

Agenda

PLANNING COMMISSION REGULAR TUESDAY, September 9, 2025 at 5:30 P.M. Hybrid Meeting

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

Beginning: 5:00 p.m.

Location: (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

1. Annual Meeting

a. Presentation by Nominating Committee

b. Election of Officers

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 27, 2025 – Work Session

2. Minutes – June 10, 2025 – Regular Meeting

3. Minutes – July 8, 2025 – Regular Meeting

4. Annual Adoption of Electronic Meeting Policy

III. PLANNING COMMISSION PUBLIC HEARING

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

IV. COMMISSION'S ACTION ITEMS

Beginning: following the hearings

Continuing: until all public hearings and action items are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing (as applicable)

1. Special Exception – Build To Requirement– 1107 Myrtle Street

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday September 23, 2025 – 5:00 PM	Work Session	TBD

Tuesday October 14, 2025 – 5:00 PM	Pre-Meeting	
Tuesday October 14, 2025 – 5:30 PM	Regular Meeting	<u>Minutes</u> – September 9, 2025 – Regular meeting

Anticipated Items on Future Agendas

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) 970-3185 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.

May 27, 2025, June 10, 2025 and July 8, 2025 Planning
Commission Minutes are included as the last documents in this
packet.

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



TO: Charlottesville Planning Commission
FROM: Missy Creasy, Deputy Director NDS
DATE: August 29, 2024
SUBJECT: **Electronic Meeting Participation Policy**

The Planning Commission adopted an electronic meeting policy in Fall 2024 which must be adopted annually.

It is recommended that the Planning Commission readopt the electronic meeting policy.

Policy for Electronic Participation by Charlottesville Planning Commissioners
in Planning Commission meetings.

1. **Purpose and Applicability.** It is the policy of the Planning Commission of the City of Charlottesville that individual members of the Commission may participate in Commission meetings by electronic means as permitted by Virginia Code Section 2.2-3708.3(B). The purpose of the policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia and the City of Charlottesville Standard Operating Procedure 100-02 ("Use of City Premises for Meetings; Procedures for All-Virtual Meetings and Other Remote Participation"), and to allow for and govern participation by one or more Commissioners in Planning Commission meetings by electronic communication means. All proceedings pursuant to this policy shall be performed in accordance with Virginia Code Section 2.2-3708.3(B), as that statute may hereafter be amended. This policy shall apply strictly and uniformly to the entire Planning Commission membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. **Permissible Reasons for Electronic Participation.** Participation by a Commissioner in a meeting by electronic communication means shall only be allowed for one of the reasons set forth within Virginia Code Section 2.2-3708.3(B)(1), (2), (3), or (4). Each Commissioner shall be limited each calendar year to participation by electronic means for personal reasons (Virginia Code Section 2.2-3708.3(B)(4)) to two meetings, or twenty-five percent (25%) of the meetings held by the Planning Commission per calendar year, rounded up to the next whole number, whichever is greater.
3. **Approval.** No Commissioner may participate in a meeting by electronic communications means unless the Commissioner requests and the Chair approves the participation in accordance with this policy. Individual participation from a remote location shall be approved unless such participation would violate this policy or other provisions of the Virginia Freedom of Information Act. If the Chair does not approve the Commissioner's request, such disapproval shall be recorded in the Commission's minutes with specific reasons cited for the disapproval.
4. **Approval Process.** A Commissioner may request to participate in a meeting by electronic communication means if the Commissioner notifies, by electronic mail, the Planning Commission Chair and the Secretary to the Planning Commission on or before the day of the meeting that the Commissioner is unable to attend due to the following:
 - i. **Personal (Va. Code § 2.2-3708.3(B)(4)):** an emergency or personal matter, provided that the Commissioner identifies with specificity the nature of the emergency or personal matter, or
 - ii. **Temporary or Permanent Disability, or Medical Condition (Va. Code § 2.2-3708.3(B)(1) or (2)):** a commissioner has a temporary or permanent disability or other medical condition that prevents the Commissioner's physical attendance, or a medical condition of a member of a Commissioner's family requires the Commissioner to provide care that prevents the Commissioner's physical attendance.

- The Commissioner must also notify the Planning Commission Chair and the Secretary to the Planning Commission of the remote location from which the Commissioner would participate by electronic communication means.
- At the meeting, the Secretary to the Planning Commission shall announce the information received from the absent Commissioner. If the Commission member's request is in all respects compliant with this policy, then the Chair shall approve the absent Commissioner's request. If participation by a member through electronic communication means is approved, the Secretary to the Planning Commission shall record in the minutes of the meeting the remote location from which the Commissioner participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2 of Va. Code § 2.2-3708.3(B), the Secretary to the Planning Commission shall also include in the meeting minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance, as applicable. If participation is approved pursuant to subdivision 4 of Va. Code § 2.2-3708.3(B), the Secretary to the Planning Commission shall also include in the meeting minutes the specific nature of the personal matter cited by the member.
- Upon approval of the Commissioner's request to participate by electronic communication means, the Commissioner shall be allowed to fully participate in the meeting by electronic communication means.
- If a Commissioner's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy set forth above, such disapproval shall be recorded in the minutes with specificity, inclusive of the following information:
 - i. the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition;
 - ii. the remote location from which the Commissioner would participate in the meeting; and
 - iii. the specific aspect of this policy that would be violated by the Commissioner's proposed participation by electronic communication means, as determined by the Chair of the Planning Commission.
- 6. Annual Adoption. This policy must be re-adopted by the Planning Commission at least once annually, by recorded vote at a public meeting.

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



PLANNING COMMISSION REGULAR MEETING

APPLICATION FOR A SPECIAL EXCEPTION PERMIT

APPLICATION NUMBER: PL-25-0118

DATE OF MEETING: September 9, 2025

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

Project Planner: Benjamin Koby

Date of Staff Report: August 27, 2025

Applicant: Geoff Moran, Shimp Engineering

Applicant's Representative(s): Geoff Moran

Current Property Owner: LLANDAFF FARM, LLC

Application Information

Property Street Address: 1107 Myrtle Street ("Subject Property")

Tax Map & Parcel/Tax Status: 570136000 / Taxes are up to date

Total Square Footage/ Acreage Site: Approx. 0.17 acres (7405.2 square feet)

Comprehensive Plan (General Land Use Plan): General Residential

Current Zoning Classification: R-A Residential A

Overlay District: None

Applicant's Request (Summary)

The applicant is requesting a Special Exception Permit (SEP) pursuant to City Code Sections 34-2.4.3.A.5 (Build-to) and 34-5.2.15 (Special Exception), which states a SEP may be granted for the modification of any physical dimensional standards within Division 2.10, 4.3, 4.5, 4.7, and 4.8. In the Residential A (R-A) Zoning District, there is a required build-to width of 50%. Which means that within the front setback range (10'-20' or utilizing the existing range) building(s) must take up 50% of that space to meet that requirement. The existing house (with a width of 21'-9"), proposed to stay on site, does not meet the build-to width requirement (minimum width of 25') of the parcel (50' wide). The applicant is applying for a Special Exception to facilitate the development of three single-family residences to the rear of the parcel. The R-A zoning district allows four (4) dwelling units on one parcel with the preservation of the existing structure bonus. As presented in the SEP application and Major Development Plan application (PL-25-

0033) the use and density is by-right. To move the project forward, the applicant has three options, demolish the existing structure and rebuild in a fully conforming way, build a new structure or an addition within the build-to range to meet the requirement, or pursue a SEP to allow for building in the rear. In addition to this application, the City approved a subdivision (PL-25-0090) in July of this year to create four (4) sublots on the Subject Property. As of the date of this report staff has completed two (2) rounds of the Major Development Plan (PL-25-0033) and is currently waiting on the applicant to resubmit an updated plan.

The Development Plan review, under project number PL-25-0033, has gone through two iterations of review since the initial submittal on February 12th, 2025. The three remaining commenters are from Neighborhood Development Services (Planning), Utilities, and the Fire Marshall's Office. Seemingly all comments can be addressed within the next round of review and do not interact with the SEP that they are pursuing within this application. Reference the attached comment letter for the remaining comments.

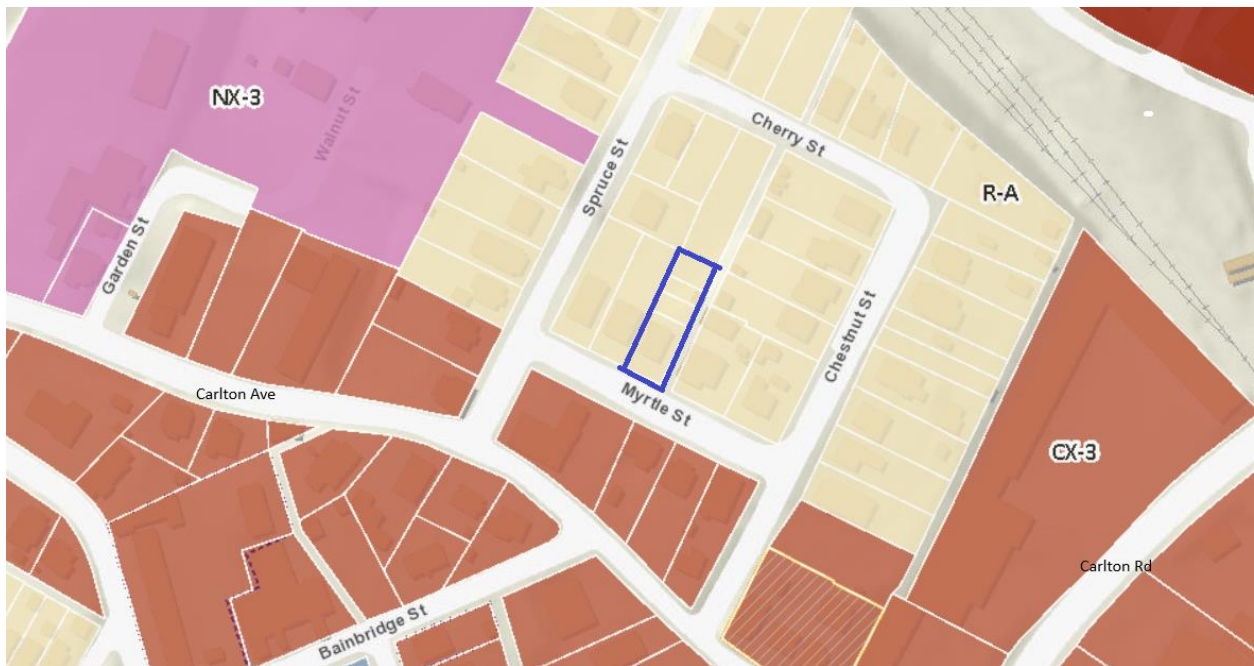
Vicinity Map



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. The applicant's analysis can be found in Attachment A.

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;

Staff analysis: The existing house at 1107 Myrtle St is already harmonious with the existing and approved patterns of development within the area. However, the new proposed development is proposing to improve the existing alley on the block and provide three additional units in the rear. We can give some consideration to the proposed single family residences that will be constructed. However, if the existing house was already wide enough to meet the build-to requirement of the code, the proposal would be allowable by-right. Considering the development as a whole, it would be a slight intensity increase in the area, but it is not uncommon for houses to have

accessory structures in the rear yard. The area is characterized by small houses on relatively small lots. From a form perspective, the construction of three new single-family residences would not be out of line with the existing built form.

2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;

Relevant guiding principles:

The Future Land Use Map from the Comprehensive Plan designates this area as General Residential and it is intended to provide an opportunity for a range of housing types within residential areas and to increase housing choice within the existing neighborhoods. Per Table 2 Land Use Category Descriptions (Page 29), general residential areas should “Allow up to 4-unit dwellings if the existing structure is maintained.”

Within The Comprehensive Plan Chapter 4, Goal 3 states the goal to 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.”

Staff Analysis:

The intent of the build-to zone requirements of the Development Code, born out of the goals of the Comprehensive Plan, speaks to the desire to create attractive and harmonious streets with a consistent pattern of development. The build-to zone aim is to bring consistency by requiring new developments be placed forward on a property toward the primary street lot lines. The existing structure is already meeting the build-to zone and setback requirements. However, the build-to width requirements are intended to manage lot sizes by promoting subdivision of parcels to create new and smaller lots so it is easier to meet the build-to width requirements of the district in which you are located. However, with this being an infill development on a parcel with an existing house, and subdivision would not be a feasible strategy, the Special Exception is the most viable and logical alternative to allow for this development.

Subdivision is not a feasible solution, as the existing house is centrally located on the parcel, making it impossible to divide the land without compromising the integrity or functionality of the structure. Additionally, adjusting the lot lines in an attempt to meet the required build-to width would still fail to bring the property into compliance with zoning regulations. The current placement of the house inherently prevents alignment with the prescribed standards, regardless of boundary modifications.

Another alternative is to demolish the existing structure and rebuild a slightly larger structure. Demolition of the existing structure would run counter to the goals of existing structure preservation within the Comprehensive Plan, and would not be a suitable option for Planning Commission or City Council to require.

The final alternative that Staff explored is to require building within the build-to zone, either a new structure or an addition, to meet the build-to requirement. Staff finds this option to be unnecessarily costly and would be a needless alteration to the existing street facing building facade. The existing structure is already similar enough to the other houses in the proximity, that requiring an addition would achieve no tangible benefit for the cost that the applicant would incur.

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

Staff does not believe there are any conditions warranted for this application. The development is in-line with the goals of the Comprehensive Plan and the build-to width Special Exception request is appropriate given the preservation of the existing structure and the existing characteristics of the community.

Public Comments Received

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

Staff Recommendation

Based on the proposed use of the structures, the existing street scape, and neighborhood characteristics, staff recommends the Planning Commission recommend approval of the Special Exception Permit to the build-to width requirements in this case.

Recommended Conditions

Staff recommends no added conditions.

Suggested Motions

1. I move to recommend approval of this application for a Special Exception Permit in the R-A Residential A zone at 1107 Myrtle St to permit the construction of three single unit homes outside of the build-to requirement.
 - a. The size, location, and use will be consistent with the materials submitted in application PL-25-0033 dated February 12th, 2025.
 - b. [condition(s) proposed by Planning Commission]

OR,

2. I move to recommend Denial of this application for a Special Exception Permit in the R-A Residential A zone at 1107 Myrtle St to permit the construction of three single unit homes outside of the build-to requirement.

Attachments

1. Special Exception Request Letter
2. Development Plan Overview
3. Development Plan Comment Letter dated July 29th, 2025

SHIMP ENGINEERING, P.C.

Design Focused Engineering

May 8, 2025

City of Charlottesville
Neighborhood Development Services
610 East Market Street
Charlottesville, Virginia 22902

Special Exception for 1107 Myrtle Street Build-to-width Requirements

To Whom it May Concern,

Based on Section 2.2.2 (R-A Residential A) of the current City of Charlottesville Zoning Code (adopted December 18, 2023), requirements for the development of 1107 Myrtle Street includes a minimum build-to width of 50% on the primary street. The primary lot line for this property is 50' on Myrtle Street. In order to meet the build-to-width requirements, the existing preserved building along the primary street must be at least 25' in width. Per Section 2.10.6, the build-to-width's intent is "to facilitate the creation of a convenient, attractive, and harmonious community by regulating the placement of buildings along the public realm so that buildings frame the public realm with a consistent pattern of development." The smaller existing footprint of the existing buildings does not hinder the intent set forward. Since this existing building was built prior to the current City of Charlottesville Zoning Code, we believe that Section 5.3 (Nonconformities) should be followed. Section 5.3 states "any existing nonconformity, defined as any lot, building or structure, or use that conformed to the zoning regulations at the time they were established, but do not conform to current requirements of this Development Code." In order to be in compliance, with the current zoning code, the existing building would need roughly an eight-foot-wide extension to the front porch as the main building structure is not within the build-to-zone. The existing community is similar in both size and scale and by waiving the build-to-width, there would not be any harm to the attractiveness and appeal of the current community.

If you have any questions or concerns about these requests, please feel free to contact us by email at geoff@shimp-engineering.com or stephanie@shimp-engineering.com or by phone at 434-227-5140.

Regards,

Geoff Moran

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



July 29th, 2025

Shimp Engineering
Attn: Justin Shimp
912 E High Street
Charlottesville, VA 22902

RE: 1107 Myrtle Street

Dear Applicant:

Thank you for presenting the site plan for the above referenced development initially on February 12th, 2025 and resubmitted on June 24th, 2025. For the reasons set forth below, the plan is hereby denied. Please address these deficiencies and re-submit your plan by October 27th 2025, per Section 34-5.2.9 and Development Review Procedures Manual Section 2.4.

City Staff have made a good faith effort to identify all deficiencies within this submission; however, in the event that there remains any other deficiency which, if left uncorrected, would violate local, state or federal law, regulations, or mandatory engineering and safety requirements, such other deficiency shall not be considered, treated or deemed as having been approved. These comments are based on the current submission; future submissions may generate additional comments.

Please revise the materials and resubmit in the Cityworks portal application. If you have questions, please feel free to contact me at 434-970-3529 or kobyb@charlottesville.gov and I will be happy to assist you.

However, please be aware that as the City reviews the recent court ruling concerning the Development Code, all zoning-related applications are temporarily on hold pending further legal and procedural guidance. Affected applications are those listed in Sections 34-5.2.1 through 34-5.2.17 of the Development Code, most notably new construction, additions, site modifications, and changes in use. These types of developments activities are typically reviewed through the submission of Major and Minor Development Plans, Final Site Plans, and/or discretionary applications such as Special Use Permits and Special Exception Permits.

Building permit applications, including trade and fire permits are continuously being accepted and processed. This review stream includes reviews for all interior and exterior residential projects permitted through the Applicability sections of the Development Code (Sections 34-2.1.2, 3.1.1, and 4.1.1) with exterior projects confirming to the building code setbacks of 10' to the Fire Separation Distance (FSD). If you have questions about your project, please contact the Development Planning Manager (Matthew Alfele) at 434-970-3636 or alfelem@charlottesville.gov. We will be providing updates as soon as they become available.

Sincerely,

Ben Koby
Planner II

Neighborhood Development Services

Planning – Ben Koby

General

1. Given the turbulence with the zoning ordinance, we will put the Special Exception Permit application on the first available agenda once we get more clarity on how it will work.
2. Provide estimates for the contribution to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

Public Works

Traffic Engineering – Caleb Smith

3. Alley does not meet fire access or drive aisle width

Utilities

Utilities – Calvin Chan

4. On Sheet C3, the sanitary sewer lateral to the #1109A/B Myrtle St lot is shown to be removed, but on Sheet C5 this connection is not shown to be replaced. [Continuity of service shall be maintained]
5. On Sheet C5, please show the correct sizing for the proposed water service lines and taps. For a 5/8-inch meter service, a 3/4-inch corp stop with a 3/4-inch Type K soft copper service line is required. [Detail W5.0]
6. On Sheet C5, the proposed water service lines are too close to the proposed sanitary sewer extension. A minimum of 5-feet of horizontal separation edge-to-edge separation shall be maintained, including at proposed sanitary structure 2A. [Sec 31-110, SADM 9.3.2.8]
7. On Sheet C5, the sanitary lateral for Sublot C cannot enter the proposed manhole 2A off-center as shown. [SADM 9.3.2.5.h]
8. On Sheet C5, the sanitary cleanouts for Sublot B, C and D are too close to other utilities. A minimum of 5-feet of horizontal separation shall be maintained. [SADM 9.3.2.8, 9.3.2.9]
9. On Sheet C5 and other applicable sheets, the proposed variable width public utility easement for the sanitary sewer extension shall provided to allow 10-feet from the center of the pipeline. [SADM 2.1.4.1.4]

Fire Department

Fire Department – Jonathan Williams

Response Needed:

10. Sheet 6: Based on the proposed landscape, fencing, and existing housing, Myrtle St fails to provide Fire Department Access within 150' to all exterior sides of the buildings.

The following Departments reviewed the Major Development Plan that was submitted February 12th, 2025 and resubmitted on June 24th 2025, but did not provide comments indicating department approval. Please reach out directly to these departments if you have any questions.

Rivanna Water and Sewer Authority (RWSA)

Civil Engineer – Dyon Vega

Utilities

Water Resources Protection Program – Dan Frisbee

Community Solutions

Housing Program Manager – Madelyn Metzler

Transit

Senior Project Manager – Bruce White

Parks and Recreation

Urban Forester- Steve Gaines

Parks and Recreation

Trail Planner- Chris Gensic

Utilities

Gas Utilities – Chuck Drennen

Public Works

Engineering – Emily Smith

City Manager’s Office

ADA Coordinator – Paul Rudacille

Neighborhood Development Services

Floodplain Manager – Dannan O’Connell

Neighborhood Development Services

Zoning – Craig Fabio

Neighborhood Development Services

Building Official – Chuck Miller

Neighborhood Development Services

Preservation Planner – Jeff Werner and Kate Richardson

MAJOR DEVELOPMENT PLAN

1107 MYRTLE ST

TAX MAP 57, PARCEL 136

CITY OF CHARLOTTESVILLE, VIRGINIA

VICINITY MAP

SCALE: 1"=200'



Map provided by Google.com

SHEET INDEX

- C1 COVER SHEET
- C2 ZONING NOTES
- C3 EXISTING CONDITIONS
- C4 SITE LAYOUT
- C5 UTILITY PLAN
- C6 LANDSCAPE PLAN
- C7 SANITARY SEWER PROFILE
- C8 FIRE COMPLIANCE PLAN



8155 HIGH ST. 424.227.0140
CHARLOTTESVILLE, VA 22902 JUSTIN@SHIMP-ENGINEERING.COM



DESIGNED BY
Justin Shimp

CHECKED BY
Justin Shimp, P.E.

MAJOR DEVELOPMENT PLAN

1107 MYRTLE ST

CHARLOTTESVILLE, VIRGINIA

SUBMISSION:

2025.02.11

REVISION:

25.05.08 (City Comments)

FILE NO.

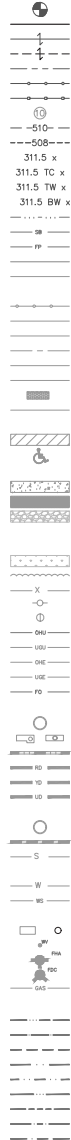
24.092

COVER SHEET

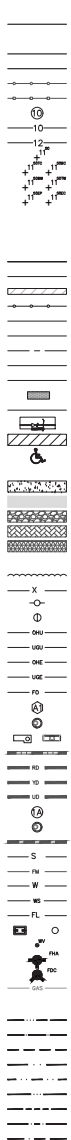
C1

LEGEND

EXISTING



NEW



DESCRIPTION

BENCHMARK
SITE PROPERTY LINE
BOUNDARY TO BE VACATED (TBV)
ZONING LINE
ADJACENT PROPERTY LINE
BUILDING SETBACK
PARKING SETBACK
STARS
INDEX CONTOUR
INTERVAL CONTOUR
SPOT ELEVATION
TOP OF CURB/BOTTOM OF CURB ELEVATION
TOP/BOTTOM OF WALL ELEVATION
EDGE OF PAVEMENT/CONCRETE ELEVATION
STREAM
STREAM BUFFER
100 YEAR FLOODPLAIN
BUILDING
RETAINING WALL
RETAINING WALL HATCH
RAILING
STAIRS
EDGE OF PAVEMENT
ROAD CENTERLINE
FRONT OF CURB
BACK OF CURB
CG-12 TRUNCATED DOME
SIDEWALK
BIKE PARKING
HANDICAP ACCESSIBLE AISLE
HANDICAP PARKING
CROSSWALK
CONCRETE
ASPHALT
RIPRAP
E-C MATTING
E-C MATTING
WETLAND
TREELINE
FENCE
UTILITY POLE
GUY WIRE
OVERHEAD UTILITY
UNDERGROUND UTILITY
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
FIBER OPTIC
STORM STRUCTURE NOMENCLATURE
STORM MANHOLE
DROP INLET (CAST INPLACE/PRECAST)
STORM SEWER PIPES
ROOF DRAIN
YARD DRAIN
UNDERDRAIN
SANITARY STRUCTURE NOMENCLATURE
SANITARY MANHOLE
SANITARY SEWER MAIN
SANITARY SEWER LATERAL
FORCEMAIN
WATER LINE
WATER SERVICE LINE
FIRE LINE
WATER METER (WM+T)
WATER VALVE
FIRE DEPARTMENT CONNECTION
GAS LINE
EASEMENTS
CONSTRUCTION/GRADING
ACCESS
SIGHT DISTANCE
UTILITY
STORMWATER
DRAINAGE
SANITARY
WATERLINE
GASLINE

OWNER/DEVELOPER

Llandaff Farm, LLC
1685 Owensville RD
Charlottesville, VA 22901

ZONING

R-4

SETBACKS

Per City of Charlottesville code of ordinance, Sec. 2.10.5
Primary street lot line (min/max): 10/20'
Side street lot line (min): 10'
Side, rear and alley: 4'

SOURCE OF TITLE

Datum for topography is NAVD 88
Instrument Number: 2024-1833

SOURCE OF BOUNDARY AND TOPOGRAPHY

Boundary & topographic survey provided by: Foresight Survey

BENCHMARK

According to the FEMA Flood Insurance Rate Map, effective 02/04/2005 (Community Panel 51003C288D) this property does not lie in a floodplain.

FLOODZONE

This site is within the Meadow Creek-Rivanna River Watershed. HUC12: 020802040401

RESERVOIR WATERSHED

This site is not within a watershed of a public water supply.

WATER & SANITARY SERVICES

- All materials used for water and sanitary sewer service lines are to comply with requirements as outlined in both the BOCA Code and the regulations used by the Department of Utilities for the City of Charlottesville.
- All waterline shut downs must be coordinated with and performed by the City. Developer must hand out notices to affected customers at least 48 hours in advance.
- Per the Virginia Department of Health Waterworks Regulations (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc.) shall have a backflow prevention device installed within the facility. This device shall meet specifications of the Virginia Uniform Statewide Building Code, shall be tested in regular intervals as required, and test results shall be submitted to the Regulatory Compliance Administrator in the Department of Utilities.
- All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, oil, or grease shall install a grease trap. The grease trap shall meet specifications of the Virginia Uniform Statewide Building Code, maintain records of cleaning and maintenance, and be inspected on regular intervals by the Regulatory Compliance Administrator in the Department of Utilities.
- Please contact the Regulatory Compliance Administrator at 970-3805 with any questions regarding the grease trap or backflow prevention devices.

DEMAND: Water = 360 gph max hour, 540 gph peak hour. Sewer = 800 gpd.

ELECTRIC/TELEPHONE/CABLE TV

If feasible, all new service lines for electricity, telephone and cable TV are to be installed underground. Care is to be taken to assure their location does not conflict with any other aspects of the proposed site plan.

SIGNS

All signs and pavement shall conform with the latest edition of the MUTCD Guidelines.

A sign permit must be issued in accordance with the City of Charlottesville Sign Regulations prior to placement of any signs on-site.

UTILITY MARKINGS

Utilities markings were used per Miss Utility Ticket #A511301750 REV. 00A taken 4/23/25.

GENERAL NOTES

- All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
- The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct. The contractor shall locate all underground lines and structures as necessary.
- The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements. Contractor shall immediately report any discrepancies to the engineer of record.
- The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
- Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility to repair. This expense is the contractor's responsibility.
- All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
- An erosion and sediment control plan is required with this site plan.
- All slopes and disturbed areas are to be fertilized, seeded and mulched. The maximum allowable slope is 2:1. Where it is reasonably obtainable, lesser slopes of 3:1 or better are to be achieved.
- Paved, rip-rap or stabilization mat (reed check) may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
- All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
- Utilities otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
- All material inside concrete forms shall be clean and free of all rocks and other loose debris. Sub-base material shall be compacted by mechanical means. Remove all standing water from area inside forms.
- Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising. Material shall not be placed on frozen sub-grade.
- All existing curbs, curb and sidewalks to be removed shall be taken out to the nearest joint.
- Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2016. Removal shall be done in such a manner as to not tear, bulge or displace adjacent pavement. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
- The contractor shall exercise care to provide positive drainage to the storm inlets or other acceptable drainage paths in all locations.
- Contact information for any necessary inspections with City:
EAS Inspector, NDS-970-3182 (for the EAS inspections)
Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc)
Water and Sanitary Sewer-Department of Utilities 970-3800
Street cut, Department of Public Work 970-3800
Other public ROW issues-City Engineer 970-3182.
- Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City Inspector shall be repaired at the contractor's expense.
- A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.
- Per the Virginia Department of Health Waterworks Regulation (Part II, Article 3, Section 12 VAC 5-590 through 630), all buildings that have the possibility of contaminating the potable water distribution system (hospitals, industrial sites, breweries, etc.) shall have a back-flow prevention device installed within the facility. This device shall meet specifications of the Virginia Uniform Statewide Building Code, shall be tested in regular intervals as required, and test results shall be submitted to the Regulatory Compliance Administrator in the Department of Utilities.
- All buildings that may produce wastes containing more than one hundred (100) parts per million of fats, or grease shall install a grease trap. The grease trap shall meet specifications of the Virginia Uniform Statewide Building Code, maintain records of cleaning and maintenance, and be inspected on regular intervals by the Regulatory Compliance Administrator in the Department of Utilities.
- Please contact the Regulatory Compliance Administrator at 970-3805 with any questions regarding the grease trap or back-flow prevention devices.
- Features controlling or limiting BMP DA's (downspouts, roof leader conveyances, roof peaks, fire grading, berms, yard inlets, etc.) are still subject to inspection and enforcement under the VSPM program for compliance.

