, once we're coming down the 'homestretch' to getting a draft to have a work session that is specifically about process and scoping and how we're going to review the whole thing.

**Commissioner Mitchell** – There is value in that so we don't try to put this thing together by committee. I would recommend that staff and Chairman Solla-Yates get together.

**Commissioner Stolzenberg** – It would be useful for each of us to submit to the Chair what areas we want to discuss. If all of the comments we made did get picked up, they are all in there and we all feel good about them, there isn't anything to discuss on those things. If something that we felt strongly about didn't get picked up and isn't in there, we should discuss it.

**Mr. Freas** – There is a lot in there. It covers a lot. The more that we can highlight that these are the things that we need to be able to discuss, the more we're going to be able to organize ourselves to that end and push aside the things that we collectively don't need to discuss.

**Chairman Solla-Yates** – I would like to raise an issue. I have heard a great deal about R-C zoning on Rugby Avenue. I have looked through the use table on R-C. There is a potential issue. In my reading of R-C zoning, we're not going to get a Super Walmart on Rugby Avenue. There is an item where commercial uses over 4000 square feet are permitted by right in the current draft. Can you talk about some options that we have there?

**Mr. Freas** – I think you read that as an error. I identified it as an error and sent it on. I don't think there is any reason why we're encouraging commercial uses of greater than 4000 square feet in the R-C zoning. The R-C is not an appropriate location for that. Our team is working to meet the deadline that is upcoming.

The meeting was adjourned at 6:32 PM.