

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 18, 2022
Action Required:	Consideration of an application for a Rezoning
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	<b>ZM21-0003 – MACAA PUD, Rezoning request for Monticello Area Community Action Agency (MACAA)</b>

**Background:**

Piedmont Housing Alliance, acting as agent for Monticello Area Community Action Agency (MACAA) and 1023 Park Street LLC, owners of Tax Map 47 Parcels 71, 11 and 800 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Planned Unit Development (“PUD”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1, Single-Family Residential and is the location of the MACAAA school as well as two existing single-family homes.

**Discussion:**

The Planning Commission considered this application at their meeting on December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Accessibility concerns regarding the proposed pedestrian connection to the 250 Bypass sidewalk. The applicants are proposing to re-use an existing paved driveway to connect the Subject Property to existing sidewalks. Stairs are proposed along this pathway due to the steep grade of the hillside, limiting accessibility for bicyclists and those with disabilities.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 1 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/37daad68-7659-4cff-a22d-7ee638646c7a.pdf?sv=2015-12-11&sr=b&sig=WjM3ZGqRIvwyRllh2YF6DCfNcftMweFDIvmpFMBuiMY%3D&st=2021-12-21T15%3A51%3A46Z&se=2022-12-21T15%3A56%3A46Z&sp=r&rsc=no-cache&rsct=application%2Fpdf>

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

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes a maximum of 95 new residential units in a mix of apartments, duplex/townhome units and single-family homes. At least 80% of units will be offered as affordable housing according to the proposed proffers. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street to the 250 Bypass sidewalk.

**Community Engagement:**

Per Sec. 34-41(c)(2), the applicant held a community meeting on August 10, 2021. (A City Planner was unable to attend as an NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Increased traffic on Park Street and Davis Avenue will be a problem.
- Traffic counts provided in the traffic study are not considered accurate.
- New development north of Park Street will increase future traffic near this site.
- Desire for more pedestrian and trail access between Park Street and the 250 Bypass.
- Desire for preserving on-site trees and landscaping near the adjacent properties.

The Planning Commission held a joint public hearing with City Council on this matter on December 14, 2021. Several members of the public spoke on the application. The members of the public raised concerns regarding:

- Traffic counts provided in the traffic study are not considered accurate.
- Concerns over increased traffic that would be generated by the development.
- Concentrating higher residential density within this site is not appropriate.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this rezoning.

**Recommendation:**

Staff recommends the application be approved.

The Planning Commission voted 4 to 0 to recommend the application be approved.

**Alternatives:**

City Council has several alternatives following a public hearing:

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

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM21-0003, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning;

Or

- (4) by motion, defer action on the Rezoning.

**Attachments:**

- A. Ordinance
- B. Final Proffer Statement

**BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**  
**IN RE: PETITION FOR REZONING (City Application No. ZM21-00003)**  
**STATEMENT OF PROFFER CONDITIONS**  
**TAX MAP PARCELS (TMP) 470007100, 470008000, 470011000**

ZMA Number and Name: 21-0003 PHA-MACAA PUD REDEVELOPMENT

Subject Property: TMP 470007100 (1025 Park Street)  
TMP 470008000 (1021 Park Street)  
TMP 470011000 (1023 Park Street)

Owners: Monticello Area Community Action Agency (MACAA)  
and  
1023 Park Street, LLC

Applicant: Piedmont Housing Alliance (PHA)

Date of Proffer Signature: December 23, 2021

ZMA Request: 9.32 acres to be rezoned from R-1 Residential to Planned  
Unit Development

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TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned Virginia nonstock corporation and Virginia limited liability company are the owners of land subject to the above-referenced rezoning petition (the “Subject Property”). The owners, represented by the rezoning applicant, Piedmont Housing Alliance (the “Applicant”), seeks to amend the current zoning of the Subject Property to Planned Unit Development (PUD), subject to certain voluntary development conditions set forth below.

The Owner hereby proffers and agrees that, if the Subject Property is rezoned as requested, Subject Property will be developed in general accordance with, and the Owner will abide by, the approved *MACAA Redevelopment Planned Unit Development Submission PROPOSED LAND USE PLAN*, dated September 3, 2021, last revised November 15, 2021, prepared by BRW Architects (the “Application Plan”), and that the Subject Property shall also be subject to, and the Owner will abide by, the following conditions:

**1. AFFORDABLE HOUSING:**

- (a) A minimum of eighty percent (80%) of the residential units built on the Subject Property will be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. The affordability covenants of this subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.
- (c) Each for-sale ADU shall be affordable over a term of not less than thirty (30) years from the date of the recordation of the deed transferring the ADU to the first homeowner. Affordability shall be ensured by means of deed restrictions, which shall provide the seller a right of first refusal to repurchase each ADU and which shall provide that, if the right of first refusal is not exercised by the seller, then any sale of the ADU to a purchaser with household income greater than 60% of the Charlottesville Area Median Income (“AMI”) shall require profit-sharing and reinvestment of net proceeds from sale of the unit into at least one new ADU in the City. For purposes of this proffer 1(c), “affordability” means dwelling units that are affordable to households with incomes of not more than sixty percent (60%) of the Charlottesville AMI; the administration of the for-sale ADUs shall in other respects be governed by the provisions of City Code §34-12 (c) and §34-12(g).

