

PLANNING COMMISSION REGULAR MEETING
September 9, 2025 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: NDS Conference Room

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

Staff Present: Patrick Cory, Missy Creasy, Kellie Brown, Ben Koby, Remy Trail, Matt Alfele, Ose Akinlotan

Chair Mitchell called the meeting to order at 5pm. Commissioner Roettger noted that there may be some members of the community attending to provide public comment. Ms. Brown provided an overview of the current status of the zoning code. Commissioner Schwarz asked about the process for code related changes and the process was provided. Mr. Alfele provided information on the differences between Development Plans and Final Site Plans. Commissioner Stolzenberg asked if a development plan provides vesting, and it was noted that it would not. There was additional discussion about code changes. Commissioner Solla-Yates presented two items for correction to the minutes. It was asked about the fire department comments related to the Myrtle Street application. Staff noted that the applicant is working with fire on a solution. Commissioner Yoder asked if the funds provided in-lieu for the sidewalk would allow for construction in this area of the city. It was noted those funds would go towards sidewalk priority construction.

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:31 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Stolzenberg – The MPO met last month just before our last meeting. My only meeting was LUPEC. We got an update on Albemarle’s adopted solar ordinance, which includes by right, small scale, commercial, and industrial. It has more set rules for larger utility-scaled projects to apply for special use permits. We got an interesting update on the Ivy Landfill Solar Project. It was approved several years ago. It is now under construction. We got an update on the water supply pipeline that has been underway. You might have heard about the blasting as they go up through Observatory Hill. We got updates on VDOT transportation projects. A couple plans are in process. We got 29 north and the 29/250 interchange. There is the project at 29 and 64. There is another pipeline project at 5th Street and 64. There are no huge updates with those. There is the VDOT study in the city at West Main and Ridge. There are no major updates on those projects. We will wait to hear what comes out of the West Main and Ridge public comments and what they come up with as the preferred alternative. With the construction of projects that are in process by VDOT, the big news is that everything is now a bundle. VDOT loves bundling things into large contracts to pull in big contractors and pique their interest, so they are willing to do it. I have previously talked about Fontaine Avenue roundabout. All those are being bundled together and should be going out to bid.

Commissioner Schwarz – For the BAR, we had a couple projects. We had a 2nd story addition to what was a floral shop on 300 Ridge Street. There was an interesting duplex infill project on Ridge Street. It was an interesting way of fitting in some density using the new zoning code. We had 2 pre-application conferences. We had one on 835 – 847 West Main Street, which is the parking lots just south of Westhaven. That is proposed to be an 11-story student housing building. There was a significant amount of public comment. If anybody is interested, the BAR video is available online to listen to that public comment. The public comment was more directed at us and Council than it would be at the BAR. We had a pre-application conference for another large student housing project.

Commissioner Solla-Yates – The 2024 Virginia Code Development Cycle, the statewide organization working to update the building code that effects all of us, is holding the second general stakeholder work group meeting on October 3rd. Two proposals from me, on behalf of Charlottesville, will be considered. One of them is regarding permitting having more affordable elevators in R-2 residential development up to 6 stories. They were permitted but were banned a few years ago. The hope was that everyone would build larger elevators. The other one was about permitting a 4th story of single-stair development, which incorporates several safety improvements, which were recommended by the fire-safety people at the state level. I am optimistic about this. I am hoping for consensus on both. It is a consensus driven process. There was a meeting of the Charlottesville City Schools Capital Improvement Work Group. We considered 2 pieces of information about possible costs for updating existing facilities. One of them was \$70 million and the other was \$100 million. There were 2 different assessments based on looking at different buildings on different dates. The overall impression that I gained was that we are looking at some substantial capital costs in the coming years. We need to get a handle on it.

Commissioner d’Oronzio – There was no HAC meeting. We will be meeting next week. We will be getting an update on the restructuring of the housing staffing. With the Planning District, most of our last 2 meetings have not been relevant to the city of Charlottesville. We have applied for the housing preservation grant. That is a USDA project. That is inapplicable to any money going our way. We have ‘played around’ with how we are going to be scored for smart scale. The MPO is excluded from that. That is going to stay the same. We had the CAPER report for the consortium come through. We had the public hearing on that. In terms of directly impacting the city, not so much.

Commissioner Roettger – I have a report from the Tree Commission meeting. The Tree Commission needs 2 new members. If anyone is interested, you can reach out to me or look on the website. The Tree Commission continues on multiple fronts dealing with trees. One of them is invasive species control. There is a good group of volunteers in different neighborhoods, who are learning how to cut vines. Kellie Brown (Director of NDS) came in to talk about some of the Tree Commission’s worries and ideas around tree removal and all that goes into the site planning. She gave a great presentation on what the city is doing. There was a lot of back and forth, a lot of ideas where educational materials and pre-meetings with developers about potentially keeping existing trees. This all came about after there was a public tree taken down by Friendship Court, which sparked a lot of interest in digging into the details of the process of how the tree removals are approved.

