



**CITY COUNCIL AGENDA
December 19, 2011**

6:00 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Second Floor Conference Room)

TYPE OF ITEM

SUBJECT

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

AWARDS/RECOGNITIONS

Honorary Resolutions – Dr. David Brown and Ms. Holly Edwards
First Night Virginia

ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

- a. Minutes of November 21, December 5, December 8
- b. APPROPRIATION: Highway Safety Grant - \$422,869 (2nd of 2 readings)
- c. APPROPRIATION: Reimbursement for Extraditions - \$6,959.22 (2nd of 2 readings)
- d. APPROPRIATION: Reimbursement for Voting Machines - \$7,920 (2nd of 2 readings)
- e. APPROPRIATION: Reimbursement for CATEC Bus Loop Expenses - \$69,798.37 (1st of 2 readings)
- f. APPROPRIATION: Reimbursement for Central Library Renovations - \$41,645.41 (1st of 2 readings)
- g. APPROPRIATION: Reimbursement for Facilities Assessments - \$11,335.62 (1st of 2 readings)
- h. APPROPRIATION: Amend FY2012 Schools Budget - \$575,534 (1st of 2 readings)
- i. RESOLUTION: Amendment to City Manager Employment Agreement (1st of 1 reading)
- j. RESOLUTION: Support for Uniting American Families Act (1st of 1 reading)
- k. ORDINANCE: Tax Abatement Program Extension (2nd of 2 readings)
- l. ORDINANCE: Meadow Creek Parkway – Conditions for Opening for Public Travel (2nd of 2 readings)
- m. ORDINANCE: NDS Fee Schedule Changes (2nd of 2 readings)

2. PUBLIC HEARING/ORDINANCE*

Conservation Easement across City Owned Lands along Meadow Creek (1st of 2 readings)

3. REPORT

Water Supply Plan Update

4. REPORT

Diversity in the Workplace

5. REPORT

Solid Waste Update (Recycling Pilot Program)

6. REPORT/RESOLUTION*

Approval of Tonsler Park Master Planning Process (1st of 1 reading)

7. RESOLUTION*

Allocation of \$650,000 for Design of Crescent Halls Renovations and Levy Avenue Property Development (1st of 1 reading)

8. ORDINANCE*

Rezone Property at Elliott Avenue, Burnet Street and Lankford Avenue to PUD (2nd of 2 readings)

9. ORDINANCE*

Retirement Plan Amendments (1st of 2 readings)

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

Reasonable accommodations will be provided for persons with disabilities upon request.

APPROPRIATION

Highway Safety Improvement Program - \$422,869

WHEREAS, a total of \$422,869 in state and federal funds for the Highway Safety Improvement Program requires appropriation;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

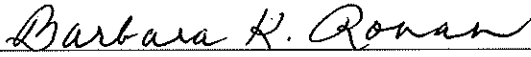
Revenues

\$380,582.10	Fund: 426	WBS: P-00694	G/L Account: 430120
\$ 42,286.90	Fund: 426	WBS: P-00694	G/L Account: 430080

Expenditures

\$380,582.10	Fund: 426	WBS: P-00694	G/L Account: 599999
\$ 42,286.90	Fund: 426	WBS: P-00694	G/L Account: 599999

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION
Sheriff's Office Reimbursement for Extraditions
from the Commonwealth of Virginia
\$6,959.22

WHEREAS, the City of Charlottesville's Sheriff's Office will receive \$6,959.22 from the Commonwealth of Virginia reimbursing expenses related to the extradition of inmates from other states to Charlottesville's Circuit Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$6,959.22 from the Commonwealth of Virginia is hereby appropriated in the following manner:

Revenues- \$6,959.22

Fund: 105 Cost Center: 1501001000 G/L Account: 430080

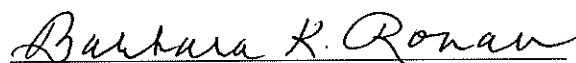
Expenditures- \$6,959.22

Fund: 105 Cost Center: 1501001000 G/L Account: 530100

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$6,959.22 from the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED, that future extradition reimbursements to the Charlottesville City Sheriff's Office will be hereby considered as a continuing appropriation and immediately available for the Sheriff's Office to spend appropriately to cover the costs of extradition of prisoners.

