

Planning Commission Special Meeting

February 25, 2025 5:00 PM to 7:00 PM

Hybrid Meeting – City Council Chambers

Commissioners Present: Commissioner d’Oronzio, Commissioner Schwarz, Commissioner Roettger, Commissioner Yoder, Commissioner Stolzenberg, Commissioner Joy

Staff Present: Patrick Cory, Missy Creasy, Carrie Rainey, Dannan O’Connell, Matt Alfele, Kellie Brown

Commissioner Schwarz called the Planning Commission Special Meeting to order at 5:00 PM.

1. Matters from the Public

No Public Comments

2. Special Exception – Critical Slope – 1115 St. Charles Court

Staff Report

Dannan O’Connell, City Planner – This is a small request to disturb around 500 square feet of critical slopes around the back of an existing residential parcel to permit some backyard improvements, a patio, retaining wall, and shed. Staff did not have any conditions attached to this and did recommend approval. The only thing that came up in review was from city utilities. There is a private drainage easement in the rear yard. If this does get approved, we will ask for a minor development plan to be submitted. We would review that to make sure the proposed improvements do not encroach too far into that private easement.

Commissioner Stolzenberg – I remember a time when a basic critical slope waiver like this would be on the Consent Agenda. I don’t know if we have had a policy change. This application merits Consent Agenda.

Commissioner Roettger – I cannot remember what the foundation for the shed was. This would be Ok. In the future, how it attaches to the ground, like a small case like this, would make a difference. This seems like a small encroachment.

Applicant Presentation

Matt Morrill, Applicant – I don’t have much to add. It is steep in the back of our house. We want to create a small, flat area for us to use. We also have a safety concern of somebody falling back there. I have almost fallen when it was icy. That is also part of the request.

Commission Discussion and Motion

Motion to Approve – Commissioner d’Oronzio – 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 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. Second by Commissioner Stolzenberg. Motion passes 5-0.

3. Special Exception – Fence – 820 East Jefferson Street

Commissioner Roettger recused herself due a conflict of interest with someone on the project and left Council Chambers.

Staff Report

Carrie Rainey, City Planner – The applicant requests a Special Exception Permit (SEP) to install fencing on a proposed deck in the front and side street yards on 9th Street NE and E Jefferson Street in the NX-10 Node Mixed Use district at 818-820 E Jefferson.

The node mixed use districts are described as moderate- and higher-intensity mixed use, office, and residential buildings intended to accommodate a variety of residential, retail, service, and commercial uses in a vibrant, pedestrian-friendly storefront environment. The Urban Mixed Use Core land use designation is defined as Urban mixed-use districts that support community housing, employment, and commercial development.

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.

Regarding Criteria 1, whether the proposed modifications will be harmonious with existing and approved patterns of development: the properties in the vicinity of the subject property vary in building setback and front yard use, which includes parking lots and landscaping. Staff finds the proposed improvements are harmonious with the existing patterns of development within the neighborhood. The applicant also received a Certificate of Appropriateness for Corridor Review for the proposed improvements on November 21, 2023, which is included in your attachments.

Regarding Criteria 2, whether the proposed modifications support the goals and strategies of the comprehensive plan: 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 both streets, which will increase activation and pedestrian interest in line with Mixed Use Area Objectives and Goal 3 of the Land Use chapter. In addition, the new seating area supports commercial development by increasing the capacity of the existing restaurant (general food and beverage) use. Staff finds the proposed improvements support the goals and strategies of the Comprehensive Plan.

Regarding Criteria 3, whether the permit is consistent with 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 9th Street NE and E Jefferson Street, staff finds granting the Special Exception Permit is consistent with good zoning practice and general public welfare.

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.

Applicant Presentation

No Applicant Presentation

Commission Discussion and Motion

Commissioner Stolzenberg – Was there a zoning determination that these improvements are a fence?

Ms. Rainey –Yes. We talked about it as a group with our previous director. Based on the current definition of fence in our code, we are finding that a lot of these elements fall into that definition.

Commissioner Stolzenberg – Are we going to fix that as part of our yearly review?