Commissioner Yoder – I am on the Citizen Transportation Advisory Committee of the MPO. We have not met. Last week, the MPO policy board did discuss what the role of this committee should be in the future since not every MPO has a citizen transportation advisory committee. Some of the ways citizens engage with the MPO has shifted over the decades since this committee was formed. It is an important discussion to have. They are considering whether they should have the committee. If we do, what should that committee do? That discussion will be ongoing at their next policy board meeting.

B. UNIVERSITY REPORT -

Commissioner Joy – The Board of Visitors is meeting this week. This Thursday will be the Buildings and Grounds meeting. I will have more to report at our next meeting. I wanted to ‘touch’ briefly on the agenda items that will be discussed there that are relating to some of the capital projects in the pipeline. The first is the concept design guidelines approval for the School of Data Science and Entrepreneurship Building. This is the second phase of the School of Data Science. It sits adjacent to the existing School of Data Science. The next item that I want to highlight is the schematic design approval for 220,000 square foot Center for the Arts. That includes a 1200-seat Richard & Tessa Ader Performing Arts Center. That is exciting. We have a schematic design review for a research data center at Fontaine Research Park. There are a couple smaller items. There is the proposed renaming of the Federal Executive Institute at Sycamore Hill. There is a discussion regarding the future use of the Oak Lawn property. I look forward to getting feedback on how the various votes go relative to those items. Darden Graduate Housing is progressing along the bypass. They are under construction and scheduled to be completed in the Fall of 2027. That is 348 beds. The Emmet/Ivy 2nd Year Housing is under construction. That is on schedule and going to be completed the fall of 2027. That is the P-3 project with the Capstone Development. That is 780 beds. With parking projects, we opened a garage this week. The Fontaine garage is done. Parking is available this week. That is 1250 spaces. What is exciting about that is that it is a dedicated commuting resource for many of the UVA Health staff. Hopefully, that will streamline some commutes for the important and hardworking staff. We have the North Ground garage. That is making great strides in construction. If you have driven by Massie Road, you can see it. That is slated to be completed in 2026. That is an additional 1000 spaces. The Olympics Sports Center ribbon cutting is this Thursday. That is state-of-the-art training spaces for all UVA varsity sports teams, dedicated locker rooms for 7 of the varsity sports. That means we can remove the temporary modular units by the Copeley Bridge. The Manning Institute of Bio-technology structure is nearing its topping out at the Fontaine Research Park. That is on schedule for a fall 2027 opening. There is a next generation heat plant at Fontaine as well. That is also nearing completion. That is the first extensive non-combustion geothermal plant that is going to provide thermal energy for the Institute of Biotechnology and the upcoming Data Center. We have 2 updates on the Emmet/Ivy Corridor. The Karsh Institute of Democracy exterior envelope is progressing. It is about two-thirds complete. That is on track to open the fall of 2026. The Virginia Guest Hotel & Conference Center is complete on the exterior. They are working on guest room interiors. That is shooting for substantial completion this year with the public opening in 2026. There are Foundation housing updates on Wertland and Piedmont. Both projects are moving ahead. Each site is unique and continues to progress on their own timeline. The timeline for construction depends on financing and entitlements. Based on conversations with the developers, the earliest start date for construction is 2027 at Wertland & 10th. Piedmont will be following by 1- or 2-years pending completion of rezoning and project funding.

C. CHAIR’S REPORT

Chairman Mitchell – There is nothing much to report. Commissioner Roettger will be taking over as our representative to the Parks & Recreation Advisory Board. This will be my last meeting as the moderator. I have done this for 4 different seasons.

1. Annual Meeting

Ms. Creasy – We will start with a report from our nominating committee.

a. Presentation by Nominating Committee

Commissioner Roettger – I will do the report. On behalf of the whole board, I would like to thank Commissioner Mitchell for his service this year. The committee had some good conversations with our commissioners. We have a nominee for Chair and Vice-Chair. We would like to nominate Commissioner Schwarz as the new Chair of the Planning Commission and Commissioner Yoder as the Vice-Chair of the

Planning Commission. We would like for Commissioner Solla-Yates and Commissioner d’Oronzio to continue their leadership on the legislative issues.

b. Election of Officers

Ms. Creasy – We have a slate of officers that have been provided from the Nominating Committee with Commissioner Schwarz as the Chair and Commissioner Yoder for the Vice-Chair. This is an opportunity for the Commission to provide any additional nominations. Currently, we have a slate of officers to vote on.