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION

**Accessible Voting Machines Grant
\$7,920**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$7,920 is hereby appropriated in the following manner:

Revenue – \$7,920


Fund: 105 Cost Center: 2301001000 G/L Account: 430080

Expenditures - \$7,920

Fund: 105 Cost Center: 2301001000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,920 from the Virginia State Board of Elections.

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

Charlottesville City Council
PROPOSED RESOLUTION IN SUPPORT OF THE UNITING AMERICAN FAMILIES ACT

WHEREAS, A driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and,

WHEREAS, The City of Charlottesville celebrates and respects all immigrant groups and all families, including those of same-sex gay and lesbian partners; and,

WHEREAS, Current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and,

WHEREAS, This form of discrimination, and limited legal options to keep same sex relationships unified, exacts an enormous emotional, financial, and mental toll, and has devastating and life-altering consequences for same-sex partners; and,

WHEREAS, Beyond the personal challenges to same-sex couples, the City of Charlottesville and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and,

WHEREAS, Currently pending in the United States Congress is the Uniting American Families Act (H.R. 1537/S.821), reintroduced on April 14, 2011, by Representative Jerrold Nadler (D-NY-8) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and,

WHEREAS, The Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and,

WHEREAS, The City of Charlottesville fully supports the measures of Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights;

NOW THEREFORE BE IT RESOLVED that we, the members of City of Charlottesville Council, do hereby express our strong support for the passage of the Uniting American Families Act, or other laws that will end discrimination for binational same-sex partners under the immigration laws and will allow gay and lesbian residents of the City of Charlottesville fair and equal access to immigration benefits through their permanent partnerships.

BE IT FURTHER RESOLVED That suitable copies of this resolution be prepared and sent to the Honorable Robert Hurt, United States Representative; Honorable Mark Warner, United States Senator; Honorable Jim Webb, United States Senator; Honorable John Boehner, Speaker of the United States House of Representatives; Honorable Harry Reid, Leader of the Senate; and Honorable Joseph Biden, Vice-President of the United States and President of the United States Senate.

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

**RESOLUTION
AMENDING AND APPROVING
THE CITY MANAGER EMPLOYMENT AGREEMENT**

BE IT RESOLVED by the Council for the City of Charlottesville that the existing Employment Agreement between the City of Charlottesville and City Manager Maurice Jones, dated December 7, 2010, is hereby amended as follows:

Section 17. RESIDENCY

The Manager shall reside in the City of Charlottesville during the term of this Agreement. Notwithstanding the foregoing and in recognition of the current housing market, the City Council agrees that *the City Manager may take up to twelve (12) months to must relocate his residence to the City of Charlottesville, which date will be ~~December 7, 2011~~ September 1, 2012*. Failure to relocate in the time provided in this Section shall be good and sufficient cause to terminate this Agreement and in that event, the City Council shall have no obligation to pay the severance compensation provided in paragraph "b" of Section 7 of this Agreement. Notwithstanding the foregoing, the City Council may extend this period for good cause.

Subject to approval as to form by the City Attorney's Office, the City agrees to provide a no-interest loan to the Manager, upon request, toward a 20% down-payment on the Manager's City residence with a maximum down-payment loan limit of \$90,000. The City also agrees to provide a no-interest loan to the Manager to assist in paying off his current mortgage upon the sale of his current home. The loan will be repayable in full on a schedule agreed to by the City and the Manager, unless the Manager is terminated without cause, in which case the balance of the loan will be forgiven (assuming the Manager has made regular on-time payments and is not behind on the loan at the time of termination). The City will cover moving expenses to the Manager's new home.

All other terms and conditions in the Employment Agreement not inconsistent with this Resolution shall remain in full force and effect. The Mayor is authorized to execute a revised Agreement incorporating the changes referenced in this Resolution.

Adopted by City Council
on December 19, 2011



Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTIONS 30-156 AND 30-160 OF ARTICLE V
OF CHAPTER 30 (TAXATION) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
EXTENDING THE HOME IMPROVEMENT TAX EXEMPTION PROGRAM AND
INCREASING THE MAXIMUM LIMIT OF ASSESSED VALUE FOR
ELIGIBILITY FOR THE PROGRAM.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 30-156 and 30-160 of Article V of Chapter 30 of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained, as follows:

Sec. 30-156. Requirements for qualification.

