

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



Agenda Date:	January 6, 2020
Action Required:	Adoption of a Resolution to Approve a Special Use Permit
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services Lisa Robertson, Chief Dep. City Attorney
Title:	SP19-00009 Special Use Permit (SUP) for Private Outdoor Recreational Facilities and Reduced Setbacks at 900-1000 1st Street S

Background:

Landowner Charlottesville Redevelopment and Housing Authority (CRHA) and developer Riverbend Development request a Special Use Permit (SUP) to allow for private outdoor recreational facilities (including parks, playgrounds, and basketball courts) as allowed by Z.O. Sec. 34-420 (the Zoning Use Matrix for Residential Zoning Districts) and a reduction of the minimum required yards (setbacks) for buildings within Phase 2 down to five (5) feet, as allowed by Z.O. Sec. 34-162(a). The Subject Property is classified within the R-3 (Multifamily) zoning district, and has street frontage on 1st Street S and Elliott Avenue. The full application package submitted for the December 10, 2019 Joint Public Hearing, and Staff Report, can be viewed at: <https://www.charlottesville.org/home/showdocument?id=67459>

The land that is the subject of the SUP application comprises Phase 2 of CRHA's South First Street Redevelopment Plan. A final site plan for Phase 1 of the redevelopment project was approved in March 2019 and includes 62 multifamily residential units and a community center, within a common plan of development that includes up to three (3) total Phases. Phase 2 of the redevelopment may include 113 multifamily residential units, a community center, and space for CRHA offices, in addition to the outdoor recreational facilities requested through pursuant to this Special Use Permit Application.

Discussion:

Among the matters discussed by the Planning Commission at their December 10, 2019 meeting were the following:

- The previous work session held on the application.
- The reduced setback request not precluding adequate space for streetscape trees.
- The Commission’s support of the residents’ involvement in the design of the site.

City Attorney’s Office Notes:

Provided by Lisa Robertson:

- On December 10, 2019, Staff noted to the Planning Commission that there is currently no site plan approved for or under review for Phase 2 of the redevelopment. (*Note: as part of its application materials, the applicant has submitted illustrations titled “1st Street South Apartments—Phase 2 Special Use Permit Application Plan”; this document doesn’t contain the details required for a site plan, so it deviates from the standard requirement for a site plan to accompany an SUP application (see City Code Sec. 34-158(a)(1)). However, it has not been unusual in practice for staff, the Commission and Council to allow an SUP application to proceed without a site plan submission meeting the requirements of the City’s site plan ordinance.*)¹ Following are issues that will need to be set out in more detail within the final site plan for Phase 2:
 - *Open space.* The Application Plan labels some areas as “open space”, which is defined in City Code **Sec. 34-1200** as an area in which areas of land and water are to be left in undisturbed natural condition, unoccupied by any building lots, or by any buildings, structures, streets, driveways, alleys, improved parking, sidewalks or other improvements. Recreational facilities such as ball courts could not be located in “open space”.
 - *Recreational space.* “Recreational space” does not have a generally-applicable definition within the zoning ordinance. Within the R-3 zoning district, all multifamily developments are **required** to provide specific amounts (square feet) of “recreational areas” and “recreational facilities”, according to the total number of dwellings within a multifamily development. See City Code **Sec. 34-366(c)**. At least 25% of the total required square footage of required recreational facilities must be indoor, weather-protected facilities. City Code **Sec. 34-366(c)**. The Application Plan does not provide sufficient details for staff to verify whether or not the requirements of City Code **Sec. 34-366** could be satisfied by the configuration of buildings and recreational area depicted within the SUP Application Plan. Therefore, this Application should be considered only as a means by which the Applicant is seeking to obtain City Council’s general approval to include outdoor “parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)” somewhere within Phase 2—subject to other applicable requirements of the zoning ordinance.
 - *Building setbacks:* Within the R-3 zoning district, the generally-applicable building setbacks for a multifamily development are specified in a zoning ordinance chart, see

¹ Review of application submission requirements can be undertaken as part of a zoning ordinance update.

City Code **Sec. 34-353(a)**—calculated according to residential density and the height(s) of particular building(s). *(FYI: as noted in the Staff Report, the proposed residential density of the Phase 2 Redevelopment area is slightly under 15 dwelling units per acre, and average height of buildings is contemplated, at this time, to be 35 feet; however, building elevations have not been provided with the SUP Application to allow for a review of the height of each particular building in a specific proposed location).* The Applicant is requesting a uniform minimum setback of 5 feet, for all required yards. *(Note: On page 4 of the Applicant’s narrative, there is a photograph/illustration labeled “Conceptual Project Massing from South First Street, Phase 2 Master Planning Process.” This photograph/illustration is not a “building massing diagram and elevations” in the customary professional use of those terms, and therefore may not technically satisfy the application material requirements of City Code Sec. 34-158(a)(4). However, Council may decide that more detailed building massing diagrams and elevations aren’t necessary for its review of this particular request (i.e., general approval of a category of recreational facilities, and modification of generally-applicable building setback requirements, since a uniform setback is being requested regardless of the specific height or location of any building(s)).* The Applicant has stated that establishing a uniform setback will leave more area within the Subject Property available for use and development, and the Planning Commission did not take issue with the lack of more detailed massing diagrams or building elevations.

Alignment with Council Strategic Plan:

The project supports Goal 1 of City Council’s Strategic Plan through objective 1.3, increase affordable housing options and Goal 3 of City Council’s Strategic Plan through objective 3.1, engage in robust and context sensitive urban planning and implementation.