Commissioner Mitchell – Motion – I move that we accept the nominating committee’s recommendations – second by Commissioner Solla-Yates. Motion passes 7-0.

D. DEPARTMENT OF NDS

Missy Creasy, Deputy Director – We are not planning for a work session for September. We are getting ready for additional work sessions coming forward. Because the zoning case that is under litigation has been stayed, we continue to move forward with the code now. We are going to pick back up where we were in our zoning amendments. We had a work session where we discussed tier 1, tier 2, and tier 3 changes to the code with tier 1 being more administrative, tier 2 being more mid-level, and tier 3 being something that would require significant public participation opportunities. You all directed us at the last work session in the spring to schedule a listening session, so that the community has opportunities to provide feedback on the tiers and the zoning amendments. We would then move forward to a more formal work session. We are working to schedule that. At this point in time, we have the listening session for the regular meeting in October. Our Tuesday regular meeting in November is on a holiday. We will make sure to make that adjustment and will let you know. Usually, it is the day following the holiday when we attempt to schedule the meeting. Sometimes we have conflicts. We have some time to work through that.

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

Joy Johnson (Hardy Drive) – I am here tonight as the PHAR Chair. I am here tonight to talk about the 12-story building that is being proposed in the back of Westhaven. The residents of Westhaven and 10th & Page don’t want it because it overshadows our buildings. When they were building The Standard, they said that The Standard was a mistake. It was 8 stories. You are now thinking about building a 12-story building. What is so disrespectful about this whole thing is that we have at least 23 residents, some who do not speak any English, but they still participate. They have been meeting for the last 3 years to redevelop what Westhaven would look like. This company waited until we came to a consensus. We did not agree on everything. We came to a consensus of what our site plan would look like. They decided in April to do a design and put up a 12-story building that blocks the main theme of what we were trying to do. It was how we accessed Westhaven. Westhaven was dug out so many feet down to build, so that people on West Main Street, when they were going by, would see poor people. They came to one of our meetings and told us what they were getting ready to do. That is not how it works with our residents. We don’t want you to come and tell us what you are going to do. You should come and participate with us. Let us be a part of the process of what they are doing. They only talked to Westhaven but not to the 10th & Page neighborhood. We challenged them. We asked them, ‘Why are you not talking to the whole neighborhood? Why are you just talking to Westhaven residents? We did have a meeting at the Jefferson School. The people from 10th & Page and Westhaven residents were pushing back on the 12-story building. We are still pushing back on that 12-story building. From April, you had an opportunity to engage with us and you didn’t about what is built on the skirt or in our backyard. Something needs to be changed where it goes back to City Council, or we have more opportunities to speak on what it is we don’t like about what is being built in our neighborhood.

I am asking the Planning Commission to use the opportunity to change the zoning for West Main Street. Changing the zoning should consider the neighborhood connection to West Main Street. Changing the zoning should recognize that West Main Street sits on top of a hill. All neighborhoods on both sides are below it. Height is an issue. Transition in height is needed to protect the neighborhood under West Main Street. Special use permits need to be utilized to bring democracy to city planning. That can compel community benefit arrangement. There are 2 student housing projects bringing a negative impact to the neighborhood next to West Main Street. These issues and more like it will continuously be brought to City Council if the change of the zoning is not made.

Sofia Marrero (1950 Beachcrest) – I am a community organizer at the Public Housing Association of Residents. I am here to speak to the zoning policy. I am here to ask that priority of land use should be given to those most negatively impacted. Impacted communities need more than one opportunity to comment on massive by right developments next to historically black neighborhoods. We need to bring back special use permits and discretionary approval for developments around 10th & Page, Westhaven, Fifeville, Rose Hill, 6th Street, Crescent Halls, Kindewood, etc. We must not forget the history of Vinegar Hill and the impact it continues to have on black and brown communities in the area. We need to implement a core neighborhood overlay district from 4th Street to 10th Street to protect historically black neighborhoods and promote neighborhood friendly development.