(a) For the purposes of this division the term "residential real property" shall mean a building or structure which has itself undergone, or will undergo, substantial rehabilitation, renovation or replacement for residential use. The term "residential use" shall mean occupied, or designed to be occupied, by not more than one (1) family, or by not more than one (1) family with an attached or detached accessory apartment.

(b) In order to qualify for the exemption from real property taxation provided by this division, residential real property shall meet all of the following criteria:

- (1) The city assessor's most recent annual real property tax assessment of the building, structure and improvements and the land on which they are located shall be no more than ~~three hundred fifty thousand dollars (\$350,000.00)~~ five hundred and six thousand dollars (\$506,000.00). ~~Beginning February 1, 2006 this maximum amount shall be automatically adjusted to reflect the average city-wide percentage increase or decrease in real property tax assessments for single family homes, as determined by the city assessor.~~
- (2) The primary building or structure on the property must be no less than twenty-five (25) years of age at the time application is filed pursuant to this division.
- (3) The building or structure itself must have been substantially rehabilitated, renovated or replaced for residential use. For the purposes of this division, the phrase "substantially rehabilitated, renovated or replaced with respect to residential real estate," shall mean a building or structure which has been so improved that the total assessed value of the improvements on the property has been increased by no less than fifteen (15) percent.
 - a. For the purposes of this division, additions to a residential structure shall be considered rehabilitation, renovation or replacement of that structure.
 - b. The following nonresidential improvements, and other similar improvements not attached to the primary residential structure, even if they improve the value of real estate, shall not serve as the basis for an exemption under this division: swimming pools, detached garages, detached offices or workshops.

c. For the purposes of this division, the substantial rehabilitation, renovation or replacement of a detached accessory building for residential use shall qualify for a partial real property tax exemption, if all other eligibility criteria set forth within this division are satisfied.

(4) The building or structure must be designed for and suitable for residential use and must be the primary residential structure, or accessory to the primary residential structure, on the site following its substantial rehabilitation, renovation or replacement.

(5) Following completion of substantial rehabilitation, renovation or replacement, the taxpayer who applies for the exemption must own and reside on the property subject to the exemption. Thereafter, any exemption granted shall run with the real estate, accruing to the benefit of the owner, subject to the provisions of 30-157(b) herein.

(6) All improvements made to the building or structure must have been made under and in accordance with all applicable building and zoning regulations and permits, and upon completion of substantial rehabilitation, renovation or replacement the building or structure must conform to all applicable zoning regulations.

(7) Residential real property that has been improved by the demolition and razing of an existing building or structure and construction of a replacement structure, may qualify for an exemption under this division; however, the exemption shall not apply when any structure which has been razed or demolished is a registered Virginia landmark or is determined by the Virginia Department of Historic Resources to contribute to the significance of a registered historic district.

(c) No building or structure shall be eligible for the exemption if the city assessor has been denied access to the entire premises (for the purpose of determining a base value and whether there has been substantial rehabilitation, renovation or replacement of a building or structure) either before the commencement of any work for which exemption is sought or after completion of such work.

(d) At any time prior to November 1 of any calendar year in which rehabilitation, renovation or replacement of a building or structure is complete, an owner may submit a written request to the city assessor for an inspection to determine if it has been substantially rehabilitated, renovated or replaced and if the building or structure qualifies in all other aspects for an exemption under this division. After the city assessor has determined that the building or structure qualifies them the exemption shall become effective on January 1 of the next calendar year.

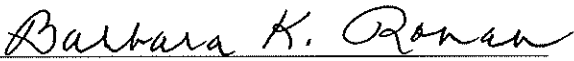
(e) Except with respect to the determination of the substantiality of rehabilitation, renovation or replacement, which shall be determined by the city assessor, the burden of proof shall be on the applicant to show that the residential real estate for which exemption is sought complies with all the eligibility criteria established by this division. The city assessor may require documentary proof of eligibility and, in such cases, documentation satisfactory to the city assessor shall be presented.

...

Sec. 30-160. Administration.

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) This division shall be applicable to assessments of qualifying residential real estate made on and after January 1, 2001; however, no new application for the exemption provided by this division shall be accepted after September 1, 2012 2017.
- (h) ...
- (i) ...
- (j) ...
- (k) ...
- (l) ...

