

## CITY OF CHARLOTTESVILLE

### Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.gov](http://www.charlottesville.gov)



# Please Take Notice

The Charlottesville Planning Commission will hold a Special Meeting on **Tuesday February 25, 2025, at 5pm in the Charlottesville Council Chambers, 605 East Main Street, Charlottesville, VA 22902 and Electronic/Virtual.**

## AGENDA

1. Matters from the Public
2. Special Exception – Critical Slope – 1115 St Charles Court
3. Special Exception – Fence – 820 East Jefferson Street (Cumbre)
4. Special Exception – Street Facing Entries – Friendship Court Phase 3(400-426 Garrett Street)

Materials for this meeting are available here:

[Events • Agendas & Minutes • CivicClerk](#)

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](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**PLANNING COMMISSION REGULAR MEETING**  
**APPLICATION FOR A CRITICAL SLOPE SPECIAL EXCEPTION**  
**APPLICATION NUMBER: PL-24-0107**  
**DATE OF MEETING: February 11, 2025**

**Project Planner:** Dannan O'Connell, AICP  
**Date of Staff Report:** January 27, 2025

**Applicant:** Matthew Morrill  
**Current Property Owner:** Matthew and Emily Morrill

**Application Information**

**Property Street Address:** 1115 St. Charles Court  
**Tax Map & Parcel/Tax Status:** 48A041B08 (real estate taxes paid current – Sec. 34-12)  
**Total Project Area (Limits of Disturbance):** 1,030 sq. ft.  
**Total Area of Critical Slopes on Parcels:** 3,600 sq. ft. | 50%  
**Area of Proposed Critical Slope Disturbance:** 500 sq. ft. | 7% of total site area | 13.8% of total critical slopes area on parcel  
**Comprehensive Plan (General Land Use Plan):** General Residential  
**Current Zoning Classification:** R-A  
**Overlay District:** None

**Applicant's Request (Summary)**

Matt Morrill (applicant and property owner) wishes to improve the above-referenced property with a retaining wall, patio, paved path and accessory shed. The proposed improvements will impact critical slopes on-site as defined by Section 34-4.10.1.B.1. Per Section 34-4.10.1.D a request for a critical slope special exception must be heard by the Planning Commission before these improvements can be permitted.

Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on a Sketch Plan (**Attachment A**) and include a retaining wall, patio, metal fence, side yard shed, paved path, and associated land disturbance/grading. Critical slope areas are shown by the applicant in the Critical Slope Exhibit (**Attachment C**).

Existing critical slopes areas located on this Property approximately 3,600 square feet or 50 percent of the site. The applicable definition of “critical slope” is as follows:

1. A grade of 25% or greater;
2. A portion of the slope has a horizontal run of greater than 20 feet;
3. An area of 6,000 square feet or greater; and
4. A portion of the slope is within 200 feet of any waterway protected by the Standard and Design Manual or Chapter 10 of the Charlottesville Code of Ordinances, or shown on the map entitled “Properties Impacted by Critical Slopes”, maintained by the Neighborhood Development Services. (Sec. 34-4.10.1.B.2)

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

### **Vicinity Map**



### **Critical Slopes per the Zoning Ordinance**



### **Standard of Review**

Per Sec. 34-5.2.16, The Planning Commission will review the application and report its findings and recommendations to the City Council. City Council may then grant a Critical Slopes Special Exception when it finds that:

- a. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of 4.10.1. Critical Slopes would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties; or
- b. The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted.

City Council will review an application for a Critical Slopes Special Exception according to the following criteria:

- a. Whether the amount of impact has been limited to the greatest extent possible;
- b. Whether sufficient mitigation has been proposed to limit the impact of the proposed encroachment;

- c. Whether steps have been taken to limit or prevent impacts to portions of the sloped area with environmental or scenic value or vulnerability to disturbance; and
- d. Whether the proposed project is consistent with the zoning district and Comprehensive Plan.

### **Project Review and Analysis**

A sketch plan of the proposed retaining wall and yard improvements has been provided by the applicant (**Attachment A**), along with a survey of the existing property (**Attachment B**).

#### **Staff Analysis 34-5.2.16.D.1, Criteria A:**

*Planning Department:* The subject property is designated General Residential by the Comprehensive Plan's Future Land Use Map. No additional dwelling units are proposed for the subject property. The existing use and proposed improvements are consistent with the Comprehensive Plan.

Staff finds that due to the topography of the area and the existing subdivision development, the requirements of Sec. 34-4.10.1 would unreasonably restrict the use of the subject property. The critical slope area to be disturbed is minimal, and limited to the area to the rear and side of the existing residential structure.

*Utilities Department:* A private drainage easement runs through the project area on the subject property. Per City Utilities, placement of structures and hardened surfaces within easement boundaries is subject to approval and may not necessarily be accepted. If this special exception is approved, a Development Plan to permit the proposed improvements must be submitted to and approved by City staff before construction permits can be issued.

#### **Staff Analysis 34-5.2.16.D.1, Criteria B:**

As the area in question is privately held, and no additional dwellings or public improvements are proposed, staff finds that Criteria B is not applicable to this request.

### **Staff Recommendation**

Staff recommends the Planning Commission consider the following when making a recommendation to City Council:

#### **Purpose and Intent of the Critical Slope Provisions**

The purpose and intent of the critical slope provisions in Section 34-4.10.1 are to protect and maintain the environmental quality in the City by limiting development and disturbance of steeply sloped areas near waterways, adjacent properties, and environmentally sensitive areas

and to protect those steeply sloped areas and waterways from the negative impacts of erosion and stormwater as well as preserve their ecological value.

### **Recommended Conditions**

Staff has no recommendations for conditions related to this project and recommends approval of this Special Exception.