EXISTING USE

Single Family Residential

PROPOSED USE

Accessory Dwelling Unit, Residential Units

BUILDING HEIGHTS & FINISH FLOOR ELEVATIONS

Maximum Allowable Height: 3 Stories / 40'

Maximum Allowable Height: 40' max

BFE Floor = 451.50'

LAND USE SCHEDULE

Existing	SF	AC	%	Proposed	SF	AC	%
Building	783	0.02	100.0%	Building	1,440	0.03	41.7%
Total	783	0.02	100.0%	Pavement	1,727	0.04	50.0%
				Turf	287	0.01	8.3%
				Total	3,454	0.08	100.0%

Land Use Schedule Calculation are per the Limits of Disturbance

Limits of Disturbance = 5886 SF = 0.13 acres

PARKING SCHEDULE

Required:

Per City of Charlottesville Code of Ordinance, no offstreet parking is required.

Off-street Section 2-10 (B) Parking allowed at the side and rear.

CRITICAL SLOPES

There are no critical slopes within the project area.

CITY PERMITS

The Contractor shall be responsible for obtaining a street cut permit from the City.

A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer. The Contractor contact information will be provided with the final plans.

ITE Trip Generation

Use Description	ITE	Qty	IV	AM	PM	WEEKDAY
	In	Out	Total	In	Out	Total
Single Family Detached Housing	210	1.0	UNIT	0	1	1
Multifamily Housing	220	3.0	UNIT	0	1	1
				1	2	10

Trip Generation reflects AM and PM peak hour traffic.

FIRE MARSHAL'S NOTES

- VSPFC 505.1-The building street number is to be plainly visible from the street for emergency responders.
- VSPFC B105.2, B105.1, and TABLE 105.1-Calculations of the fire flow required for the site shall be shown on the site plan. Also, verification that the needed fire flow (NFF) is available on site. The minimum required fire flow for all buildings, with the exception of one and two-family dwellings, which is 1,000 gallons per minute, is 1,500 gallons per minute (sprinkler protected or non-sprinkler protected).
- Construction Site Fire Safety Requirements The owner shall designate a Site Safety Director for construction and remodeling.
- A legible temporary address to be posted for first responders.
- The fire department access road shall extend to within 150' of all portions of the exterior of the first level of a building.
- Approved vehicle access for firefighting shall be provided to all construction and demolition sites. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading (Maximum 85,000 lbs.) under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
- Keep dumpsters, building materials, and construction debris at least 30 feet away from buildings under construction.
- Fire hydrants shall be installed and in service before any combustible materials arrive on site. Fire hydrants shall be 5'00' of the combustible materials. Maintain 15 feet of clear space on either side of fire hydrants. No vehicles/machinery of any type, construction materials, or construction debris are to be parked, placed, or stored either in front of or within 15 feet of a fire hydrant.
- Not more than 60 gallons of Class I or II liquids within 50' of any structure.
- Portable fire extinguishers shall be provided and shall be mounted on a wall or post at each usable stairway, and such that the travel distance to any extinguisher does not exceed 75 feet. Mounting height to the top of the extinguisher shall not exceed 5 feet. Extinguishers shall not have less than a 2-A:10-B: C rating or as directed by the fire department.
- Combustible debris, rubbish, and waste material shall be removed from buildings at the end of each shift of work. Access and egress pathways and stairways shall be maintained and free from obstructions.
- No smoking or vaping is allowed within the construction safety fence. No smoking signs shall be posted throughout each building under construction, as well as outside the building. Should anyone from the Fire Marshal's office or the Building Official's office witness smoking/vaping within the construction site, he or she may request a 24-hour Stop Work Order from the City Building Official.
- Portable or mobile equipment refueling only in authorized areas that are well ventilated and away from ignition sources.
- Hot Work: Grinding, cutting, welding, etc.
- Cutting, grinding, and/or welding equipment must be thoroughly inspected and found to be in good repair and free of damage or defects.
- Assess 35 ft. radial "sphere" of work for potential fire hazards.
- A multi-purpose dry chemical fire extinguisher must be located such that it is immediately available to the work and is fully charged and ready to use.
- Floors, work level and below, cleaned or protected.
- Combustible floors must be covered by fire-resistant shields (fire-retardant plywood, frame-proof tarpaulin, metal, etc.)
- Sparkkilling catchers must be suspended below any elevated cutting, grinding, or welding operation.
- All other combustibles removed or shielded from sparks.
- Remove flammable liquids, dust, lint, combustible waste, oil deposits, etc., where possible.
- Transmission or conveying of sparks to adjacent areas is eliminated or protected.
- Tightly cover wall/floor openings with fire-retardant material.
- Where openings cannot be sealed, suspend fire-retardant tarpaulins to help protect areas beneath.
- Explosive atmosphere eliminated or potential not present.
- All construction equipment fueling activities and fuel storage must be relocated at least 35 feet away from the cutting, grinding, or welding operation.
- A person must be assigned to fire watch during and for at least 1 hour after all cutting, grinding, or welding operations have ceased. The fire watch person must be provided with a means of contacting the fire department in the event of an emergency and be trained in the use of a fire extinguisher.
- Note: Please be aware of and follow Chapter 33, Virginia Statewide Fire Prevention Code - Fire Safety During Construction and Demolition.

APPROVALS

Director of Neighborhood Development Services Date

MAJOR DEVELOPMENT PLAN 1107 MYRTLE ST

TAX MAP 57, PARCEL 136
CITY OF CHARLOTTESVILLE, VIRGINIA

LOT SIZE (SEC. 2.10.2)		
	Required	Proposed
Area (Min.)	6,000 SF	7,500 SF - No changes to the existing lot
Width (Min.)	N/A	N/A
Width Front Access (Min.)	40'	No changes to existing lot
Width Side/Rear Access (Min.)	25'	No changes to existing lot

DENSITY (SEC. 2.10.3)		
	Maximum	Proposed
Dwelling per lot - Base	3	3
Dwelling With bonus: Existing Structure Preservation	4	4

COVERAGE (SEC. 2.10.4)		
	Required	Proposed
Building Coverage (Max.) - 3 to 4 Units	60%	41%
Outdoor Amenity Space (Min.)	N/A	N/A

BUILDING SETBACKS (SEC. 2.10.5)		
	Required	Proposed
Primary Street Lot Line (Min./Max.)	10'/20' or Existing Range	Existing Range
Side Street Lot Line (Min.)	10'	N/A
Side Lot Line (Min.)	4'	4'
Rear/Alley Lot Line (Min.)	4'	4'

BUILD-TO-WIDTH (SEC. 2.10.6)		
	Required	Proposed
Primary Street (Min.)	50%	44%
Side Street	N/A	N/A

TRANSITIONS (SEC. 2.10.7)		
	Required	Proposed
Transition Type based on abutting district	Not required since the lot is zoned as R-A and it only abuts R-A	N/A
Frontage Screen Type	Not required per 4.7.3.B	N/A

PARKING LOCATIONS (SEC. 2.10.8)		
	Required	Proposed
Front Yard - More than 2 units	Not Allowed	N/A
Side Street Yard - More than 2 units	Not Allowed	N/A
Side Yard	Allowed	3
Rear Yard	Allowed	N/A

HEIGHT (SEC. 2.10.9)		
	Required	Proposed
Building Height - 1 unit	3/40' (Max Stories/Feet)	3/40' (Max Stories/Feet)

MASSING (SEC. 2.10.10)		
	Required	Proposed
Building Width - Primary Street	60' (Max.)	21.5' per existing structure
Building Width - Side Street	70' (Max.)	N/A
Active Depth (Min.)	9'	9'

GROUND STORY (SEC. 2.10.11)		
	Required	Proposed
Ground Story Height (Min)	9'-0"	9'-0"
Finished Floor Elevation (Min./Max.)	0/6'	0/6'

TRANSPARENCY (SEC. 2.10.12)		
	Required	Proposed
Ground Story - Primary Street (Min.)	20%	N/A
Ground Story - Side Street (Min.)	15%	N/A
Upper Story - Primary Street (Min.)	10%	N/A
Upper Story - Side Street (Min.)	10%	N/A
Blank Wall Width - Primary Street (Max.)	10'	N/A
Blank Wall Width - Side Street (Max.)	20'	N/A

ENTRANCES (SEC. 2.10.13)		
	Required	Proposed
Street-Facing Entry Spacing - Primary Street (Max.)	40'	21.5' per existing structure
Street-Facing Entry Spacing - Side Street (Max.)	60'	N/A
Entry Feature - Primary Street	Yes	Yes
Entry Feature - Side Street	N/A	N/A

FENCES AND WALLS (SEC. 2.10.14)		
	Required	Proposed
Front Yard Height (Max.)	4'	N/A
Side Street Yard Height - Within 3' of Lot Line (Max.)	4'	N/A
Side Street Yard Height - More than 3' of Lot Line (Max.)	6'	N/A

STREETSCAPE STANDARDS (SEC. 4.4.5)		
	Required	Proposed
Clear Walk Zone (Min.)	6'	N/A
Greenscape Zone (Min.)	5'	N/A

Property is subject to pay streetscape fund.



DESIGNED BY
Shimp, Inc.

CHECKED BY
Justin Shimp, P.E.

MAJOR DEVELOPMENT PLAN
1107 MYRTLE ST

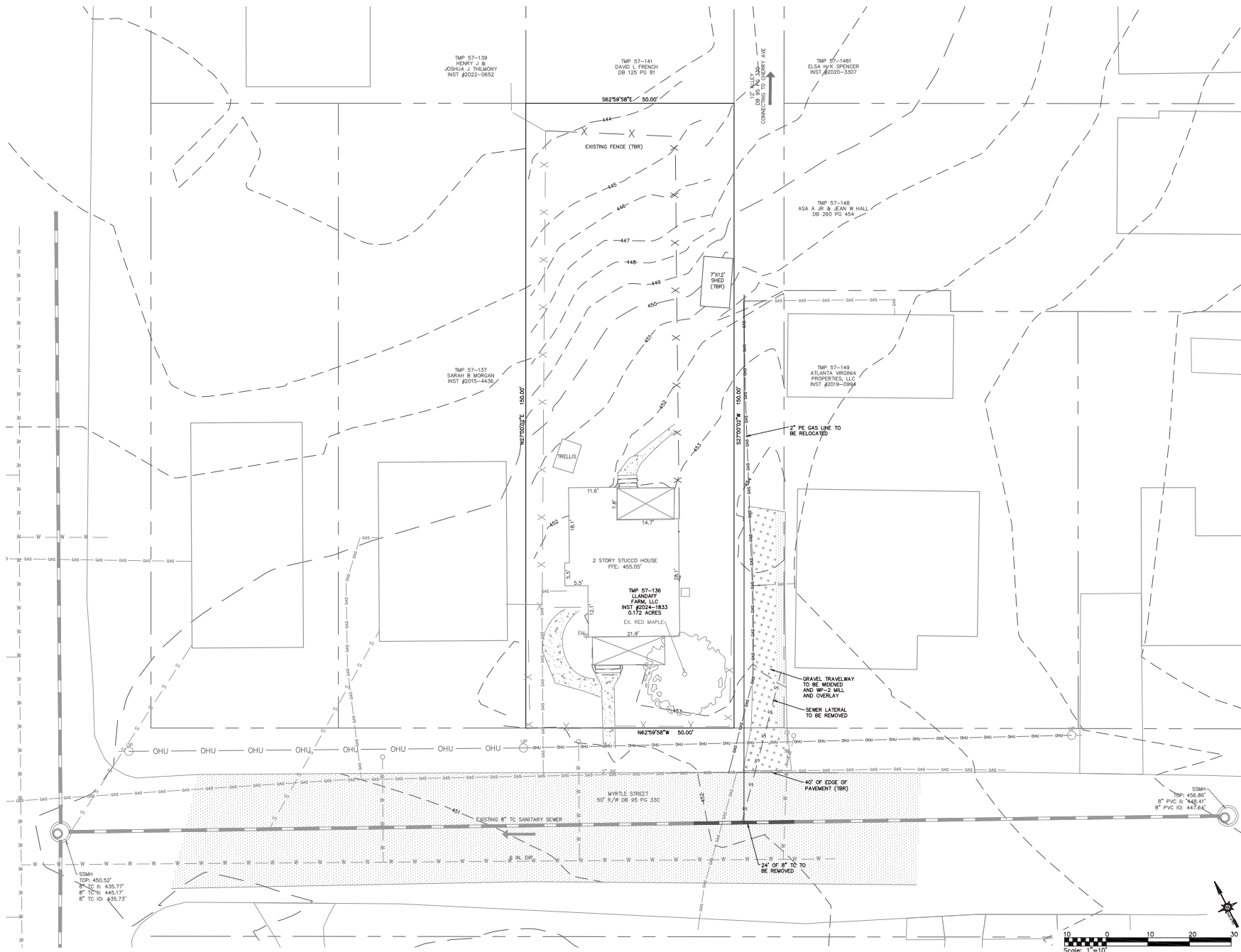
CHARLOTTESVILLE, VIRGINIA
SUBMISSION:
2025.02.11
REVISION:
25.05.08 (City Comments)

FILE NO.

24.092

ZONING NOTES

C2



1115 E. HIGH ST. 424.227.0140
CHARLOTTESVILLE VA 22902 JUSTIN@SHIMP-ENGINEERING.COM



DESIGNED BY

Justin M. Shimp

CHECKED BY

Justin Shimp, P.E.

MAJOR DEVELOPMENT PLAN

1107 MYRTLE ST

CHARLOTTESVILLE, VIRGINIA

SUBMISSION:

2025.02.11

REVISION:

25.05.08 (City Comments)

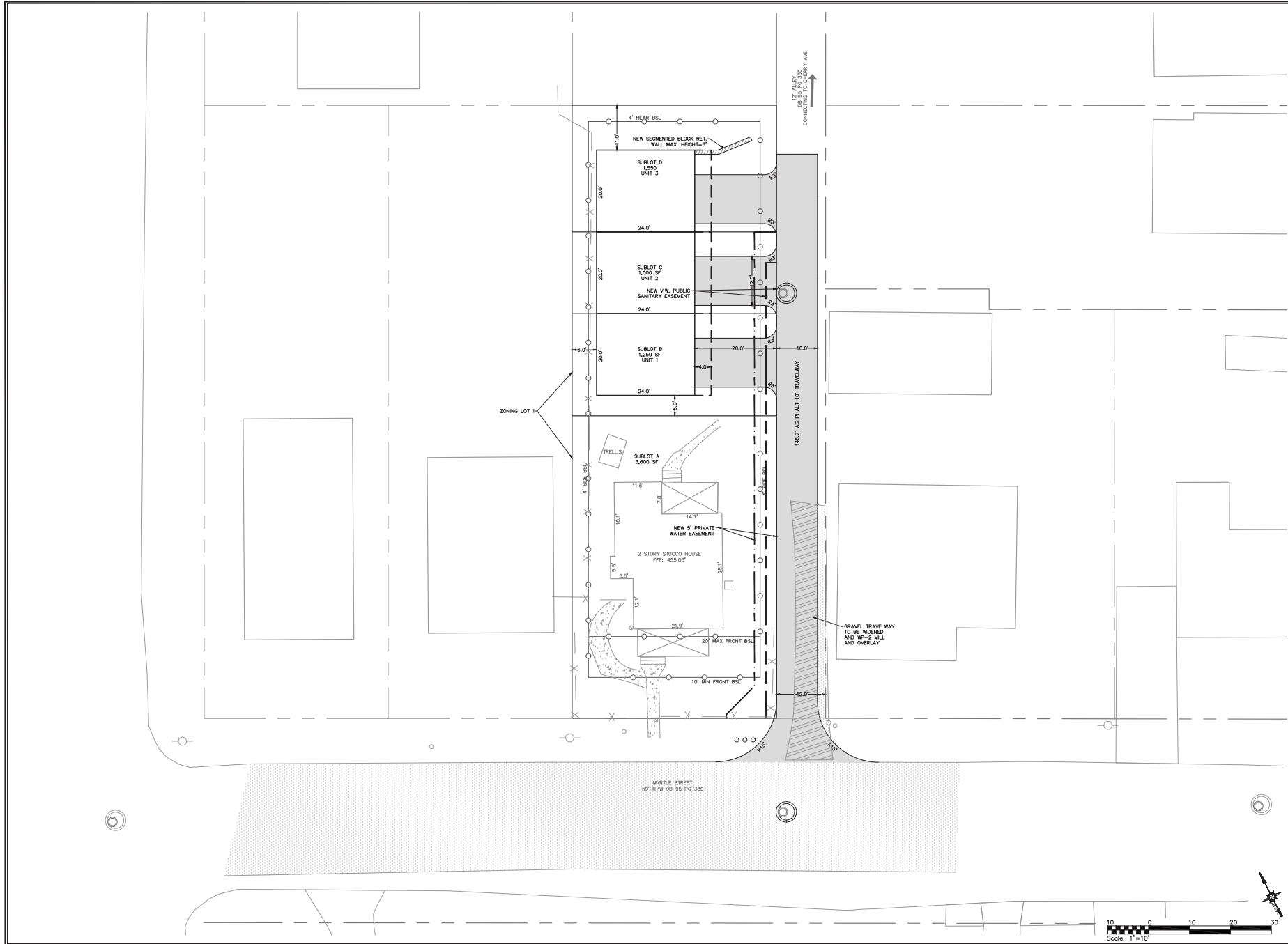
FILE NO.

24.092

EXISTING

CONDITIONS

C3



DESIGNED BY
Justin Shimp

CHECKED BY
Justin Shimp, P.E.

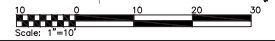
MAJOR DEVELOPMENT PLAN
1107 MYRTLE ST

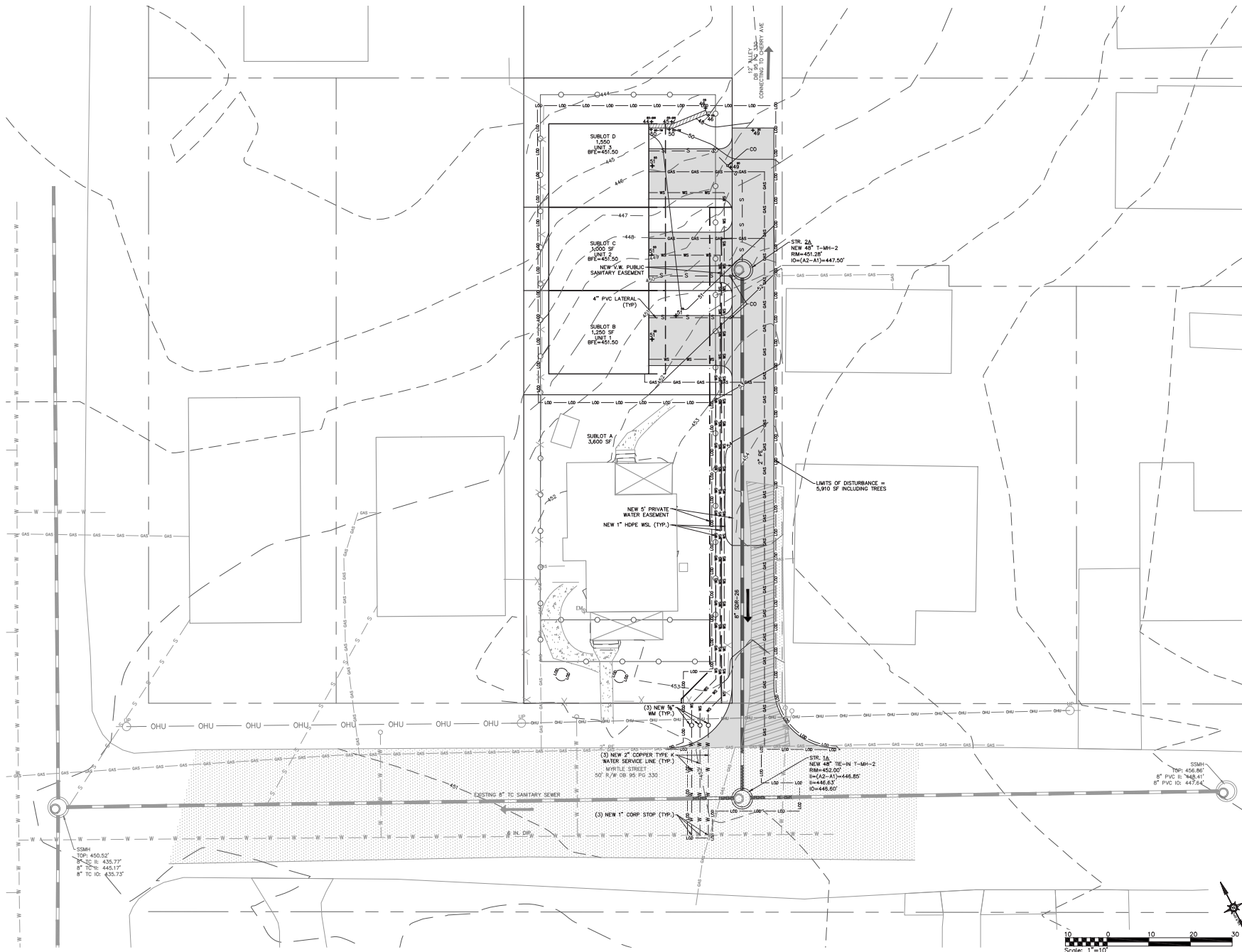
CHARLOTTESVILLE, VIRGINIA
SUBMISSION:
2025.02.11
REVISION:
25.05.08 (City Comments)

FILE NO. **24.092**

SITE LAYOUT

C4





WIS. HIGH ST. 434.27 DTM
 CHARLOTTESVILLE VA 22902 JUSTIN@SHIMP-ENGINEERING.COM



DESIGNED BY
 Justin Shimp

CHECKED BY
 Justin Shimp, P.E.

MAJOR DEVELOPMENT PLAN
 1107 MYRTLE ST

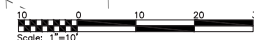
CHARLOTTESVILLE, VIRGINIA
 SUBMISSION:
 2025.02.11
 REVISION:
 25.05.08 (City Comments)

FILE NO.

24.092

GRADING &
 UTILITY PLAN

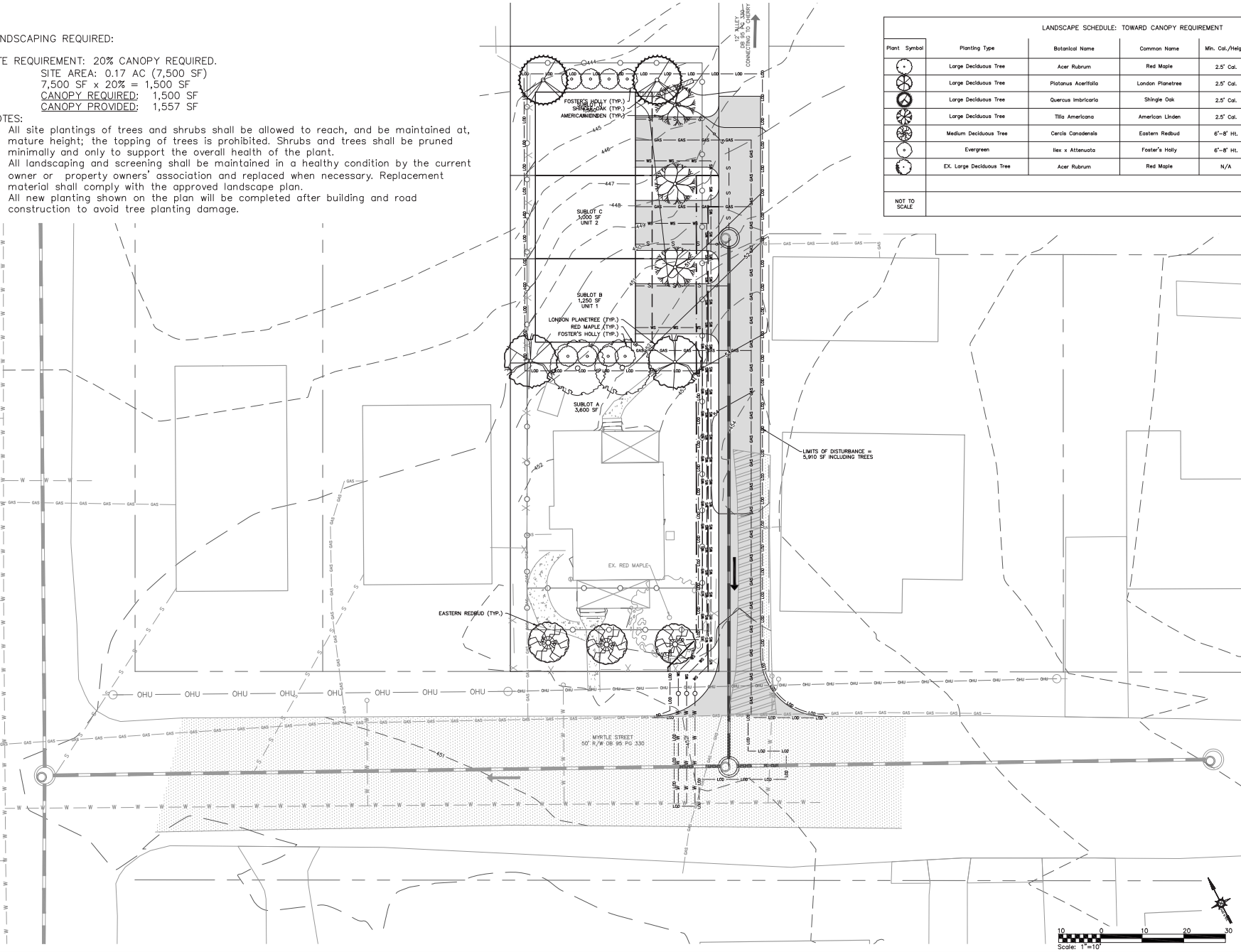
C5



LANDSCAPING REQUIRED:
SITE REQUIREMENT: 20% CANOPY REQUIRED.
SITE AREA: 0.17 AC (7,500 SF)
7,500 SF x 20% = 1,500 SF
CANOPY REQUIRED: 1,500 SF
CANOPY PROVIDED: 1,557 SF

- NOTES:
- All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
 - All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.
 - All new planting shown on the plan will be completed after building and road construction to avoid tree planting damage.

LANDSCAPE SCHEDULE: TOWARD CANOPY REQUIREMENT							
Plant Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./Height	Quantity	Canopy SF	Total Canopy SF
	Large Deciduous Tree	Acer Rubrum	Red Maple	2.5' Cal.	2	113	226
	Large Deciduous Tree	Platanus Acerifolia	London Planetree	2.5' Cal.	2	154	308
	Large Deciduous Tree	Quercus Imbricaria	Shingle Oak	2.5' Cal.	2	113	226
	Large Deciduous Tree	Tilia Americana	American Linden	2.5' Cal.	3	113	339
	Medium Deciduous Tree	Cercis Canadensis	Eastern Redbud	6"-8" HL	3	78	234
	Evergreen	Ilex x Attenuata	Foster's Holly	6"-8" HL	8	28	224
	EX. Large Deciduous Tree	Acer Rubrum	Red Maple	N/A	1	113	113
						TOTAL OPEN SPACE	
NOT TO SCALE						Total	1670



DESIGNED BY
Justin Shimp

CHECKED BY
Justin Shimp, P.E.