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE
APPROVING AND ADOPTING A SCHEDULE OF FEES
PURSUANT TO CITY CODE 34-10(a) APPLICABLE TO VARIOUS SERVICES AND
FUNCTIONS ADMINISTERED BY THE CITY'S DEPARTMENT OF NEIGHBORHOOD
DEVELOPMENT SERVICES, RELATED TO APPLICATIONS, INSPECTIONS, PERMITS
AND APPROVALS REQUIRED BY THE CITY'S ZONING AND BUILDING REGULATION
ORDINANCES.**

WHEREAS, §15.2-2241, §15.2-2286 and §15.2-2292.1 of the Code of Virginia (1950), as amended, provide for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of zoning and subdivision ordinances and to the filing or processing of any appeal or amendment thereto; and

WHEREAS, the Code of the City of Charlottesville (1990), as amended, provides in various places for City Council's approval from time to time of a schedule of fees associated with other types of applications, petitions, inspections, permits and approvals administered by the City's Department of Neighborhood Development Services ("NDS"), pursuant to Va. Code §10.1-562; §10.1-603.3; §36-98 (and 13 VAC 5-62-70, et seq.), §36-105 and Section 14, Subsection Twenty of the Charlottesville City Charter; and

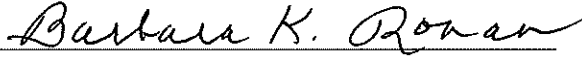
WHEREAS, following advertisement of this change in accordance with the requirements of Virginia Code §15.2-107 this Council has held a public hearing on the proposed NDS fee schedule;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the NDS fee schedule, as amended by the addition of the following fees, is hereby approved and adopted, and shall take effect upon the date of enactment.

Type of Fee	Proposed Fee (\$)	Additional Costs/Comments
BUILDING REGS (CHAPTER 5)		
Permit Maintenance Fees:		
Permits under \$200	\$10.00	
Permits \$200 - \$499.99	\$20.00	
Permits \$500 - \$1,000.00	\$35.00	
Permits over \$1,000.00	\$50.00	
Elevator Administrative Fee	\$45.00	
Building Code Modification Application Fee:		
Residential Code Modification	\$75.00	
All Other Building Code Modifications	\$150.00	
Special Event Building Inspection Fees:		
Up to 50 Person Occupancy	\$50.00	
50-299 Person Occupancy	\$100.00	
300-500 Person Occupancy	\$200.00	
Over 500 Person Occupancy	\$300.00	
STREETS & SIDEWALKS (CHAPTER 28)		
Vendor Stands:		
Assigned	\$800/yr	Currently cost depends on size and location

Unassigned	\$600/yr	Currently cost depends on size and location
ZONING (CHAPTER 34)		
Special permit-Nonresidential/Mixed Use	\$1,500.00	Correction of error on Fee Schedule
Special Permit-Residential	\$1,800.00	Correction of error on Fee Schedule
Site Plan – Preliminary Residential	\$1,300.00	Increase from \$690, plus \$20 per dwelling unit
Site Plan – Final (Administrative Approval)	\$450.00	Decreased from \$600; no mailing or publication costs required
Site Plan – Final (Commission Review)	\$750.00	Increased from \$250, plus mailing costs and legal ad
Combined Preliminary/Final Site Plan Application Fee	\$1,800.00	Concurrent submission of preliminary and final site plans
Special Site Plan Application Fees		For site plans that do not fall into traditional site plan categories
City Utility Work	\$500.00	
Other Utility Work	\$1,200.00	
No Impervious Surface	\$900.00	Example: Meadow Creek Restoration
BAR Certificate of Appropriateness – New Construction/Other	\$375/\$125	Increase of \$25 – Mailing costs incorporated in new fee
ERB Certificate of Appropriateness – New Construction/Other	\$375/\$125	Increase of \$25 – Mailing costs incorporated in new fee

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

RESOLUTION

Funding Request from Capital Improvement Program Contingency Fund for Charlottesville
Redevelopment and Housing Authority (CRHA) RFPs
\$650,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville,
Virginia that the sum of \$650,000 be transferred within the Capital Improvement Program as follows:

Transfer From - \$650,000

Fund: 426

Project: CP-080

G/L Account: 599999

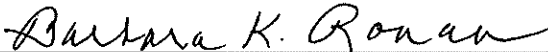
Transfer To - \$650,000

Fund: 426

Project: P-00695

G/L Account: 599999

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY ON
ELLIOTT AVENUE, BURNETT STREET AND LANKFORD AVENUE
FROM R-1S AND R-2 RESIDENTIAL TO PLANNED UNIT DEVELOPMENT
("THE WOODS" PUD)**