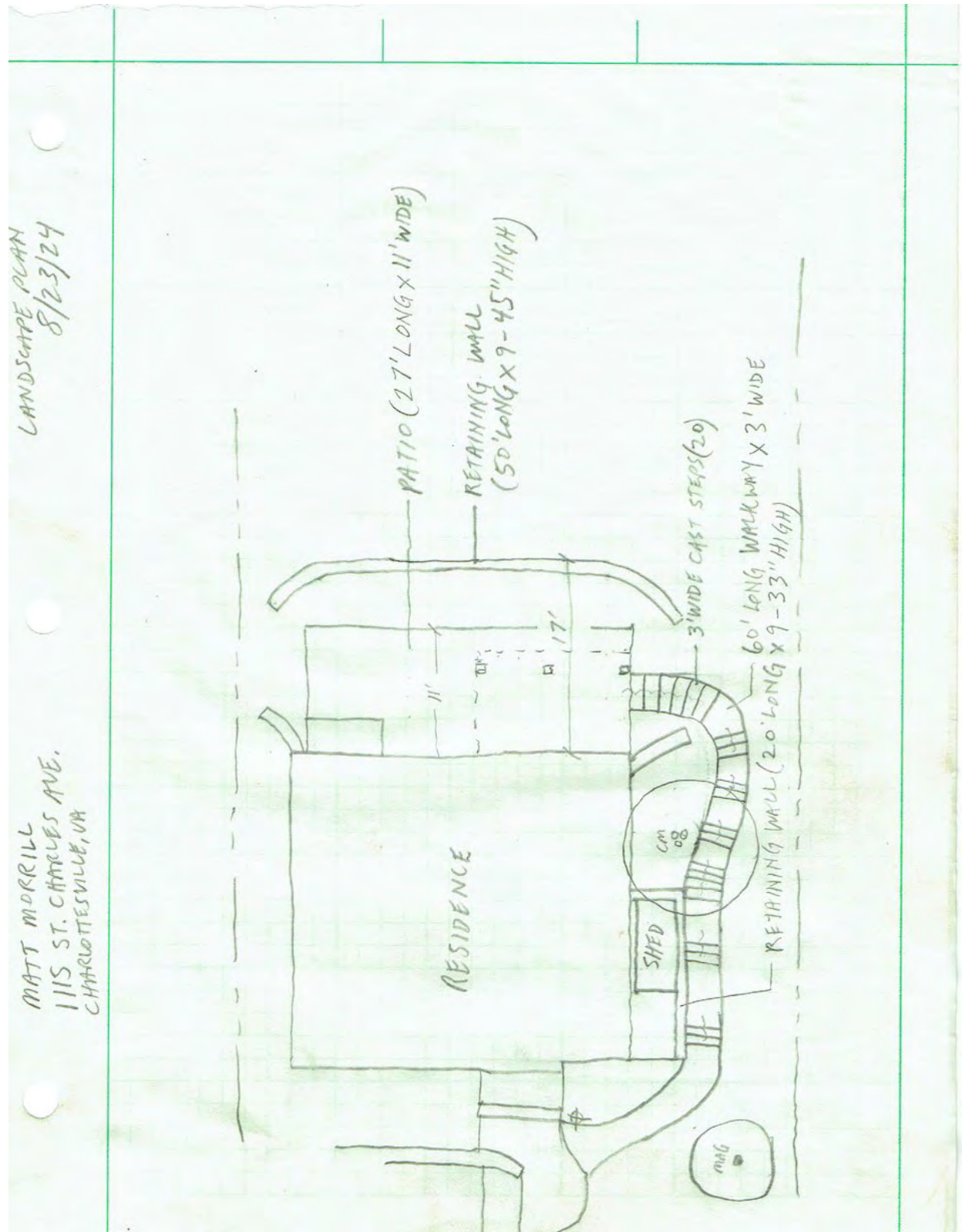
### **Suggested Motions**

1. "I move to recommend approval of the critical slope special exception for Tax Map and Parcel 48A041B08 as requested, with no reservations or conditions, based on a finding that *[reference at least one]*:
  - Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of Section 34-4.10.1 would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties."
  - The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted."
2. "I move to recommend denial of the critical slope special exception for Tax Map and Parcel 48A041B08."

### **Attachments**

- A. Sketch Plan
- B. Property Survey
- C. Critical Slope Exhibit

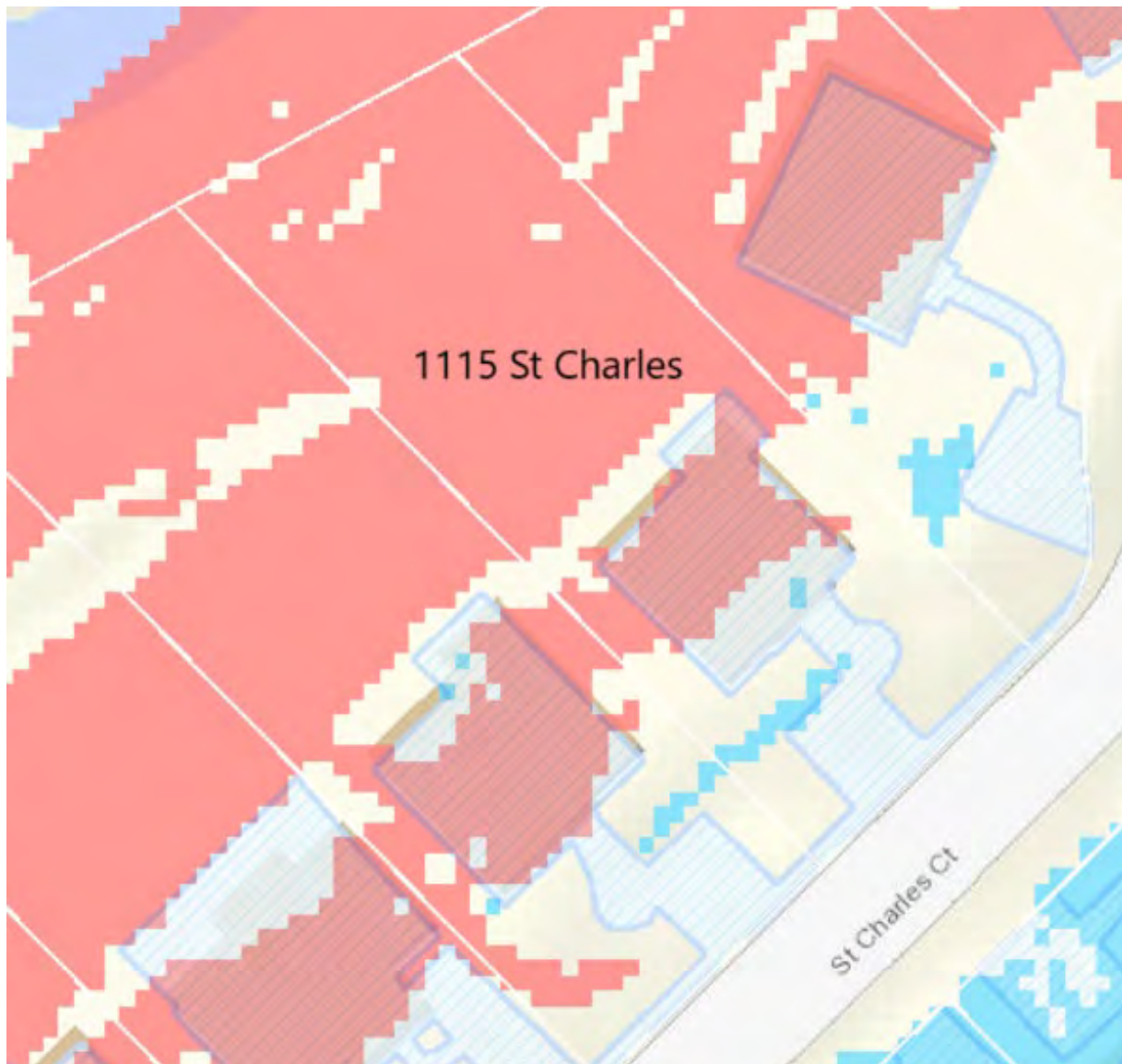




CITY OF CHARLOTTESVILLE, VIRGINIA  
SCALE: 1" = 20'  
DATE: JULY 3, 2024  
PREPARED BY: DAJ  
JOB: C-48A-41B-8-PS



Attachment C – Critical Slopes



CITY OF CHARLOTTESVILLE  
Department of Neighborhood Development Services  
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## **PLANNING COMMISSION REGULAR MEETING**