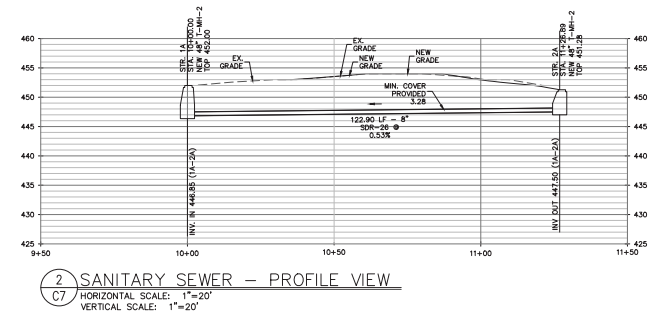
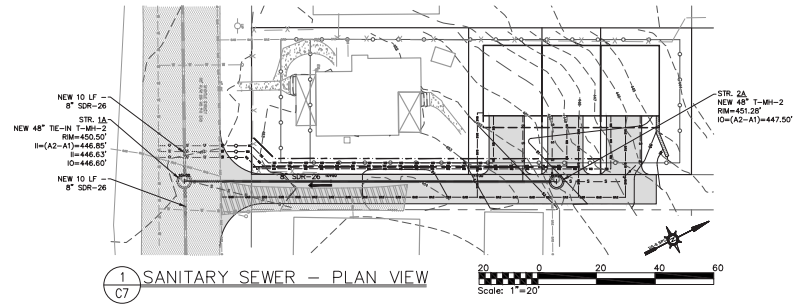
MAJOR DEVELOPMENT PLAN
1107 MYRTLE ST

CHARLOTTEVILLE, VIRGINIA
SUBMISSION:
2025.02.11
REVISION:
25.05.08 (City Comments)

FILE NO. 24.092

LANDSCAPE
PLAN

C6



DESIGNED BY
Justin Shimp

CHECKED BY
Justin Shimp, P.E.

MAJOR DEVELOPMENT PLAN
1107 MYRTLE ST

CHARLOTTESVILLE, VIRGINIA
SUBMISSION:
2025.02.11
REVISION:
25.05.08 (City Comments)

FILE NO. 24.092

SANITARY SEWER
PROFILE

C7

Fire Hydrant Test Report									
Location: 1107 Myrtle St									
Date of Test: 2/21/2025									
Performed by: (list all)									
Roach Z. Sprouse C. Hite C. Vohwinkel									
SAP Notification: 36-06									
11:30 AM									
Hydrant ID:	Location:	Pipe Size	Nozzle Size (in)	Pressure Static	Res.	Flow (gpm)	Duration (min-sec)		
Residual Hydrant:	04501	Chestnut St at Myrtle St	6	2.5	80	20			
Flow Hydrant #1	04505	Spruce St at Cherry St	6	2.5			680	2:50	
Flow Hydrant #2	04500	Carlton Ave at Spruce St	6	2.5			493	2:50	
Flow Hydrant #3	04510	Carlton Ave at Carlton Rd	6	2.5			698	2:50	
Flow Hydrant #4				2.5					
Flow Hydrant #5				2.5					
Special Instructions:									



1107 S. HIGH ST. 424.227.0140
CHARLOTTESVILLE VA 22902 JUSTIN@SHIMP-ENGINEERING.COM



DESIGNED BY

CHECKED BY

MAJOR DEVELOPMENT PLAN
1107 MYRTLE ST

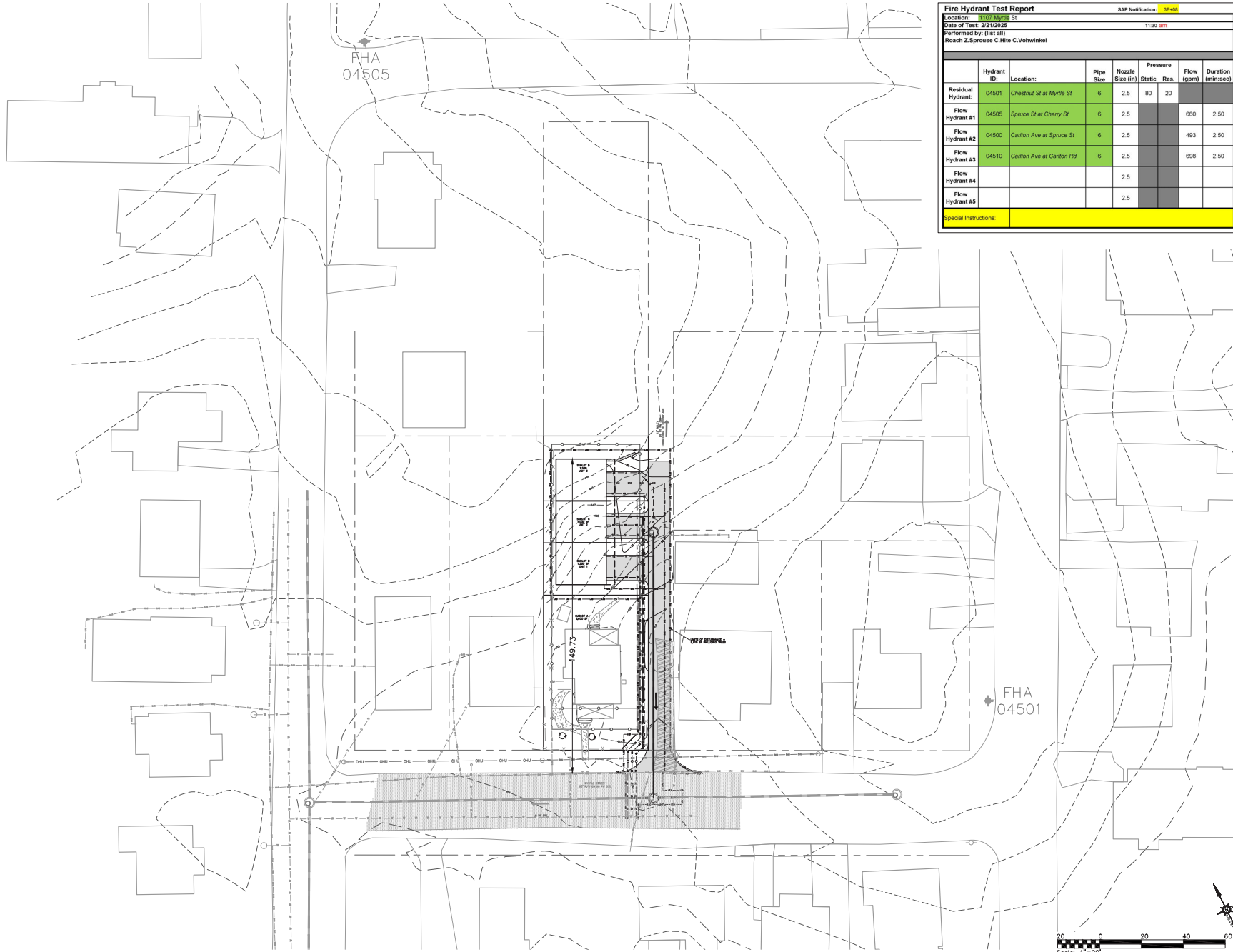
CHARLOTTESVILLE, VIRGINIA
SUBMISSION:
2025.02.11
REVISION:
25.05.08 (City Comments)

FILE NO.

24.092

FIRE
COMPLIANCE
PLAN

C8



Planning Commission Work Session

May 27, 2025 5:00 PM to 7:00 PM

Hybrid Meeting – City Space Conference Room

Commissioners Present: Chairman Mitchell, Commissioner Schwarz, Commissioner Solla-Yates, Commissioner Yoder, Commissioner Stolzenberg, Commissioner Roettger, Commissioner Joy

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, Carrie Rainey, Ose Akinlotan, Tori Kanellopoulos

Chairman Mitchell called the Planning Commission Work Session to order at 5:03 PM.

1. Development Code Amendment Discussion

Staff Presentation

Matt Alfele, Staff Report – I will be leading the staff portion of the work session related to the Development Code amendments tonight. Our goal is to review some of the overarching issues, some proposed amendments, and discuss the implementation and explore solutions when presented. We will start by walking through the key points we will be covering this evening.

Next Slide

We will begin by setting the stage with some background information. I will cover the context behind the proposed Development Code amendments, the current challenges, and the opportunities that we have in front of us. I will then explain the amendment tiers and detail how each tier works, what criteria differentiates them, and why this spectrum of opportunity options is important. By breaking down the tiers, you will see how the amendments are not ‘one size fits all,’ but instead are tailored to address different levels of need in the community. I will move onto specific examples of some of the proposed amendments. These examples will illustrate the kinds of changes we are considering. I will point out key features, potential benefits, and real-world examples that these proposals might have on development. Following these examples, I will outline the next steps in our process. That section will cover the upcoming phases from further review and refinement of the amendments to plan feedback and adoption. I will finally open the floor with targeted questions for the Planning Commission. This segment is designed to create a focused discussion and elicit valuable feedback. Your insight here is critical in refining our proposals as we move forward to a public hearing.

Next Slide

This slide provides an overview of where we have been with our code and where we are moving with these revisions. As you can see, our current Development Code was adopted on December 18, 2023. It was crafted to facilitate a more form-based zoning approach aimed at increasing density: a goal that aligns closely with the 2021 Comprehensive Plan. This means our code was designed not just to set the rules, but as a tool to shape how our neighborhoods grow in a structured yet flexible way. However, as time has passed, staff has identified several issues, some minor, such as grammatical corrections and others more significant that need to be addressed to better achieve our city’s goals. This recognition is a natural part of keeping our planning methods and regulations effective and respond to our community needs. To manage the necessary changes efficiently, we are using a 3-tiered approach. Tier 1 covers minor corrections, small adjustments, and ensures compliance with state regulations. These are straightforward fixes that keep our code neat and clear. With Tier 2, we are making modifications to address any oversights from the original drafting and offer clarification where needed. This ensures that everyone has a common understanding of the regulations they are using. Tier 3 is more involved and provides a deeper policy level change, which requires in depth analysis along with meaningful

community engagement. These changes are more substantial and will shape the way we approach long-term planning. For Tiers 1 and 2, the next immediate steps are to advance these changes to a public hearing with adoption this fall. It keeps the process on time and relevant. Tier 3 or selected issues from Tier 3 are a little bit harder and will need to be integrated into the broader FY26 NDS work plan. This allows us to manage our resources efficiently and involve the community on a larger scale. Finally, it is important to note that this is not a 1-time fix. We plan to update Tier 1 and Tier 2 on an annual basis to ensure the code remains adaptable and incorporates the best practices and supports sustainable growth in the future. This continued process is key to keeping our development code in line with our current needs and future opportunities.

Next Slide – Tier 1 Amendments

These adjustments are essentially the ‘bread and butter’ fixes to ensure that our development code is clear and accurate as possible. The Tier 1 focuses and addresses copying, editing issues, filling in missing text, and making small refinements. These tweaks help us accurately reflect the intent of the development code; ensuring that our document communicates our goals without ambiguity. An important part of Tier 1 is incorporating legislative updates. We have made sure to include changes based on recent actions passed by the Virginia General Assembly. This ensures that our code is not only up to date but also remains compliant with current legal requirements. The scope here is quite focused. These are primarily technical corrections and minor adjustments. This means we are enhancing clarity and consistency without shifting the underlying policy direction. It is about fine tuning the language rather than making changes. For these amendments, the next step is straightforward. The proposed Tier 1 changes will be presented at an upcoming public hearing.

Finally, we view these corrections as part of an ongoing effort establishing regular annual updates to help maintain the accuracy of the development code and ensure we are staying in regulatory compliance.

Next Slide – Tier 1 Amendment Examples

This slide outlines some of the specific examples of Tier 1 Amendments that fall into this area of grammatical changes.

Next Slide – Amendment Examples State Regulations

This slide focuses on how Tier 1 Amendments incorporated updates based on changes in state regulations that cannot go into effect July 1st of this year. It is essential for our development code to reflect the most current state mandated language and compliance requirements. One of our key responsibilities is to ensure that every reference in our code aligns with the latest requirements from the Virginia General Assembly. Under HB2660, review deadlines for site plans, development plans, and subdivisions have been shortened. Staff will be able to address most of these updates in our development process review manual. We will need to amend the code to align with the shortened time frames for acceptance of complete applications for review. That time frame has been shortened from 10 days to 5 days. Under SB974, authority to review site plans, development plans, and subdivisions is shifting fully from the Planning Commission to staff. Many sections of the development code will need to be amended to stay compliant with the updated state regulations. These updates are not a one-off task but will have an annual review process to make sure we stay in compliance with all legislative requirements.

Next Slide – Tier 2 Amendments

We will move into the Tier 2 Amendments. This phase of our review focuses on addressing oversights and ambiguities in the development code. It ensures that it will be clear, practical, and will be as user friendly as possible. At the core of Tier 2 is about resolving gaps and ambiguities that might have been overlooked in the initial drafting. By fine tuning these areas, we are aiming to enhance the overall clarity and functionality of the development code. One example of these improvements is found in the fee schedule. Minor amendments are being proposed to help facilitate adjustments to the overall development review process that is currently being re-evaluated by staff. The scope of Tier 2 is broad. It includes modifications, additions, and removals within the

code. The goal is to improve how the provisions are interpreted and implemented, so that every regulation works in harmony with our intended planning outcomes. These changes are designed to ensure our regulations support our planning goals more efficiently while keeping a consistent approach across the board. In essence, by clarifying language and addressing gaps, we are making it easier for everyone, from staff and developers to understand the rules they are following. Like Tier 1, the proposal, some but not all within Tier 2 will be moving forward to a public hearing. As with Tier 1, this will be a continuous process with amendments that will be evaluated on a yearly process moving forward.

Next Slide – Tier 2 Amendment Examples

Here are a few examples of the amendments and proposed draft language to address the issues. For the first example, the current code is preventing attached dwelling units in the R districts. Staff has worked with applicants on a workaround involving sublots. That process wastes time and money. It is not contributing to the goals of more and different types of housing within the city. Staff is proposing to utilize the alternate form section of the code. The next example involves providing an avenue for residents and developers to make small improvements to their lots without going into expensive additions or adding to buildings or structures in the front yard to bring the existing building into conformity as it relates to the build-to requirement. This is intended to facilitate structures such as sheds and outbuildings, while still preserving the intent of the code for a more urban streetscape for primary buildings. Example 3 is related to codifying an existing policy when it comes to 1- and 2-dwelling unit construction and falls under the sub-tier of changes related to improving the development review process. Under the current code, all new construction and additions must have a development plan and a final site plan. This adds a lot of time and resources as it requires an applicant to go through a development review process prior to submitting a building permit. The policy from NDS has been to allow building review or allow the building review process to stand in for development review with the final document becoming the code required development plan and final site plan. This is becoming difficult to track. Staff is proposing to remove new constructions and additions for 1- and 2-units from development review and go straight to building permit review. It should be noted that just because they would not go through a development review process. They are still reviewed for zoning compliance, all regulations within the zoning code during the building review stage. Nothing in this amendment relieves an applicant from meeting the regulatory requirements. That includes requirements found in Chapter 10-Water Protection.

Next Slide

Here we have the alternate form example to address the code requirements that are preventing attached dwelling types in the R districts. This amendment will allow applicants to build attached dwellings and still conform to all the underlying regulations for each district.

Next Slide

In this section, I will address the proposed amendments to the Neighborhood Development Services Fee Schedule. These changes are designed to support the upcoming updates to our development review process. The primary goal is to ensure that our fee schedule will align with the changing development review process that staff is currently undertaking. One of the anticipated updates involves modifying the fee structure for development plan review and final site plan submission. These changes are intended to reflect revised timelines, additional review steps, and new service levels that align better with what the desired outcome of the development code is as a whole. Fees for sublots and easement plats will be proposed as a separate standalone application as opposed to the current approach of processing them under boundary line adjustments. This will make it easier for tracking and record keeping and having a better understanding of the sublots that we approve in this process.

Next Slide – Tier 3 Amendments

These represent the more comprehensive policy changes that need to conform with the development code. Unlike the more technical tiers, Tier 3 would address the fundamental principles that guide our long-range

planning efforts. Tier 3 is all about critical policy updates. These amendments will focus on establishing or conforming key policy directions that require in-depth analysis because of their broad impact. They are significant because they affect long-term planning, involve a careful evaluation of our goals and policies. These are big picture decisions that help us shape our community's future. Given the far-reaching nature of these changes, community engagement is paramount. Extensive outreach will need to be planned to gather feedback and ensure that any modifications align with the public's priorities. Due to their complexity and the critical resources involved, Tier 3 Amendments will be prioritized within the broader future NDS work plan. This means that we are taking a phased deliberate approach, one that will allow detailed research, stakeholder involvement, and an extended review period to ensure that every aspect is thoroughly vetted before implementation.

Next Slide

On this slide, I will discuss several key examples of the Tier 3 Amendments. These proposals are more than just technical updates. They represent fundamental policy changes that require in-depth analysis and broad community input to shape the long-term planning. The first example looks at re-examining height measurements, not just in terms of feet, but also the number of stories within our residential districts. Due to interlocking regulations tied to façade and street-facing, how stories are counted becomes very different per development. Staff continually runs into issues related to height in the R districts that was not present under the old code. These complex regulations may be preventing additional units by too strictly controlling story counts that could be regulated by maximum feet.

The guidelines for fences and walls under special exception permits could be up for review. Often these structures can carry significant visual and functional impacts on a site. The regulations have not always been clear-cut. By re-evaluating these rules, we can ensure that granting exceptions are both well-defined and align with our broader planning goals. Conversely, we remove these as they were not regulated under our old code. The lack of regulations did not generate negative feedback in our department.

In looking at the RN-A district, this district has unique characteristics identified in the Comprehensive Plan process and needs broad community engagement to ensure zoning regulations are meeting those goals.

Another example is the re-evaluation and better definition of what we mean by building within the R districts. This involves considering massing and allowing height based on the number of residential units, what we refer to as the townhouse effect. In many cases, height and massing can appear differently when looking at interior property lines versus external matrix. Clarifying the terms will ensure fair and consistent evaluation, help developers better understand what type of product can be built on a site.

There are currently no established cutoffs or qualifying date to determine what contributes an existing structure. Without clear criteria, the bonus might be applied inconsistently. We need to look at establishing a clear qualification date that would help ensure that the bonus truly rewards historical or architecturally significant structures.

Lastly, the current lighting section does not explicitly address the unique requirements of athletic fields, whether on public or private land. Athletic fields need specific lighting consideration, ranging from safety and energy efficiency to user comfort. By re-evaluating and examining this section, we can provide clear guidance that matches the realities of the community space

Next Slide

This slide outlines the timelines we are establishing for moving forward. Following our meeting tonight, we will have a work session with City Council on June 16th. This meeting ensures that our proposal aligns with the broader city objectives and work plan. From June through August, staff will work to refine the proposals based

on the feedback received during these work sessions. This period involves drafting and producing the necessary materials to move the amendments forward. We are aiming for a September 9th formal public hearing with the Planning Commission. This is a key moment for transparency in providing an open forum for community stakeholders, developers, and other interested parties to review the proposals, ask questions, and provide detailed comments. The process continues with another layer of engagement on October 20th during the public hearing at City Council. This session will further refine our proposal and ensure they meet both the technical criteria of the community and for adoption into the city code. We are hoping to have these proposals adopted by November 3rd of this year. These last 3 dates are subject to change as we get closer.

Commissioner Schwarz – Is there going to be any direct collaboration between us and Council on this?

Mr. Alfele – At this time, there is not a scheduled joint City Council work session. On the 10th, we will be bringing this forward at our regular meeting. We will be sharing materials with City Council on the 16th. To date, there is no joint City Council/Planning Commission work session scheduled.

Commissioner Roettger – I appreciate the different tiers. For us, a year sounds like a long time. Seeing how all these meetings must go through and set up and the time to work, it seems like Tiers 1 and 2 should be done annually. Tier 3 may or may not take longer depending on first assessing how much research it is going to take. In terms of the residential neighborhood, community engagement will take a while.

Commissioner Yoder – I agree with Commissioner Roettger. This is a good approach.

Commissioner Stolzenberg – One of these touches on the contents of the Standards and Design Manual and conflicts between the code and the SADM. As part of this process, is there some plan to begin to review what is in the SADM? As I recall, we adopted it in 2019. We talked about doing a review every year. That was 2 city engineers ago. Are we thinking about how these 2 things integrate together?

Mr. Alfele – Specifically, I have been working with the city engineer closely on our development review update proposals. We have not had any conversations about the SADM and revising it at this time.

Commissioner Joy – I am grateful from the University's perspective to have this presence here looking through it. With Tier 1, I could see a lot of times, as you use the code, you find these typos and spelling errors and some grammatical issues. With Tier 2, it seems like there are some other ones. Is this a feedback loop coming from people submitting applications? Is it people who are interested in submitting, but they see a sticking point? I am curious how the Tier 2 stuff was daylit.

Mr. Alfele – Yes. It is also just a living document. We are trying to keep track of these as we are going through projects where we are hearing issues, but also where we are seeing issues as we are doing our review. It is added to. We are adding to and keeping track of where we are running into with all 3 Tiers.

Commissioner Joy – Is the comment about Tier 3 is maybe some more clarity? I understand they are going for consideration. I don't know if there is a Tier 3. You mentioned the work plan. If there is some way in the annual process to be up front about where Tier 3 currently stands, I imagine that backlog could grow? At what point does something fall off Tier 3? With Tier 1 and Tier 2, it seems like you have a good sense of clarity as this happens on an annual basis. We have a process. With Tier 3, I understand it is new. It would be helpful once you go to Council and other ones to have a sense of what that process looks like.

Mr. Alfele – Tier 3 is going to be about balancing priorities and in working what we can into a larger work plan. There are going to be some tradeoffs. Some of those might keep falling because they are not raising to the level that should be addressed in this work plan yet.

Commissioner Joy – Maybe the name ‘Tier 3’ is the issue. Maybe it is more of an amendment of consideration group. It should be something that differentiates it. It sounds like if you were to drill down on Tier 3, there are tiers of Tier 3 of things that seem like we could do, and other things feel like they are beyond the grasp.

Mr. Alfele – We want to keep track of these things. Tier 3 needs to jump from Tier 3 to a work plan. We are making sure that there is somewhere that is all inclusive of these changes we are making. At least, we can look back at it and say, ‘this has been on this list for several years, but it keeps getting bumped down because of other priorities.’

Commissioner Schwarz – My question was whether we will have a chance to interact with Council. I feel they don’t necessarily always agree with us. I want to make sure there is some sort of dialogue between the 2 groups. I don’t know if that means that you share your notes from the Council meeting with us at our Planning Commission meeting that happens after that or if there is some way to make that happen while keeping the schedule as efficient as you have it.

Mr. Alfele – We can have those discussions.

Commissioner Stolzenberg – Nothing in the schedule indicates any kind of interaction with us before the public hearing. I don’t want to drag out the schedule. It seems like another touch point for a work session might be helpful after things are drafted or at least after a direction is determined on any item that has any kind of nuance to it. I would also add that this plan has an initiation and public hearing on the same date. That was one of the factors that was counted against Arlington when their expanded housing options ordinance was overturned. I expect that will probably be overturned on appeal. We may want to initiate prior to that just to be safe.

Chairman Mitchell – With the Tier 3 public interaction, public engagement piece, we will hopefully give a lot of thought to that. I have nightmares going back to the early days of putting together the revised Comprehensive Plan. We (being the Planning Commission and NDS) managed that. Hopefully, we have learned a little bit from that, and we can streamline that a little bit. We can know when we have done enough. It seems like we got on a slippery slope, and we could not get off it. It is my hope that we don’t get back on the slippery slope again.

Mr. Alfele – One of the litmus tests we are using is that a public hearing is a form of public engagement. When there is something from these tiers that, as a body, whether it is Planning Commission or City Council or staff feels this needs a touch point beyond a public engagement, it needs a public outreach process, that is when we should feel it should be on Tier 3. That has been our litmus test, as that dividing line between Tier 1, Tier 2, and Tier 3.

Chairman Mitchell – The other point that I am attempting to make is that we did not know when enough was enough in the public outreach.

Mr. Alfele – That is one of the nice things. Under our new structure with having a long-range planning manager and our new long-range planner, we now have a division within NDS that will be focused on those things. That will help.

Chairman Mitchell – This question is relating to SB974. What do we do today with development plans? What is our role today?

Mr. Alfele – With the Planning Commission right now, there are some holdovers from the old code that affects more than the new code. Under the old code, the Planning Commission would be the approval authority for any

site plan or subdivision related to a PUD, any site plan that had a special use permit, any site plan subdivision or development plan that was called up that you wanted to look at. You had a lot of approval authority under that. That now goes to staff. You cannot call up a site plan or development plan or subdivision plan. Those need to be approved administratively.

Chairman Mitchell – So the public understands, we are no longer involved in special use permits.

Mr. Alfele – You are still involved for making recommendations if someone comes to this body who wants a special exception or a special use or rezoning. They still come to this body to get a recommendation on that. That goes to City Council. The actual site plan or subdivision or development that goes with that, once they get their special exception or special use granted, that would not come back to you.

Chairman Mitchell – Most of those approvals have been ministerial.

Mr. Alfele – That is correct. Most of those have been on the Consent Agenda.

Commissioner Stolzenberg – The one big change might be that the public only sees the site plan. We only see the site plan on the agenda. My hope is that we will post more on the permit portal. I know you have had issues with site plans because of the file size. It would be great to either figure out those issues or have them as a notice on the next Planning Commission agenda after those are ministerially approved.

Mr. Alfele – I will take this opportunity to plug the live Development Map that is on the NDS website, which is a great resource for this body and the public, who want to see plans that are under review or under construction in a map form. Our GIS analyst has worked very hard to get that up and running.

Group Discussion

A. Whether any proposed amendments have been assigned to the incorrect tier.

Commissioner Solla-Yates – I have a concern about c-8. It looks like this is a time sensitive loophole. This is in Tier 3. Since this is time sensitive and it is an important loophole, complicated or not, we need to get it done. This is that existing building exists now. Therefore, I can build a second home now.

Mr. Alfele – That is a good discussion. The reason we have it on Tier 3 is because we recognize it is a loophole. We do not know what date we would want to use. We would be comfortable if Planning Commission feels there is a date they wanted to move this up to Tier 2. The one thing I would caution is that if staff starts to feel or we are hearing from the community our reaction is going to be that this needs to drop back down to Tier 3 so we can hear from the community.

Commissioner Solla-Yates – I do have 2 ideas. One is as the consultant suggested was my understanding was when the ordinance was adopted. That is the date. If it existed at that time, it exists. My other one is a bit more future proof. If it is 5 years old since certificate of occupancy, it exists.

Mr. Alfele – I cannot remember. I would have to look to see how long we keep the certificates. We don't keep them indefinitely. They do get purged. It is 5 years.

Commissioner Stolzenberg – My general thought on C items is that some of them do seem like they might elicit a lot of feedback from the public. Others are just complicated like that one. We need to talk about them. It is not something that I would imagine most members of the public are going to have strong feelings about. With things like midblock pedestrian pathways, I would think with something like that or like the existing structure preservation, if we had encountered this problem in mid-2023, we would have had a 5- to 10-minute discussion

about it at a work session to come up with an answer. Nobody would have commented on it. That is not all these items. It is a fair amount of these items. I wonder if there is a way to make a 3A and a 3B with a more expedited process for some of them.

Mr. Alfele – There is an opportunity if you feel there is agreement in this body if you feel there are certain things you would like to move up from Tier 3 to Tier 2. There is also the possibility if you feel some of these Tier 3 items are more important. As the work plan gets going, these should be looked at as priorities in next year's work plan. There are 2 ways to look at that.

Commissioner Schwarz – The example about the townhouse that you had for 0 lot lines. It was B-1. You were making the alternate form. I would love to see that stay in Tier 2. I feel that is going to take some discussion. I would like to know more about that one. We could spend some time on that. I would love to see all these items stay and not get bogged down in Tier 3. We do need to talk about that one.