Ms. Rainey – My understanding is that is on the list for consideration.

Commissioner Schwarz – You did say that Jeff Werner (Preservation Planner) is reviewing this. If they make any changes, he will see that and decide whether it is Ok.

Ms. Rainey – That is correct. If you apply no conditions today, any changes will still need to get that further review by Mr. Werner.

Motion to Approve – Commissioner d’Oronzio – 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 consistent with the packet drawing and materials provided. Second by Commissioner Yoder. Motion passes 4-0.

Discussion following Second of Motion

Commissioner Stolzenberg – Does the wording of this motion allow fences beyond the one proposed here?

Ms. Rainey – Generally, the resolutions that are produced for Council are specific to that application package. It would be fine to also word a motion today that is specific to the application materials in terms of general locations or other things that might be appropriate.

4. Special Exception – Street Facing Entries – Friendship Court Phase 3(400-426 Garrett Street)

Commissioner Roettger rejoined the Planning Commission for this application.

Staff Report

Carrie Rainey, City Planner – The applicant requests a Special Exception Permit (SEP) to modify street-facing entry spacing requirements along 2nd Street SE and Hinton Avenue for Phase 3 of the Friendship Court, or Kindewood, redevelopment project. Entries are required every 40-ft along 2nd Street SE and every 60-ft along Hinton Avenue unless the permit is granted. The applicant proposes 2 street-facing entries on 2nd Street SE and no street-facing entries on Hinton Avenue.

The corridor districts are described as moderate- and higher-intensity mixed use, office, and residential buildings intended to accommodate a variety of residential, retail, service, and commercial uses in a vibrant, pedestrian-friendly storefront environment.

The Urban Mixed Use Core land use designation is defined as Urban mixed-use districts that support community housing, employment, and commercial development.

As previously mentioned, this request is for Phase 3 of the project, which is shown outlined in red on the left. More specifically, the request is for frontages of Building 12, as shown in red hatching on the right.

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.

Regarding Criteria 1, whether the proposed modifications will be harmonious with existing and approved patterns of development: The entire eastern side of the 2nd Street SE block is part of the Friendship Court property and proposed for redevelopment, including Phases 3 and 4. The western side of the block is comprised of 2 large buildings which are generally setback 12-ft to 30-ft from the property line with 2 to 3 entries. Staff believes some existing entries do not meet the requirements of street-facing entries as they lack an entry feature. 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 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 is a new public street proposed as part of the Phase 3 project and fronted by 2 buildings, Buildings 10 and 12, and a public park along the southern side of the block. The northern side of the block is proposed to be redeveloped in the future as Phase 4 to the project. Staff finds the proposed removal of the street-facing entry on Hinton Avenue harmonious with the existing patterns of development.

Regarding Criteria 2, whether the proposed modifications support the goals and strategies of the comprehensive plan: 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. 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 creates 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.

The applicant's narrative states the 2nd 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 2nd Street SE, which provide mature tree canopy and improve the pedestrian experience.

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. However, the building width is still at a pedestrian scale well below the maximum allowed building width of 275-ft. 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. Staff finds the proposed modification supports the goals and strategies of the Comprehensive Plan.

Regarding Criteria 3, whether the permit is consistent with 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.

Staff recommends 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 2nd Street SE and Hinton Avenue Extended building façades with the following condition: At least 2 street-facing entries with entry features meeting the requirements of Section 34-2.10.13.B are required on the 2nd Street SE building façade of proposed Building 12.

Applicant Presentation

William Abrahamson, Applicant – We have had extensive conversations with NDS staff about this location and how to meet the best needs for the building program of this building and the site. One thing that I wanted to call attention to is the preservation of the street trees. It is a tight site. We have a lot of layers there with the build-to depth that we are trying to manage and keep a healthy root system starting with construction but all the way through. We are trying to sit lightly within that space between the trees and the building.

Commissioner Stolzenberg – I was just trying to get a better sense of whether this is a ‘nice to have,’ or ‘a have to have.’ In your letter/application, you say that Virginia Housing would not fund a building with walk-up units.