### **APPLICATION FOR A SPECIAL EXCEPTION PERMIT**

**APPLICATION NUMBER: PL-24-0132**

**DATE OF MEETING: February 11, 2025**

### **DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT**

**Project Planner:** Carrie Rainey

**Date of Staff Report:** February 4, 2025

**Applicant:** Reid Murphy, East Jefferson Assemblage, LLC

**Applicant's Representative(s):** Bob Pineo, Design Develop, LLC

**Current Property Owner:** East Jefferson Assemblage, LLC

#### **Application Information**

**Property Street Address:** 818-820 E Jefferson Street ("Subject Property")

**Tax Map & Parcel/Tax Status:** 53018000 (real estate taxes paid current - Sec. 34-5.2.1.C.3.e)

**Total Square Footage/ Acreage Site:** Approx. 0.67 acres (29,050 square feet)

**Comprehensive Plan (General Land Use Plan):** Urban Mixed Use Node

**Current Zoning Classification:** NX-10 Node Mixed Use

**Overlay District:** Entrance Corridor Overlay District

#### **Applicant's Request (Summary)**

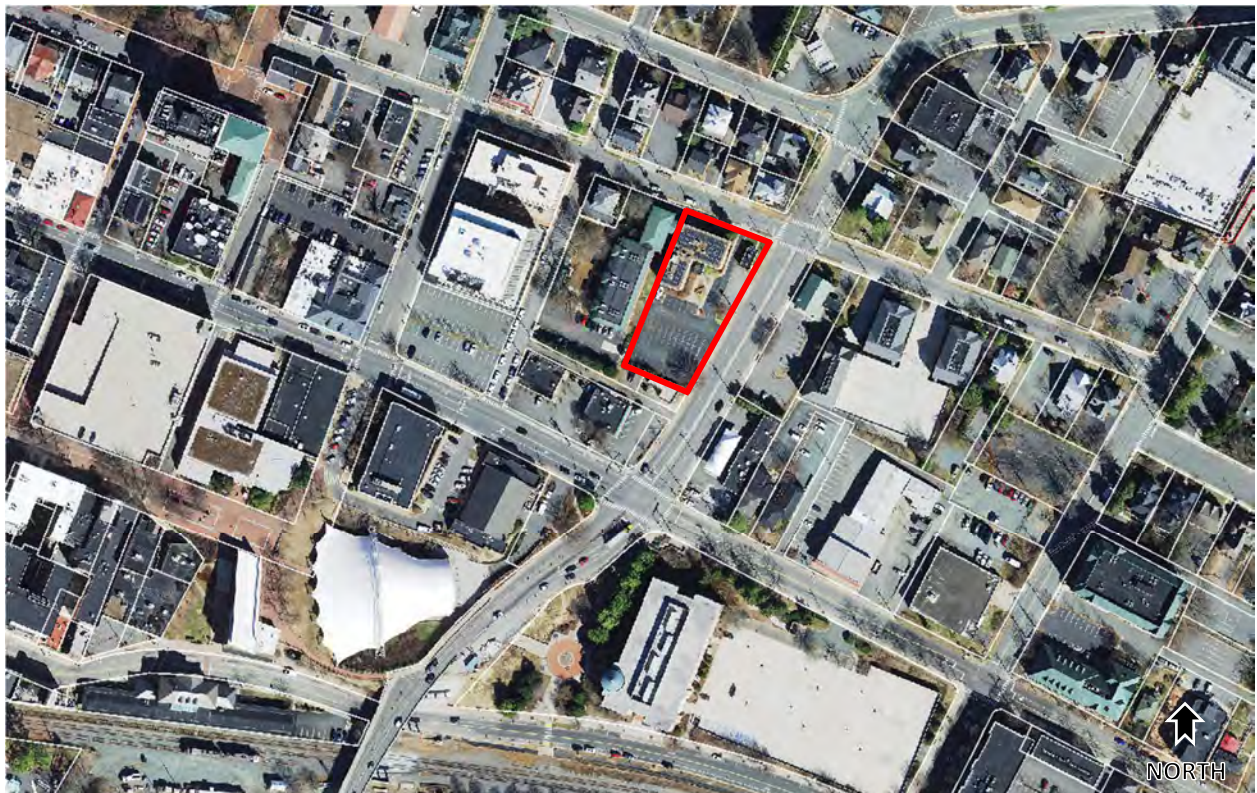
The applicant requests a Special Exception Permit (SEP) pursuant to City Code Sections 34-2.5.5.B.6 and 34-5.2.15, which states a SEP may be granted for physical dimensional standards. The applicant has requested to install fencing on a proposed deck in the front and side street yards on 9<sup>th</sup> Street NE and E Jefferson Street. Per Section 34-2.10.1.B.1.d, 9th Street NE is designated as the primary street and E Jefferson Street is designated as the side street. The NX-10 Node Mixed Use district does not permit fencing in front yards or side street yards unless a SEP is granted. Virginia Building Code requires the deck, which is more than 30 inches above grade, to have vertical protection (guardrails/fencing). The subject property has street frontage on 9<sup>th</sup> Street NE and E Jefferson Street and is located within an Entrance Corridor Overlay District.



## Vicinity Map

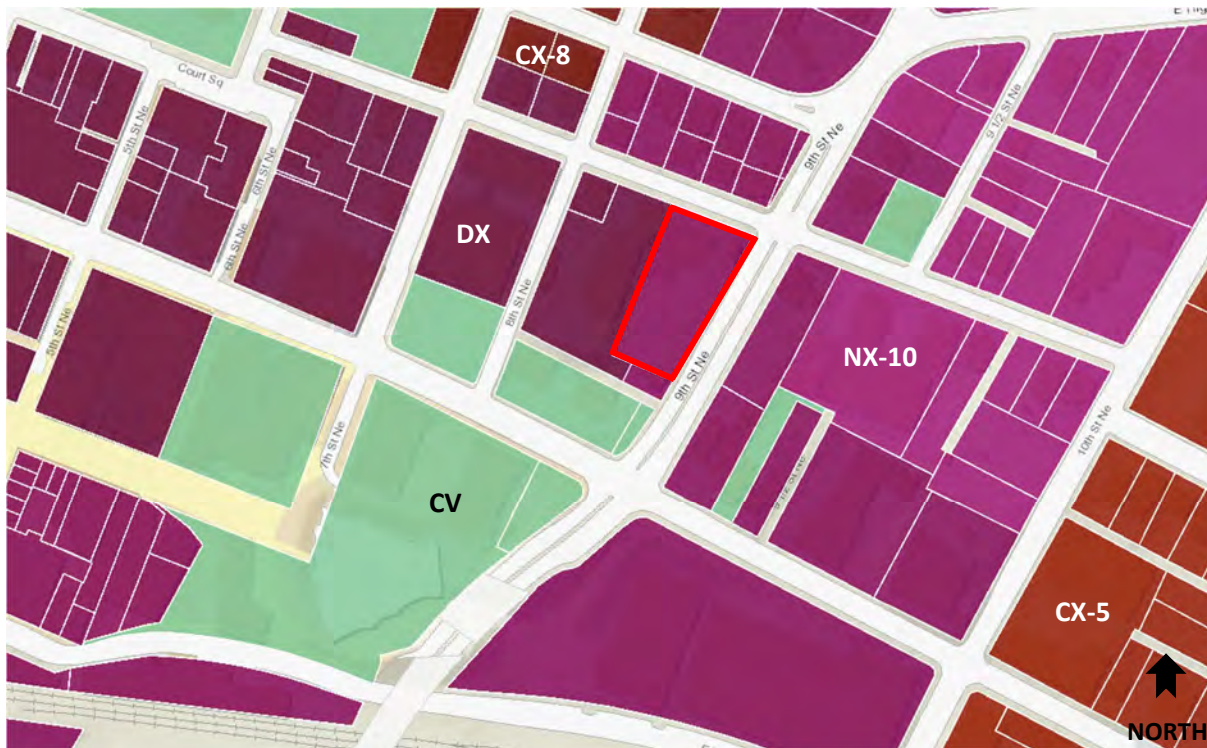


## Context Map 1





## Context Map 2- Zoning Classifications



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



## **Standard of Review**

City Council may grant an applicant a Special Exception Permit (SEP), giving consideration to a number of factors set forth within Zoning Ordinance Section 34-5.2.15.D. 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 SEP 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 SEP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed development.

Section 34-5.2.15.D of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SEP. Following below is staff's analysis of those factors, based on the information provided by the applicant.

### **(1) Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;**

The applicant proposes to create additional seating areas for the existing food and beverage use by installing a new deck along the northern and eastern side of the existing building. The Virginia Building Code requires fencing as the deck is more than 30 inches above the ground.

*Staff Analysis:* Other properties along 9<sup>th</sup> Street NE in the vicinity of the subject property vary in building setback and front yard use. The front yard areas of these properties vary in depth and include parking lots and landscaping. Other properties along E Jefferson Street vary from larger multi-unit residential and commercial buildings to single unit houses generally converted to office or commercial uses. The front yard areas of these properties are generally a similar depth to the subject property and landscaped. The proposed improvements are harmonious with the existing patterns of development within the neighborhood.