Community Engagement:

City Council held a joint public hearing with the Planning Commission on December 10, 2019. Four members of the public spoke. One member expressed general support of the Redevelopment Project and the process by which public housing residents participated in the design of the site. One speaker thanked the applicant’s development team, Legal Aid, and Mt. Zion First Baptist Church for participating in the design process. One speaker thanked the Planning Commission for listening to the applicants, not only for those who currently reside within public housing on the Subject Property, but for those who will reside within the redevelopment area in the future and who need the opportunity for housing. One speaker noted that CRHA’s development team helped and taught the residents a lot.

Budgetary Impact:

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

for the applicant's parcel. We note, however, that the proposed Capital Improvements Plan (CIP) under consideration by Council during the upcoming Budget process includes substantial funding to support CRHA's redevelopment.

Planning Commission Recommendation:

The Planning Commission took the following action:

Ms. Green moved to recommend approval of this application for a Special Use Permit in the R-3 zone at 900-1000 1st Street S (Tax Map 26 Parcel 115) to permit private outdoor recreational facilities (parks, playgrounds, basketball courts) with the following listed conditions:

1. No improvements shall be commenced prior to approval of a critical slope waiver request, approval of a final site plan, and approval of a permit authorizing land-disturbing activities pursuant to Section 10-9.
2. All outdoor lighting fixtures in the outdoor recreation areas shall be full cut-off luminaires.

Ms. Dowell seconded the motion. The Commission voted 7-0 to recommend approval of the application for an SUP for private outdoor recreational facilities and reduced setbacks with the conditions recommended by staff.

Alternatives:

City Council has several alternatives:

- (1) by motion: approve the attached Resolution (which incorporates the Planning Commission recommendation);
- (2) by motion(s): amend any condition(s) within the Resolution, and then approve the Resolution subject to the approved amendments;
- (3) by motion: approve the Special Use Permit without conditions;
- (4) by motion: deny approval of the Special Use Permit;
- (5) by motion: defer action on the requested Special Use Permit.

Attachments:

- A. Proposed Resolution
- B. The full package of Application Materials, dated October 14 through November 8, 2019, and Staff Report, dated December 2, 2019, can be viewed at:
<https://www.charlottesville.org/home/showdocument?id=67459> starting on page 28

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
TO AUTHORIZE PRIVATE OUTDOOR RECREATIONAL FACILITIES AND
REDUCED BUILDING SETBACKS WITHIN THE PROPOSED “1ST STREET SOUTH
APARTMENTS” DEVELOPMENT (PHASE 2) WITHIN 7.398 ACRES OF LAND
IDENTIFIED ON CITY TAX MAP 26 AS PARCEL 115**

WHEREAS, landowner Charlottesville Redevelopment and Housing Authority (CRHA) through its development partner Riverbend Development Affordable Housing Group LLC (together, “Applicant”) has submitted an application seeking: **(i)** pursuant to City Code §34-420, approval of a special use permit (SUP) to allow certain private, outdoor recreation facilities to be established within a multifamily development to be constructed on the land identified on City Tax Map 26 as Parcel 115, having an area of consisting of approximately 7.938 acres, the project being further identified within the SUP application materials as “Phase 2 of the 1st Street South Apartments” (hereinafter, this 7.938 acre site is referred to as the “Subject Property”), and **(ii)** establishing uniform required yards (minimum building setbacks) of five (5) feet within the Subject Property; and

WHEREAS, the Subject Property is assigned to the “R-3” (multifamily residential) zoning district classification and, pursuant to §34-420 and §34-366 of the City Code, private outdoor recreation facilities are allowed with a special use permit, and as part of its consideration of any special use permit City Council may, pursuant to §34-162(a), reduce the required yards specified by §34-353(a); and

WHEREAS, in order to satisfy a portion of the requirements of City Code §34-366 for recreational areas and facilities, Applicant seeks approval of an SUP authorizing private, outdoor recreational facilities (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) within the Subject Property; and

WHEREAS, the Planning Commission has reviewed this application as required by City Code Sec. 34-160(b), and following a joint public hearing duly advertised and conducted in accordance with law by the Planning Commission and City Council on December 10, 2019, the Planning Commission voted to recommend that Council should approve the requested SUP, and that Council should also reduce the required yards specified by City Code §34-353(a), all subject to suitable regulations and safeguards; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, the Staff report, comments received at the public hearing, and the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit, subject to suitable conditions, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit (SUP) is hereby approved, subject to all of the following:

1. This SUP shall be applicable to the use and development of the 7.938 acre site currently identified on 2019 City Tax Map 26 as Parcel 115 (Real Estate Parcel Identification No. 260115000)("Subject Property");
2. "Private outdoor recreational facilities" (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) are hereby authorized to be established within the Subject Property, subject to the requirements of this SUP, the requirements of City Code Sec. 34-366, and any other applicable requirements of state or local law;
3. All outdoor lighting fixtures within any outdoor recreation areas shall be full cut-off luminaires;
4. Within the Subject Property, the requirements of City Code §34-353(a), as to required yards, are modified as follows: the minimum required front, side and rear yards shall be five (5) feet for all buildings and structures;
5. No land disturbing activity or construction shall be commenced within the Subject Property until all of the following have occurred: (i) approval by City Council of a critical slope waiver for development within the Subject Property; (ii) approval of a final site plan and related bonds for development within the Subject Property; and (iii) all permits and approvals required by applicable state and local codes have been issued or granted, including, without limitation, permits and approvals required by City Code chapters 10, 29, and 34.