WHEREAS, Burnet Commons Development, LLC ("Applicant"), as contract purchaser of Tax Map Parcels 25-64, 25-65, 25-68, 25-69, and 29-262, and on behalf of the Owner (Greater Charlottesville Habitat for Humanity) of property designated as Tax Map Parcel 29-266.1 and the Owner (City of Charlottesville) of Tax Map Parcels 29-266C and 29-266.2, submitted an application seeking a rezoning of such properties from R-1S and R-2 with Historic District Overlay to a Planned Unit Development (PUD) with proffers, hereinafter the "Proposed Rezoning"; and

WHEREAS, on September 20, 2011, the Board of Architectural Review recommended (5-0) that the proposed rezoning to, *inter alia*, remove the Architectural Design Control designation from the rear portions of Tax Map parcels 25-64, 25-65, and 29-262 (as indicated in the PUD Plan of Development dated July 19, 2011), but not including the walkway strip from Ridge Street to the cul-de-sac proposed as part of the PUD (as indicated in the PUD Plan of Development dated July 19, 2011) be approved by City Council; and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on November 8, 2011, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on November 8, 2011 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, the Applicant submitted a Preliminary Proffer Statement dated October 18, 2011, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on November 8, 2011; and

WHEREAS, on November 8, 2011, the Planning Commission, incorporating the recommendation of the BAR, voted to recommend approval of the Proposed Rezoning to the City Council on the basis of general welfare or good zoning practice; and

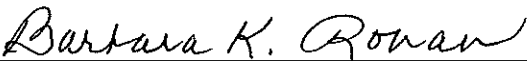
WHEREAS, the Applicant submitted a Final Proffer Statement dated November 29, 2011, as required by City Code Section 34-64(c), and made a part of these proceedings; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning classifications (R-1S and R-2 Residential) and the proposed PUD zoning classification (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 from R-1S Residential and R-2H (with Historic Designation Overlay) to Planned Unit Development, subject to the proffered development conditions set forth within the Final Proffer Statement, all of the subject properties, identified as Tax Map Parcels 25-64, 25-65, 25-68, 25-69, 29-262, 29-266.1, 29-266.2 and 29-266C, consisting of approximately 5.4 acres, and removing the Architectural Design Control designation from the rear portions of Tax Map parcels 25-64, 25-65, and 29-262, but not including the walkway strip from Ridge Street to the cul-de-sac proposed as part of the PUD (as indicated in the PUD Plan of Development dated July 19, 2011).

Adopted by City Council
on December 19, 2011


Barbara K. Ronan, Acting Clerk of Council

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-11-00002)
STATEMENT OF FINAL PROFFER CONDITIONS
For the "Burnet Commons Phase 2 – 'The Woods'" PUD
Dated as of November 29, 2011

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

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). Burnet Commons Development, LLC seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, Burnet Commons Development, LLC seeks approval of a PUD as set forth within a PUD Development Plan dated October 4, 2011.

Burnet Commons Development, LLC hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:

1. The Developer shall provide at least 7 Affordable Housing Units on site, as part of the project. Long term affordability of the Affordable Housing Units shall be guaranteed by one of the two following methods:
 - A. Affordable Housing Units will be subject to a restrictive covenant recorded with the deed to each Affordable Housing Unit that will stipulate that the affordable units will be subject to an income limitation of 80% of the maximum Area Median Gross Income for a minimum of 30 years.
 - B. For Affordable Housing Units built by Habitat for Humanity of Greater Charlottesville (HFHGC), HFHGC shall build Affordable Housing Units for Partner Families who qualify for and have completed HFHGC's homeownership program. The program targets families earning between 25% and 60% of Area Median Income. Habitat's deeds to Partner Families shall include a right of first refusal for HFHGC, appreciation sharing and forgivable mortgages to preserve long-term affordability of the unit while also helping build wealth for low-income families.
2. The Developer shall preserve a large wooded area in the center of the community, "The Woods," as shown on the PUD Development Plan, as Open Space for the enjoyment of all of the residents. Pedestrian trails and sitting/gathering area(s) shall be provided within "The Woods" as part of Phase 1 of the development.
3. On preserved open space on the corner of Elliot Avenue and Burnet Street shown on the PUD Development Plan, the developer shall provide additional landscaping in accordance with the Final Site Plan. Trails, sidewalks, community

signage, or other amenities such as Art In Place may be allowed in this open space, but no dwellings shall be permitted on this corner.