### **Entrance Corridor Overlay Review**

While Section 34-5.2.15 does not require review of SEP applications by the Preservation Planner (Administrator for Corridor Review per Section 34-5.2.8), the applicant received a Certificate of Appropriateness for Corridor Review for the proposed improvements on November 21, 2023. See Attachment B for more information.

**(2) Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;**

*Below are specific areas of the Comprehensive Plan for which the development is in compliance:*

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

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

**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.

**Strategy 7.1:** Within Entrance Corridors, encourage placemaking elements and look for opportunities to support community-centered destinations.

**Comprehensive Plan- Staff Analysis:**

The Future Land Use Plan of the 2021 Comprehensive Plan designates the subject property and surrounding properties as Urban Mixed Use Node, which is *urban mixed use districts that support community housing, employment, and commercial development*. The proposed fencing will allow the creation of an outdoor seating area adjacent to and visible from 9<sup>th</sup> Street NE and E Jefferson Street, which will increase activation and pedestrian interest on both streets. In addition, the new seating area supports commercial development by increasing the capacity of the existing restaurant (*general food and beverage*) use.

Several goals in the Comprehensive Plan speak to a desire for context sensitive redevelopment. The Preservation Planner has confirmed the proposed fencing is compatible with the Entrance Corridor Overlay district. Staff finds the proposed improvements support the goals and strategies of the Comprehensive Plan.

**(3) Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.**

As the application aligns with the Comprehensive Plan and provides outdoor space and street activation for 9<sup>th</sup> Street NE and E Jefferson Street, staff finds granting the Special Exception Permit is consistent with good zoning practice and general public welfare.

**Public Comments Received**

Staff has received no public comments at the publishing of this report.



### **Staff Recommendation**

Staff recommends the Planning Commission recommend approval of the Special Exception Permit to permit the installation of fences and gates on the subject property.

### **Recommended Conditions**

Staff does not recommend any conditions be placed on this Special Exception Permit. Any proposed modifications to the fence and gate details will be reviewed by staff for consistency with the issued Corridor Review Certificate of Appropriateness.

### **Suggested Motions**

1. I move to recommend approval of this application for a Special Exception Permit in the NX-10 Node Mixed Use zone at 818-820 E Jefferson Street to permit the installation of fences.
  - a. [condition(s) proposed by Planning Commission]
- OR,
2. I move to recommend denial of this application for a Special Exception Permit in the NX-10 Node Mixed Use zone at 818-820 E Jefferson Street to permit the installation of fences.

### **Attachments**

- A. Minor Development Plan received January 29, 2025
- B. Entrance Corridor Certificate of Appropriateness granted November 21, 2023

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 30°58'12" E | 32.64'   |
| L2   | N 67°36'47" W | 100.20'  |
| L2   | N 00°05'26" W | 23.32'   |
| L3   | N 63°17'59" W | 23.65'   |
| L4   | S 69°57'39" E | 11.74'   |

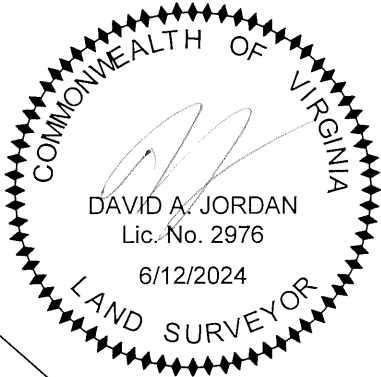
Parcel is zoned Node Mixed-Use 10 (NX-10)  
and is in the Entrance Corridors Overlay District

Intended Use is General Food & Beverage  
(up to 4,00 sf) with an accessory use for  
on-site alcohol consumption



VIRGINIA STATE PLANE GRID  
NORTH NAD 83 SOUTH ZONE

EAST JEFFERSON STREET  
VARIABLE WIDTH PUBLIC  
RIGHT-OF-WAY  
DB 23 PG 210



N:3898830.155  
E:11490233.136

S 69°18'36" E  
133.48' (TOTAL)

L4 S 69°18'36" E 74.06'  
IF IF  
N:3898877.314  
E:11490108.269  
OVERHANG  
BETWEEN BUILDING  
ENCROACHES

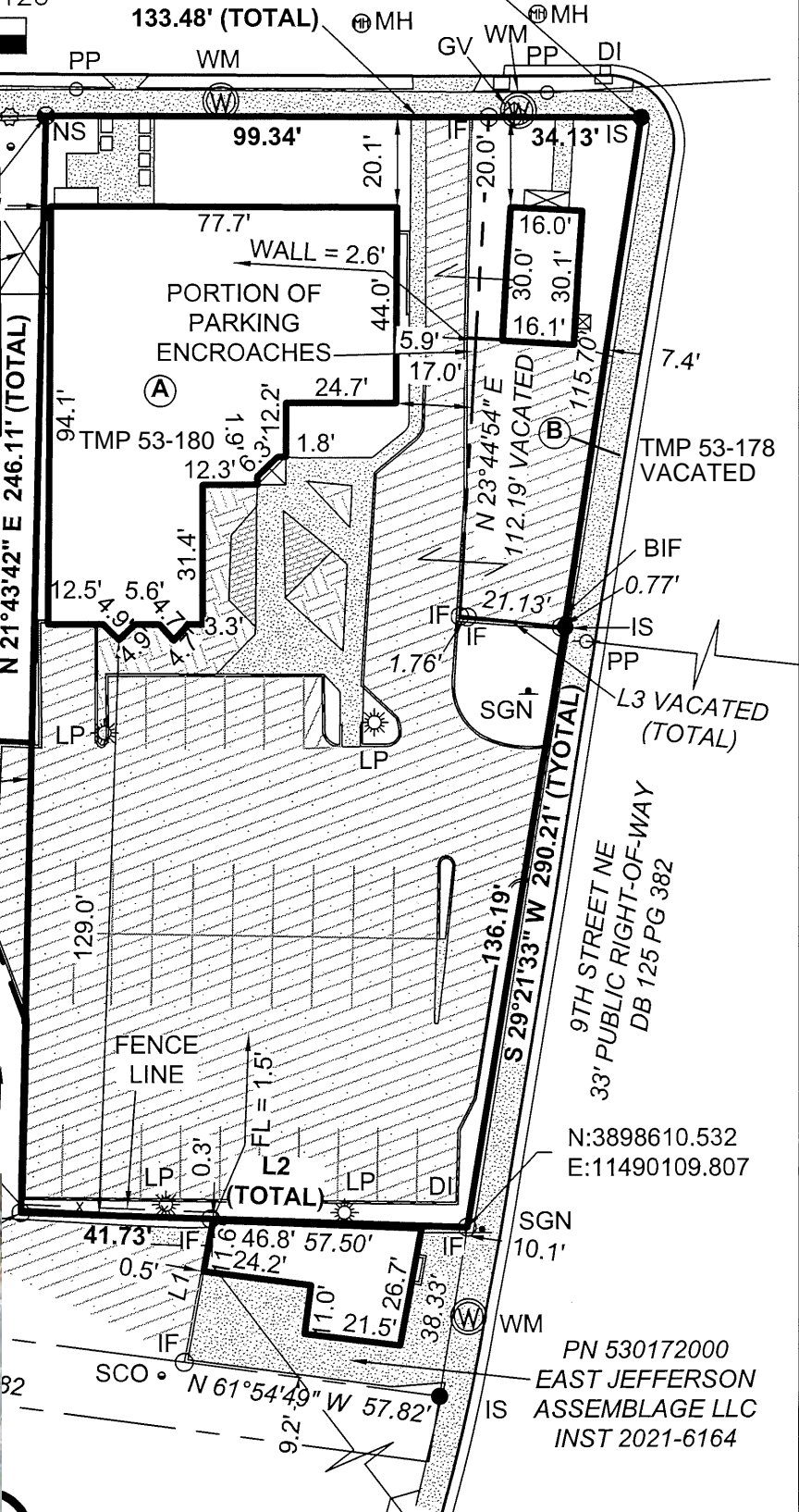
PN 530173160  
HERBERT BRAUN AND  
CECILIA VILLALBA  
INST 2011-2343