Mr. Alfele – I can give the example. One of the key differences between our old code and new code was that types of dwelling went away. There is no longer this regulatory framework of single-family detached, single-family attached, two-family, and multi-family. That terminology is gone. Under the new code, it is all just about units and the number of units you can put on your parcel. Under the old code, you had the most common types of attached dwellings (two-family), which was 2 units on one parcel and no property line splitting them. Single-family attached were 2 units but they shared a common property line. Under our current code in the R districts, you have a 4-foot side setback. By code, you were prevented from having 2 units touch that have a shared property line. You cannot get that 4-foot separation. Right now, the only alternative form we have in the code is the shop front. This would allow the alternative form, so you are coming forward and saying, 'I want to allow in the R districts. I want to have 2 units that have a shared property line.' This would allow that by removing the feet, but all the regulations, all the transparency, and all the entry features stay the same. This goes to the other thing with time when we get into some of these in Tier 3. Even though we have come to what we think works for the alternative form, there has been a lot of discussion, a lot of internal staff meetings on what is the best way to get this form that we know we want as a community. We don't want to make everyone want to build a single-family or multi-family on one lot. That is what has been the driving it.

Commissioner Schwarz – That completely makes sense. When I looked at your example, you had an 80 percent lot coverage for it. That is significantly more than anything in the R-A, R-B, or R-C. I don't know where those are set. Looking at it, it seemed like you could set up a series of townhouses. Townhouses are great. We would like to have townhouses. This regulation seems to allow a whole block of them. It seems like you are getting more building mass than we would before. It seems like more discussion needed to happen.

Mr. Alfele – That discussion has happened. This is an older draft. We just ran out of time. The newer draft talks about still having one of your sides being attached. The other must be 4 feet. It prevents having a lot that has 0 on both sides.

Commissioner Schwarz – Are we going to see that draft at our Planning Commission meeting when it is time approve this?

Mr. Alfele – When we come forward with a public hearing, we would have all this.

Commissioner Schwarz – My concern is that when that finally comes to us, we are probably going to debate it then. This is an item that we probably need more time. It feels like we do need time to dig into it as a Planning Commission as well. I don't know if there is another opportunity somewhere between now and when we vote to approve the amendments to have a chance to look at that again.

Mr. Alfele – I would need to sit down with Ms. Creasy to figure out the schedule. Everything you are saying is valid. There are some logistics that tends to eat away at our time. We end up pushing out things we don't want to.

Commissioner Schwarz – The draft can go before us. We can informally give our opinion. If you get a lot of feedback individually from us and some things need to change, we then know what needs to be 'punted' to Tier 3. Does that make sense?

Mr. Alfele – Yes. We can try. We will look at our schedule to see if we can accommodate.

Commissioner Stolzenberg – I had in my notes to discuss B-1. This alternative form approach seems like it could be cumbersome, since the alternative form proposed has almost every dimension, except for the side-lot line deferring to the district dimensions. I wonder if an easier or more elegant way to do it would be simply to say that the side-lot line may be reduced to 0 if the other lot is part of a common plan of development. As you refine this approach, continue with the alternative or the alternative form method. A lot of policy preferences get baked into how you design it. Should it be allowed on one side or both? That does seem like something that would be appropriate for an open discussion among the Planning Commission and Council. I hate to move it to C. I agree with Mr. Schwarz. It is a bigger, more complex item.

Commissioner Schwarz – Have the sublots been completely unworkable?

Mr. Alfele – It is the workaround. One of the things that we are trying to consider in this too is not just what is being built, but what has already been built. There is a nonconformity issue that the current code is making a lot of the city non-conforming based on that by violating the 4-foot side setback. You have owners that are not in common development that are sharing those lot lines that we are also trying to consider. There has been a lot of discussion on this with staff.

Commissioner Solla-Yates – The side-lot setback has been a challenge for a long time. We used PUDs to awkwardly stumble around this in the past, which is why we had so many PUDs. The building code does require fireproof materials if you are within that boundary. Are we trying to solve something that is already existing in the building code?

Mr. Alfele – This was a long debate during the Development Code adoption. The building code does not line up with the side setback. Staff had made the argument about keeping it consistent.

Commissioner Schwarz – You can have it 5 feet away from the property line and you don't have to have any kind of protection. If you go less than that, you must have more of a protected wall.

Mr. Alfele – Even with the fire protection, it does not get away from the physical separation from the boundary. That is the issue.

B. Whether any amendments should be removed.

Commissioner Solla-Yates – With the sight triangle issue, it depends on the implementation. If this is being done in the NACTO guidelines, best practices of being based on intended speed, not on 85 percentile and combined with the measurement of the tree canopy, signage poles to create a more consistent triangle. That is great and necessary. If we are talking about federal highway guidelines, that is going to kill every single corner lot in the city. I would say to use caution. I agree with the safety stuff. That may solve some of our fence troubles. The fence is a sight triangle issue. With B-13 (parking lanes), I hear what the transportation staff is

saying. I disagree with them. I am good with making it a recommendation. This is not public property, not a public throughway. I don't see the value in mandating the same guidelines for off-street parking.

Commissioner Schwarz – With B.4, lots with one dwelling unit, you don't have to provide street facing entries. I am not sure what the problem is. Why do we want to delete that? Maybe we change it so that they must provide street facing entry features. I have enough Habitat houses on tight lots that they must enter from the side. They have a front porch that you can access from the front. For single-family houses, it seems a little silly to dictate that the front door must face the street as opposed to having an entrance that faces the street.

With the definition of finished grade, I am confused by that one. It seems that grade is measured wherever the code tells you to measure it. It does not have to be measured at the building footprint or a certain location. The section of the code tells you where to measure it from. For example, Section 2.10.14d (fences and walls), that point says grade. It should say finished grade. The code tells you where to measure the grade. Is it at the sidewalk, the street, or the building footprint? I am not sure there needs to be any more definition for finished grade.

As a formatting note, it seems like we duplicate the bookmarks. The second set of them is more detailed. It would be nice if we could get rid of the first set of them. If I am on the PDF and I look at the bookmarks, Division 2.10 (Rules for Zoning Districts), there is no breakdown for that. If I scroll down through the bookmarks to the bottom, there is another set of them. There, it breaks down 2.10 to a bunch of different levels. It would be nice if that formatting could be fixed so that people know that there is an easier way to navigate through this PDF. I would love it if it indicated what the division is. Some of these divisions are long. You get further down through them. I am trying to cite what section I am looking at. I don't remember what section it is. I must scroll back to find what section I am at. If there is some way to insert that on each page, it has been hard to cite portions of this code.

Commissioner Stolzenberg – I agree with Commissioner Solla-Yates about B-13 (vehicle access). I could not find where the SADM talked about private parking drive aisle design. I see that in the comments it says fire has a problem with it. If it is not a fire access lane, I am not sure that I understand why it is important to fire. I agree that we should not be dictating more space required for parking on a private lot that the public will not use anyway.

In B-15, it talks about the RC height bonus for affordable housing. I strongly disagree that it should be subject to the 50 percent AMI requirement. I don't think that is in line with the intent that we had when we introduced that bonus. It should just be the standard, the same as the rest of the affordable bonus in RC. I agree that there should be a section to clarify that. That seems reasonable.

For B-27 (canopy years), I am not sure that this is a request for removal. I am confused how we are saying that we are allowed to keep it as is if state code says 20 years for everybody except for Williamsburg.

I agree with Commissioner Schwarz on a lot of the usability things. I like the idea of a Section 2.8.2 continued if you are several pages down.

It seems that a new version was uploaded in November. A lot of the bookmarks and internal links broke at that point. It disappeared. In the table of contents, you cannot click on a lot of the things anymore. You must navigate to those sections. If we could get those back, that would be a huge benefit for usability.

C. Whether additional amendments should be considered, and if so, which tier they should be assigned to.

Commissioner Stolzenberg – On C-11 (special exceptions), there are 2 things there. Adding locational changes seems reasonable. Removing all rules for zoning districts (2.10) from special exceptions is premature. It seems that most of the things that have come up are related to that. That is the relief valve we have for a lot of those form-based things that we don't fully understand yet. I could see doing it eventually, but not in the next year.

It seems build-to width has become a tricky issue. I wrote most of a memo in 2023 about how it applies to certain lots. With a 105-foot lot where the build-to width is required to be 65 percent, the building width is required to be no more than 60 feet. You get into this situation where there is no way to meet both of those. If you read the build-to width section, 2.10.6.a.3.a.4, it says, 'once the minimum build-to width requirement has been satisfied, buildings and structures may occupy the area behind the maximum building setback.' That could be read in 1 of 2 ways. One is a basic explaining that this is what build-to width is. Once it is fully satisfied, you can do it elsewhere. The other is until you hit the build-to width, you can put down buildings in the build-to area between the minimum and maximum setback. It does not have to fulfill the entire width. It is just that you cannot put buildings outside of it until the width is filled. That would alleviate that problem. That is why I stopped writing my memo in 2023. Rethinking it, I think it is that narrow or weak version of that claim. I think that is how it is being enforced, which makes build-to width this tricky problem, where we are capping maximum widths and requiring a lot of build-to width. Nearly every lot in the city has become non-conforming. It seems like a big issue that has come up in a lot of applications but also with normal people trying to put a shed in their backyard or an extra unit in their backyard where they are going to require a special exception because their existing house is not in the maximum setback. You have a non-conformity, particularly if we were to get rid of 2.10 in the list of things you can get a special exception from. Having a larger conversation about that should be on the road map.

Commissioner Roettger – I had a question about the active depth that came up a couple of times. It was in relation to parking garages. It seemed like it was popping up in a couple different places. You could have the example of the one that we looked at on East Jefferson, the idea of a café having a fence being active versus a solid fence. I wondered if all the discussion about what that active wall would be. It would maybe come together rather than be in different tiers. The description of fence and we are in the active depth. What is happening on either side? It seems like there could be some making sure that they are all working together. There were some by use and some that are by material. I remember looking at it and thinking that this was coming up, this idea of where we wanted activity, and whether it was active depth or walls or fences. It was asking similar questions. One was C-16. Maybe the other ones were looking at a fence and needing a better definition of a fence. There are active fences along cafes or places where they are designated so you don't fall into the street. It is not to block sight. It is to block a view. Maybe those should not be separate things like the idea of the active depth. What you want to see relates to the fence. It was talking about the ground floor. With B-24 (active space), it is talking about what is habitable space, residential, and commercial. It seemed like it was asking the same question.

Mr. Alfele – With B-24, better defining our active depth because we have this active depth requirement of 9 feet. Tier 3 was more on this broader question of parking garages being allowed. There is this active depth requirement and how do we want to address that. We were thinking of maybe addressing active depth in Tier 2 in the broad terms. This idea of trying to have the parking garage very similar to Water Street. In theory, you have active depth. Active depth is the whole façade up. That would mean pushing your parking back 9 feet once you were above the 1st floor.

Commissioner Roettger – That was more just a question like it was a theme that seemed to be repeating between different kinds of structures. That is all. It was just to be consistent between what we want to see in a parking garage, a fence, and whether space is being occupied by humans. It seems like 'dancing' around.

Mr. Alfele – It is all connected. One of the lenses we are looking through is what we can get done in a reasonable time. That is why some things that might be in Tier 3 might involve a lot of discussion. Let's push it down a little so we get that discussion and get that community engagement

Commissioner Roettger – Some of that might be helped by reinforcing the Tier 1. Tier 2 discussions could help the Tier 3 when we come to those kinds of decisions that touch many different areas. That will maybe help when it comes to looking at parking garages. I had the same questions about the B-1 knowing that we would like attached units. Just wanting to talk through that some more. I was excited about some of the things to do with alleys and parking that was down in Tier 3 that is going to need some more research. It is important to probably clarify what is legal and available as people are looking at some of these spaces.

Commissioner Yoder – I saw on the slide that one of the things you are going to re-evaluate is the RNA district. I don't see it in the table of items. Is that intentional?

Mr. Alfele – It should be in Tier 3. It has been on the radar. The RNA came out of the sensitive neighborhoods from the Comprehensive Plan. There might need to be more thought put into it than what we put into it when we initially adopted the code.

Commissioner Yoder – Some things that are not here, and I am curious where they are in the department's thinking in the commercial uses in R districts. That is something I know when the zoning code passed, it was a discussion before it passed. I forget if it was in the same draft. There has been talk about at some point that we should look at this and understand what might be appropriate. Is there a reason why that is not in Tier 3? Is that something you are looking at a longer time frame?

Mr. Alfele – No. It probably should be. The reason it is not there is because it has been placed in the NDS work plan. There are some things in there like the small area plans that are not in the Tier 3 because they were already captured there.

Commissioner Yoder – I have seen that on the NDS work plan. I did not quite understand how that interacts with this table. That is helpful to know.

I think it would be helpful for us to understand how some of these things in the zoning code that you are evaluating, what their impact has been on overall development. For example, we have affordable dwelling unit requirements over a certain number of units. What is the before and after picture of a lot of this? Have we seen a change in the number of affordable units built? Have we seen a change in the number of market rate units built? Another one I am curious about is that we eliminated parking requirements. I am curious to know if developers are building the same number of parking spaces per unit. My questions and comments are more down the road for when you are getting into your evaluation of some of these more substantial things.

I want to go back to Commissioner Solla-Yates' comment on B-13 (maximum language widths) and how they are in contradiction of the fire code and The Standards and Design Manual. I am wondering if there are certain things that are already regulated by other standards that we have. Do we need to regulate them in the zoning code? That is just a general comment about that.

Commissioner Solla-Yates – In terms of what I am hearing from the public, I hear 2 sides of the same coin. 'How do we not build affordable housing? It is so expensive,' and 'Oh God, we need affordable housing. How do we build more?' I am interested to get an understanding of how well our inclusionary zoning ordinance is doing in providing the affordable units we need and any tools that we can provide to tweak those numbers to get more on the ground.

Mr. Alfele – OCS (Office of Community Solutions) is working on that. From the development side, I can tell you that we are having a lot of conversations. The applications that we are getting are 4 units, 6 units. We are going to see a lot of units come online in the next couple of years. Those are all legacy projects. We are still going to be dealing with our legacy projects for years with the bulk of units that we see come online in the next 3 to 4 years.

Individual Input

Commissioner Roettger – Some of the things that we were saying could move from 2 to 3 or needed more discussion. I heard B-1. Since we can control our own work session time, maybe those are things that we could flush out more or even invite people in to discuss in terms of the number of the bonuses in Tier 3. Help keep things moving as NDS lays out their plan. Some of these will move through the year. They make sense to clarify with some of the bigger issues that are moving to Tier 3. Have a work session about some of these topics, such as the attached units, the bonuses, the number of affordable units being built. During the year, if we can, we can get some other input, invite people to come, and discuss with some people that have been trying to use the new code, so we are not having to ask through NDS. We can have a discussion with some developers or affordable housing providers.

Chairman Mitchell – You are onto something. A conversation with the PHA and the Southern Developers to make sure we have gotten this right with us.

Commissioner Yoder – On the public engagement front, I know there was talk about starting some small area plans soon. That would be a great opportunity to hear from people about some of these things at Tier 3. If you are going to be doing engagement, especially in a neighborhood with lots of RNA parcels, you could get feedback directly from people at the same time as doing your small area plan.

Commissioner Stolzenberg – I agree with Commissioner Roettger. What would be helpful is for us to have a work session like those in mid-2023 where we go through each item one-by-one. A lot of these things can be knocked out with a little discussion. That discussion might say, ‘this is something that we should get input on.’ In advance of that discussion, solicit input from practitioners, architects, developers, and affordable housing providers. I have heard that they may have already written memos along those lines. I worry that we are going to get into a trap where before changes to the code were very difficult to do. It was the code. Any change required a lot of debate and deliberation and a year of process. When we were crafting this code, we were doing it more efficiently. It was not already adopted. We were finding and knocking out problems in a meeting where we would go through several dozen items at once. Most were minor and very technical. Most of the public will not be worried about one way or the other. I worry that, with this process laid out, a lot of things that could be accomplished and fixed through that process will end up taking a long time because this is the code that is already adopted. Therefore, we need to view any change to it as a long cumbersome process that requires a lot of public input. There are things in this that do require public input. There are many things in C that seem technical that might need a discussion to figure out the right approach but are not highly controversial or highly salient for the public items. I would like to keep thinking that will require extensive public engagement to those that the public will care about.

Commissioner Schwarz – B-14 talked about the fences. The issue with the deck railings that we had is that this could be simple. We either exclude guard rails that are required by code, or we measure the fence from the floor surface and everywhere we allow fences up to 42 inches in all districts. It would solve the issue with the ABC barriers. If you are allowed a 42-inch-high fence, I think that satisfies any ABC concerns. We also have Section 2.10.14.d.1c that says, ‘when a guardrail is required on top of a retaining wall, the guardrail is exempt from the maximum height measurement.’ We can use that same logic for guardrails on elevated surfaces, such as a deck. I would allow fences up to 42 inches everywhere. That solves the problem. You have B-17, existing

streetscapes determined to be in good condition by the administrator can be used to comply with the clear walk zone and green scape zone. Your comment says to comply with all standards is confusing. It is interpreted to mean the standards within 4.45d. There are no standards in 4.45d. I am not sure what you are trying to get at. It does feel like you have a problem. There needs to be some standard or something for the developer to comply with if they are not going to provide the green scape. If they are not going to provide the streetscape zone as mandated by the code, I am confused by what you are trying to say in your suggested fix. With B-21, Fence Type X, I think this had to do with fences around outdoor storage. Does this want to be a fence, or does it want to be a landscape buffer? I think you have landscape buffers with types. I don't think we have fence types. I am not sure that if you have a storage yard adjacent to a street, that would normally only be allowed to have a 4-foot fence. I don't think we want to mandate a 6-foot fence right there. That is a more complicated discussion than I am understanding. With active space, instead of defining what active space is, would it be easier to define what we don't want within a certain distance of the façade? It seems like the big thing is just parking. I get worried that we seem to also not want storage. Does that mean you cannot have a closet? If we can't have storage, it must over so many square feet or percentage of the active space. It is the same thing with mechanical or utility space. It is going to end up there at some point. I don't we care if someone has a water heater closet up against their exterior wall. We probably don't want a big generator room. This active space thing is becoming a big issue. It might be more important to define what that exterior wall is and how much transparency there is. Unfortunately, we might be looking into garages. At the same time, we are having developments that cannot be built because they cannot build the garage they need. With the existing structure preservation bonus, we should just use Code Studios recommendation. That seems simple. We can pull this out of Tier 3.

Commissioner Solla-Yates – I have been looking at the fences. Planner dot org has put a long explainer about what a fence is and what it means. It has a lot of conflicts. We don't need to define it. It has been heavily defined. I like Philadelphia's definition: an unroofed barrier or unroofed enclosing structure including retaining walls. I would suggest that we no reinvent the wheel on this. If we can make this simple and move forward, that is fantastic.

Chairman Mitchell – I appreciate that the councilors are busy. I appreciate that they wanted to cut down on the number of meetings that they are having. It worries that they are going to be looking at this stuff without having met with us to talk about it. I think you and Mr. Schwarz negotiated a compromise that you made sure that they got all the feedback that we outlined. It would be wonderful if the June 16th meeting could be a joint session. If it cannot be a joint session, it would be good if we showed up to speak if we were given an opportunity to speak at that meeting.

Adjournment

The meeting was adjourned at 6:30 PM

Public Comments

There were no public comments submitted during this work session.

PLANNING COMMISSION REGULAR MEETING

June 10, 2025 – 5:30 P.M.

Hybrid Meeting

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

Beginning: 5:00 PM

Location: NDS Conference Room

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

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

Chair Mitchell called the meeting to order and asked if there were any questions on the Seminole Square application which there were none. He noted that order for the agenda will change this evening as the applicant for 2030 Barracks Road will be asking for a deferral. The applicant will be given the opportunity to make this request early in the meeting so that if it is accepted, individuals interested in the item will have awareness of the status. If deferred, that will be mentioned later in the meeting as well. The work plan presentation will occur last on the agenda, so all other applicants have the opportunity to leave if they chose. Chair Mitchell asked if there were any question on the minutes and there were none.

Commissioner Roettger asked about the need for the special exception as it feels like the applicant could address these changes. Commissioner Schwarz asked if the entry features would require a walkway and how the streetscape project would affect this project. He also asked about the retaining wall. There was further inquiry about these three items. Commissioner Schwarz asked why the pre-meetings were located in the conference room. There was discussion about location and access.

Commissioner Yoder asked about tree removal around the bypass and Route 64. It was noted this was likely the area for the Darden housing project which would be in the county. Mr. Joy was able to provide an overview of the tree removal permit process that occurs for UVA properties.

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:30 PM

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Stolzenberg – There has been one meeting since our last meeting. That meeting was LUPEC. We had 3 interesting presentations. One was on the innovation corridor, which is a regional project. It is an economic development strategy focused on biotech defense and regular tech. We also had a presentation on RWSA’s northern area, utilities improvements. They have been doing a lot of work up there to accommodate growth up 29 and at UVA’s North Fork Research Park. They are adding a new pipeline crossing the Rivanna River. They recently finished the Airport Road pump station, which will be able to be expanded with on site tanks. At some point, they will phase out and dismantle the small water treatment plant that is up 29 in the Camelot area. We had an update on VDOT projects that are ongoing. The Hydraulic Bridge is underway. It should be complete in October. The Albemarle bundle that they are doing, which is the roundabout at 240 and

250 out by Crozet, the roundabout at Rio and John Warner, the Green Tea at Rio and Belvedere, another roundabout at 5th and Old Lynchburg, and another roundabout at 20 and 53. That is underway. They are starting with the one near Crozet and the rest will be soon to follow. This summer, they are going to issue an RFP for the Fontaine and Hydraulic bundle, which is closing the left turn on 29 onto 64 west, reconfiguring the intersection of Fontaine Avenue and 29. Our Fontaine streetscape has been added into the VDOT bundle and the Stonefield roundabout. That should be awarded later this year and go into construction next year. There was the Avon Street multimodal public meeting that I attended. It is a project that the MPO was awarded several years ago to add a shared-use path bridge over Moores Creek. It was going to be bike lanes and sidewalk up Avon. They are now exploring an alternative where it is a shared-use path up Avon on one side

Commissioner Schwarz – The Board of Architectural Review denied an application for demolition of the Wertenbaker House. That has already been appealed and will be seen by Council in the future. We got a presentation. The city is finally going to fix up the Downtown Mall crossings. They will be looking nice soon. We looked at the potential hotel at 218 West Market again. They requested a deferral. I think that we will be looking at that project again next month. I was contacted by the developers for 843 West Main Street. The developer is LV Collective. It is the parking lot between The Standard and the bridge on West Main Street. They wanted to talk to me about what they are looking at doing. It does not look like they will be seeking any exceptions from the Planning Commission. They will have to go in front of the BAR. They are already speaking with West Haven. They are trying to get on a neighborhood meeting agenda with 10th and Page.

Commissioner Solla-Yates – I have submitted a new code change proposal for the Virginia version of the 2024 international building code to the Virginia Department of Community Housing and Development. It is copying the national discussion from last year. What was being proposed at the national level should be considered for Virginia. This is inspired by our work on the Comprehensive Plan, which looked at a walkable, more pedestrian-scale historic compatible design rather than ‘Texas donuts.’ I don’t hate ‘Texas donuts.’ It is good to allow some other things, especially in more historic pedestrian friendly areas. I am hopeful that it will reach consensus.

Commissioner d’Oronzio – The HAC met to discuss the updated and revised land bank ordinance, which caused a lot of consternation on the HAC because it was a profound departure from most of the principles, which we had been working on for over a year. I am not sure how that is going to move forward. The HAC’s vision for how this thing was going to work is not in alignment with City Council or staff. We did look at a deeper dive into the affordable housing tax abatement program, which was presented to City Council a couple of meetings back. We got an update saying that we would be getting in some consultative work. One of the nexuses of trying to work with that is we need to figure out what our dataset is. If we put together such a program before we even start discussing how we would structure it, is it worth it? You don’t want to be in a position where you are giving away money for something that was already going to happen. The idea behind this is to make it exempt in some way the taxation on affordable units or developments that have affordable units on it to make it easier on the carrying cost and financing of it. We are not sure that this is going to work. There was another one tried in Cambridge. They spent a good amount of money and time on it. They realized that they should not have done it. We took a deep dive in response to the land bank ordinance. I am not sure what is going to become of that. With the TJPDC, in April, we got an interesting Safe Streets for All grant proposal presentation that is being co-driven by UVA and Honda. This has to do with focusing on scooters. They are being very comprehensive. I encourage you to read it. It is cool that they are going to try to integrate everything from the vehicle to the design of the streets to social behavior to the injuries to cross referencing all of it and trying to get a comprehensive view of the impact of scooters. I was interested in it. There is a new regional housing study that is in its infancy that we are working to pull together and scope. That is being run by the Virginia Center for Housing Research at Virginia Tech. They are still trying to scope what this is going to do and how they will make it happen. They are interested in concentrating on 1 or 2 things that are implementable that have a chance of political survival, that have some support and some utility. The TJPDC did

elect its next year of officers. Michael Payne is the sole elected official serving as an officer. Keith Smith of Fluvanna County is the chair. The secretary position is held by the executive director, and I am the treasurer.

Commissioner Roettger – I was not at the last 2 Tree Commission meetings. I was out of town. I did have a committee meeting with the stormwater staff of the city. The Tree Commission is all volunteer. There are a lot of people there that want to make changes. They wrote a letter to City Council and City Manager because there was a tree that did not make it through the Kindlewood Development. This was on April 24th. It did help the Tree Commission get together and do some bullet points to be more specific about what might have gone wrong: looking at the site plan checklist, making sure everything has happened there to preserve trees that are supposed to be preserved, tree preservation plans, shoring up the tree removal permit. We were looking at the stormwater fee. The Tree Commission has been checking in with other departments to see if there are tweaks with stormwater fee. This letter helped to make that clear. Some of the work is meeting with all these different departments to see if there are places for improvement and more incentives for tree preservation. It got some feedback from City Council and City Manager.

Commissioner Yoder – I attended a meeting of MPO Citizens Advisory Committee. The MPO has a couple different committees. I know that Commissioner Stolzenberg is on another committee. The purpose of this committee is to connect the community to the MPO, provide input in both directions. There are 3 community surveys right now that the MPO is trying to get the public to respond to. There are 2 VDOT surveys. The survey focused on the 29 Pipeline Study is now closed. The other survey is the 29 and 64 interchange. The other survey is looking at 5th Street starting close to the intersection with 5th Street Station and going down to the county. This survey is open until June 16th. We would like people to reply to those soon. There is a 3rd community survey out from JAUNT. They have a community survey out as well. Those are the 3 most important things that came out of that meeting.

B. UNIVERSITY REPORT

Commissioner Joy – The Darden Graduate Housing is currently under construction. That is still on schedule to be completed by the fall of 2027. That is 348 beds that will be included there. That is adjacent to the existing Darden Parking Garage. With the Emmet and Ivy Corridor Second Year Housing, we have received state Architectural Review Board approval for that and our Board of Visitors approval for that project. That is currently under construction. That will be on schedule to be completed in the fall of 2027. That is 780 beds. Between those 2 projects, we are looking at just over 1000 beds. With parking, we have 2 project updates. We have the Fontaine Garage. As a structure, that is nearly complete. A lot of the work happening right now is not parking garage related. It is the access road and some of the utility hookups outside of the garage. That is expected to open early this fall. That is 1250 spaces. You should see a dramatic shift when it comes to parking with our health system workers. With the North Grounds garage, that is currently under construction. That will follow in 2026. That is an additional 1000 spaces. That should change event parking, athletics parking, and help with commuter parking issues in and around Grounds. The Olympics Sports Center is nearing completion. It is going to be completed this fall. With the completion of that facility, the teams that are currently located in modular units along Copley Bridge will be moved. The modular units will be removed. The area will be restored as a grass practice field. With The Manning Institute of Biotechnology, that is on schedule for a fall 2027 opening. A parallel project to that is the next generation heat plant at Fontaine. This is a first for UVA but also an innovative project at higher education institutions. It is a non-combustion geothermal plant. It will be providing the thermal energy to power The Manning Institute. It is incredibly efficient to help the University reach its carbon goals. The Karsh Institute of Democracy is nearing completion. That is scheduled to be completed in early July. The exterior of that building will start to appear later this summer and fall. That will be on track to open in the fall of 2026. The Virginia Guest House will be near completion this fall. It will have its public opening in early 2026. With UVA Health and Oak Lawn, the planning study is wrapping up. There is a public webinar taking place on June 18th to talk about the recommendations for the Oak Lawn property. There is

more information on how to login into that online event at UVA Health Fifeville Community Engagement website. The Wertland Foundation project is still working through redesign and planning to submit to the BAR. There are 2 high visibility projects that are not UVA projects. I wanted to share with the public that the VERVE development, which is on JPA and the Blume is on Ivy. If you go to facility management's construction alerts page, they have provided information regarding street closures or day-to-day work for both of those projects. They have a direct impact on the Charlottesville community and the UVA staff, students, and faculty. They tried to consolidate any feedback we get from those private developers. We will put that feedback into announcements. Yesterday started the closure of JPA and Emmet Street. There is a detour down Stadium Road. All vehicular traffic is closed 24/7 until August 1st.