Wendy – I am a community organizer at The Public Housing Association of Residents. I am here to discuss the 11-story luxury student housing apartment building proposed to be constructed by right at 835, 843, and 847 West Main Street. Not only would this enormous concrete building overshadow and loom over the Westhaven community, but it would also enclose Westhaven residents and restrict access to West Main Street, which they have been working so hard on for over 3 years to achieve through their redevelopment site plan. Across the street, our neighbors in the Fifeville District are fighting the exact same fight against a 7-story luxury student housing apartment building that would sit on top of the hill above the Fifeville community, bringing more students into the historic Fifeville Neighborhood. The fact that these gigantic buildings of such density are allowed to be built by right in these historically black neighborhood corridors is a blatant error in Charlottesville's zoning code despite the historic wins achieved by the zoning ordinance. It is Westhaven and Fifeville fighting these buildings today. We will be fighting in Venable, Rose Hill Drive, South First Street, and Garrett Street tomorrow. Ms. Johnson says that they are developing while we are sleeping. To remedy these flaws in the transitions between areas and repair historical injustices from urban renewal and the destruction of Vinegar Hill, PHAR advocates for the following changes in the zoning code. Give priority of land use management to those most negatively impacted. Impacted communities need more than 1 opportunity to comment on massive by right developments in and next to historically black neighborhoods. We need to bring back special use permits and discretionary approval for developments around 10th & Page, Westhaven, Fifeville, Rose Hill, 6th Street, Crescent Halls, Kindewood, Venable, etc. We need to implement a core neighborhood overlay district from 4th to 10th Street to protect historically black neighborhoods and promote neighborhood friendly development.

Latricia Giles (911 Nassau) – I am the executive director of PHAR. You have already heard a few things. I am going to mention those same things. Our residents are not anti-development. They have drafted redevelopment plans, name priorities, and envisioned a healthier and safer neighborhood for themselves. At the same time, LV Collective can propose an 11-story student tower right next door by right with no meaningful process for residents to respond. That is not equity. That is not collaboration. What we are calling for is that residents deserve to have an opportunity to be heard more than once. You could establish a neighborhood overlay from 4th to 10th Street. We already know that overlays exist here in Charlottesville to protect corridors and commercial areas. It is time to use the same tool to continue to protect historically black neighborhoods. Right now, the zoning commission gives maximum certainty to developers and minimum certainty to residents. That is backwards. We already have the tools. It is time for us to use them.

Paul Reeder (211 5th Street SW) – We were shocked when this 7-story proposal for student housing was lobbed into Fifeville. There will be more students living in that property as proposed now than in the entire section. A historic black community in Charlottesville is once again being dumped upon. One thing with this RX zoning is that you had rezoned our properties, which we were unaware. The vaunted consultation process did not make it clear that these properties were going to be rezoned. My property, which is 6 2-story cottages on a third of an acre is exactly the type of development that you want to have in this city, is now zoned to put a 7-story building on there. I invite you to walk this, walk Fifeville. If you have not walked Fifeville, please walk Fifeville, please walk Westhaven. Go and see what they look up at every day. I am pleased to hear that you are considering amendments to the zoning code. The only thing that I would urge you to do is to do this quickly. As Ms. Johnson said, they are developing while we are sleeping. It is no point if you say in 2 years' time, we will reconsider this. By that stage, you will have an 11-story development on West Main Street. You will have a 7-story development in Fifeville that will completely blow out the existing character of Fifeville, which is a national historic district. The action that I can personally take and that we will be taking for both of our 6-unit housing developments is that at the earliest opportunity, we will be applying to downzone our properties back to the zoning that is applicable to the rest of that part of Fifeville. We don't want 7 stories. We like our properties. They provide the missing middle of the housing market.

F. CONSENT 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

Motion to Approve Consent Agenda – Commissioner d'Oronzio – Commissioner Solla-Yates with the 2nd – Motion passes 9-0.

III. PLANNING COMMISSION PUBLIC HEARINGS

None Scheduled

IV. PLANNING COMMISSION ACTION ITEMS

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

i. Staff Report

Ben Koby, City Planner – We are here for the consideration of a special exception permit of the build-to requirements at 1107 Myrtle Street, Project Number PL-25-0118. 1107 Myrtle Street is an RA zoned parcel with no overlay districts. The future land use designation of it is General Residential. The purpose of this special exception permit is to facilitate the construction of 3 attached dwelling units behind the existing house. Part of their intention is to create 4 total sublots and preserve the existing house. Each dwelling unit will be on its own sublot within the parent parcel. With the existing structure preservation in the RA district, they are permitted to have those 4 dwelling units total. There are no issues there. There is an issue with the build-to. In the RA zoning district, the developer has a choice. To meet the build-to requirement, the front setback is between 10 and 20 feet or utilizing the existing range. That calculation comes from the 2 properties on either side of the subject parcel. Any construction to be considered conforming with that would have to be no closer to the street than the smallest setback in that range and no further back than the largest setback in that range. Utilizing that consideration, they are meeting the existing range component of this project. They are not quite meeting the build-to width requirement. The build-to width requirement is defined as the cumulative building width that occupies the build-to zone relative to the width of the site at the street lot line. This is a 50-foot-