VARIABLE WIDTH  
ACCESS EASEMENT  
OFFSET 0.5' BEHIND THE  
AS-BUILT LOCATION OF  
THE WALL AND CURB  
DB 536 PG 443  
DB 421 PG 475

| AREA TABULATION: |             |
|------------------|-------------|
| PN 530180000     | 0.592 ACRES |
| PN 530178000     | 0.075 ACRES |
| TOTAL            | 0.667 ACRES |



EXISTING CONDITIONS



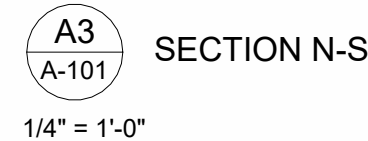
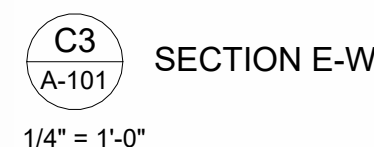
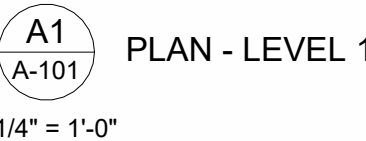
BOUNDARY LINE ADJUSTMENT PLAT  
CONSOLIDATING  
818 AND 820 JEFFERSON STREET  
PROPERTIES OF EAST JEFFERSON STREET  
ASSEMBLAGE LLC  
CITY OF CHARLOTTESVILLE, VIRGINIA  
SCALE: 1" = 40'  
REVISED: JUNE 12, 2024 DATE: MARCH 19, 2024  
SHEET 3 OF 3  
PREPARED BY: DAJ  
JOB: C-53-178-180-BLA





www.designdevelopllc.com

ARCHITECT  
Design Develop, LLC  
802 East Jefferson St.  
Suite B3  
Charlottesville, VA 22902  
434.806.8365  
Contact: Bob Pineo  
Email: bob@designdevelopllc.com

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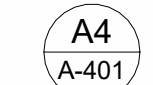
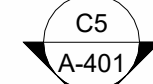
Owner  
CUMBRE CAFE

820 East Jefferson St.  
Charlottesville, VA 22902

## FLOOR PLAN & SECTIONS

|                |                |
|----------------|----------------|
| Project number | Project Number |
| Date           | 10/05/2023     |
| Drawn by       | AM             |
| Checked by     | Checke         |
| A-101          |                |
| Scale          | 1/4" = 1'-0"   |









ARCHITECTURE • VISUALIZATION • ENTITLEMENT

www.designdevelopllc.com

ARCHITECT  
Design Develop, LLC  
802 East Jefferson St.  
Suite B3  
Charlottesville, VA 22902  
434.806.8365  
Contact: Bob Pineo  
Email: bob@designdevelopllc.com

[illegible]

Owner  
CUMBRE CAFE

820 East Jefferson St.  
Charlottesville, VA 22902

## 3D REPRESENTATIONS

|                |                |
|----------------|----------------|
| Project number | Project Number |
|----------------|----------------|

|      |            |
|------|------------|
| Date | 10/05/2023 |
|------|------------|

|          |        |
|----------|--------|
| Drawn by | Author |
|----------|--------|

|            |         |
|------------|---------|
| Drawn by   | Author  |
| Checked by | Checker |

A-901

Scale





## Entrance Corridor Review Application (EC) Certificate of Appropriateness

Please Return To:  
City of Charlottesville  
Department of Neighborhood Development Services  
P.O. Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3130

Staff email: [wernerjb@charlottesville.gov](mailto:wernerjb@charlottesville.gov)

Please submit one (1) hard copy and one (1) digital copy of application form and all attachments.

Please include application fee as follows: New construction project \$375; Additions and other projects requiring ERB approval \$125; Administrative approval \$100.

Make checks payable to the City of Charlottesville.

The Entrance Corridor Review Board (ERB) meets the second Tuesday of the month.  
Deadline for submittals is Tuesday 3 weeks prior to next ERB meeting by 3:30 p.m.

Owner Name East Jefferson Assemblage LLC Applicant Name East Jefferson Assemblage LLC, Attn: Reid A. Murphy

Project Name/Description Cumbre Cafe' - Patio/deck Parcel Number 530178000

Project Street Address 820 East Jefferson Street 9 (old barber shop)

### Applicant Information

Address: 818 East Jefferson Street, Suite 103

Charlottesville, VA 22902

Email: reid@bmcholdingsgroup.com

Phone: (W) \_\_\_\_\_ (C) 434-825-1560

### Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Reid A. Murphy

11/20/2023

Signature

Date

Reid A. Murphy, Manager

11/20/2023

Print Name

Date

### Property Owner (if not applicant)

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: (W) \_\_\_\_\_ (C) \_\_\_\_\_

### Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

Signature

Date

Print Name

Date

### Description of Proposed Work (attach separate narrative if necessary):

Construct deck/patio per Design Develop drawings A-1-1.A-401, and A-901, dated October 5, 2023.

### Attachments (see reverse side for submittal requirements):

### For Office Use Only

Received by: JBW

Fee paid: \$100 Cash/Ck. # 3034

Date Received: 11/20/2023

Approved/Disapproved by: [Signature]

Date: 11/21/2023

**Conditions of Approval:** Signage requires separate sign permit. Exterior lighting must have lamping that is dimmable (if available), have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, pref not less than 90. Café furniture shall match, incl. color. Cloth shades shall match and be one, neutral color.



ENTRANCE CORRIDOR ORDINANCE: You can review the *Entrance Corridor Overlay Districts* regulations in the City of Charlottesville Zoning Ordinance starting with Section 34-306 online at **charlottesville.gov** or at [www.municode.com](http://www.municode.com) for the City of Charlottesville.

DESIGN GUIDELINES: Please refer to the current *Entrance Corridor Design Guidelines* (**links below**).

<http://weblink.charlottesville.org/public/0/fol/793358/Row1.aspx>

[http://weblink.charlottesville.org/public/0/edoc/793359/1 Introduction ERB.pdf](http://weblink.charlottesville.org/public/0/edoc/793359/1%20Introduction%20ERB.pdf)

[http://weblink.charlottesville.org/public/0/edoc/793360/2 Chapter%20II%20Streetscape ERB.pdf](http://weblink.charlottesville.org/public/0/edoc/793360/2%20Chapter%20II%20Streetscape%20ERB.pdf)

[http://weblink.charlottesville.org/public/0/edoc/793361/3 Chapter%20III%20Site ERB.pdf](http://weblink.charlottesville.org/public/0/edoc/793361/3%20Chapter%20III%20Site%20ERB.pdf)

[http://weblink.charlottesville.org/public/0/edoc/793362/4 Chapter%20IV%20Buildings ERB.pdf](http://weblink.charlottesville.org/public/0/edoc/793362/4%20Chapter%20IV%20Buildings%20ERB.pdf)

[http://weblink.charlottesville.org/public/0/edoc/793363/5 Chapter%20V%20Maps%20of%20Corridors ERB.pdf](http://weblink.charlottesville.org/public/0/edoc/793363/5%20Chapter%20V%20Maps%20of%20Corridors%20ERB.pdf)

**SUBMITTAL REQUIREMENTS:** The following information and exhibits shall be submitted along with each application for Certificate of Appropriateness, per Sec. 34-310-312 in the City of Charlottesville Zoning Ordinance:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
- (6) Provisions of the Entrance Corridor Design Guidelines
- (7) A complete application shall include all plans, maps, studies, reports, photographs, drawings, and other informational materials which may be reasonably required in order make the determinations called for in an particular case.
- (8) Building elevations shall be provided, unless waived by the director.
- (9) Each application shall include a landscaping plan as outlined in the ordinance
- (10) Each application shall include information about proposed lighting as outlined in the provisions of Article IX, Division 3, Sec. 34-100, et seq.