C. CHAIR'S REPORT

Chairman Mitchell – Parks and Recreation is busy with the opening of the pools and all the outdoor activities. The thing that has been the most important has been our garden plots. We have been giving a lot of thought to putting term limits on garden plots. How long can you be a steward of a garden plot? We think that maybe other people might want to get involved. Once you get a garden plot, you pretty much have it until you no longer want it. We are backing away from that. We got a lot of feedback from the public suggesting that a little more thought needs to be given to placing term limits on garden plots and the nature of those term limits. With crop rotation and things like that, it takes a while to cultivate the ground to get a garden plot to do what you made the investment to have it do. We are not going to move on that right now. We are going to give it more thought just to be respectful that other people have put into the garden plots. The BZA met. The topic of that meeting relates to the property we are here to talk about today, 2030 Barracks Road. We did approve an appeal that was before us. The applicant was seeking a build-to width administrative modification. We made a narrow ruling just on the build-to width modification. We did grant that for all the reasons that were outlined in the applicant's application. It was a very narrow ruling. It had nothing to do with the critical slopes and the exception that we are here to talk about tonight. It was only the build-to width. The critical slope and the feature exception is something that the Planning Commission would need to make a decision on.

D. DEPARTMENT OF NDS

Missy Creasy, Deputy Director – We don't have a work session for June 26th. We are planning our July 8th meeting. Plan to be in attendance for that. We will likely not have the July work session. We are into the peak of the summer. We will get into the fall. For the 8th, we have an agenda that includes a presentation on the tax abatement activities that are going on. You will be up to speed on the front end of that. We are going to work on the Development Code discussions as well.

1. Work Plan Presentation

Kellie Brown, NDS Director – I am looking forward to sharing a presentation with you on our department's progress in implementing the development code adopted in 2024 and our FY 2026 work plan, our plan for work for the coming year. I am here with several members of our team, Matt Alfele (Development Review Planning Manager), Ose Akinlotan (Long Range Planning Manager), Missy Creasy (Deputy Director), and Jeff Werner (Historic Preservation Planner). They will be participating in the presentation tonight.

Next Slide

I will start with a brief overview of how our department is organized. It will be like information I have presented in the past. I am trying to provide some context as to who we are as a department, some of our key accomplishments over the past year, key work plan considerations, and how we prioritize our work in recognizing that there are always many more priorities, many more projects than we have capacity to tend to in any given year. We prioritize the work that is put in front of us, what we are identifying our work plan priorities

for this year. We will move into a deeper dive into several of those priorities and deeper dive on the development code amendments that we have been working on that represent the ‘bread & butter’ of our implementation of the development code. Mr. Alfele was with you for a work session last week. Some of this information will be a repeat of what you have heard before. We also have some updates for you based on feedback that you shared with us on how we see our process moving forward. I will be presenting this information to City Council on June 16th as part of the city manager’s 4 PM work session. This is a request that he has made. City Council has been interested in an update on our implementation of the development code. Feedback that you provide tonight is information that I will be able to incorporate and reflect in the update that I share with Council next week.

Next Slide

NDS as an organization is dedicated to creating a sustainable and vibrant community. It is in support of the city’s mission to be a place where everyone can thrive. You might recall from previous presentations the organizational chart that I have shared with you. This is essentially the same information with a little description of what each of our groups do. We provide a wide array of services in NDS ranging from code compliance in zoning, building inspections, property maintenance, development review, historic preservation work, reviewing applications relative to the design guidelines for the city, but also promoting and interpreting historic sites and structures and ensuring that new buildings compliment those resources as well. We have a long-range planning team, transportation team, and support services group that supports our work with our online development application portal and all our GIS services that supports the department. We are a group of 31 people. We have 2 vacancies right now. I will report on all the work we have been doing in terms of recruitment. As a unit, our division has worked together to promote responsible development, foster community engagement, and work toward a community where everyone in Charlottesville can thrive.

Next Slide

All the work that we do in the department is in support of the city’s strategic outcome areas. Given the breadth of our focus areas, we work in all these areas. Our services are going to be expanding in the future. The city manager’s office has decided to close The Office of Community Solutions, which included the housing program staff. I am happy to report that the housing program staff will be coming back to NDS. I understand that had been their home. They are coming back. I am excited to have them as part of our team moving forward. That team will continue to do all the work that they have been doing. I am excited to support their work in working toward all the goals of the Comprehensive Plan relative to affordable housing. I am looking forward to coming back to you with more updates once they are on board. We have all wrapped our arms around what it means to have a new program area.

Commissioner Stolzenberg – Will they be physically moving back?

Ms. Brown – My focus is going to be getting a sense of who they are and what they are working on. I won’t be prioritizing any physical move in the near term. Teams has been a great tool for collaboration. We can get together whenever we need to. I anticipate that would be something we would do at some point to bring them into the fold physically. It is not something we are worried about in the near term.

Next Slide

In terms of our key accomplishments over the past year, we have been busy. Some of these things have been mentioned previously. There have been some recent accomplishments. We have moved forward with the creation of a regional transit authority known as CARTA. Our team is going to be working on funding mechanisms and planning initiatives for that regional authority moving forward, adoption of the Safely Move Blue Ridge plan and a pilot project, and installation of a pump track at McIntire Park. Our transportation planners have worked with Public Works to identify over 60 urgent transportation improvements to support some of our most critical safety needs, pilot some strategies, and test some strategies that could be implemented

in a more permanent way moving forward. The transportation planning team is not here tonight. They presented an update to Council on June 2nd. If you have any questions, I am happy to go back to the team and get some information from them. I encourage you to review that comprehensive presentation that they shared with Council. In terms of other accomplishments from our department, our historic preservation team brought forward updates to the café standards to support the way the cafes operate on The Mall and The Corner, Court Square and Carver Inn Historical markers. We have been working hard on development review process improvements. Code amendments is another area we will get into more detail. We have been working to refresh and update our NDS webpage. We have added a lot more content and wayfinding information for people. We have a how-to guide to apply for a short-term rental application. That deadline is coming up. We have a new development map. There is a lot of new information on the website to increase transparency and improve accessibility of information for the public who is looking for support from Neighborhood Development Services. We are working on a stabilizing property task force. On the recruitment side, we have been staffing up to be able to work on all these items that we have identified in our work plan. That includes a development review planning manager. We have a long-range planner, a new permit technician, and a transit planner on board. We are still working to recruit one student housing property maintenance inspector. We are working across the board on our certifications and career development.

Next Slide

In terms of a deeper dive on some of our accomplishments, I did not want to let the night go by without reflecting on the work of our building inspections team. They have been working hard processing permits and conducting inspections around the city for everything. We have been able to track the number of permits issued, inspections, and permits reviewed over the past several years. You will note that there has been a gradual uptick over the past several years. There has been a notable increase in the 1st quarter of this year. We anticipate that trend will continue. You can see in the development map that we have several projects under construction or that will be moving into construction, such as the VERVE, 2117 Ivy, and The Blume. All those projects will add additional workload to our building inspection team. We anticipate that there will be a slowdown in review times, as they manage that additional capacity. We have shared that information with our contractor community, so they understand what the situation is. We will do our best to meet the needs of the community and continue to provide the complete review and inspections that we need to do.

Next Slide

Looking ahead at our key considerations for what we are anticipating over the next year, this is information I have shared before. It is always helpful to reflect on what grounds us in our selection of priority projects.

Next Slide

Our top priority is timely accomplishment of our non-discretionary core mission services. All our code compliance work must be our top priority. Secondly, we must focus on efforts that work toward health, safety, and the implementation of the new development code. Those are all things that we need to focus on before we add new initiatives. We continue to consistently apply an equity lens to the work we do. Who benefits? Who is burdened? Who is missing? Who is left out? What are we going to do about that? We use data to inform our decision-making about how we select priorities and how we do the work we do and aligning our work plan commitments with staff capacity. We cannot do it all. We are going to do the best we can and to think as creatively as we can about the capacity we have and growing that capacity and using our partners in the community and consultants to the extent that those resources are available for us.

Next Slide

I have presented a list of what our work plan priorities are by strategic outcome areas. Our team will do a deep dive on some areas that I thought would be of particular interest to you. Briefly going through this list, around organizational excellence, we will continue to focus on our regulatory review, permitting, and enforcement. We are continuing to improve Cityworks and the way that portal is accessible to applicants and our internal

reviewers. We have made a lot of progress in that area over the past 6 months. There is a light at the end of the tunnel in terms of making that system workable for everybody. Training and professional development will continue to be a focus. We have had several staff who have been able to go to various conferences over the past 6 months. They have come back with great ideas for how to do their work better or future projects for future years. We are continuing to work on development review process improvements.

Next Slide

In the area of housing, one of our key focus areas will be kicking off a Tenth & Page and Rose Hill Visioning Plan effort, which will have a heavy focus on housing, the communities where those people live, and collaborating with those residents in terms of what their vision is. We will be continuing to work providing resources and materials to make the development code more accessible. We have added information to the webpage that seeks to address some of those needs. There is a lot of creative work we can do in that space to help people understand what exactly is possible that would otherwise be difficult to discern and reviewing pages and pages of the development code. We are monitoring and evaluating the development code. Where there are opportunities to tweak the regulations, that is a part of the work that we are doing. In terms of amendments, we are hoping to bring those forward and that we have been working on with you. We are focusing on the creation of an inter-departmental stabilizing property task force where we are trying to bring forward people from several different departments to help support the needs of property owners that struggle to maintain their properties, recognizing that it is often several intertwined and complicated issues that make it difficult for that maintenance to occur. This list will significantly grow over the next year as we bring on the new team members from OCS around housing. This is what we have been focusing on thus far.

Next Slide

This is a list of other priorities that span across several different strategic priority areas. We are continuing to work on short-term rentals and bringing forward recommendations for potential changes to the ordinance to better support our community goals and working on enforcement. We will be hiring a zoning inspector to support us with that. We are in the final stages of procuring some software to help with our monitoring of the short-term rentals that are operating in our community today. We will be working on an environmental policy review and ordinance revisions. That is another item I will focus on in more detail in the presentation. We will kick off a scoping effort this year for reviewing our design guidelines. What are the key policy issues that we want to make sure are maintained in our district guidelines where there is alignment with our development code and where there might need to be some revisions to better help balance those needs. We are also going to be working on identifying all our accomplishments in historic preservation and cultural resources recognition over the past several years. There might be some opportunities for additional work in the future. We will be conducting our mandated 5-year review of the Comprehensive Plan. We will be looking to pull in a lot of the work that we have been doing through other initiatives, documenting that, and making recommendations where additional changes to the Comprehensive Plan might be necessary over time.

Next Slide

These are transportation priorities. I am not going to go into detail on these tonight. We will be focusing on the creation of a comprehensive transportation plan, scoping that effort over the next 6 months. I am hoping to kick off that effort in 2026. At the same time, we will be working on policies for safer streets, testing strategies such as through the urgent infrastructure program, and studying opportunities to potentially lower speed limits on low volume streets, designing our sidewalks, and spending the money that was allocated through the CIP for the completion of our pedestrian network.

Next Slide

I mentioned the creation of CARTA. That will continue to be an area of focus with regional transportation planning, promoting our bike network, and looking for improvements/ways to improve our bike network. This also includes the Safe Routes to School program and continuing to improve access to bikes for children in

schools and focusing on the safety of children, as they walk to school. Neighborhood walking tours are still happening monthly. You need to check the webpage to see where the next one is for the upcoming month. With micromobility, we are working on updates to our permit for the scooters to improve the enforcement and address a lot of the community concerns that have been raised about the scooter network.

Next Slides

We can dive into more detail about a couple of these initiatives. The first one I wanted to highlight is our environmental policy and regulatory review. This is an initiative that emerged during the creation of the development code when it was identified that there were several environmental regulations that needed to be studied to see where some misalignment might exist or where some refinements might be needed to help balance all the goals of the Comprehensive Plan. This is focusing on not only housing, but how we achieve our community vision for healthy air, water, ecosystems, high quality & accessible open space, and a preserved and enhanced tree canopy. What we are learning through the initial work we have been doing on existing conditions is that there are several opportunities to refine our policies and our regulations. A key emerging question has been around our stormwater management. Is there a different and a better approach to managing stormwater to meet our state stormwater requirements and work toward our housing goals? We are going to be working with our interdepartmental partners in utilities, public works, and the office of sustainability on what might be the opportunities to come up with a new approach to managing stormwater within those state stormwater parameters. Are there any potential impacts that need to be mitigated at a network level or through a different way of managing stormwater on site on individual development sites? We will be collecting all that information and coming forward with a score of work this summer for a plan to start to make some changes to policies and recommend some revisions to regulations that help meet and balance our Comprehensive Plan goals.

Ose Akinlotan, Long Range Planner –

Next Slide

The Tenth & Page planning process was previously outlined as the Tenth & Page Small Area Plan. We are shifting from just the one specific neighborhood to encompass both of those neighborhoods. It is to set a clear community driven vision for the next 5 years. We are beginning to outline a specific timeline for these processes moving forward. Tenth & Page and Rose Hill will be the template moving forward. We will be identifying both immediate actions and areas that need further study. We are moving towards implementation, not just planning. It will align with the Comprehensive Plan and be adopted under it. Our engagement approach is to acknowledge past harms from disinvestment and urban renewal, from being displaced to replaced into this community or communities. The use of trauma informed and trust building engagement, a focus on healing, empowerment, and long-term equity. This will be a co-led process with community members, not just the city in a leadership role. This will be a justice-centered approach, which prioritizes fairness, equity, and dismantling systematic oppression in planning itself and community development. It is a collaborative approach that articulates the defined future state of communities and outlines, the concrete steps to achieve it within a defined 5-year timeframe. It is led by North Star of Just Communities. That is a collaborative process. It leads with cultural responsiveness and equity centered engagement, restorative practice engagement. It facilitates storytelling by our community members, small dialogue groups, and inclusive feedback loops. Within our outline for this process, within that work plan, it identifies feedback loops, not just at the end of the process, but throughout the process. Having the community members co-lead this process will ensure that we are reaching as many people as possible and reaching those people who have been left behind in these processes. It is being very intentional. It is currently a vision with actionable recommendations. It has immediate no zoning required initiatives. It will also serve as a roadmap for future planning and coordination. Our timeline is an agile process. It will be co-led by the community. This timeline may shift. We are moving at the speed of trust. Due to that, our current timeline has engagement taking place now through the summer with adoption and launch in the spring/summer of 2026. It is an agile process. We have not yet spoken with the communities for an update on where we are. Due to that, it will be based off their input and the time they need to ‘digest’ it. All these phases

have different levels of engagement next to it. All these are from the international association for public participation or IAP2. We are leaning into that approach moving forward and integrating that with it being justice centered.

Next Slide – Short Term Rentals

We are attempting to update our regulations, potentially based off the feedback we receive. We are having targeted outreach. We have utilized newsletters, emails, and neighborhood associations. This has led to increased registrations for those homestay permits. We have a public survey that closes on the 15th. So far, we have over 100 respondents, which is great. We hope to have more. The deadline for short-term rentals was June 1st. We will have a late fee applied after the 15th. We are working with applicants and engaging with them and often to ensure that they are aware of this. The next steps are to analyze the survey and permit data, which will inform the refined regulations. The project team that has been identified internally will meet soon. We were attempting to wait until the registration of permits or execution of permits and that late fee and survey results. We also have a compliance tool that has been procured. That tool locates property listings and owners, educates hosts, and hopefully increases revenue, support important initiatives and priorities. That information will be integrated with our data analysis. Updates for that will be coming soon.

Next Slide

We are in those initial phases. We have already done our prep, released our materials. We are going to look to move into internal drafting after we have our engagement process. The survey is one form of that engagement. We hope to have additional inclusive engagement opportunities. We will have development of the ordinances or recommendation. We will determine at that point if we need to update the ordinance. We will be back in front of you for work sessions and hearings. That is, not only for the short-term rentals, but also for the 10th & Page and Rose Hill planning processes.

Missy Creasy, Deputy Director –

Next Slide

There are several properties where our enforcement crews have been working on them for a long time. They are complex situations from the ‘bricks & sticks,’ all the way to the human elements that are involved. Sometimes we can get progress. Sometimes that progress is challenging to get. We now have attorney staff that has a lot of experience with this and is supportive in helping us through those processes. That has been a while since we have had that. What we have started with is working with a couple of very challenging cases. We have set up a process where we get several different entities involved. It is not just the enforcement end of things. That is a piece of the puzzle because that is the paperwork part but making sure that the human elements are being considered as part of it. Are there circumstances that we have a program within the city that can be helpful? Maybe the person is not quite ready for that. Maybe, as we continue through the enforcement process, maybe they will become more open to it at some other part of the process. Our goal is to make sure that we are having links to those services throughout the process. We have come together as needed. We bring in different parties as we find that there is an opportunity for them to be a part of it. The Anchor Team, which is a team that was set up as a multi-disciplinary group to help support in a lot of different situations, has been important to this. Once we have started working with them on a property, they continue to outreach to the individuals in that case. It has been wonderful because these are hard, challenging situations, and a lot of things that are hard to accomplish. We are hopeful by bringing both the enforcement and the human touch that we can make it as palatable as possible.

Jeff Werner, Preservation Planner –

Next Slide

I have 3 primary responsibilities. I am staff for the Board of Architectural Review, staff for the Entrance Corridor Review Board, and staff for the city's Historic Resources Committee. I am here tonight wearing the first of 'those hats.' To provide some background and context for the necessary updates to the BAR and ERB design guidelines, Ms. Brown asked me to briefly summarize the city's design control districts and who has purview for the design review of projects within them.

Next Slide

With this slide here, as permitted by state code, City Council has established 4 types of design control overlay districts. We have the 3 types of historic districts: architectural design control district, individually protected properties, and the 3 historic conservation districts. The BAR has purview for reviewing those.

Next Slide

This is the 4th type of designation. These are the entrance corridors. The city has designated these corridors that lead into our historic areas. For these, you all, as the ERB, have purview for the design review.

Next Slide

For the BAR, they apply either the guidelines for the ADC districts and IPPs or the guidelines for conservation districts. I think you all know the criteria for the ADC districts and IPPs are the most rigid and comprehensive. For the entrance corridor projects, you all apply the EC design guidelines. You can see the length and when those guidelines were approved.

Next Slide

All these guidelines must be periodically reviewed and updated. The guidelines are approved by City Council. They do not become effective without that. Many people say that it is the ERB or BAR guidelines. They are Council's guidelines. We are overdue for the periodic reviews. The updates are also necessary. This is why we waited. We need to assure that the guidelines align with the Comp Plan, which was revised and adopted in 2021. The subsequent code update was adopted in 2023.

Next Slide

The design control districts cover slightly less than 20 percent of the city. We are refining some numbers. Between 2005 and 2024, the BAR and ERB formally reviewed projects for roughly 1400 CoA requests. Of those requests, there were only 63 denials. The design review is not something where projects come to die. There are a lot of projects that we can review administratively.

Ms. Brown – Before we conclude the presentation with an overview of the development code amendment process, we would welcome any comments or feedback.

Commissioner Joy – With the 10th & Page and the Rose Hill planning, does that include the stretch of Preston that is the connective conduit between those 2 neighborhoods?

Ms. Akinlotan – It is. We will have workshops for just 10th & Page and Rose Hill. Everyone is welcome to both. We will also have focused workshops for the Preston Avenue corridor.

Commissioner Roettger – I appreciate hearing about all that. It is a lot of work. I am excited for 10th & Page and Rose Hill planning to start.

Commissioner Yoder – I don't have any more questions. I am excited to see NDS getting staff on board and adopting a robust work plan. I am excited to see all the work that you are going to do in the next year.

Commissioner Solla-Yates – I am excited about the people at OCS joining us. I have been troubled that it has been difficult to communicate with them sometimes because they are often not here. I am hopeful that this will lead to a better partnership. With the inclusionary zoning, there has been a lot of public comment and concern on that topic. Do you have a sense of that?

Ms. Brown – I suppose that you are wondering if there is an update. Is the question whether there is an assessment or an update on how that is working so far? There are 2 ways to answer that question. The first is what are we seeing in terms of development coming out of the development in the new development code? Mr. Alfele's presentation will illuminate that. There is a question of how many units are we seeing that are affordable? It is a question that is top of mind for us internally. If there are barriers, what are those barriers? What are the tools? What are the policy considerations that staff should be bringing forward for Planning Commission and City Council? I am happy to report that OCS brought a consultant on board to help do this kind of evaluation of proformas and look at the mandate itself, that 10 percent requirement and what that means in our current development climate. The tax abatement study will illuminate a lot of those questions for us. While that study is focused on the question of tax abatement. It will also provide an opportunity for us to begin asking some questions perhaps for future or additional study on what other things we should be thinking about moving forward.

Commissioner Solla-Yates – I am excited to see NACTO. That is a big change. I have a question about stormwater updates. There are other localities struggling with the same 'headaches' that we are struggling with. Are we in communication with them? What do we do?

Ms. Brown – Do you mean there are other localities in the state that are struggling with stormwater management requirements and trying to add more housing on small lots? We are in communication with other localities that are focused on that. That was a significant source of concern in Arlington and bringing it forward. I bring a lot of context to the conversation from that experience. If anyone has any understanding of best practices from other localities, please share them with us. We are looking at creative solutions. I would be happy to understand what other jurisdictions are doing.

Commissioner Solla-Yates – There is a big change with 10th & Page small area plan moving to 10th & Page and Rose Hill vision plan about zoning. A big concern during the zoning update was that we have not done outreach in those areas for parcel-by-parcel zoning changes. Am I understanding that we will not be getting zoning changes out of this process? Will that be a future second process?

Ms. Brown – The thought is that this process will be focused on very near-term changes that could be brought forward. We understand that the RNA zoning is, not only located in the 10th & Page neighborhood, it is a district that was applied throughout the city in several contexts. Our recommendation is going to be to look at that separately as part of a citywide initiative. Changes would be made based on those recommendations in different parts of the city.

Commissioner Solla-Yates – Many years ago, I was told that we could not do mold enforcement on rentals. Is that something you are talking about?

Ms. Creasy – We don't have a mold ordinance that we can rely on. We do get several calls from people with that concern. Our property maintenance people usually outline resources. It is not within our purview.

Commissioner Solla-Yates – Would that be a Council action? Would that be a legislative action?

Ms. Creasy – That would be legislative action. We cannot grab a code that exists and implement it as a city.

Commissioner Solla-Yates – Doing many planning processes at once. This is something that we have a bad habit of doing. People talk about planning fatigue. Is it possible, for the public's benefit, to wrap some of these planning processes together into the Comprehensive Plan process?

Ms. Creasy – I think what we are proposing over the next year is a limited number of processes. It is interesting to hear from you that it sounds like a lot. It is moving forward with the 10th & Page and Rose Hill vision plans and the environmental policy review. That is 2. The short-term rental study will be wrapping up by the end of this year. That is 3. There is a little bit of sequencing that we are building in. We are not planning to start all of them at once. Some of them are over a much longer timeframe. Some of them are more targeted. We can think about opportunities to use 1 study to perhaps leverage engagement or understanding of other studies. I don't if I see a clear path toward wrapping any number of those things together. There is targeted engagement, targeted study questions that we have for all those different issue areas that we want to do separately.

Commissioner Solla-Yates – We have a substantial amount of the city covered in the entrance corridors. We have not talked about how or why one thing is an entrance corridor, and another is not. Barracks Road came up as not an entrance corridor. I could not tell why it isn't.

Mr. Werner – It is primarily because it was in an EC. I don't look at anything that is a residential, 2-family, or single-family. You might have looked at it that way. Unfortunately, our meeting minutes in the city are not helpful unless you go back in time. I can tell you going back into the 1850s and looking at the town council minutes, it is like 'what did you do?' That is a good question. I would argue that we don't need to be adding design control districts. It is difficult to stay on top of what we have. My best guess is because of the residential nature. I know there had been discussions about adding Cherry Avenue. This was years ago. That was because it was primarily a commercial corridor. You get to decide.

Commissioner Solla-Yates – How and when do we do that?

Mr. Werner – During the Comprehensive Plan process, you can suggest additional corridors or revisiting corridors.

Ms. Brown – One of the benefits of taking some time this year to scope the study of our design guidelines is that is an opportunity to ask those questions. What is it that we want to be looking at when we evaluate our districts? What are the key questions we want to be asking as we evaluate the regulations and the districts themselves? I would look for opportunities to be involved in the development of that scope. We will be providing updates to you as we refine that over time.

Commissioner Solla-Yates – Years ago, when we were talking about changing the development code, there was an interest in more of a form-based code to try and streamline some of these design concerns that came up a lot in planned unit development discussions and BAR discussions. There were questions about what tint glass should be? It is not a parcel-by-parcel issue. It is just a general standard that could be applied regardless of parcel into a form-based code. The dream was that we have all these new restrictions and we remove some of the more custom processes because we already have the rule in place. We did the one thing but not the second thing. Can you comment on that broad concept?

Mr. Werner – If you want me to tell you if the design review process is a problem, I would say look to the facts. I hear this too often. We don't because of this or because of that. We just approved the VERVE, a large development on JPA. There are things that have been approved that have never been built. Anybody that says that the design review process is an impediment isn't paying attention. You all are appointed officials. We have elected officials. What is it that you want Charlottesville to be? I will offer an example that my colleagues have heard me say. Take High Street at the top of Second. You have buildings that are 2 and 3 stories, predominantly

brick, predominantly 20 to 30 feet back, predominantly spaced 10 to 15 feet apart. There is a rhythm to that architecture. You can go taller and respect that architecture. You can do good infill development and respect that architecture. Do we want to dispose of what the current architecture and current built form of Charlottesville is? I cannot answer that. That is a question for the city to say. Are there architectural elements and places in the city that are important to maintain? They can be done. Good design can accomplish that. Do we want something new? You can answer that.

Commissioner d’Oronzio – The first question I have is about stormwater management elsewhere where they are trying to increase density. I have comments on that part. In terms of stealing from our neighbors, is there anyone anywhere who has done short-term rentals right? Can we plagiarize from them? Are there working models elsewhere? I had a conversation with the Greene County chair of board of supervisors. He said that they are working on regulations. My response was to let me know how you mess that up. I cannot see anything that works elegantly and efficiently. Do we have some inkling what that is going to look like? Is there someone that we can steal from?

Ms. Brown – Charlottesville was one of the first jurisdictions to put regulations on the books. A lot of localities have looked to Charlottesville to create their regulations. There are a lot of examples. That is something that we have already done. Charlottesville has conducted a study of other jurisdictions and what is happening. What seems to be successful. Some questions that we have posed to ourselves about potential modifications. Are they doing those things? We will bring that forward as part of our study when we get it going is what we have learned from other localities. Something to keep in mind is that we are in Virginia. As a Dillon Rule state, some things that other states have done was probably not going to apply here. What seems to be necessary to do this well is to have strong enforcement. Fortunately, we are going to be bringing on a new inspector. We are going to be adding some software that will allow us to get a better handle on who is operating in our community. That is a step in the right direction. In terms of the regulations themselves, we are doing a lot of things right. Some modest refinements and tweaks might be more the scope and the scale of what we are looking at.

Commissioner d’Oronzio – With trying to do density and stormwater management at the same time, one of the items previously identified was the alley study. It would seem to me that is crucial to both the increased density and because of what we can do in alleys. If the city owns them, stormwater management is there. You cite the lack of resources in the City Attorney’s Office. Waiting for them to have the resources, does anybody have a date in mind for that? I know that once we start scratching the surface of the alley, we are going to discover that in many places, the alley’s ownership changes on the same block. The way it was conveyed changes. There is a disagreement between old county records and old city records as to what they look like and where they are. It seems that if we are going to use these alleys for access for higher density, is there some way to integrate that? That is a personnel intensive matter. It is also a partnering, intern, and assistant plowing through stuff. There may be a way to leverage some of our resources to do that. The longer we wait on the alley study, the more we are going to ‘jackpot’ ourselves.