Mr. Abrahamson – That is not entirely correct. Virginia Housing, which is funding this project, funds walk-ups all the time. The issue is that they want all the units of a certain type and income band to be equitable. Whether you considered a feature or a bug, whether it is a second access, or a security risk, to have 1 or 2 units having this element and the others is not inequitable in their interpretation. That is not a hard rule. In our conversations with their architecture and engineering team, we have had similar comments.

Commissioner Stolzenberg – If you were to say that the zoning code requires this, they would say ‘too bad?’

Mr. Abrahamson – No. That is not what we are resting on. That is a part of our discussion with Virginia Housing and making the diverse, fully supported community that we want to have here.

Commissioner Stolzenberg – I find it hard to ‘square’ that with this project. It has been largely designed around residents wanting front doors.

Mr. Abrahamson – That is not entirely true. Many of the residents have had conflicting commentaries about the existing two-over-twos that are built now. They want independent entries. Many residents have family members who need additional care or observation, whether they be small children or adults with special needs. Access control from the interior is a real issue. Limiting the number of routes outside of a unit is important. At the same time, we are balancing the location of those units across distribution in terms of floors for accessibility and windows. We are trying to make sure that everybody has access to the same kinds of spaces throughout the building and the site. On Phase 1, where we have 2-over-2s, the residents that chose to move into those, that fits their needs. We need the security and access control of a double-quarter building for this phase.

Commissioner Stolzenberg – Even though it would be 2 units out of 87 that would have a door to meet the requirement.

Mr. Abrahamson – That is correct. Recognizing that the hurdles within the building to meet this are not a code issue. It is an issue of the building program. It is about meeting the site with the street trees. It acts as a significant burden of access control that does not fit as well with this type of building. There is reasonable attention to breaking up that face with trees and benches.

Commissioner Roettger – I can understand that from property management, from working with the CRHA, the difference between Crescent Hall, the townhomes, and the different needs. With whoever is managing the property, it is probably easier to have one type of building versus another type of building. If there is reasonable attention to breaking up that face with trees and benches, it would feel more pedestrian. It probably saves some money. I would not want to make those arguments for every project. In this case, with the 2 units, it does seem like a small change to not have those 2 units opening out.

Mr. Abrahamson – Our plan is to activate that façade. We have had multiple discussions with NDS about the blank wall portion of the ordinance. Whether it is hardscape sitting areas that is activated, we have decorative grills as part of the ventilation.

Commissioner d’Oronzio – There would be many alterations to the present conditions that would improve that. That site is very visible because it is at the corner of the Tolstoy light. I get the point. You will be fine with how you activate that wall.

Commissioner Yoder – I have a similar comment. I walk by the Dairy Market. On 10th Street, they have the ground floor units that have doors. I have never seen anyone use it. The presence of a door does not activate the space. For this site, having that glass lobby entrance on the corner there will be a big improvement over what is now there. I am more interested in having a lot of windows so that you are not walking by a blank wall along

2nd Street. I was concerned that if something in the zoning code is problematic for affordable housing and the zoning code is requiring you to do something that runs afoul of affordable housing funding because of inequitable units. That is something else to look at in the zoning code review. It sounds like it is not a definite deal breaker in this case. It is one factor in several factors.

Mr. Abrahamson – It makes our job harder. That is my job. It is best efforts but a little more than the best efforts as far as the funding goes because it is competitive. That is something that they are looking for in scoring these projects. If you have 30 different unit types of different shapes and sizes, they technically might have the same square footage, but are they equitable? Do people know what they are getting into when they come into the community? We are trying to keep things on the same plane.

Commissioner Stolzenberg – You are saying that it directly factors into scoring. I was looking at the score sheet. I could not see anything that specifically spoke to this that you would be docked points on. Could you point to it?

Mr. Abrahamson – I cannot do that right now.