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## **PLANNING COMMISSION REGULAR MEETING**

### **APPLICATION FOR A SPECIAL EXCEPTION PERMIT**

**APPLICATION NUMBER: PL-25-0021**

**DATE OF MEETING: February 11, 2025**

### **DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT**

**Project Planner:** Carrie Rainey

**Date of Staff Report:** February 4, 2025

**Applicant:** Piedmont Housing Alliance (PHA)

**Applicant's Representative(s):** Grimm + Parker Architects

**Current Property Owner:** NHTE Piedmont Garrett Square Limited Partnership

#### **Application Information**

**Property Street Address:** 400-426 Garrett Street Friendship Court Phase 3 ("Subject Property")

**Tax Map & Parcel/Tax Status:** 280112000 (real estate taxes paid current - Sec. 34-5.2.1.C.3.e)

**Total Square Footage/ Acreage Site:** Approx. 5.3 acres (230,870 square feet)

**Comprehensive Plan (General Land Use Plan):** Urban Mixed Use Node

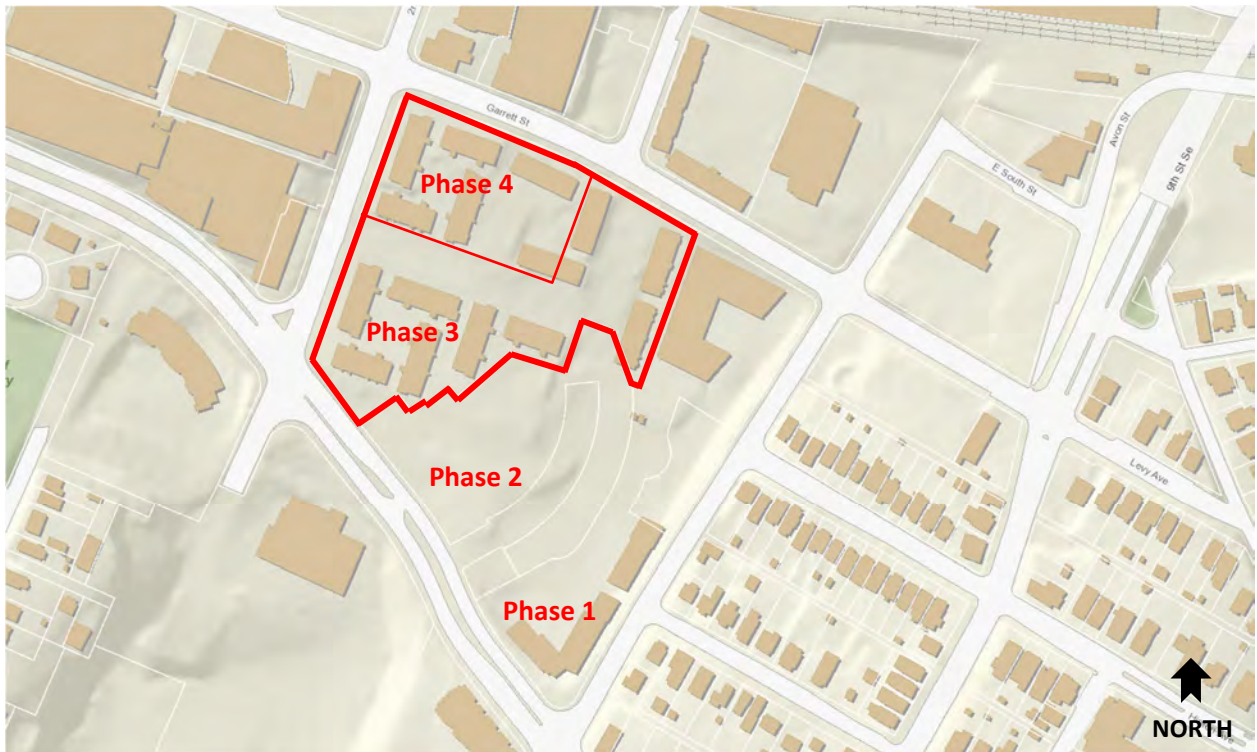
**Current Zoning Classification:** CX-8 Corridor Mixed Use

**Overlay District:** None

#### **Applicant's Request (Summary)**

The applicant requests a Special Exception Permit (SEP) pursuant to City Code Sections 34-2.4.4.B.5 and 34-5.2.15, which states a SEP may be granted for physical dimensional standards, for Phase 3 of the Friendship Court (Kindlewood) project. The applicant has requested to modify the street-facing entry spacing requirements for 2<sup>nd</sup> Street SE and Hinton Avenue Extended (new public street) for proposed Building 12. Per Section 34-2.10.1.B.1, 2<sup>nd</sup> Street SE is designated as a primary street and Hinton Avenue Extended is designated as a side street. The CX-8 Corridor Mixed Use district requires a street-facing entry every 40-ft on primary streets and a street-facing entry every 60-ft on side streets. The subject property has street frontage on 2<sup>nd</sup> Street SE, Garrett Street, and Monticello Avenue, as well as the new extensions of Hinton Avenue and 4<sup>th</sup> Street (proposed as a part of this Phase 3 project).