4. Low Impact Development (LID) techniques, as defined by the United States Environmental Protection Agency (<http://www.epa.gov/owow/NPS/lid/>) shall be employed during development of the Property. LID employs principals such as preserving natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Proposed LID techniques shall be shown on the Site Plan and shall be coordinated with the City Engineer for approval.
5. The developer shall provide an off-site landscaped pedestrian way from the proposed traffic circles northwest up to Ridge Street, connecting Burnet Street to the 600 and/or 700 block of Ridge Street for pedestrian traffic and shall dedicate a permanent public access easement for the area. Developer and/or any subsequently created homeowners' association within the development shall maintain the area in perpetuity.
6. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

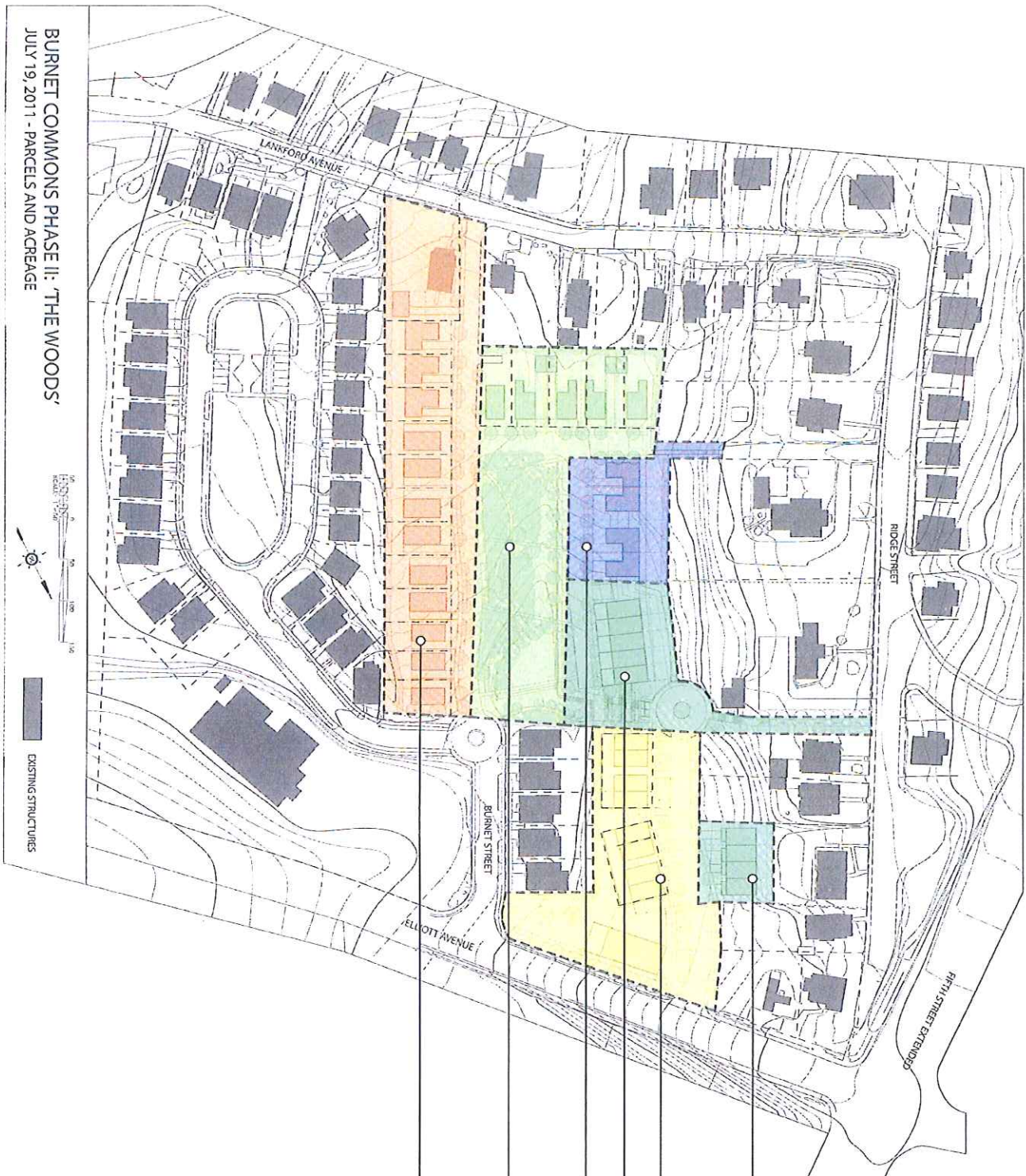
Respectfully submitted this 29th day of November, 2011.

