

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	May 2, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Matt Alfele, AICP
Staff Contacts:	Matt Alfele, AICP
<b>Title:</b>	<b>SP22-00002– 209 and Maury Avenue and 0 Stadium Road, request for a Special Use Permit</b>

**Background:**

Charlie Armstrong of FMC Investment, LLC (Owner), owner of Tax Map Parcel 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 (“Subject Properties”) has requested a special use permit on the Subject Properties to increase density. The Subject Properties are currently zoned R-3 with Proffers, a by-right density of 21 Dwelling Unit per Acre (DUA), and have frontage on Maury Avenue and Stadium Road. The applicant is requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-420 and Sec. 34-162, which allows residential density up to 43 Dwelling Units per Acre (DUA). In addition to requesting increased density, the applicant is also requesting modifications to yard requirements to match the layout proffered in ZM19-00002 and approved by City Council on December 2, 2019, and reduction of onsite parking by ½ the spaces required under Sec. 34-984. The applicant is proposing to modify a site plan currently under review to allow more residential units without altering the footprint or layout of the development. The Subject Properties were rezoned from R-2U (Residential Two-Family University) to R-3 with Proffers in December 2019. The original plan called for a residential development with 33 units. The new proposal calls for the same configuration but removes the parking under building 2 to accommodate additional units. The total units on site would not exceed 68 units.

**Discussion:**

The Planning Commission considered this application at their meeting on April 12, 2022. The discussion centered on the affordable housing proffer statement from 2019, pedestrian improvements, and increased trees for shade. Planning Commission wanted to insure the required affordable housing that will be build offsite are not double counted (meaning that the developer offers them for affordable housing and then turns that responsibility to a non-profit who in turn requests funding from the City to build then). It was clarified that the offsite units would not be double counted. The Commission also talked about pedestrian improvements as related in the staff report.

The staff report and supporting documentation presented to the Planning Commission can be found starting on page 34 at the following link:

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1420&key=-1&mod=-1&mk=-1&nov=0>

**Alignment with City Council’s Vision and Strategic Plan:**

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

**Community Engagement:**

The applicant held a community meeting on March 3, 2022 which was attended by two (2) members of the public. The development was received as favorable with parking being the only concern. A recording of the meeting can be found at the below link.

[https://us02web.zoom.us/rec/play/pYJQvJexy-lyx5ziztdb7DN0EtRtUb4oBv7YleoRD\\_Rnf\\_CJXBoXqAAD0hgPkld6DneDS9xft0IIDuiJ.YdgcCleDwxzHiipE?continueMode=true&\\_x\\_zm\\_rtaid=GgPnRrm1RwWEZVUHxQ6Ydg.1647547227538.9744fefcd24df90203a008427b7e9750&\\_x\\_zm\\_rhtaid=291](https://us02web.zoom.us/rec/play/pYJQvJexy-lyx5ziztdb7DN0EtRtUb4oBv7YleoRD_Rnf_CJXBoXqAAD0hgPkld6DneDS9xft0IIDuiJ.YdgcCleDwxzHiipE?continueMode=true&_x_zm_rtaid=GgPnRrm1RwWEZVUHxQ6Ydg.1647547227538.9744fefcd24df90203a008427b7e9750&_x_zm_rhtaid=291)

On April 13, 2022, the Planning Commission held a virtual joint Public Hearing with City Council. Two (2) members of the public spoke and expressed the following:

- A resident on Price expressed concerns with screening of the development, security, and noise.
- The City needs to do a better job of defining “affordable housing”.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a result of this Special Use Permit.

**Recommendation:**

Staff recommends the application be approved.

The Planning Commission voted 6 - 0 to recommend approval of the application with the following motion:

Mr. Mitchell moved to recommend approval of this application for a Special Use Permit in the R-3 zone at 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 collectively 209 Maury Avenue to permit additional density with the following listed conditions.

- a. The four (4) conditions recommended by staff
  1. Up to forty-three (43) dwelling units per acre (DUA) are permitted on the Subject Properties.
  2. Yard requirements shall be:
    - a. Front yard: thirty-one (31) feet.
    - b. Side yard (Corner along Maury Avenue): twenty (20) feet.
    - c. Side yard (western side): twenty-two (22) feet.
    - d. Rear yard: Twenty-five (25) feet.
  3. A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Maury Avenue in accordance with the City’s Streets That Work Plan.
  4. The applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City’s Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

Mr. Stolzenberg seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes  
Mr. Stolzenberg, Yes  
Mr. Karim Habbab, Yes  
Mr. Mitchell, Yes  
Ms. Liz Russell, Yes

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting the Special Use Permit, with stated conditions, for SP22-00002 based on a finding that the proposed permit is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit;

Or

- (4) by motion, defer action on the Special Use Permit.

**Attachment**

- A. Proposed Resolution

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 209 MAURY STREET (TAX MAP PARCELS 170018002, 170018000,  
170018001, 170018600, 170018500, and 170018400)**

**WHEREAS** Charlie Armstrong (“Owner”) is the owner of certain land identified by Tax Map Parcels 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 (collectively, the “Subject Property”), which have frontage on Maury Ave. and Stadium Road and is requesting a Special Use Permit to increase Dwelling Unit per Acre (“DUA”) density; and

**WHEREAS;** The Applicant seeks a Special Use Permit under City Code Sec. 34-420 to increase the density of the Property from a by-right twenty on (21) DUA condominium building to a forty three (43) DUA condominium building; and

**WHEREAS** the Property is located within the R-3 (Residential) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-420, increased DUA may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the application materials submitted in connection with SP22-00002, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their April 12, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that it hereby approves a Special Use Permit for the Subject Property, to allow for an increase in Dwelling Units per Acre from twenty one (21) Dwe, subject to the following conditions:

(1) Up to forty-three (43) dwelling units per acre (DUA) are permitted on the Subject Properties.

(2) Yard requirements shall be:

- a. Front yard: thirty-one (31) feet.
- b. Side yard (Corner along Maury Avenue): twenty (20) feet.
- c. Side yard (western side): twenty-two (22) feet.
- d. Rear yard: Twenty-five (25) feet.

(3) A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Maury Avenue in accordance with the City’s Streets That Work Plan.

(4) The applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City’s Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....