Commissioner Schwarz – You have mentioned the streetscape along 2nd Street, and you are going to promote visual interest. Nothing seems to be defined now. I am wondering how that process will work out between you and staff. Staff will make the determination. It sounds like there needs to be some kind of tradeoff. There are fewer entrances. How do we make this sidewalk more active and inviting? I am concerned that we don't know what we are going to get.

Mr. Abrahamson – That is why we are here tonight, to have that conversation. We have had the conversation with staff. We have a toolbox full of things that can go there. Depending on the comments that we receive tonight, we would gauge the extent of the amenities and how heavily we want to come out into that streetscape there. If there is a range of things from the decorative grills that we are putting into the podium ventilation to plantings or if there is a hardscape sitting area that starts to activate that space. What is the range? What is the best thing for the landscape?

Commissioner Schwarz – Are you looking for feedback from us tonight on that?

Mr. Abrahamson – I think we have a good understanding of what staff is looking for. We built it off conversations around the blank wall portion of the code. We have several strategies we have discussed with them. We have nothing to present.

Commissioner Stolzenberg – In the elevations with those dark boxes under the windows, those are the grills you are talking about, not the benches you are talking about. Is there anything in this packet that shows where these bench nooks are?

Mr. Abrahamson – No.

Commissioner Schwarz – Is that something that you might be able to better define before this goes to Council?

Mr. Abrahamson – That is not a problem from my perspective.

Ms. Rainey – The packet is finalized tonight. We could have discussions about items that could be verbally discussed with Council's as opposed to updating our formal materials in the packet. I recognize what Commissioner Schwarz is saying. When staff was reviewing this, we considered conditions to those streetscape activation items. Since we had not yet had drawings finalized and trying to leave some flexibility so that when the details when we get into the root areas and where things need to go, that could be accounted for. We did not recommend any conditions. I certainly would be open to conditions. I would suggest that if the Commission is able to provide any flexibility in terms of that so we are not hitting a major root to meet a criterion that we set out, that would be ideal.

Commissioner Stolzenberg – I get the imperative to see this project built. I don't want to put roadblocks in front of it. If we think back to the reasons why this portion of the code exists, it is about pedestrian activation. It is about eyes on the street. It is about defensible space. If there is anywhere in the city where those principles must apply/be applied, it seems like 2nd Street Southeast is the place. There is high pedestrian flow. If we are going to say that those things are not important, we should remove this from the code. It is annoying for people building apartment buildings to put in. That would be one conversation. It is hard to see, based on this site, what a good reasoning for saying that this site should be accepted. I get the trees. Trees are on the street side of the sidewalk. I don't know if I fully buy it. I get the Virginia Housing. You might have some qualms. I don't know if I completely buy that either. If we are saying that there are alternative methods to meet those needs, I could be open to that. We don't see any here. I am open to somebody proposing a condition that would specify that.

Commissioner Schwarz – I do not want to play designer. Since this is a majority affordable housing project, there is some room for some leeway as opposed to a plain brought in project. As part of the Comp Plan, we have some reasons to allow some more flexibility. I am stuck on this one. I am inclined to approve it and trust staff to figure something out. Staff is going to work with the applicant to figure out an appropriate streetscape. With future applications like this, it might be useful to get more information as to what that streetscape might be, even at a flexible level.

Commissioner Stolzenberg – Did the BZA have a similar request for the 10th Street affordable housing, and they granted it?

Ms. Rainey – Yes, there was a variance request. There were 2 variances approved at 1010 Wertland. One of them was for street facing entries. I would need to go back and check. They have 2 administrative modification requests. I don't want to misstate which one was which. They recently did achieve 2 variances.

Commissioner d'Oronzio – I am inclined to make a gentle contrast to Commissioner Stolzenberg's concerns referencing the trees. I think it is perfectly reasonable to say that one does not know what one does not know. There are some huge trees along there. When you start moving dirt around, I am certain that they are going to find a challenge that they had no idea was there.

Ms. Rainey – The applicants have met with me and our urban forester on site to talk specifically about these roots. There has been a lot of discussion about root pruning that needs to happen at correct times. There has been a lot of work by the applicant team to ensure that these trees can continue to thrive regardless of what they are doing there. There is some substantial information that the urban forester has been able to provide as well on that piece.