wide parcel. The existing house is 21.9 feet in width, making a 43-percent build-to percentage, which is shy of that 50-percent requirement that they would need. They are coming in to request a special exception permit for that build-to width requirement. That existing house is being preserved. You can see the general lot layout of the sublots and the formulation of the attached dwelling units off the rear. They are proposing improvements to the alleyway to a certain extent, where it would be a 10-foot-wide asphalt driveway to service each of these sublots and the dwelling units on top of them. To consider what we approve special exceptions for, those consideration points are whether the development is harmonious with the patterns of development in the area and on the same side of the road. It is fair to say that the existing house along Myrtle will be preserved. That house is in line with the area. It is of a similar size, of a similar shape, they have the same type of porches on that side of Myrtle. Preserving the existing house does speak to how harmonious it will be. Generally, in this area, the houses are smaller on the same type of same sized lots. The additional dwelling units would not pose an issue. If the special exception was not required, if they were meeting the build-to, those 3 units in the rear would be permitted by right. While I believe that it would be harmonious with it, that does not touch on the criteria of the special exception. Item 2 of the criteria we are supposed to be looking at: Is this development or would this approval be meeting the goals and the strategies of the Comprehensive Plan? This infill development is one-to-one. It is overly one-to-one in line with some goals outlined in the Comprehensive Plan. Per Table 2 of the Land Use Category Descriptions on page 29 of the Comprehensive Plan, the General Residential areas should allow up to 4 dwelling units if the existing structure is maintained. That goal and strategy was directly ported over into our development code. This is right in line with that. Planning Commission and City Council can consider whether with conditions then if a development would generally be consistent with the public necessity, convenience, general welfare, and good zoning practices. This project hits all those criteria in order. This is the sort of development we are looking for. Maintaining the existing structure also speaks to the goals of the Comprehensive Plan. In Chapter 4, goal 3 of the Comprehensive Plan, that goal is to protect neighborhood identities while allowing for infill development. With the existing structure preservation, this hits the mark. We did consider the alternatives that would make this compliant where the applicant would not need the special exception, subdivision is not a viable option to meet the build-to requirements there. A front addition could be a viable option on meeting the build-to requirement. In my opinion, that is not a reasonable requirement. It is going to be costly and would alter the feel of the neighborhood. It would be more harmful to the streetscape than approving the special exception permit. We did consider an administrative modification. The criteria on an administrative modification are hardship standards (topographical, geographic, interruptions that would allow for an administrative modification of the 15 percent of the physical dimensions outlined in the code). In my opinion, it does not meet those hardship criteria. The special exception would be the most viable. Staff are recommending approval of this special exception permit in the RA residential zoning district.

Commissioner d’Oronzio – This building is 19 inches too skinny. That would get you under 10 percent. I thought that could be administratively handled.

Mr. Koby – The criterion on the administrative modification is that of a hardship.

Commissioner d’Oronzio – I thought at one point we had 10-percent at discretion of the administrator.

Commissioner Stolzenberg – The administrator can give the modification. It still must be a hardship.

Matt Alfele, Development Manager – There is criteria to the issuing of that.

Commissioner d’Oronzio – I guess it is another conversation of how we define a hardship. In order to proceed by modifying that building, that would be expensive in a substantial way.

Mr. Koby – I don’t think cost can be a hardship.

Mr. Alfele – The hardship under the administrative modifications is spelled out. There is a criteria.

Commissioner Roettger – It looks like a great addition to the neighborhood.

Commissioner Yoder – It seems like the code is incentivizing people to keep the existing building. The build-to requirement is working against that. I don't know if this is in tier 2 or tier 3 of the things you are looking at to adjust. Can we undo the parts of the code that are working against each other and make preserved buildings exempt from build-to or something like that? It is just a thought for consideration.

Commissioner d'Oronzio – This use of sublots and putting 4 in there and preserving the structure. This is exactly what we were thinking with these sublots. I have been a little wary of the build-to for this reason. Detangling that might be something to do in terms of revisions.

Commissioner Stolzenberg – It seems that in residential zones, the build-to requirements and the way they are formulated are not quite hitting the mark. I hope we will pick that up at some point in this revision process. You mentioned that you explored subdivision as an alternative. The house was in the way. This is a 7500-square-foot lot.

ii. Planning Commission Discussion and Motion

Motion – Commissioner Stolzenberg – 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.

Second by Commissioner Solla-Yates. Motion passes 7-0.

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

V. ADJOURNMENT

The Meeting was adjourned at 6:24 PM.