Ms. Brown – That is good feedback. Those are some helpful suggestions. I do see the connection there between the questions we are asking storm water related. How these alleys can be used as resources. The question of researching ownership of these alleys is going to be expensive and time consuming. The intern idea is an interesting one. My sense is that you must be proficient in doing title research. It is something worth exploring.

Commissioner d’Oronzio – Something you might want to consider is that in this title insurance industry, there is a massive move to consolidation of data, AI, and electronic movement. That does not help us. There are a lot of underworked title abstractors because of that.

Commissioner Stolzenberg – With the intern front, UVA is also sometimes an underutilized resource if they have a law student land use clinic. That might be something they would be interested in.

It is interesting that you mentioned AI and consolidation. There is a lot that could be done to help OCRing and making deeds searchable. I don't know what it would take to get the clerk to agree to that. I don't know if it is a product of our license with whoever scanned it. Those are locked down. If you could OCR them, that would make searching for alleys easier.

Ms. Brown – The City Attorney is motivated to recruit for the positions that are vacant in the office. He has recently made some progress. Paralegals are part of the recruitment. That would be the type of individual who could support us with that type of work. Right now, even for some of that work that we need to do for current development applications we are stymied and needing to look to outside resources to help with that. From what we understand, we might need to follow up on some of your contacts. The people that are interested in doing that kind of work are highly specialized and limited in number.

Commissioner Stolzenberg – It is great to see this work plan and all the exciting things going on. I remember a long time ago when I first joined the Planning Commission, Chair Green would say things about an NDS work plan. It is great to have one publicly presented.

On the vision plan for 10th & Page and Rose Hill, I like the idea of a short-term actionable plan that can immediately move into implementation. I wonder if there is any room for a longer term or starting to think about a longer-term re-envisioning of what Preston, the road, looks like. It is an overbuilt road that was expanded and tore down a lot of things to build a highway to Emmet. I know it is a much bigger question. If we could start to get people thinking about it, it would be great to put that in scope.

Ms. Brown – We anticipate that this plan, this visioning process will identify near-term action items and items that could be follow-up work. There is a middle ground there.

Commissioner Stolzenberg – On the zoning side, it is not just the RNA within the neighborhoods. That corridor overlay zone that we added to Preston with a last-minute reducing, the zoning category applied to it is something that we had earmarked for a follow-up once we think about it some more.

Ms. Brown – During the community conversations, we will be open to the feedback that might be expressed about the zoning. It might be another one of those items where we identify a need for a closer look as a follow-up effort.

Commissioner Stolzenberg – With a lot of these things, as we plan to do things that are going to take several years, it is easy to build it up into adopting one big change all at once as the culmination of a big effort. I am wondering if there is any room to make things more incremental to make tweaks along the way.

Ms. Brown – The work plans that we come up with this summer for what we view as the real problems we are trying to solve and the real opportunities to address those problems, it will recommend a phased approach. What is the low-hanging fruit? What are the biggest wins? Those would be front loaded in our process moving forward.

Commissioner Stolzenberg – With OCS, there has been a lot of talk about the housing division moving to NDS. Are there other parts of OCS that are going somewhere else? Who are they? Where are they going?

Ms. Brown – OCS is a small office. I think there was a small number of staff. There is a team of grant specialists that will be moving into the Budget Office. I have been mostly focused on the housing relocation component. There were only a couple of other staff. They are being relocated throughout the organization into the departments that most closely align with the work they have been doing.

Chairman Mitchell – There is lots of good work. The devil is in the details. Executing and implementation will be important. In 20 years, we have never denied an ERB application. Mr. Werner you are an incredible coach. Either you do a great job coaching applicants or we are all lazy and/or lenient. With the transportation authority, will that be governed by a board or advised by a board? If it is governed or advised by a board, what type of people will they be? Are they elected officials, citizens? Who is on that board?

Commissioner Stolzenberg – It is an outgrowth of the regional transit partnership. I think it is elected. The way it had to work because of state law is that it was Albemarle and Charlottesville. They added UVA. At first, UVA had to be non-voting. I think the outlying counties had to be invited in later. I am not sure if that has happened yet. The idea is that it is elected.

Commissioner d’Oronzio – The official board has become the ‘standing up’ of the CARTA board. They will supposedly make the recommendation of their localities.

Chairman Mitchell – It would be helpful to have a citizen representative on that board.

Commissioner d’Oronzio – As far as I know, the current regional transportation people are going to make recommendations on what that authority board looks like.

Commissioner Stolzenberg – There was something called the Charlottesville Area Transit Advisory Committee, which was intended to be riders. As far as I know, that has disappeared.

Chairman Mitchell – What does the UVA property maintenance inspector do?

Ms. Brown – UVA funds a property maintenance inspector position for us to focus on the neighborhoods directly surrounding the University where the predominance of student housing is located. Right now, we only have one inspector in addition to the code official. The code official and inspector team up to conduct citywide inspections including those areas around the University. Because those neighborhoods tend to have a few more property maintenance issues, given the habits of students, that was the reason for the special position being created.

Chairman Mitchell – Does the city have a formal people development program? You mentioned that we send people off to conferences, and you talked about general career development. I don’t get a sense that our city, our government does a good job of developing its people. Do we have something like that?

Ms. Brown – I was in a conversation today with somebody where I talked about that as a real need for our staff to demonstrate that we care about their career development. My understanding is that with a new HR director on board, he will be focusing on several different initiatives. There has been a learning management system in a beta testing space for a period of time. That will come on board. It will provide staff with access to a wide range of training opportunities. The idea of a real intentional career development program is great feedback. I can share back as something that has been identified as a great opportunity. Sometimes there are classes offered that are offered by HR, such as opportunities for aspiring supervisors or comprehensive training opportunities for new supervisors. Those opportunities exist. Those pathways to success, that is not something that I am aware of.

Chairman Mitchell – That kind of development is good. Mentoring is important. We have 3 incredible leaders in our city government that could be great mentors for people that are just beginning and want to move up the ladder.

With short-term rentals, I have a little experience with that through the BZA. There are a couple of things that we have looked at since I have been on the BZA. We sided with the applicant on a couple of occasions even though the applicant broke the spirit of the law, they did not break the letter of the law. Hopefully, as you are rewriting the ordinance, you will look at the spirit of the law and marry that to the letter of the law. I think the BZA is going to be the organization that is appealed to. If we cannot read the law and marry it to the spirit, we are going to side with the law. The fear is that it will be appealed to the court. The court will go with the letter of the law.

One thing we dealt with a lot is mold. There is a huge problem there. We could not get 'our heads around it' because we did not know where to go to finding what the rules are. Is the state responsible for developing the regulations regarding mold and mildew? Is there something we can do as a city? Do we have to go to the federal government?

Ms. Creasy – I am not sure. I know that we don't have a code that we can readily to grab that we can implement as city. I am not 100 percent sure what happens with that.

Commissioner Roettger – Currently, the Housing Authority is in pretty good shape. A lot of those problems are going to be demolished and rebuilt in a way that hopefully won't produce mold. I know that residents have used Legal Aid services to be relocated or to document the medical issues related to mold. From my experience, it has been more on a case-by-case basis in terms of how the Housing Authority is dealing with it.

Ms. Creasy – There is the Landlord-Tenant Act that is more of the default source, which requires civil rulings.

Commissioner Roettger – Instead of inspections, which they do, it is more of a tenant-landlord situation with the Housing Authority. They have also been trying to fix it in the meantime.

Chairman Mitchell – Is there anything that we ought to be doing as a body to push the issue?

Commissioner d'Oronzio – Ms. Creasy is right. What you have is the central landlord-tenant issue. Is this place a dump or not? The presence of the mold is where we have health and safety issue. Those are alarmingly slow. They are all civil. The tenant is stuck. We need to find some sort of mechanism. Maybe that is a regional thing we need to take up on the legislative side and start pushing on that.

Commissioner Roettger – I wonder if it is more general health, equity, and air quality. You can measure the air quality. With new materials, we should know more about what should go into buildings and what should not go into buildings. On the building end, at the beginning, it is much better now. Maybe there is more of a healthy living topic rather than just mold. There are other ways that people are living in poor air quality.

Commissioner d'Oronzio – Once you identify a problem like that and codify it, you are obligated to do something about it. Mold remediation is expensive. Knocking the building down is your best solution in many cases. Once you know that problem exists, you are obligated to do something about it.

Commissioner Joy – Thinking back to the visioning plan of Rose Hill and 10th & Page, one of the things that I was going to suggest as you begin to do public outreach, maybe contextualize the role of the visioning plans and cast a wider net and give examples down the road; just something to couch it that time as an ongoing effort. We may do closer looks at certain areas. It might help drive a better public understanding of what the role of this effort is. It is part of a larger continuum to dial in and look at things.

Commissioner Roettger – People were more aware of Cherry Avenue. There has been a lot of studies there.

Ms. Brown – As we launch the study and we develop a web page presence for these studies, there is an opportunity to couch this study within the context of a larger approach to how we are doing long-range planning for small areas.

Ms. Akinlotan – I am going to echo Ms. Brown. We will attempt to have an open house at the onset and the end of the process to provide information for a more informed approach to engaging in this process and to provide an overview of visioning or strategic planning. We have not yet finalized the name. We are utilizing visioning for how to differentiate between the small area plan versus a visioning plan versus a strategic plan and what those processes look like. We have a public engagement RFP that is out right now. That closes next week on the 17th. That is an integral tool that we will utilize moving forward to ensure that we are capturing more people, and we can project that information as well. Not everybody is going to attend a meeting. It will be available 24 hours a day.

Commissioner Roettger – We brought this up in the work session. This relates more to the code amendments. Charlottesville is small. I don't know what the right forum would be because it would need to be a publicly advertised session. It is maybe a work session to hear from developers and builders. I know there is information that might be helpful. I am not sure how to get it into a better discussion rather than having these small conversations.

Commissioner Stolzenberg – For the short-term rental study, is that being run in the zoning administrator's office? Who is doing it?

Ms. Brown – Ms. Akinlotan and Mr. Brodhead are co-leading it.

Commissioner Stolzenberg – With the constraints for inspections with the new buildings going up, those buildings are paying close to \$1 million in fees between the 2 of them for inspections alone. Have you approached the budget office about getting a new inspector position?

Ms. Brown – We did submit a request for a new plan reviewer position for FY26. It was not accepted as a recommendation.

Commissioner Solla-Yates – I have told you that you have too much work to do. I would like to add more work for you to do. Last year, on an ad hoc basis, we created a new program to recommend legislative changes to Council to move towards the legislature to hopefully adopt. To my knowledge, that turned into legislation. It was an exciting step forward. I would be interested in ways that staff could assist us in that where we have long-term problems where we keep failing because the legislation is not there to support us. I would like for us to work together to propose solutions.

Ms. Brown – We are always available to exchange ideas to the extent that we have resources and time to support that kind of thing. We are here to provide whatever support we can.

Commissioner Solla-Yates – We have never collaborated with the Public Health District. There were separate silos. With the mold issue, there is a great deal of common interest and concern. I don't know the right format to collaborate across silos. If we could find a way, that could be a helpful move forward. Starr Hill implementation is a great vision plan. It is the only vision plan I know of that we have. To my knowledge, we have not done anything on it. How are you thinking about this?

Ms. Brown – The Starr Hill implementation plan is on a slide that I have not yet presented. I should have bumped that up before the development code updates. That is one of the items that we have not prioritized for

this year. It continues to be an item that we are tracking. It is just not something that we are looking at right now. We are focusing on 10th & Page and Rose Hill. It is still on our radar.

Matt Alfele, Development Planning Manager – I will be going through the proposed development code amendments and closing the department's FY26 work plan.

Next Slide

As you can see, staff has been busy engaging with our development community with 90 pre-application meetings in 1 year related to the new development code. Out of those 90 pre-application meetings, only 20 projects have moved forward. The last number on this slide has been updated in the last couple days. Four applications have been approved, including the 217 Oak, which was an approved minor development plan back in August. That was only for 1 unit. There was 1609 Gordon, which was approved as a major development plan in January for 9 units. 117 Harris was an approved minor development plan back in August for 1 unit. That was to get the site into current compliance prior to submitting a major development plan for 14 units that is currently under review. Finally, there is 211 Albemarle, which was an approval of a major development plan for a commercial use that was approved at the end of May. That was the Pilgrim Baptist Church for their use there.

Next Slide

This slide provides a snapshot of key developments currently under review. Looking at the left column, we see that most unit counts fall within the 6 to 12 range, while 2030 Barracks Road appears to offer 24 units. It is the result of dividing existing lot into 2 zoning lots. Each lot is capped at 12 units. This means we are seeing some missing middle housing emerge in these projects. However, as shown in the far-right hand column, significant challenges arise during the review process. Obstacles, such as the closing of public streets, navigating discretionary approvals to modify development standards, and addressing utility service upgrades are proving to be key hurdles to moving these projects toward approval and into construction.

Next Slide

This slide presents the number of approved accessory dwelling units in the city as of May. While the term accessory dwelling is still commonly used, it no longer appears in the development code. All residential units on a zoning or subplot are treated equally with no designation as accessory to a primary structure. This shift in terminology reflects a broader approach to residential development, ensuring that every unit is counted as part of the overall housing framework rather than secondary or an addition.

Next Slide

As we transition from the overview of our current development landscape toward our vision for the future, our primary focus is on updating and amending the development review procedural manual in key sections of the development code. This effort is designed to streamline the creation of residential units aligning with one of the core goals of our Comprehensive Plan. To achieve this, we are exploring strategies to shorten review times, enhance the efficiency and value of a development plan, and establish clear expectations for both staff and the development community. These changes are underway. We are synchronizing this implementation with the adoption of the development code amendments scheduled for later this fall or early winter.

Next Slide

As you may recall, the next slides are from the Planning Commission work session on May 27th. This slide provides a broad overview of our development code, highlighting its origins and the reasons behind our proposed revisions. Our current code, adopted on December 18, 2023, was designed to support a form-based approach aimed at increasing density and aligning with the goals of the 2021 Comprehensive Plan. More than just a regulatory framework, this code serves as a guiding tool to shape the neighborhood's growth in a structured yet adapted manner. Over time, staff has identified several areas needing refinement, ranging from minor grammatical corrections to more substantial changes necessary for efficiently advising and achieving the

city's objectives. To manage these revisions, we have structured the process into tiers. Tier 1 focuses on minor grammatical corrections, small adjustments, and to ensure compliance with state regulations. Tier 2 addresses overlooked details from the original drafting, offering needed clarification, and refinement. Tier 3 involves more significant policy changes that require thorough analysis and meaningful community engagement. These adjustments go beyond simple refinements shaping the broader impact of the development regulations. Importantly, this revision process is not a one-time effort. Tiers 1 and 2 will be updated annually to maintain an adapted code that reflects best practices and support sustainable community growth. This ongoing process ensures our development framework remains responsive to both our current challenges and future opportunities.

Next Slide

Tier 1 amendments are refinements that keep our development code clear, precise, and up to date. This phase focuses on correcting, copying, and editing issues, filling in missing text, and making small but impactful adjustments to ensure the code accurately reflects its intended meaning. A key component of Tier 1 is to integrate legislative updates based on recent actions passed by the Virginia General Assembly. These changes help maintain the compliance with current regulatory status while ensuring the code remains reliable and functional. The scope of these amendments is narrow, centered on technical corrections and minor refinements. They improve clarity and consistency without altering the policy directions. This is about fine-tuning the language rather than making large changes. These proposed Tier 1 amendments will be presented at an upcoming public hearing. Looking ahead, we see this process as an ongoing effort to collect these changes and move them forward on a yearly basis.

Next Slide

This slide outlines some Tier 1 changes that we are moving forward. More information can be found in the materials that were tied to the May 27th work session.

Next Slide

This slide focuses on the Tier 1 amendments incorporating updates based on changes to the state regulations that go into effect July 1st of this year. It is essential for our development code to reflect the most current state mandated language and compliance requirements. One of our key responsibilities is to ensure that references in our code align with the latest enabling requirements from the Virginia General Assembly. The 2 bills that recently passed were HB-2660, which changed the deadline for subdivision site plan and development plan, shortening it from 10 days to 5 days. SB-974 changed the authority to review site plans and development plans and subdivisions from Planning Commission to staff. Many sections of the development code will need to be amended to stay in compliance with the updated state legislation.

Next Slide

Here are the Tier 2 amendments aimed at refining the development code by addressing gaps and ambiguities to improve clarity and usability. This phase focuses on adjustments that enhance interpretations and implementations ensuring the code remains effective. One example is the fee schedule where minor amendments will help refine the development review process. This will include adding an application and fee for sublots, which is currently not in our fee schedule. Tier 2 covers a broad range of modifications, additions, and removals to ensure regulatory supports, planning objectives while maintaining consistency. Staff will gather additional feedback from the Planning Commission in August with select amendments moving to a public hearing in the fall. Like Tier 1, this will be an ongoing process with annual updates to incorporate these changes. What staff is planning for that August work session will be presenting the materials in the same kind of format that would go to a public hearing. You would see the existing language, staff's proposed language, and the analysis behind it, giving you an opportunity to go through each change to make edits and suggestions before moving on to a public hearing.

Next Slide

Here we see a few proposed amendments and draft language aimed at addressing key issues within the development code. The current code prohibits attached dwelling units in the R districts. While staff has worked with applicants on a sublot based workaround, this approach is costly and ineffective, hindering efforts to expand housing options in the city. This issue was discussed in the Planning Commission work session on May 27th. Further updates will be provided at the August work session. Next, we are introducing a pathway for residents and developers to make small improvements to their lot without resorting to expensive additions to front yard structures to solely meet build-to requirements. This amendment facilitates the inclusion of shed and outbuildings while preserving the code's intent for a more urban streetscape. Finally, a proposed update aims to codify an existing policy related to 1- and 2-unit construction by improving the development review process. Under the current code, all new construction and additions required a development and a final site plan, adding significant time and resources before a building permit can be issued. The existing policy has allowed the building review process to substitute for development review. Tracking has become challenging. Staff is recommending exempting one and two projects from development review, allowing them to proceed directly to building permit review, while still ensuring full compliance with zoning regulations at that stage. These amendments are designed to remove inefficiencies while maintaining regulatory oversight, ensuring the development code better supports housing growth and land use improvements across the city.

Next Slide

Tier 3 amendments focus on comprehensive policy changes and addressing development issues that go beyond simple language tweaks. Unlike the technical fixes in Tier 1 or the minor refinements in Tier 2, Tier 3 amendments are fundamental to the city's policy direction and often require long-term planning strategies. These updates aim to establish or refine key policy directions requiring thorough analysis due to their broad impact and complexity. Given their significance, community engagement is essential. Outreach efforts will be designed to gather feedback and ensure proposed changes align with public priorities. Because of their complexity and resource demands, Tier 3 amendments will be integrated into future Neighborhood Development Services work plans. This phase deliberate approach allows for detailed research, stakeholder input, and extended review periods ensuring thoughtfulness and well-vetted implementation.

Next Slide

This slide highlights 3 key policy issues that could lead to Tier 3 amendments focusing on fundamental changes that require thorough analysis and broad community input. The first issue involves clarifying acceptable height and building length for townhouses and other infill housing types in residential districts. Proposed amendments would refine standards, including the definition of building, height requirements in feet and stories, height bonus for additional units, and build-to width. The second example focuses on refining goals for the RNA districts, ensuring a clear, distinction from other residential districts. This review will weigh the benefits and challenges of RNA requirements leading to potential policy adjustments. Finally, further study is needed to explore opportunities for neighborhood service retail within residential districts. This includes zoning amendments and policy changes that balance accessibility with community need. Each of these policy decisions will shape long-term planning and require careful consideration to ensure that they align with the city's broader development goals.

Next Slide

What we have here are even one level down, digging into specific examples of Tier 3 amendments staff has identified, including creating developed standards for field lightings, clarifying mid-block pedestrian paths and related amenities.

Next Slide

This slide has our updated timeline. This updated timeline reflects the next steps and key milestones following the May 27th work session. A newly added work session with the Planning Commission in August will focus on Tier 2 amendments and be structured similarly to how the October public hearing materials will be presented.

You will have an opportunity to see the language, the staff's recommended language, and the analysis behind it. Not included on this timeline, but equally important is a proposed listening session in July with builders, developers, and the Planning Commission. This session requested during the May 27th work session aims to provide firsthand insight from those who work with the development code daily, highlighting what has been efficient and what needs improvement. While this timeline shifts everything back by 1 month, the expectation remains that Tier 1, and a portion of Tier 2 amendments will be adopted by the end of the year.

Next Slide

Our final slide highlights additional areas of need that have been identified but not prioritized for FY26 due to staff capacity and focus on other pressing initiatives. These include the implementation of the Starr Hill plan, a detailed study of the Downtown Mall, a comprehensive review of the city's alleys, and updates to the new noise ordinance. While these topics remain important, they will be considered in future work plans as resources allow.

Commissioner Roetgger – I am excited for the feedback session. With the city-owned properties and the upcoming West Haven redevelopment, those tunnels that go under and could connect kids to the Jefferson School in an easier way. That might be one piece that could be an important easement through to think about.

Commissioner Yoder – There were a couple of slides in the presentation that had some interesting data points. One was showing what we used to accessory dwelling units over time. The other one was showing how many site plans reviews that there have been. That data is very helpful. I would love to see more of that data, so we can understand what is happening in the city and to show the accomplishments of the department. These are all the things that we have been doing. I would love to see more of that data in the future.

Commissioner Solla-Yates – I am having trouble understanding the side setback problem. It seems like the regulatory tool is creating problems where we are enforcing side setbacks where we don't want any setbacks at all. As a policy option, did you consider just removing that as a tool if it is creating problems?

Mr. Alfele – That has been a discussion point. We also want to consider any unforeseen circumstances. There has been the conversation about offsetting. You are currently in the R district, where we have the 4-foot setback would be allowing 0 on one but 8 on the other. You are keeping the original intent. You are shifting that off. That gives you a chance to maybe plant more trees. There have been different thoughts through it on how to tackle it.

Commissioner Solla-Yates – I have heard a lot about our dimensional height restrictions and the excitement that those create. In the development code, we talked about shifting to regulating stories instead of dimensional restrictions. What we ended up with was stories and dimensional restrictions; double the regulations, double the management, and double the headaches. Are we considering just focusing on stories and letting go of dimensional restrictions?

Mr. Alfele – There has been focus more on the residential district the opposite way going back to just feet and not stories. We have a lot of terrain. What we are running into is that terrain is creating issues where you are getting something you were not thinking was a story. Now you don't have that height. We don't want to use our old code as an example. It really was not an issue under our old code when we were doing it in feet in the low-density residential areas.

Commissioner Solla-Yates – A big idea that we talked about a few years ago was creating a catalog of pre-approved accessory dwelling unit designs where anyone could go on the website and pick out what they wanted. Where are we on that?

Mr. Alfele – Under our old code, an accessory dwelling had to be a certain percentage smaller. It had to be an accessory to the existing home. That has gone away. It is several dwellings. You could have it where all 3 dwellings are the same size. We are not going to see the triplex because you run into the commercial building code, and you have to sprinkle. You are going to see duplexes or the cottage court where they can all be the equal size. There has been discussion. It has not gained any traction because of that shift. We still use that terminology because you are thinking about something in your back yard and going to rent out. In the regulatory framework, that no longer exists. It is just a structure.

Commissioner Solla-Yates – Would this be considered for a future work plan? It is not currently in the work plan and not formally proposed for a future work plan. Is that fair to say?

Ms. Brown – We have the item in the work plan where we would develop educational materials to help people understand how to use the code, make it more accessible. The idea of focusing in on some of the housing types that seem most attainable or realistic for a homeowner to pursue on their own is something we can continue exploring. We are mindful of wanting to manage expectations though. When it comes down to it, every site is unique; what box you can plop down on a site, you make sure you have the right utility hookups, and stormwater. Are you going to hit your stormwater regulatory requirements? These are some things that we need to work through if we were to start to explore that idea of some pre-designed solutions. It is something that I am open to continuing to explore.

Commissioner d’Oronzio – Ten years ago, Bob Pineo of Design Develop tried to create a guide for doing accessories. If someone can ‘get their head around’ how to do that efficiently, that is an enormous opportunity for that person or organization, particularly if they have a connection to a modular, panelized building operation. Once they have learned how to do it, they can start plopping those things down with a lot more efficiency that we have seen here before. There was a brief discussion about 10 years ago about trying to put together a pilot program that Habitat and PHA were thinking about. It is out there. We need to figure out a way to implement it.

Commissioner Stolzenberg – You said most of Tier 2 by December and not all. What are we not getting by December?

Mr. Alfele – The August work session is going to determine that. You are going to have in front of you a booklet with an amendment on each one. If we can get through 8 of them, 15 of them, that is what we will move forward. Let’s say there are 20 and we get through 8. I would rather move those 8 forward, and we will keep working on the others.

Commissioner Stolzenberg – With the initiation as an action, we could do a vague initiation whenever. That is not delaying things. That just happens to be in the middle right after the August work session. We won’t be ready for anything else.

Mr. Alfele – That is correct. We are going to use the vague language ‘initiate both the zoning text amendment and the fee schedule amendment’ in September. We will be ready to go in October.

Commissioner Stolzenberg – On side setbacks, to the extent, if it is too complicated to get in by December. If we can do some quicker, easier, incremental fix that accommodates a lot of situations but not all, any time we can accelerate fixing these things that we know are problems, while we figure out the longer solution.

Mr. Alfele – We plan on having what we feel as staff is a solution in front of you. We are hoping that it might be a little tweak, and we can move forward. If we find that we are sitting around that table in August and we are spending 30 minutes on this, I am probably going to ask that we move that down because we are not getting

consensus. It will pan out in the analysis from staff. The one thing we want consider is that this is not just about new regulations. We have a lot of existing duplexes. There is a big part of the city that is non-conforming because of this regulation.

Commissioner Stolzenberg – I hate the double-side setback on the opposite side. It seems to me that the purpose, if there is any of side setbacks, is to keep the building a little bit far from the neighbor on that side. That does not do it. It is not to just have breathing room on the sides.

With the schedule, I am Ok with it being pushed a month. I appreciate the extra feedback that the Planning Commission will get. Not getting to any of these Tier 3 things feels a little painful. If we can squeeze any of those lower hanging fruit into this, some of them are not that complicated and are serious problems that people are facing. The one that I will mention is C1-C2. If you have townhomes on sublots, they cannot be 3 stories. If you have the same townhomes in a condo on one lot, they can be 3 stories. It is an absurd outcome. It seems to be easy to fix. It is more than 1 unit on the zoning lot. I think that was our understanding in 2023. With that one, it seems like we could get that in this year.

Mr. Alfele – We are not opposed to exploring it. We would want to explore the counter to that is how we handle the allowable maximum width. In that scenario where each one of those townhomes is an individual building. In certain districts, each one could be 60 feet. If we are considering that one building, that whole thing is a total of 60 feet. They are tied together with that height and that massing.

Commissioner Stolzenberg – The way we have been enforcing it now is already the opposite. That Alderman project hit that 60-foot limit.

Mr. Alfele – The first time it came through, there were individual lots. They were not hitting the 60 feet because it was each individual building. They were not getting the height they wanted. They removed the lot lines to get the height.

Commissioner Stolzenberg – Sublots are only allowed in R zones. There is a lot of the city where the existing lot, historic lot sizes are small. In some places, we have known X zones where it has been single-family or single-family appearing buildings. We are basically saying that you must consolidate lots to do a feasible development. You could not do a subplot townhome arrangement. It seems that we should probably allow sublots elsewhere. The thought was that you don't want sublots in Barracks Road Shopping Center. In practice, there are a lot of small lots where it would be blocking projects. In Barracks Road, there is no real reason to do it.

Mr. Alfele – That would need study. You need to look at the uses. What uses would you be permitting now that could be landlocked through a subplot? It is not that it could not be explored. It needs that exploration.