## Vicinity Map

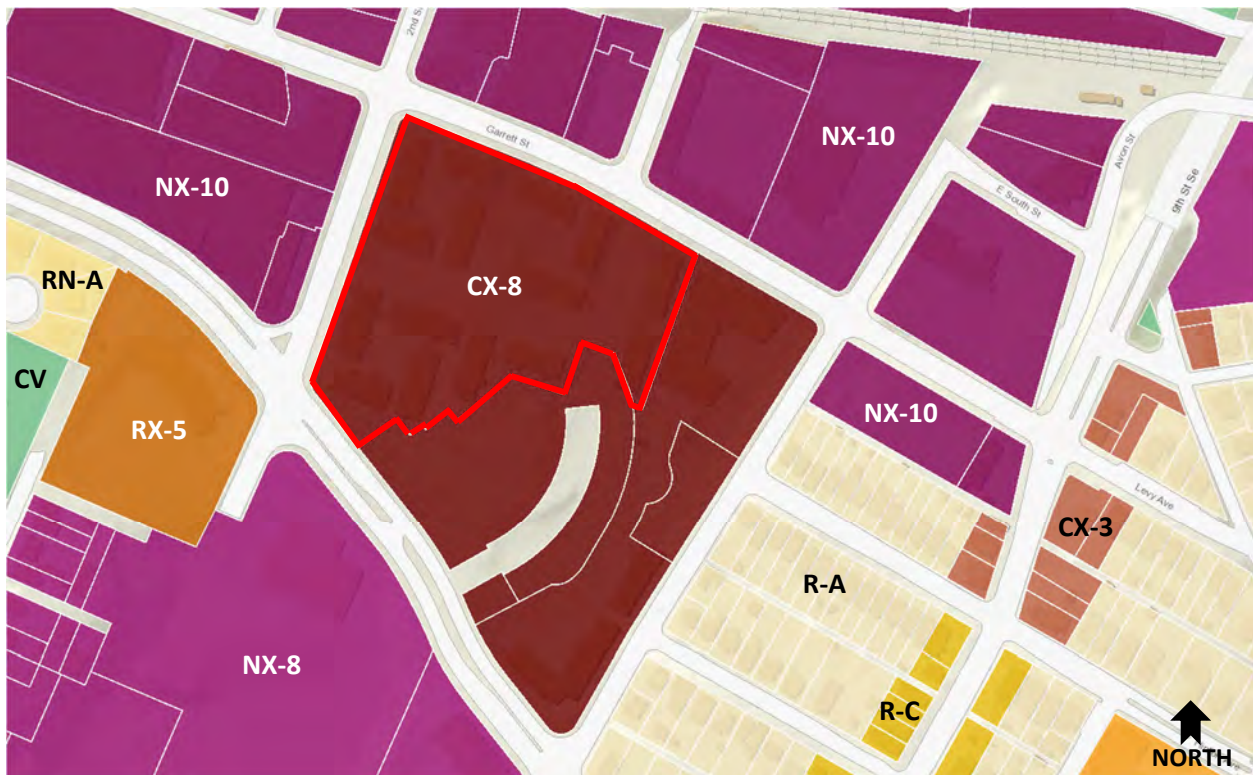


## Context Map 1

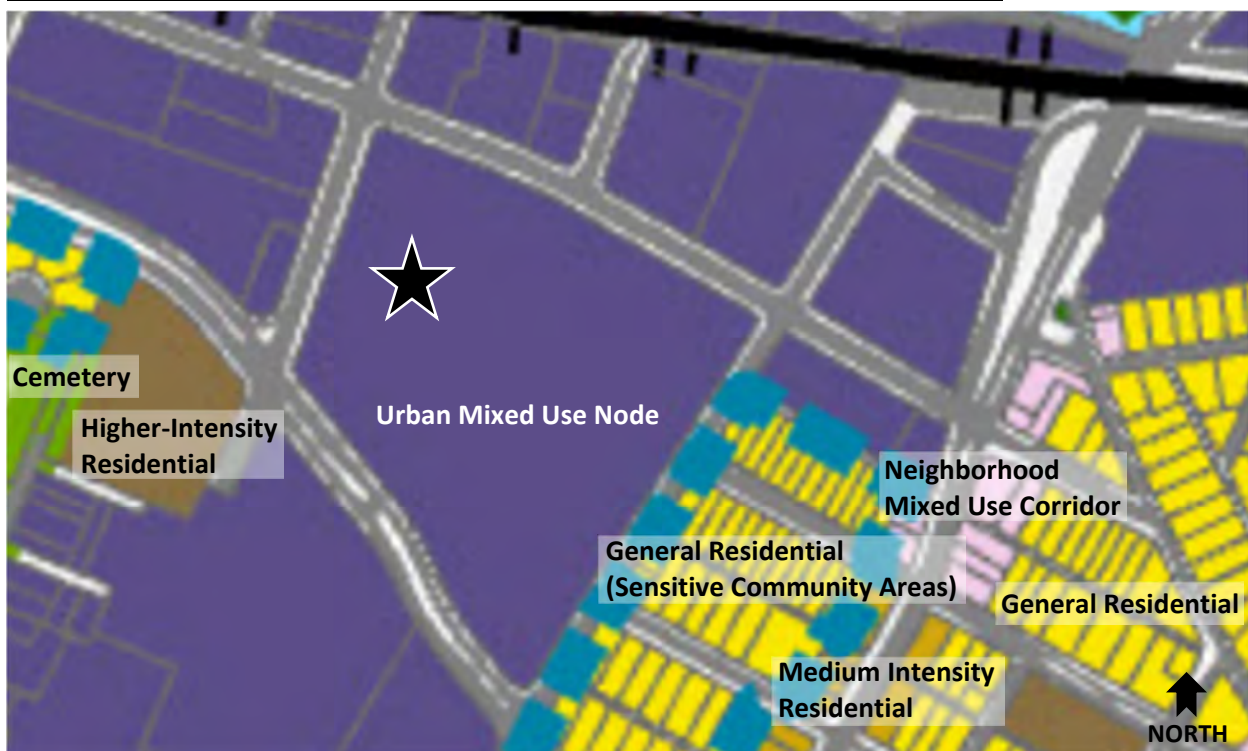




## Context Map 2- Zoning Classifications



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



City Council may grant an applicant a Special Exception Permit (SEP), giving consideration to a number of factors set forth within Zoning Ordinance Section 34-5.2.15.D. 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 SEP 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 SEP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed development.

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**(1) Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;**

2<sup>nd</sup> Street SE Block

The applicant proposes increasing the 40-ft maximum street-facing entry spacing requirement on 2<sup>nd</sup> Street SE to permit the proposed two (2) street-facing entries spaced a maximum of 82-ft 5-in. The applicant's narrative indicates the building width along 2<sup>nd</sup> Street SE is 190-ft. The applicant's narrative indicates the proposed street-facing entries on 2<sup>nd</sup> Street SE will be spaced no more than 40-ft from each end of the building façade in line with Section 34-2.10.13.A.4.

*Staff Analysis:* The entire eastern side of the 2<sup>nd</sup> Street SE block is part of the Friendship Court property and proposed for redevelopment, including Phase 3 (current application) and a future Phase 4 (no application has been made at the filing of this report). The western side of the block is comprised two (2) large buildings which are generally setback 12-ft to 30-ft from the property line. The northwestern building has 2 entries spaced approximately 50-ft from each other along a façade of approximately 150-ft. The southwestern building has 3 entries spaced approximately 25-ft from each other along a façade of approximately 160-ft. Staff believes some existing entries do not meet the requirements of street-facing entries as they lack an entry feature per Section 34-2.10.13.B. The yards of the western properties are landscaped.

Proposed Building 12 will provide a similar setback to the 12-ft existing minimum building setback on the western side of the block, as well as two (2) street-facing entries with entry features and foundation landscaping as described in the applicant's narrative and exhibits. While these entries are spaced further apart than existing entries in the block, staff believes the street activation generated by these entries, which will otherwise meet the requirements and intent of Section 34-2.10.13, is harmonious with the existing patterns of development within the block.

Hinton Avenue Extended Block

The applicant proposes eliminating street-facing entry requirements on Hinton Avenue Extended. The applicant's exhibits indicate the building width along Hinton Avenue Extended is 66-ft 6-in. Section 34-2.10.13.A.3.e. states a street-facing entry is required on side street frontages when the building width is more than the required maximum spacing (60-ft).



*Staff Analysis:* Hinton Avenue Extended is a new public street proposed as part of the Phase 3 project and fronted by two (2) buildings (Buildings 10 and 12) and a public park along the southern side of the block. Building 10 is approximately 45-ft wide with two (2) street-facing entries along Hinton Avenue Extended. The northern side of the block is proposed to be redeveloped in the futures as Phase 4 to the project. The existing buildings within the future Phase 4 area are oriented to an interior courtyard with the rear of the residential units facing the location of the new Hinton Avenue Extended section. The existing buildings immediately across from Building 12 does include rear doors. However, the existing buildings within the Phase 4 area are proposed to be removed as a part of the Phase 3 project and staff does not believe the existing rear doors meet the street-facing entry requirements. Staff finds the proposed removal of the street-facing entry on Hinton Avenue harmonious with the existing patterns of development.

**(2) Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;**

*Below are specific areas of the Comprehensive Plan for which the development is in compliance:*

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

**Future Land Use Planning Objectives:** Protect, preserve, and enhance natural and cultural resources.

**Objectives for Mixed-Use Areas:** Encourage compact block and street networks and a built environment that facilitates walking, biking, and bus riding.

**Objectives for Mixed-Use Areas:** Develop buildings and public spaces that are human-scaled and contribute to placemaking & Charlottesville’s authentic community identity.

**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.

**b. Environment, Climate, and Food Equity**

**Strategy 6.1** Monitor, protect, and expand the urban tree canopy cover both at citywide and neighborhood levels.

Comprehensive Plan- *Staff Analysis:*

The Future Land Use Plan of the 2021 Comprehensive Plan designates the subject property and surrounding properties as Urban Mixed Use Node, which is defined as *urban mixed use districts that support community housing, employment, and commercial development*. The form specified for Urban Mixed Use Node areas is ... *new, complete districts comprised of a walkable grid of streets, civic amenity spaces, and an intensive mix of land uses*. The

Friendship Court project, through all phases, expands affordable housing options in the community. Phase 3 provides 87 affordable residential units. However, the Virginia Housing funding requirements for this project include equity of units and features, which prohibits entry spacing meeting the maximum allowance for 2<sup>nd</sup> Street SE and Hinton Avenue Extended as required entries would provide direct access to some units.