Owner/Applicant:
Burnet Commons Development, LLC

Address:
170 South Pantops Drive
Charlottesville, VA 22911

By: 

Frank Ballif, Manager



BURNET COMMONS PHASE II: 'THE WOODS'
 JULY 19, 2011 - PARCELS AND ACREAGE



EXISTING STRUCTURES

LEE	0.20
COX	0.44
HABBAT	1.16
LEE	0.66
BELL	1.45
COOPER	1.57
TOTAL	5.49 AC

**AN ORDINANCE
REGARDING THE OPENING OF THE MEADOW CREEK PARKWAY
TO VEHICULAR TRAFFIC**

WHEREAS, the Virginia Department of Transportation (“VDOT”) has completed construction of the Meadow Creek Parkway located in Albemarle County between East Rio Road and Melbourne Road; and,

WHEREAS, the Ordinance that authorized the granting of a permanent easement for that portion of the Parkway that crosses City-owned property provided that the Parkway would not open until both the McIntire Road Extended project and the McIntire Road Extended / Route 250 Interchange project were completed; and,

WHEREAS, since McIntire Road Extended and the Interchange project are not expected to be completed until 2013 – 2014, VDOT and the Albemarle County Board of Supervisors would like the Meadow Creek Parkway to be opened to vehicular traffic now; and,


WHEREAS, traffic studies and analysis indicate that the Parkway can be opened without adverse traffic impacts if certain improvements are made prior to the opening.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Council hereby expresses its expectation that prior to the opening of the Meadow Creek Parkway the following improvements will be undertaken and completed at the expense of the Virginia Department of Transportation:

- (1) The posted speed limit will be 25 miles per hour on the Parkway approaching the intersection at Melbourne Road, and approaching in both directions the entrance to CATEC, marked by standard school zone signs with flashing lights.
- (2) The City and VDOT enter into an agreement for the City to assume maintenance responsibility, including the operation of the traffic signal, over the intersection of the Meadow Creek Parkway/McIntire Road Extended and Melbourne Road for purposes of maintenance and the control and regulation of motor vehicle, pedestrian and bicycle traffic.
- (3) At the intersection of Melbourne Road and Rio Road/Park Street, the radius in the southwest quadrant should be improved to accommodate existing and future overlap movements from eastbound Melbourne Road to southbound Park Street. When making the right-turn movement from Melbourne Road, school buses often encroach on the northbound left-turn lane.
- (4) At the intersection of Melbourne Road and Rio Road/Park Street, the northbound left-turn lane storage should be increased from 165 feet to 265 feet to accommodate the additional left-turning vehicles. The existing taper length of 150 feet should be maintained. The width of Park Street within this distance is approximately 36 feet, which could accommodate this improvement.
- (5) At the intersection of Melbourne Road and Meadow Creek Parkway in the westbound direction, the intersection should be striped to allow for a through lane and a separate right turn lane. The existing width of pavement in this area will allow for this configuration. This improvement would accommodate future overlap movements from westbound Melbourne Road to northbound Meadow Creek Parkway.

- (6) At the intersection of Rio Road/Meadow Creek Parkway and Rio Road/CATEC Entrance, an exclusive westbound right-turn lane should remain to accommodate future overlap movements from westbound Rio Road to northbound Rio Road.
- (7) At the intersection of Rio Road/Meadow Creek Parkway and Rio Road/CATEC Entrance, a continuous left-turn lane could be provided on southbound Rio Road instead of a continuous right-turn lane. The southbound right-turn lane could be striped to include 500 feet of storage and 200 feet of taper.

Adopted by City Council
on December 19, 2011



Barbara K. Ronan, Acting Clerk of Council