Commissioner Schwarz – I am going back to the development data that you provided. The fact that only 4 applications have been approved out of 90 pre-application meetings and 20 submissions. Are we considering that a problem? Does it take more than a year to get these things through?

Mr. Alfele – There are several things. One of the reasons we are wanting to change our development review process is that we intended the development to be a zoning check. It is turning into more of a mini-site plan with elements. That is taking a lot more rounds. When you start to think about how long the site plan takes, we envision the development plan to be something you get approved in 1 or 2 rounds at the most. What we are turning into is that they are including a lot of their utilities, a lot of their grading. There are many site plans. They are taking longer. That is one element. There are some legitimate issues that arise when someone comes and sits in our pre-application meeting and talks to the whole team. It includes planning, fire, utilities, traffic,

etc. They are finding out some issues that they need to keep working on. Sadly, maybe something came up that is a project killer.

Commissioner Schwarz – Is that when a developer comes to a project, they are trying to put in too many units. We have upzoned the city but not by putting form-based code on top of it. We have made it so that theoretically, you could do so many units but in reality, you can't. Are people just assuming that they can put the maximum on there?

Mr. Alfele – We are running into that. You see what your maximum buildout would be, and then you see the reality of getting utilities to it, getting the actual space. In some of the districts, 12 is the maximum, but in reality, 4 is your maximum.

Commissioner Schwarz – Does it seem like it is just a nature of property values are being set for maximum buildouts? Is it something that will work itself out over time?

Mr. Alfele – It is hard to say. Some of the pre-application meetings where we will sit down and they have a maximum buildout, we will point out the issues. We are hoping that they will come back with something smaller.

Chairman Mitchell – With the critical slope waiver, what are we attempting to do with that? The reason I am asking is because there was a debate that lasted a couple months. Myself, Mr. Freas, and the engineer were involved in it. There was some thought that the Planning Commission did not need to be involved in critical slope waivers. Maybe it should be a ministerial thing. Most of the decisions were technical. I want to make sure I understand what we are trying to do with this. I think back to South First Street and the public housing property there where there are all kinds of environmental reasons not to do that. I voted to move that along. The greater public good was suggested that we ought to disturb the critical slope. What are we attempting to do with that?

Ms. Brown – This bullet is recognizing that there are some questions about how critical slopes have been defined. Sometimes, it refers to true natural resources. Sometimes, we see critical slopes that were man-made and are not serving an environmental purpose. There are some questions about the criteria for waivers and whether those criteria are really the right criteria for considering.

Chairman Mitchell – Part of that debate was the physical stuff as opposed to the social stuff. There was an attempt to separate the social stuff from the physical criteria. I am wondering what we are doing here as it relates to that.

Ms. Brown – I have indicated that this would be something that we would be studying through the environmental policy and regulatory review. We view critical slopes as a natural resource. What we will be intending to do is look to see if these are the right criteria to be deciding if we do or do not need to be protecting these critical slopes through a development process or not. At this point in time, we don't have any specific goals. We are just trying to get to a place where there is a better set of expectations for what is and isn't appropriate for disturbing critical slopes. If you have specific feedback on what should be included in our review of those criteria, you can share that now. We will be coming back with our findings and our recommendations once we get deeper into that process.

Chairman Mitchell – Part of the debate was just to focus on the physical stuff. My push back was more than that. It is more than just protecting the environment. There are also some social things that we need to worry about. South First Street is an example of that.

Ms. Brown – We will be looking at that to see if that is something that, from a staff perspective, is easy for us to evaluate or if that is something more that should be in the realm of the appointed or elected body. It is going to be something that we will be looking for your feedback on as we move forward.

Chairman Mitchell – What is your general philosophy as it relates to the Planning Commission and City Council weighing in on waivers?

Ms. Brown – I don't know if I have given that much thought.

Chairman Mitchell – That will be important. My belief is that there are those thinking that it should be a technical review only. My push back is that sometimes the public benefit suggests that we should take the hit on the technical issues.

Commissioner Joy – I had a comment on the last slide. I wanted to acknowledge the Downtown Mall study. As a city resident, I was disappointed to see it drop off the work plan. I wanted to make an impassioned comment. I had the benefit of working with Mr. Werner for a year. We sat on the Downtown Mall Committee. With next year being the 50th birthday of this spectacular vision, I hope that this can come back into focus on a future work plan. The can has been kicked down the road too often. I want to make a case that it shows up.

Mr. Werner – Make sure we are all on the same page. I had asked them. Is this the study of the downtown relative to zoning and issues like that? Is this The Mall?

Commissioner Joy – All of it is helpful. We just learned that with the Violet Crown. Having a bit of focus on the Downtown Mall and all its cases is important.

Ms. Brown – I appreciate that feedback. There are several different ways that we could approach a study of the Downtown Mall. It could be focused. It could be a comprehensive study where we are looking at the vision for The Mall in its entirety, the height and massing of the buildings, the opportunities for investment in the streetscape, what we want those investments in the hardscape to look like, how to plan for the investment in the tree canopy that is needed over time. I know that there was a plan that was completed last year that has a lot of comprehensive recommendations. Is there an opportunity to pull those recommendations into basically a small area plan? That would be a comprehensive way of looking at the Downtown Mall. We could just look at height and massing and how that does or does not line up with our design guidelines and where to create some consistency between the development code and the guidelines from a height and massing perspective. There are a couple of different ways that we could look at the Downtown Mall. In scoping a study of the design guidelines, there might be an opportunity to look at the Downtown Mall from that angle more so from a small area plan perspective, at least in the near term, start to give it some thought. Given the complexity of that issue, it is something that is not being brought forward at this time as a recommended work plan item. We did recognize that there were other items that have been prioritized for a long time and through that equity lens are important for us to consider.

Commissioner Solla-Yates – During the comprehensive planning process and zoning process, we got a lot of public feedback asking for map changes. We discussed that issue over periods of time. I know that staff worked a lot on it. Consultants worked on it a lot. We worked on it a lot. One thing I said after everything was set to the public was 'don't worry. This is a living document. We will be making changes over the time as we see errors, problems, and opportunities. We will be changing the map to ensure that it serves the public.' Are we changing the map to serve the public?

Ms. Brown – We don't have any plans now to look at any map changes. No issues have been brought to us that would warrant a relook at any of the areas. Through the small area plan process, that could be something that is identified moving forward.

Commissioner Schwarz – You said that there are many ways that this could roll out. Is there an option for pursuing the replacement of the tree canopy before going through a full study of the whole area?

Ms. Brown – Yes. Nothing that I recommended precludes that work from being undertaken.

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

No Public Comments

F. CONSENT AGENDA

1. Minutes – March 11, 2025 – Regular Meeting
2. Minutes – April 8, 2025 – Regular Meeting
3. Subdivision – Seminole Square/Hillsdale Apartments

Motion to Approve – Commissioner d'Oronzio – Second by Commissioner Solla-Yates – Motion passes 7-0.

III. PLANNING COMMISSION PUBLIC HEARINGS

None Scheduled

IV. PLANNING COMMISSION ACTION ITEMS

1. Special Exceptions – Critical Slope Waiver and Entry Feature – 2030 Barracks Road

Applicant Presentation

Kelsey Schlein, Applicant – We have been assisting the property owner with their development plans for this project. After review of the staff report and looking through staff concerns, we would like to request a deferral for both items before you this evening.

Motion to accept applicant deferral request – Commissioner Solla-Yates – Second by Commissioner d'Oronzio – Motion passes 7-0.

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

V. ADJOURNMENT

The Meeting was adjourned at 8:12 PM.

PLANNING COMMISSION REGULAR MEETING

July 8, 2025 – 5:30 P.M.

Hybrid Meeting

I. COMMISSION CLOSED SESSION (Agenda discussion(s))

Beginning: 5:00 PM

Location: NDS Conference Room

Members Present: Commissioner Solla-Yates, Commissioner Schwarz, Commissioner d’Oronzio, Commissioner Stolzenberg, Commissioner Yoder, Commissioner Roettger

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, John Maddux, Kellie Brown, Jeff Werner

MOTION FOR A PLANNING COMMISSION CLOSED SESSION

Pursuant to Virginia Code § 2.2-3712, I move that the City Planning Commission close this Open Meeting and convene a Closed Meeting for the following purposes:

1. Per the legal authority in Virginia Code § 2.2-3711(A)(7), for consultation with the City Attorney pertaining to actual litigation, where consultation or briefing in open meeting would adversely affect the litigating posture of the Planning Commission, specifically, *White v. Charlottesville*.

Motion by: Commissioner d’Oronzio

Second by: Commissioner Solla-Yates

Ayes: Commissioners d’Oronzio, Solla-Yates, Stolzenberg, Yoder, Roettger, and Schwarz

Absent: Commissioner Mitchell

CERTIFICATION OF CLOSED MEETING

I move that this Planning Commission certify by a recorded vote that to the best of each Planning Commissioner’s knowledge, only public business matters lawfully exempted from the Open Meeting requirements of the Virginia Freedom of Information Act, and identified in the Motion convening the Closed Meeting were heard, discussed, or considered in the Closed Meeting. Any Planning Commissioner who believes that there was a departure from these requirements shall so state prior to the vote, indicating the substance of the departure. The statement shall be recorded in the Planning Commission’s Minutes.

Motion by: Commissioner d’Oronzio

Second by: Commissioner Solla-Yates

Ayes: Commissioners d’Oronzio, Solla-Yates, Stolzenberg, Yoder, Roettger, and Schwarz

Absent: Commissioner Mitchell

II. COMMISSION REGULAR MEETING – Meeting called to order by Vice-Chairman Schwarz at 5:41 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Stolzenberg – We had an MPO Tech meeting on June 17th. The big news is that CAT is applying for a federal, low-no emission grant for an expansion of the CAT yard down Avon Street including new facilities for charging electric buses and new maintenance facilities. That grant deadline is coming up in a couple days. We will know in a few months if they received it. If so, they will have significant expansion in their capacity and newer facilities to maintain buses. A Transportation Demand Management (TDM) Study is getting underway at the MPO. They will be looking at mode-share, how to get people out of cars, and use BMT. That is updated from the original scope that was: Do we have enough parking downtown? The LUPEC meeting was cancelled. I did attend a DHCD building code cycle single-stair study group on behalf of Commissioner Solla-Yates, who was at the beach. We managed to achieve consensus with all the code officials and fire officials in the room on Commissioner Solla-Yates' 4-story single-stair proposal with some minor caveats that I will not go into here.

Commissioner Schwarz – At the June BAR meeting, we reviewed several interesting projects. We approved the hotel on 218 West Market Street. We will see if that moves forward through construction. That is a 6-story hotel. We looked at an interesting addition to a house over in the Rugby Road/14th Street area. It was an interesting interpretation of zoning. It is adding a duplex on the back of an existing house. There were 8 bedrooms in each unit. It is obviously student housing. The BAR was supportive of that project. That was a pre-application conference. There was no action taken. We had another pre-application conference for a 7-story apartment building on 7th Street Southwest. This is on the site of the large radio antenna that is just south of West Main Street. It is proposed for that. The big issue is that there are 2 houses from the 1800s located on the site. The discussion was how to either incorporate or respect those houses with the construction of this large apartment building directly behind them. We will not have a meeting this month.

Commissioner Solla-Yates – I have a draft change to the Virginia Building Code for 2027. This one is called More Affordable Elevators. I am trying to make it an approachable name. The current building code banned what I consider a classic safety elevator, mandating only elevators that can accommodate an extra-large stretcher with the hope. While everyone wants an extra-large stretcher, that would be great. What has happened, is that it has just banned all elevators for all missing middle housing, which was not intended. They were not trying to get rid of elevators or harm people who need elevators. This proposal is to re-permit affordable, smaller elevators. The Virginia AARP is joining on this. It may succeed. This is coming out of the Charlottesville Comprehensive Plan effort to legalize the missing middle affordable and accessible housing.

Commissioner d'Oronzio – The HAC meeting was focused on the dissolution of the OCS (Office of Community Solutions) and a discussion of the land bank work program. January 27th is the target date for passing a land bank ordinance. There is some continued development work to be done and hopefully make some adjustments to where we are presently. The TJPDC did not meet. They do not meet in July. I can report from other parts of my remit of the Community Development Block Grant. It looks like we know what the money is. Yesterday, Council took the appropriate actions to take the money and allocate it.

Commissioner Roettger – I sit on the Tree Commission. They are recruiting some new members. We had a small meeting this month. They continue to work on policy, education, and advocacy. They have a cool, new program happening where they are educating neighborhoods about invasive vines on trees. They have been doing some cool walks and training for people to cut their own vines. It really seems to be taking off as a person-to-person activity. It has been a hard couple of weeks talking to residents, who have nothing to do with UVA. I am unsure about the future partnerships there. There has been a lot of uneasiness with the zoning. We can hopefully be patient and work together.

Commissioner Yoder – No Report

B. UNIVERSITY REPORT

Commissioner Joy – Not Present

C. CHAIR'S REPORT

Chairman Mitchell – Not Present

D. DEPARTMENT OF NDS

Missy Creasy, Deputy Director – I wanted to let you know that Chairman Mitchell is out of town today. He also has some other circumstances and may not be here in August. He is getting ahead of the game. He has already appointed a nominating committee for Chair and Vice-Chair. In September, we have our annual meeting where you will vote for a new Chair and Vice-Chair. The nominating committee will be reaching out to people about your availability on that. We will report the nominating committee at the August meeting. They will officially do their business. They will be out there doing things. I wanted to make sure you guys knew about that.

Kellie Brown, NDS Director – I was asked to present a brief update on the current situation regarding our development code. I am going to offer a couple of brief remarks this evening. On June 30th, the Charlottesville Circuit Court granted a default judgment in the case of White vs Charlottesville after the city's outside counsel failed to meet a required deadline to respond to the plaintiff's amended complaint. As of today, we are still operating under the 2024 development code pending the Circuit Court's issuance of a formal ruling. Despite the June 30th decision, building permit applications, including trade and fire permits, are continuously being accepted and processed. All zoning related applications are temporarily on hold pending further legal and procedural guidance. Affected applications are those listed in sections 34-5.2.1 through 34-5.2.17 of the development code. Most notably, it includes new construction, additions, site modifications, and changes in use. We are continuing to review applications. We are not issuing any approvals until we have a formal ruling from the judge. If you have any questions, you can ask. I am limited in what I can share at this time.

Commissioner Roettger – If I was a developer or homeowner working towards the new code, are they able to come in and meet with someone about that? Would you rather they wait?

Ms. Brown – They are welcome to reach out to us. We do have a statement on the main Neighborhood Development Services web page that includes the information that I just shared with you today, with contact information for Mr. Alfele as our Development Review Manager. They are welcome to get in touch with us about this specific circumstances.

1. Affordable Housing Tax Abatement Exploration Project

Alan Peura, Staff Report – On April 21st at a City Council work session, staff gave a presentation on the topic of an affordable housing tax abatement program. Tax abatement had been raised and briefly discussed during the zoning rewrite process, the process that culminated in the inclusionary zoning ordinance in late 2023. At that work session, Council expressed interest in looking at the tax abatement concept. They charged staff with taking a deeper dive to perform due diligence, researching whether an affordable housing tax abatement would be an effective jump start to progress towards the city's goal of increasing affordable housing in Charlottesville. As part of this due diligence, we are conducting a great deal of community engagement to discuss this idea. Thus far, we have made a presentation to the Housing Advisory Committee, the Chamber of Commerce, the developers group CADRE. We have also met with representatives of Livable Cville. This evening as part of this community engagement, we would like to make this presentation to the Planning Commission.

What is tax abatement? Tax abatement for affordable housing would be a reduction in real estate taxes to serve as a financial performance-based incentive to building affordable dwelling units. Currently, we are focusing on rental housing projects, not for sale housing, particularly, the larger projects that are subject to the inclusionary zoning ADU requirement. The purpose would be to improve the financial feasibility of building affordable housing while preserving the revenue tax base.

What is the recent history and the legal mechanism for this concept? In 2022, the Virginia General Assembly approved and codified in the Industrial Development and Revenue Bond Act, a provision to allow local governments working with Economic Development Authorities to reimburse a defined amount of real estate tax on the new incremental value of new affordable housing projects. It is under that authority that we are considering the program. Other jurisdictions in Virginia have created similar affordable housing tax abatement programs, including the city of Richmond and Albemarle County. The county's program provides a 15 percent tax abatement for up to 30 years for projects that provide at least 20 percent affordable dwelling units. Because Virginia does not allow local government to directly abate the real estate tax owed for affordable housing, programs may create a tax abatement calculation at the front end of the program with a performance grant distribution at the backend. In other words, the incentive is a formula calculated through a real estate tax abatement. The abated tax amount is reimbursed to the developer after they have paid their full tax bill, and the abated incentive amount would be refunded. Virginia law requires that an affordable housing tax abatement be administered jointly between local government and an economic development authority. Should Charlottesville create a land bank authority, we believe it may be able to be administered jointly with the land bank.

Let's look at an example to be sure we understand how this works. Let's say under the tax abatement program, the tax incentive is a percentage applied to the increment tax due that is based upon the new increment value of a new housing construction project. That amount would be refunded to the developer. The increment value is the difference between the higher assessed value after construction minus the lower assessed value before the project. That is considered the base. The increment tax due is the difference between post construction tax and the pre-construction real estate tax. On the screen in front of you, we have an old property that needs to be developed that is currently valued at \$100,000 and pays \$100 of real estate tax. After the construction, that same property is now valued at \$250,000 and pays \$250 of real estate tax. The increment would be that post-construction value that post-construction tax minus the base (the \$100,000) and the \$100. In this case, if the tax incentive was a 50 percent abatement on the increment tax. In this case, that increment tax due is \$150. The developer would receive a tax incentive of \$75. When that developer receives their first post-construction tax bill, in this case it would be \$250, because we cannot abate that tax directly. They would pay that full \$250, and they would receive a \$75 tax abatement credit.

The outcomes of this example are that the developer gets a real estate tax abatement that defers some or all the cost of the ADU requirement. Developers can monetize today the value of that tax abatement so that they can use that to get the financing for their construction. The city would get the remaining portion of the non-abated new revenue that would not exist but for the new housing construction. In this example, the city now gets \$175 of tax revenue, the \$100 from the original base and the remaining \$75 increment. In this situation, the ADUs that the inclusionary zoning ordinance are striving for would be built and increase the affordable housing stock.

Why tax abatement research and analysis now? Because the new zoning ordinance includes the 10 percent ADU building requirement for larger projects. This creates a new financial constraint to the ongoing operating revenue of rental housing. That constraint can be quantified as the difference in revenue between market rate rents and the affordable rents for those 10 percent ADUs that are required. There is discussion that this financial constraint may be a material impediment to rental housing construction. I have heard some call this an unfunded mandate. At the same time, the affordability of housing construction is rising, including land costs, construction costs, labor costs, and interest rates remain high. Will those costs remain high and potentially trend higher going forward given our uncertain environment? What is the quantifiable impact of the ADU requirement? How significant is that cost within the context of all these other increasing costs? Would a tax abatement incentive have an impact to jumpstart housing development? For example, the city of Boston in 2024 found that a tax abatement would have little to no impact on housing construction within the context of all those other higher costs. They determined this after they conducted a due diligence market analysis and a study. At that time, they did not create a tax abatement program. A tax abatement may be an option to provide a financial incentive to make market rate housing developers whole in part from this new financial constraint. We don't know that yet.

While a primary driver of this idea is that 10 percent ADU requirement for larger projects, questions for future study could be extending an abatement opportunity to smaller projects that don't hit the ordinance requirement but still build affordable units. Perhaps the abatement would have no minimum size to be eligible. That is an option that will need to be studied more. Discussion, as a future effort is due to the complexity of smaller infill projects and their potential for subdivision.

Would tax abatement be a good strategic fit for Charlottesville? That is why the first step will be research study and a detailed data driven market analysis. The benefits and costs are mostly understood. Whether the Charlottesville market demands this program is not fully understood, hence our study. The benefits of tax abatement include the following:

- It supports long-term housing affordability goals.
- It aligns with the 2021 affordable housing plan and the 2023 strategic plan.
- It uses future revenues, not existing general fund allocations to fund affordable housing.
- It may be a more sustainable option to fund affordable housing going forward rather than using grants and current revenue from bonding.
- It spends city funds after projects are delivered at the end of the pipeline rather than early in.

There are the following costs:

- Committing future revenue for as long as 15, 30, or more years in a tax abatement is a risk and a cost.
- Committing future revenue well in advance of knowing what the city budget needs will be, what the priorities will be in those 15, 30, or more years down the road.
- It creates budget risks going forward in the event of an unforeseen budget emergency.

How do we know this program would be needed? Aren't market rate rents so high in Charlottesville that the market rate revenue will subsidize the 10 percent ADU reduction? If not, how much should we abate taxes? Starting in late June, city staff is working with a consultant 3TP Ventures on a comprehensive city housing market analysis to help us establish the extent to which the program may or may not be needed. 3TP is looking in detail at those cost drivers of housing construction to ascertain the specific cost of the ADU requirement. To help determine what the true cost impediments are to housing construction such as material, labor, financing, etc., and help us keep those costs distinct from the actual costs of the 10 percent ADUs. This analysis will also help us determine the degree that market rate rents can indeed subsidize the ADU cost. The goal of this analysis will help us achieve 3 things.

- Clearly and objectively establish if an abatement program could jump start housing production or if the project would remain feasible despite an abatement.
- If so, an abatement is called for, the study will help us quantify the need and help devise a tax abatement formula that might keep the developer whole in all or in part from the ADU requirement so we can effectively incentivize housing construction.
- We hope this analysis may guide us to the consideration of whether to target different abatement levels to different geographic areas of the city. Perhaps tax incentives should be higher where market rate rents are lower. Incentives should be lower where the market rate rent is higher and can potentially subsidize the cost of the ADUs. We hope the analysis will allow us to consider other incentive options as well.

What are the policy options and the other tools that city government could use to address the new ADU constraint? There are the grant programs that we currently have like the CAHF and HOPS. We could increase the funding for these grants. Grant funds cannot be awarded to for-profit developers. Grant funds come from current city revenue or obligate bonding capacity, committing current funds today for ADUs that will not be delivered until the future. Current revenue and bonding capacity may well be needed for other city government priorities like education, public safety, and parks. On the other hand, a tax abatement program uses future real estate tax revenue that will come from the new added increment value of future development. You protect base revenue that government services depend upon and commit a portion of that added increment revenue for new

priorities like affordable housing. This again may be an optimal way to make funding affordable housing more sustainable for city government going forward. In the meantime, while we are working with 3TP to complete our due diligence market analysis, some of the policy issues that will be looked at include starting with the high-level options. If we did a tax abatement, should a tax abatement simply make the developer whole from the 10 percent ADU requirement? Should it potentially be more generous to kickstart housing by adding an additional tax incentive beyond that 10 percent? If that was the case, how much more generous would need to be identified? It may be that the option that we fall on is that tax abatement does not provide a meaningful ability to address financial feasibility given all those other costs, and we come down where Boston came down and opt not to go forward. From these high-level framework concepts that we hope to address through this market analysis, we might also want to consider that we would need to consider other policy options such as the maximum percentage of new incremental tax revenue to reimburse via an abatement. In the earlier example I outlined, I hypothetically threw out the concept of a 50 percent tax incentive. Is that the right number? Could it be 10 percent? Richmond's model goes up to 100 percent tax abatement on that increment tax due over 30 years. We will need to consider whether eligibility for the abatement start at just meeting the 10 percent requirement or should we require something more than that? Should eligibility depend upon just meeting the 60 percent AMI requirement? Should eligibility for an abatement require going deeper? How many years should the abatement last? Should abatements be granted anywhere or targeted to specific areas? Could an abatement payment schedule be frontloaded and scaled down over time? Some developers in some areas prefer that. It allows them to frontload the revenue that they are going to get, which can improve their financing options. Should it provide bonus opportunities again for building more ADUs than are required building deeper affordability?

The outcome options of this due diligence effort are likely to be either: determine that this is an incentive that makes sense and consider a recommendation to go forward or determine the tax abatement does not provide a meaningful ability to financially incentivize affordable housing. Through the study, look at other options that we might be able to consider if we feel that we need to do something to incentivize construction in the face of an unpredictable future.

Toward this goal of completing a market analysis, we are working with the consulting team from 3TP Ventures, which includes Mike Calahan and Jeremy Goldstein, who will be managing this project in the market analysis and data research. We introduced the consultants in our CADRE presentation. It was attended by people from Livable Cville. We did that so communications can be opened up to help them gather real data from developers, who are doing or considering real projects here in Charlottesville. As 3TP moves towards completing their research and analysis, we will work with them to present a preliminary report that allows additional community dialogue about their findings and preliminary conclusions. The study has been launched.

Commissioner Solla-Yates – I have heard good things about the Baltimore program. Rather than a fixed percent, it looks at the specific unit. It says that you are charging 50 percent of market rate therefore your credit is 50 percent of market rate. Is that a reasonable approach?

Mr. Peura – It is a model that we are looking at carefully and doing some extended research on. My understanding is that the Baltimore model requires the developer submit detailed financial statements that say what they are charging in rent for the affordable units. Here is what we could charge if we were doing market rate rentals. There is the difference in Baltimore abates at a portion of that real time actual gap between market and affordable rates. I am not aware of what percentage of that gap they are abating. That is the basics that I know about the program. You are right. That is a model that merits a lot of attention.

Commissioner Solla-Yates – We have gone to some trouble to create a comprehensive plan that outlines areas where we want more activity, more services, especially around parks, schools, and with adequate transportation

facilities. I don't have a formula in mind. If we could consider that when we are looking at this, that would be wise.

Mr. Peura – I am making note of that. In the scope of work that we gave to 3TP Ventures, it included looking at various sub-markets and to look at those other incentive goals that we have in our plans. When we talk about transit line, workforce housing might be located on transit lines. Sub-markets are going to depend on the developability of certain geographic areas, construction types, and the rental rates. There are some abatement programs I have seen where the abatement is lower where they know that the market rate rent can be pushed up a little because it is a high demand area. We are asking 3TP to look at those things as well.

Commissioner Yoder – What is the timeline for the 3TP study? Do you know when they will wrap up?

Mr. Peura – We are hoping that they will wrap up sometime in early to mid-fall so that we can have them present some preliminary findings to the community, a next to final draft, and allow some dialogue and have them hear input before they move towards a final draft. By the end of the year, everything should be wrapped up from the consultant perspective on this. This is our timeline goal.

Commissioner Yoder – Let's say that recommendations come out of this study with some options for a tax abatement program. Do you know if this would come through the Planning Commission and then to Council? Is this purely a City Council decision about the city budget?

Mr. Peura – I am not sure what the process will be should something go forward in terms of moving from an idea to a recommendation to an actual proposal. I am not prepared to know that at this point.

Commissioner Solla-Yates – I would suggest being ambitious. We will learn things as we go. We have a clear idea of what happens when we are not ambitious on getting what we want.

Commissioner d'Oronzio – One of the fundamental questions is whether we do it. I think we do it. My instinct is that we go big. We should be ambitious and look at being aggressive with this. I am curious to see what the consultants come up with in terms of numbers and how they approach this. The more I think about it, the more unmanageable that spreadsheet becomes.

Mr. Peura – One of the reasons we selected 3TP is because they have experience in this area. They are currently working with Charleston. They have worked with Tampa on similar questions and what they have built, which is their intention for us. Regardless of whether the market analysis recommends that we go forward, they are going to build us a model that we can use to be able to project out different incentives would do to help make a proposed housing project pencil out. That will include abatement options. It may include other incentive ideas that they have been working on in Charleston, Tampa, and things we learn from you and our community engagement. The end product will be recommendations, data to determine the if, and a model so that if this program was to go forward, we would have a way to help project out the costs and the impacts on the budget and the ability for any of these incentives to help developers move forward with the project.

Commissioner Stolzenberg – When we have seen these sorts of financial models of developments in the past and whether things are feasible or not, we often view it as a black and white question. The model puts in certain inputs. It is a yes and a no. What you find is every development and every site is different. Seeing how the market would react to each input or assumption changing by 10 percent and looking at what the incentive would do to that marginal project, it will all succeed or all fail. It is a spectrum of projects. Some will become unviable as we add costs. At the margin, as you add an extra incentive, will become viable. Looking at it that way would be much more helpful than what we have seen in the past.

Mr. Peura – That is an excellent suggestion. I know that they are aware of that. I know that the model they demoed for us with Charleston. It does that. I will reinforce that message. It is an excellent suggestion.