The project does create a new public street network within the development, breaking down the large block into several smaller blocks and providing access to the new public park created as a part of this project (Phases 2 and 3). Several goals in the Comprehensive Plan speak to a desire for appropriately scaled redevelopment and compact street networks that contribute to placemaking, improve the pedestrian experience, and connect residents with amenities and destinations. The project adds new public streets including Hinton Avenue Extended to the network, connecting residents and visitors to the new public park and nearby destinations such as the Downtown Mall.

The applicant's narrative states the 2<sup>nd</sup> Street SE frontage along Building 12 will have additional elements to promote street activation and contribute to placemaking including seating nodes setback from the sidewalk with foundation plantings. The Comprehensive Plan also prioritizes the preservation and consideration of streetscape trees and urban tree canopy. The proposed reduction in street-facing entries limits impacts to the root zone of white oak streetscape trees along 2<sup>nd</sup> Street SE, which provide mature tree canopy and improve the pedestrian experience. Staff finds the proposed modification supports the goals and strategies of the Comprehensive Plan.

The width of Building 12 along Hinton Avenue Extended (66-ft 6-in.) is slightly wider than the 60-ft minimum building width required to provide a side street-facing entry per Section 34-2.10.13.A.3.e. However, the building width is still at a pedestrian scale well below the maximum allowed building width of 275-ft per Section 34-2.4.4.B.2. In addition, entries are provided within 40-ft of the Hinton Avenue Extended façade on each adjoining building façade. These entries will generally be visible from Hinton Avenue Extended and contribute to the activation of Hinton Avenue Extended.

**(3) Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.**

As the application aligns with the Comprehensive Plan, provides amenities such as outdoor spaces to otherwise activate the street and meet the intent of the street-facing entry requirements per Section 34-2.10.13.A.1, as well as protects existing mature streetscape trees which contribute to urban tree canopy and improve the pedestrian experience, staff

finds granting the Special Exception Permit is consistent with good zoning practice and general public welfare.

### **Public Comments Received**

Staff has received no public comments at the publishing of this report.

### **Staff Recommendation**

Staff recommends the Planning Commission recommend approval of the Special Exception Permit to modify the street-facing entry requirements for Building 12, identified in the application exhibits dated January 28, 2025, to require no street-facing entry spacing maximums on the 2<sup>nd</sup> Street SE and Hinton Avenue Extended building façades.

### **Recommended Conditions**

Staff recommends two (2) street-facing entries on 2<sup>nd</sup> Street SE meeting the requirements of 34-2.10.13.B are required as a condition of this Special Exception Permit.

### **Suggested Motions**

1. I move to recommend approval of this application for a Special Exception Permit in the CX-8 Corridor Mixed Use zone at 400-426 Garrett Street to modify street-facing entry requirements for Building 12, identified on the application materials dated January 28, 2025, to require no street-facing entry spacing maximums on the 2<sup>nd</sup> Street SE and Hinton Avenue Extended building façades with the following condition:
  - a. At least two (2) street-facing entries with entry features meeting the requirements of Section 34-2.10.13.B are required on the 2<sup>nd</sup> Street SE building façade of proposed Building 12.
  - b. [condition(s) proposed by Planning Commission]

**OR,**

2. I move to recommend denial of this application for a Special Exception Permit in the CX-8 Corridor Mixed Use zone at 400-426 Garrett Street to modify street-facing entry requirements for Building 12, identified on the application materials dated January 28, 2025.

### **Attachments**

- A. Special Exception Permit Narrative dated January 28, 2025
- B. Special Exception Permit Exhibits dated January 28, 2025

January 28, 2025

ATTN: Carrie Rainey  
Charlottesville Neighborhood Development Services

**Friendship Court Redevelopment Phase 3 – Special Exception Permit**

Dear Ms. Rainey,

This letter is to request a Special Exception Permit to Division 2.10.13 Rules for Zoning Districts: Street-Facing Entry Spacing.

**Zoning Ordinance Special Exception**

Per the CX-8 zoning district requirements, entrances must be spaced a maximum of every 40' along Primary Streets and 60' along Side Streets. The entrances aim to provide visual interest along the public realm, and promote greater use and activation of the public sidewalk.

We are requesting a special exception permit for Building 12, bordered by 2<sup>nd</sup> Street SE (primary) and a new side street, currently designated as Hinton Ave Ext. on the Friendship Court Phase 3 site plan submission. Per the CX-8 requirements, 2<sup>nd</sup> Street would need 4 total street-facing entries, and Hinton Ave would require 1 street-facing entry.

**Special Exception Reasoning**

Building 12 is a multi-family residential building with amenity space and parking on the lowest floor. The ground story as defined by Section 2.10.1.F along 2<sup>nd</sup> St SE shifts between the lowest and second levels (as demonstrated by Modules 1 and 2 on the attached exhibit) due to grades. The ground story along 2<sup>nd</sup> Street has residential units for 122' of the total 190' building length, and for the entirety of Hinton Ave. Ext. If we were to provide all of the required street-facing entrances, three of the required entrances would have direct access to residential units. All units in this building enter off an interior corridor. Adding the street-facing entries directly into individual units creates a security concern for property management, who needs to be able to monitor building access through a limited number of entrances. Currently our main pedestrian entrance is located on the corner of 2<sup>nd</sup> St SE and Monticello Ave, and the main vehicular garage entrance is located off the rear alley.

Many of the units in Building 12 accommodate larger families with children or special needs dependents. Direct exterior unit access along busier streets like 2<sup>nd</sup> St SE and Monticello Ave. creates concern among residents about a child or dependent getting outside without proper supervision.

The ground story along Hinton Ave Ext is fully occupied by two 2-bedroom residential units. Any entrance on this elevation would go directly into those units, creating an undesirable and unacceptable security risk for residents and management.

This project is being financed through Virginia Housing, which requires equity of unit features among all unit types within a single building. Providing an entrance in only a few units creates major discrepancies in the floorplan features available to the residents.

Finally, and importantly, one of the major goals of this project and the city is to maintain the health and longevity of the street trees along 2<sup>nd</sup> St SE. Reducing entrances and any related exterior construction will minimize impacts on the extensive root structure of these trees.

### **Proposed Solution**

Our proposed solution provides two entrances along 2<sup>nd</sup> St SE and no entrances along Hinton Ave. Ext. The two 2<sup>nd</sup> St SE entrances would access the main building lobby and egress stair, respectively. These will be spaced within 40' of each end of the building. As shown in diagram K9 on sheet A010, the ground story transitions from the 1<sup>st</sup> to 2<sup>nd</sup> floor between these two doors to meet the grade change along 2<sup>nd</sup> St SE. The exterior landing and stairs required to reach additional entrances would encroach upon the public access easement (if run is perpendicular to the building) or pass in front of an adjacent unit (if run is parallel to the building), interrupting planned locations for glazing.

The Building 12 streetscape design will include features that promote visual interest in the public realm, and maintain walkability and public safety. These features may include building mounted decorative screening, hardscape features, and specialized plantings. We will design to the principles of the zoning ordinance, particularly Section 2.10.12.B.3 Blank Wall Treatments. Preservation of the existing large street trees is a major component of our proposed solution. They will provide shading of the pedestrian way from Day 1, and continue to enhance the walk along this pivotal access artery between downtown and IX Art Park. Foundation planting along the building frontage will frame seating nodes set back from the sidewalk. These areas will enhance the pedestrian experience and break up the building façade to compensate for the removed entrances.

Glazing strategies will be used at the residential levels, which take up the majority of the ground story. The building transparency ratio is designed to exceed the zoning requirement, enhancing visual connection from the street to the active depth.

The building is in an early design phase and significant stakeholder engagement is still required, but the design and development team will preserve the city's vision for an engaging public way throughout the design process.