Commissioner Stolzenberg – Do we know if the urban forester has heard about this request?

Ms. Rainey – I have not spoken directly with him about it until we got some more definite plans about locations where we could get into those details. As the plans continue, he is one of the reviewers on those plan sets as well.

Kevin Flynn, Applicant – One of the things that we investigated with that is the floor elevation for the apartments units is several feet above the sidewalk grade. To get into those units, you need stairs to go up to them, which would be the required grade with fill on top of the roots. It is not great for a retaining wall. We are trying to move all the work outside the root zones and to keep that work as minimal as possible.

Commissioner Roettger – What is the building on West Main Street and Roosevelt? They have the big walls and the ramps. That is at least 2 stories to hide their parking. You do see people sitting towards the train tracks. I am picturing other ways. There is maybe a small trellis with bench placed some place where people might gather that would give more interaction to the streetscape. I am trying to think of other examples. I am not saying that one is the best. Since Charlottesville has such a grade difference, are there strategies to break up that length of the building? I am thinking about our topography. That is sometimes a hard strategy. It is hard to get

around the ramping and stairs. There are maybe some examples we can look at around town and find a good way of doing it.

Mr. Abrahamson – When people occupy a space, especially if it is sloped, that takes interventions. Very few people want to occupy a muddy slope. We plant it. There are ways to do it. It is all levels of intervention. This is one spot on the site where we really want to sit lightly. We can creep up. We can expand a little bit where this is outdoor seating down near the entry because we are already in the ground there. We are already doing work. On the other end, we can expand that a little within reason. We are trying to minimize the hardscape through there.

Commissioner Roettger – It is hard because the other corners are not particularly adding a lot currently to that intersection. There is maybe future room for improvement on the other side of Monticello if that ever happens.

Commissioner Stolzenberg – It is not so much at the corner where there is this entrance. It is walking up that block. On the opposite side, you have a lot of entryways. I would say that most of the pedestrian traffic is probably on the east side. I get the idea of having flexibility for staff. I would feel better if there was at least a vague condition that would allow staff to have some authority over this. We could reference benches seating, nooks.

Commissioner Roettger – It sounds like if it is not going to create hardscape, which would hurt the trees.

Commissioner d’Oronzio – If we start putting things in there, we might end up with weird stuff.

Commissioner Yoder – I like the idea of not naming specific interventions but asking for something to activate the streetscape.

Commissioner d’Oronzio – It would be something like Condition B. What is the verb that we use? “Especially mindful to take into consideration.” All these things that are not direct order, you must get fuzzy fast. I don’t think we are quite there to start making decisions about how that is going to look. Are we OK with 2 doors? The rest of it is another conversation.

Commissioner Stolzenberg – It is not something we have any review on at the site plan stage unless we have a condition on the Special Exception.

Commissioner d’Oronzio – Could we stick something in as rough as to insist on having such a review?

Commissioner Schwarz – They have a paragraph with their proposed solution starting with “Building 12 streetscape design.” We could put a condition that quotes that. They are saying that they would design to the principles of the zoning ordinance in Section 2.10.12.b3 (blank wall treatments). The only difference would be that they need to go beyond just the blank wall treatment requirements. That is a long paragraph to stick into motion.

Commissioner Stolzenberg – If we were to say features that promote visual interest in the public realm maintain walkability and public safety, which may include mounted decorative screening, hardscape features, and specialized planting or other measures. That is appropriately specific but also vague.

Commission Discussion and Motion

Motion – Commissioner Stolzenberg – 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 2nd Street SE and Hinton Avenue Extended building façades with the following conditions:

- At least two street facing entries with entry features meeting the requirements of Section 34-2.10.13b are required on the 2nd Street Southeast building façade of proposed Building 12.

- **The applicants shall include features to 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 planting or other measures.**
- **These features may include but are not limited too.**

Second by Commissioner d’Oronzio. Motion passes 6-0.

Adjournment

The meeting was adjourned at 5:50 PM.