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

James Snyder – I am bringing to you some concerns that the owners of Oak Grove, Oak Lawn, and 5th Street Flats Condos have about the RX-5 zoning between 4th Street and 7th Street. Our properties are on 5th Street Southwest. We saw the article about the 7-story student housing project. We would like to take the chance to talk with the planning staff about the impact that the 7-story zoning will have on our properties. Our cottages, which are 20 years old and stable, were rezoned to 7 stories. We had no idea about this rezoning. We have prepared some maps and other exhibits that we could share with the Commission because the impact of the 7-story student housing project on historic properties and on our properties would be devastating to our property values and to Fifeville in general. The cottage-style housing that was built 20 years ago is a stable, well-maintained transition between the railroad tracks, developments of proper scale that are the kinds of things being done all over the country. This kind of cottage and small-scale development has been a good transition and has been stable. We have been rezoned to 7 stories. Our properties are adjacent to the new properties purchased by the Housing Redevelopment Authority. This makes no sense in terms of what is on the ground and protecting Fifeville. There are several historic homes that would be dramatically affected. The excavation with no setbacks required in the current development zone would undermine our properties and make us untenable to continue to maintain these properties into the future. We had no knowledge that we had been rezoned to 7 stories. This is a good time to take a pause and talk to the Planning Commission and planners to see if we cannot pause. Seven stories on the south side of the railroad tracks is bad planning.

F. CONSENT AGENDA

No Items for Consent

III. PLANNING COMMISSION PUBLIC HEARINGS

None Scheduled

IV. PLANNING COMMISSION ACTION ITEMS

1. Entrance Corridor Review - 1185 Seminole Trail

Vice-Chairman Schwarz called the Entrance Corridor Review Board to order.

i. Staff Report

Jeff Werner, Preservation Planner – Before you tonight is a Certificate of Appropriateness (CoA) for the redevelopment of 1185 Seminole Trail.

This CoA request is for the redevelopment of a 4.04-acre site on the east side of Rt. 29, approximately a mile north of the 250 Bypass. There is an existing 1-story commercial building that was built in 1995. It will be razed to accommodate construction of a multi-story, 267-unit residential building and a parking structure. This project has been approved, has an approved preliminary site plan. With that, the project is being reviewed under the prior ordinance.

1185 Seminole Trail is within sub-area A of the Rt. 29 north entrance corridor. You all serve as the entrance corridor review board. It is your responsibility for the design review within the city's entrance corridor overlay districts. This development requires a site plan. With that, it then requires a CoA per provisions of Section 34-

309 of city code. Per that code, the ERB shall act on an application within 60 days of the submittal date. That is when we have a complete application. You shall either approve it, approve with conditions, or deny the application. Any appeal would go to City Council.

It is a skinny site. It is unique. It is long on the east-west axis. It is fronting on Rt. 29. The primary façade will have a 5-story elevation. At the rear on the right facing Hillsdale Drive, the building is 6 stories. The new building is aligned on an east-west axis. From the front to back, it has 3 bays that extend from that building into the north and enclosing 2 courtyards. At the rear, you can see the large rectangle. There is a parking structure or a structured parking garage. It is concealed from Rt. 29 by one of the bays. When you are reviewing an entrance corridor, it is essentially what is visible from the corridor.

This is a selected rendering from the application. The bays have gabled roofs. They will either be standing seam metal or asphalt shingles. Either is acceptable. The applicant has not made a decision on which they will use. In the sections of the building between the bays are flat roofs behind a parapet. The exterior walls are articulated as we require. They feature brick panels, cement board siding, and cement board panels. On the ground floor, the doors and windows are set back within the opening. It is that traditional punched opening within a masonry. On the upper floors, the windows are not recessed as much. There are some issues with colors. On this, you will see that there is that L shaped shadow around each window. That is a separate-colored brick panel that is set back about 1 inch creating that image of the traditional punched windows. The design is a contemporary interpretation of typical and traditional architecture in element style and its building materials, gabled roofs, flat roof with parapet bricks, siding, closed courtyards, covered entrances, and private balconies. It is typical of Charlottesville.

In reviewing a CoA request, you as the ERB, will apply the standards set forth within Section 34-310 of the city code, which requires consideration of certain features and factors in determining the appropriateness of the proposed construction. Those are the overall architectural design, form, style of the building, structure of the building, including but not limited to massing and scale to the exterior architectural details and features of the subject building, the texture materials, & color, the materials proposed for building, the design and arrangement of the buildings on the site, the extent to which the features and characteristics in the prior items are architecturally compatible or incompatible with similar features and characteristics of other buildings within the same entrance corridor, and the application of the provisions of the entrance corridor design guidelines.

The staff recommendation is that the project generally meets the standards and guidelines for a CoA within an entrance corridor. We recommend approval of the CoA with the conditions that I have listed in the suggested motion for approval.

Commissioner Yoder – In the suggested motion, we have some conditions. I don't know much about lighting from the garage and how it impacts things. The report does not go into detail about why these conditions are here. I wonder if you could tell us more about that. I am also curious if these things are additional requirements than what is already there in our standards and guidelines that we have for builders.

Mr. Werner – Yes and no. The lighting issue has been one for a long time. We have gone a long way in solving some of that. The primary issue was with the new LED lighting technology. There is that 'glare bomb' that you see. Some of these cars today have the headlights that blind you. That is around 10,000K color temperature. Several years ago, the BAR came up with a condition of 3000K color temperature, dimmable, and a color rendering index of 80, preferably not less than 90. The color rendering index is more when you have a lot of lights like this. If you are in a stadium setting or on The Mall, it is how realistic that light renders colors. If somebody complains about it, dimmable is the ability to lower the brightness. The color temperature seems to be pretty good with that brightness and glare. The color rendering index is an aesthetic. We have applied that for some time to the BAR. With the Planning Commission, it has been applied in other situations. That is the

development of that lighting thing. It was adopted in the 2023 code. It is not in the old code. That is why we continue to use it as conditions. It is always helpful to explain. When you have a garage without walls, you get lights shining into other buildings and houses. We have tried to, as best as we can, address that with the vehicular lights. The first time that came up was in 2005 with JPA. This condition is from that. Going back to the interior lighting, our rules address exterior lighting. Sometimes, the lights that are just inside the garage can be just as bad. That is the evolution of that. Hopefully, it is fully codified. For this project, it would be. It is the evolution of things. For example, with entrance corridor signage, I review that administratively. One thing that we have been trying to do for years is to get away from internally lit signs that give off a red glow. We don't have an ordinance that says that. For entrance corridor signs, you have some say over that visual aesthetic. In the new ordinance, that has been addressed.

ii. Applicant Presentation

Chuck Rapp, Applicant –

Next Slide

This site is on the northern end of the city at the city-county line along Rt. 29.

Next Slide

This is a birds-eye view of the site. You have Rt. 29 with primary frontage on Hillsdale to the rear. The post office is immediately adjacent to it. It is a relatively flat site. There is an existing parking lot there.

Next Slide

These are some existing photos of the site. Primarily, it is a large parking lot. There are 2 entrances off Rt. 29 and a secondary entrance off Hillsdale.

Next Slide

This is an illustration of our site plan with landscaping on it. It shows the general layout of the proposed multi-family building. As mentioned, there is the large, structured parking attached to the building and a small amount of surface parking as well. We have 2 amenity courtyards. There are some unique challenges to some utilities that run through there. There are multiple gas lines and major sewer lines that are running through the site that are highlighted there with some of the utility easements that we are working with some of the landscaping and building configuration. We were able accomplish some street trees along Rt. 29 using more of a columnar tree, the Regal Prince Oak. There is landscape screening adjacent to the parking lot to screen the adjacent property. There is a mixture of trees and shrubs. There are a few existing trees along Hillsdale. We have added in some little leaf linden. There is this large open area adjacent to Hillsdale where we have added some additional plantings to reforest the site and bring that urban canopy back.

Next Slide

Site lighting for the most part is just lighting that outdoor parking lot. It is a typical razor type fixture, full cutoff, dark sky compliant. It is just to illuminate that exterior parking. Most of the parking is interior with that deck. That is the only site lighting that is proposed at this time.

Ryan Kautz, Applicant – I am going to briefly talk about the exterior of the building.

Next Slide

Starting at the closest spot to you, that is a 5-story façade. It does drop off to be 6 stories in the back. The site is relatively flat. Towards the back, it does drop off enough to get a 6-story at the base. We are designing that as a type 3A construction. The back portion that does have the 6 stories has a small concrete podium area. In general, the layout of the design is this 'E-Shape' with these 2 courtyards. The courtyard that is closest to you in

this picture here is slightly larger. That is more of a public, active courtyard. The secondary courtyard is more private. We have these 3 wings that are identical protruding out from that. In general, the architectural language for this is this modern interpretation of a vernacular architecture. We are using that in a lot of ways to create this dynamic expression in the city, this gateway element there. It creates a nice visual break with the massing and the roof forms. On the right side of the image, you can see these larger roof forms. It steps down as you go to the left, which is to the north on Seminole Trail. We are stepping that down in scale and using several scaling items, scaling techniques to break that down as well. You can see that we have a light gray brick as a primary façade material along Seminole Trail and those 3 other facades in the courtyard that step back. They are all facing out towards the front. We have a secondary material, which is this wood-look fiber cement panel, which is at this smaller gable as well. We have the large gable on the right side of the image and then the small gable. What that does is allow us to have a flat roof area on the back side where we can have mechanical units on the roof.

Next Slide

This is the view from Seminole Trail. We are using those scaling techniques at the corner creating large, ganged windows. These are all punched windows. We can cobble them together to create larger looks. Those are ganged together. At the base is where we have our amenity space. That is going to have a retail look to it where it will be glowing at night, very active at the base, which is something we want along the street there. That amenity space builds all the way through the building to the other side. It is going into the courtyard as well. As we go to the left side of this image, you can see in the distance that is where we have our pre-cast garage.

Next Slide

This is looking around the corner. This is the longest part of the façade and one of the main reasons that we wanted to introduce the gable forms. We can imagine if this was all flat roofs. It might be a long, linear design. These gable forms provide a nice focal element for your eyes to stop on. It diminished the effect of the length of the building. Even with the hyphens between those gable forms, breaking those up a little bit as well help reduce the sense of scale of the building as it goes down the street.

Next Slide

On the Hillsdale side, we are taking what was a secondary material (woodwork fiber cement), and that becomes a primary material on this façade here. We do have a secondary lobby entrance on this side and some amenity space at the base there. That is a way to create a focal point at this side of the building as well. You can see what is in the gray brick at the bottom of the image here. That is that lower 6th level that is in the concrete podium.

Next Slide

The final image that we have here wraps around the building on Hillsdale. You can see how we are wrapping the garage. The garage is completely wrapped. It is either wrapped by units on the south side or by screening on the north and east side. These screening panels are conceived of as these vertical battens. We have done this a lot where the vertical battens are randomized so that they block the light from the cars and the lights from the interior as well. You can see the trees in the foreground. They are faded back. A lot of this is going to be screened by the trees as well.

Next Slide

This is the final image looking at the courtyard. You can see how we have different sides. On this side of the courtyard, it is primarily a fiber cement panel above that amenity space at the base. You can see all the glazing and openness of that. It is a different façade type than we have on the other side facing the street.

We have 2 different types of brick, the light gray & the dark gray at the base, multiple colors of the fiber cement panel, and the fiber cement wood-look siding, which is on the bottom left.

Commissioner Solla-Yates – Do you have any issue with the proposed language from staff?

Mr. Kautz – It is acceptable.

Commissioner Roettger – It is a hard site. Nobody wants to be next to rt. 29 north. The breakdown of the scale works nicely. The Gables have a little bit of a Danish or European look. It is nice and clean. I guess this is unrelated to the entrance corridor. The pool is on the north side. Are you trying to block the post office building? I feel like it buffers the pool not being on the traveling side.

Mr. Rapp – With the pool in that corridor, we have tried to push it out as far as possible so that you get some sun. That has been a focus. You have a large gas line that runs through the parking lot.

Commissioner Roettger – This is going to be new for us. We are hoping that Rt. 29 will become a more walkable place. We need housing. It looks pretty clean. The materials are nicely laid out to get the scale toned down in a place where scale is meaningless out there right now. This will hopefully set the standard for what is to come.

Commissioner d’Oronzio – I want to agree with you on most of that. Considering the neighbors that you are dealing with, particularly to the south, I do not have a diplomatic way to describe the aesthetic of that parking lot.

Commissioner Stolzenberg – On the gables, you have these vertical dark elements. Can you talk more about why those are in there? Are they aesthetic? Are they functional?

Mr. Kautz – It is primarily aesthetic. When that large gable end, it could become visually too massive, too monotonous. We sometimes do get vents at that area as well. That could be incorporated. The reason for the length of that and the size of that is primarily the aesthetic, just to break it up.

Commissioner Stolzenberg – Why did you go for this shade of brick?

Mr. Kautz – We did not want to go for a reddish brick. We wanted to do something a little more modern and contemporary. It has an earthy feel to it. It feels natural as opposed to a bright white brick or something like that. The way that we were approaching it, it almost feels like stone, but it is done with brick. That color with the wood tone seemed to have a nice combination with that and the darker brick at the base.

Commissioner Stolzenberg – I know that staff made some suggestions along the lines of a more prominent cornice-like feature. I am assuming those are for the flat roof segments. Can you talk about why you did not opt to incorporate those?

Mr. Kautz – In a more contemporary roof form, we wanted to keep it relatively simple. Instead of having a more traditional roof overhang or cornice piece, just keep it more modern and simplified, but done so in a way that it details a nice, simple, and clean detail for that.

Commissioner Stolzenberg – I think you suggested a uniform base element.

Mr. Kautz – We did respond to that comment. We did increase the dark brick at the base a little bit around certain areas. We did not want to take it all the way up to the base, all the way up to the top of the first level. We liked the idea of some elements of the brick coming to the ground, instead of everything being floating.

Commissioner Stolzenberg – I agree with Commissioner Roettger. I am impressed with how this project looks for an old zoning ordinance project done by right. It looks pretty good, even with gables roofs and no cornices. I am Ok with it.

I have a couple of questions for Mr. Rapp. These are going to be centered around Chapter 3, the site design chapter of the ECRB Guidelines, particularly the connectivity portions. Looking from Hillsdale, I noted in the text that it said there is going to be a sidewalk. In the rendering it almost looks like there is a large grade change. Is that a rendering error?

Mr. Rapp – It is a rendering issue. With the sidewalk along Hillsdale, the sidewalk is expanded to 8 feet where possible where we don't have the bump out for the parking. The whole sidewalk runs along Hillsdale, the building exit out there. The backside near the post office is almost level with Hillsdale. It was an issue. There is a fence line along the post office that might have been grabbed when the service model was created.

Commissioner Stolzenberg – I am glad to see the pedestrian connection with Hillsdale since that is probably where most residents will be going on foot or on bike. They are not going to be going up 29 on foot most of the time and throughout the site. I do have a concern about that sidewalk crossing the garage entrance. I hope you will do some kind of treatment to that entryway. If a pedestrian is walking up from Hillsdale and trying to get to the northern or western part of the site, they can safely cross that. My larger concerns are about how this site connects with adjacent parcels, not via 29 and Hillsdale. It is 800 feet deep. The guidelines talk about pedestrian pathways within a site and between adjacent sites. I assume that you are aware that there is a proposal for development on the adjacent site on the Albemarle side. Are you working with them at all?

Mr. Rapp – There have been communications. I am not part of the same team. There has been some dialogue there.

Commissioner Stolzenberg – What I am looking for is some sort of inter-parcel connectivity at least for pedestrians to get through that parking lot to that next site over. If 2 large buildings end up next to each other, people are going to know each other. You have that Wawa at the corner that people are going to be walking to. If someone lives on the wing next to the garage and they need to walk to Wawa by going all the way to 29 and walking up, it is going to be twice as far as cutting across in the way the adjacent site is currently proposed. It would be nice to see some sort of accessible pedestrian pathway to interconnect or provision to do it. In Albemarle County, there are much more stringent requirements to interconnect between parcels than we have in our old zoning code and even new zoning code. I am wondering if you have given any thought to trying to comply with the spirit of those and what the impediments might be.

Mr. Rapp – It is a valid suggestion. As it is now, we have the 8-foot expanded sidewalk along 29. A lot of it will have to do with how that site shakes out as to where that connection should be. You don't want a sidewalk that is going to run right up to a building. I remember some of the original plans for that property from years ago. I know it is evolving. I am not opposed to trying to make a connection once that site is flushed out as far as how it works for the timeline on this project.

Commissioner Stolzenberg – The tricky part that I am thinking about is you cannot know that is guaranteed to happen as a project and what the final design will be. I want to make sure that there is a provision for that happening in the future for whatever project happens second that it will be able to connect somewhere. I am leaning towards wanting to include this as a condition, the pedestrian equivalent of a stub street like you would

see in a county subdivision. I am struggling with how to word that. I am wondering if you have any suggestions for how you can incorporate that or how you would suggest I incorporate that idea.

Mr. Rapp – I might defer to city staff to figure out what language would be appropriate for how they would like to do that. I know each locality is unique with that language and with how to craft it. As far as where it would go though, the site is tight as it is now. I hate to break it apart. The only spot I could think of would be at the end of the parking bay before you get to that open forested area.

Commissioner Stolzenberg – That seems like the area. On the north side, there is technically 2 properties. One is the VIA site and is that site that is being talked about for development. I am not sure that the big one goes that far back. The way to do it would probably be to cut across through one of your landscaped parking breaks. I don't want to be overly proscriptive. I just want to create provisions for a future midblock connection.

Mr. Werner – It is difficult to have a condition that requires the neighbor to do something. If you wish to, you certainly can craft a condition and put it in there. You are having a conversation now. If it does not work, they can even ask Council about it. What we have traditionally done with the BAR, is treat it as a recommendation. That is not binding. There are ways to suggest it, recommend it, encourage it with encumbering them with something that may not be approved.

Commissioner Stolzenberg – The way I am thinking about it though is that it would be like a stub connection that would not necessarily connect to anything if the next site did not develop. When it develops, it will be there for them to connect to.

Mr. Werner – This is one of the complicating things of at what scale can you start to extend things when you are just looking at the site. I don't know how you would word it.

Commissioner Stolzenberg – I think this is in the scope of the ECRB because we have these extensive guidelines on mid-site connections. For this corridor, we have such a long block length that those midblock connections become important. Maybe the way I would phrase it is just to have a midblock pedestrian connection to the property line on the north side.

Commissioner d'Oronzio – I applaud and endorse your intent. With the next site over, who knows how they are going to flush it out and develop it. Anything beyond 'recommend strongly that they be very proactive in putting in some sort of midblock in conjunction with the neighboring property.' I don't want to cause an expense for them to put something that goes nowhere. It is a dead end at our transformers.

Commissioner Stolzenberg – I imagine what I am suggesting, 10 to 15 feet of sidewalk, is not a major expense for you. What I am saying is not too onerous. Feel free to correct me if that seems wrong.

Mr. Rapp – My only fear is if we don't have a sidewalk over there, it is a sidewalk to nowhere.

Commissioner Stolzenberg – Until it is to somewhere, which is how roads work in new subdivisions in the county. In the county, the site plan review process, when a stub road exists, they require that you extend to it.

Mr. Rapp – That is for vehicular, which makes sense. I have a hard time pushing the sidewalk there when we have a couple hundred feet to one side. We have no idea what is going to happen on that adjacent site. We know that the screening is required for a reason, for the benefit of both properties.

Commissioner Stolzenberg – We are talking 400 feet in either direction from the middle of the site. That is significantly more than a city block downtown. The length of this site is 3 city blocks downtown.

Commissioner Schwarz – The next developer could do exactly what this building has done and put a big, long sidewalk all the way across there. Would it be difficult to add it later construction-wise or even a procedure site plan wise?

Commissioner Stolzenberg – They could orient it the opposite direction.

Commissioner Schwarz – Would it be difficult to add it later from either a construction-wise or procedure-site plan wise?

Commissioner Stolzenberg – The difficulty of adding it later is that they could say ‘no.’ I would be fine with putting it in a condition that if they ever build it, you must let them build a pedestrian connection to the pedestrian network on your site. Those people are not going to be able to get to Hillsdale otherwise. Those people are not going to be able to bike to anything in our new mixed-use area in our plan. The problem with that is that we cannot put the condition forcing them to do something in the future post site plan. That is why I am suggesting building it as a stub, so that is there to make the connection once that is built out if they choose to do it.

Commissioner Roettger – Are you talking about an amenity courtyard and extending one of those sidewalks as a crosswalk? All it is a sidewalk. It takes out one tree. It is a little stub on the other side.

Commissioner Stolzenberg – Either take out one of those grassy strips or lose one parking spot. You are way over-parked anyway. I imagine that it would not be too onerous.

Commissioner d’Oronzio – You are not prescribing where it goes. You want it somewhere along that line because events might overtake us.

Commissioner Stolzenberg – I don’t want to be overly prescriptive here. I would rather you not put it at the first spot next to 29. Somewhere in the middle area would be ideal. I want to add the least restrictive, least prescriptive condition.

Commissioner Schwarz – I would like to know what is being proposed in the renderings is what we are going to get. Are there going to be downspouts? I am wondering how that is going to work on the rt. 29 façade where façade bumps out.

Mr. Kautz – There will be downspouts. We have done this condition on other projects in the past where we have that a 1- or 2-foot separation between the brick. There will be a transition piece there. When we have the downspouts, we typically try to color-match it, so it goes away. We will get that transition piece as it goes down to the brick portion as well. We also try to minimize the visual impact of that, putting them in locations where they are tucked into a corner or things like that. I know that is not possible on that façade.

Commissioner Schwarz – It is a long façade. I guess it will be the same thing for the flat roofs. Are you expecting to drain that off the side through scuppers.

Mr. Kautz – That is typically downspouts.

Commissioner Schwarz – We will be seeing some metal tubes around the sides of the buildings. You have mentioned fiber cement. It is a lot of fiber cement. Where are the joints going to be? Are you going to use battens?

Mr. Kautz – We prefer to use reveal joints between them rather than the battens when possible. Anywhere there is a panel, that would be the preferred method to use.

Commissioner Schwarz – Would there be opposition to us putting a condition that you would have to use an extruded joint? If you do battens, it is going to be a different look from what we are looking at, which then moves onto the wood-look fiber cement. What is that? Are they planks? Are they panels? What makes it wood-look? Is it the laminate of something on it?

Mr. Kautz – The main wood-look fiber cement that we use is a product called Nichiha. There are other ones out there. That is the kind of main brand for it. It is a panel. They come in lengths. I think they are 10 feet by 18 inches. They have 3 grooves. From a distance, they are very convincing. They have a lot of variety and texture to them. The color changes. It does not just look like a painted piece of something that is a painted wood color. It looks like wood from a distance.

Commissioner Schwarz – That only has visible horizontal joints? It is going to look like vertical siding with a horizontal strip.

Mr. Kautz – That is correct. When we have them vertically oriented, you won't see the joints this way. You will see at every floor level.

Commissioner Schwarz – There are wall sconces in the application. Where are those going?

Mr. Kautz – Those are primarily at the entries.

Commissioner Schwarz – Are they going to be at all the balconies?

Mr. Kautz – I don't think that we have them at balconies.

Commissioner Schwarz – That was most of my concern with those. The mechanical units are going on the roof. Is that correct?

Mr. Kautz – That is correct.

Commissioner Schwarz – The project narrative talks about utilities being screened from Hillsdale. What kind of utilities are we thinking? Where are they going? Is there a big transformer that is going to be hiding in those trees on the northeast corner?

Mr. Kautz – We will have transformers. I don't recall where those are going to be located. I am not sure if we have figured that out yet.

Mr. Rapp – With utilities, HVAC condensers will be on the roof. The only thing that would be on the site would be trash, which is internal. It would be electric transformers that I am aware of.

iii. ERB Discussion and Motion

Commissioner Roettger – I like Commissioner Stolzenberg's suggestion. I am not sure how to word it. It is difficult. With that whole area, there is nothing to respond to. A suggestion that someone might cross a boundary would be great. I am Ok with the look.

Mr. Rapp – Can I suggest we have a midblock crossing or a parking lot crossing as a condition of the site plan approval. We have a few more comments to address in the site plan. We are close. It seems like that could be taken care of with the site plan.

Commissioner Stolzenberg – The end of your parking lot is still adjacent to the future development site. It would be good to put it there. My other comment would be that it would be nice to find a way to activate that grassy area in the northeast. I know it is hilly in parts.

Commissioner Schwarz – I know that with the entrance corridor rt. 29. It seems to me that Hillsdale is going to be the more urban corridor at some point. We are stuck in this weird thing where rt. 29 must look nice. I feel this project is ignoring Hillsdale. I am curious why you have not put more building mass back there and wrap the garage more and followed along Hillsdale more. I am also curious what is going to happen. You have a clump of trees and a big grassy area. Is that your stormwater?

Mr. Rapp – No. There is a primary sewer line that runs through there. There are 2 primary gas lines that run through there. We cannot put a building there. We cannot do anything there.

Commissioner Schwarz – I see the utility easement, which cuts a diagonal. There is still a big chunk.

Mr. Rapp – Open areas are where there is an easement. The stormwater for this site is underground underneath the second amenity space. It does discharge into that area where there is a culvert that goes underneath Hillsdale. That area is essentially acting as a small stormwater basin.

Commissioner Stolzenberg – To add to your point about Hillsdale being the main corridor, that is true. That is the fundamental idea with this whole parallel grid system that led to the Hillsdale extended project that got Hillsdale extended all the way to Hydraulic. Our guidelines predate that project. I do think they are outdated in that respect. You will keep that in mind as we update them. I agree that Hillsdale is the important frontage there.

Mr. Werner – To your question and something that Commissioner Schwarz had asked me earlier relative to the Hydraulic and rt. 29 small area plan. What had been shown here in the plan was for this parcel to be a road connecting to and beginning to create that network of streets. The result is a street. We know that this will be the new bypass slightly north of Kmart. It is resulting in a street and a sidewalk connection between rt. 29 and Hillsdale. It is accomplishing some of the things east-west that had been envisioned in that small area plan. It is not a total loss in the sense of connectivity and moving towards what we had hoped would be realized with that small area plan. It is not a perfect solution. As far as that middle of the parcel connection, I was offering that as a perspective.

Commissioner Schwarz – It is frustrating. I see what is happening. There probably is not much we can do with it. It seems a little unfortunate. It looks like you cannot put trees there. When talking about the garage and screening the lights, this screen concept that you have provided is vertical slats. You will see straight into the garage between the slats.

Mr. Kautz – We think you are going to be seeing it obliquely. Typically, you are not as often looking straight onto it.

Commissioner Schwarz – My concern is garages because safety concerns tend to be brightly lit from the inside. That tends to be the problem that we see around town. Parking garages are glowing so brightly that it becomes a problem. You have so much of this garage exposed to your neighbors and Hillsdale. I wonder if that technique is going to be sufficient. I know we are going to put a condition in to make those lights dimmable. At

some point, you or the owner are going to say that you don't want to dim it anymore because it is not safe for people inside. I wonder if that is going to be a problem.

You have done a good job with the massing and materials.

Motion to Approve – Commissioner Solla-Yates – Having considered the standards set forth within the City Code and the Entrance Corridor Design Guidelines, I move to find that the proposed redevelopment of 1185 Seminole Trail 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:

- 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.]
- The owner will address any reasonable public complaints about vehicular lighting emanating through the north or east walls of the parking garage, particularly at headlight level. [For ex, screening to mitigate glare and brightness of vehicular light visible outside the garage.]
- 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.
- Rooftop mechanical equipment will be screened or otherwise located so as to not be visible from the corridor.
- 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.
- A bicycle and pedestrian pathway at the applicant's discretion which will enable pedestrians and bicyclists to move safely and conveniently from the site to the adjacent property to the north.
- With the wood-look fiber cement panels, they will use a product similar to or equal to Nichiha to be evaluated by staff. The goal is for it look like plank siding and will be long lasting and durable.
- The other fiber cement panels will use extruded metal joints to minimize the appearance of the joints.

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

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

V. ADJOURNMENT

Vice-Chairman Schwarz gavelled the ERB out of session and gavelled the Planning Commission back to order.

The Meeting was adjourned at 7:34 PM.