**2. TRANSPORTATION IMPROVEMENTS:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall construct road improvements at the intersection of Park Street and Davis Avenue as shown on the plan entitled, MACAA PUD DEVELOPMENT PLAN, dated September 3, 2021, last revised November 15, 2021, prepared by Timmons Group, specifically:

- (i) Relocation of the entrance into the Subject Property to align with Davis Avenue east of Park Street;
- (ii) Removal of fencing and vegetation, and maintenance of vegetation, to improve sight distance for vehicles exiting the Subject Property to turn onto Park Street;
- (iii) Elimination of the driveway directly accessing Park Street on Parcel 47000800 (1021 Park Street);
- (iv) Installation of a right out only direction curb island at the exit from the Subject Property onto Park Street to prevent left turns out of the driveway onto Park Street; and

(v) Relocation of the existing pedestrian crosswalk across Park Street in accordance with the new entrance alignment, connecting the southern end of the driveway into the Subject Property with the southern end of Davis Avenue; the new pedestrian crosswalk shall consist of high-visibility pavement markings, ADA curb ramps, and advanced signage.

3. **PEDESTRIAN/BICYCLE ACCESS EASEMENT:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owners shall dedicate to the City at no cost a permanent public easement for pedestrian and bicycle access in the general locations shown on the Application Plan, as will be determined with specificity during the site planning process and shown on the final approved site plan for the Subject Property and on the subdivision plat or separate easement plat, providing pedestrian and bicycle access from the public right-of-way / sidewalk system within the development through the Subject Property to the U.S. Route 29/250 Bypass multi-modal trail.

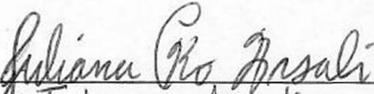
(Signature Page Immediately Follows)

**WHEREFORE**, the undersigned Owners stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated and request that the Subject Property be rezoned as requested, in conformance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 23rd day of December, 2021.

**OWNERS:**

**MONTICELLO AREA COMMUNITY ACTION AGENCY,**  
a Virginia nonstock corporation

By:   
Name: Juliana Arsali  
Title: Board of Directors, Chair

**1023 PARK STREET, LLC,**  
a Virginia limited liability company

By:   
Name: Andrew J. Donkers  
Title: Manager

**AN ORDINANCE  
APPROVING REZONING APPLICATION ZM21-00003  
A REQUEST TO REZONE LAND FRONTING ON PARK STREET AND THE ROUTE  
250 BYPASS FROM R-1 (LOW DENSITY RESIDENTIAL)  
TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO PROFFERED  
DEVELOPMENT CONDITIONS**

**WHEREAS**, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Monticello Area Community Action Agency (“MACAA”) and 1021 Park Street LLC (collectively, the “Applicants”), have submitted rezoning application ZM21-00003, proposing a change in the zoning classification (“rezoning”) of certain land fronting on Park Street and the Route 250 Bypass and accessible by the private lane Macaa Drive off Park Street, identified on Tax Map 47 as Parcels 470007100, 470011000, and a portion of 470008000 (collectively, the “Subject Property”), from R-1 (Single Family Residential) to PUD (Planned Unit Development), with said rezoning to be subject to proffered development conditions; and

**WHEREAS**, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “MACAA PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00003; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1) and the proposed zoning classification (PUD subject to proffered development conditions) are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning all of the land designated on City Tax Map 47 as Parcels 470007100, 470011000, and a portion of 470008000

(“Subject Property”), containing, in the aggregate approximately 9.05 acres (approximately 395,298 square feet), from R-1 (Single Family Residential) to PUD (Planned Unit Development), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

### **Approved Proffers**

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowners, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

#### **1. Affordable Housing Units:**

- (a) A minimum of eighty percent (80%) of the residential units built on the Subject Property will be Affordable Dwelling Units (ADU’s) as defined below.
- (b) Affordability of the rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income (“AMI”) and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. The Affordability covenants of this subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.
- (c) Each for-sale ADU shall be affordable over a term of not less than thirty (30) years from the date of the recordation of the deed transferring the ADU to the first homeowner. Affordability shall be ensured by means of deed restrictions, which shall provide the seller a right of first refusal to repurchase each ADU and which shall provide that, if the right of first refusal is not exercised by the seller, that any sale of the ADU to a purchaser with household income greater than sixty percent (60%) of the Charlottesville AMI shall require profit-sharing and reinvestment of net proceeds from the sale of the ADU into at least one new ADU in the City. For purposes of this Proffer 1(c), “affordability” means dwelling units that are affordable to households with incomes of not more than sixty percent (60%) of the Charlottesville AMI; the administration of the for-sale ADU’s shall in other respects be governed by the provisions of City Code §§ 344-12(c) and 34-12(g), respectively.

- 2. Transportation Improvements:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall construct the following road improvements, as depicted in the development plan:

- i. Relocation of the entrance into the Subject Property to align with Davis Avenue east of Park Street;
  - ii. Removal of fencing and vegetation, and maintenance of vegetation, to improve sight distance for vehicles exiting the Subject Property to turn onto Park Street;
  - iii. Elimination of the driveway directly accessing Park Street on Parcel 47000800 (1021 Park Street);
  - iv. Installation of a “right-out only” direction curb island at the exit from the Subject Property onto Park Street to prevent left turns out of the driveway onto Park Street; and
  - v. Relocation of the existing pedestrian crosswalk across Park Street in accordance with the new entrance alignment, connecting the southern end of the driveway into the Subject Property with the southern end of Davis Avenue. The new pedestrian crosswalk shall consist of high-visibility pavement markings, ADA curb ramps, and advanced signage.
- 3. Pedestrian/Bicycle Access Easement:** The Landowners shall dedicate to the City, at no cost, a permanent public easement for pedestrian and bicycle access in the general locations shown on the Application Plan, as will be determined with specificity during the site planning process and shown on the final approved site for the Subject Property and on the subdivision plat or separate easement plat, providing pedestrian and bicycle access from the public right-of-way/sidewalk system within the development through the Subject Property to the U.S. Route 29/250 Bypass multi-modal trail.

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.