



CITY COUNCIL AGENDA
Tuesday, February 17, 2015

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 (Disposition of City-owned property on Water Street; consideration of candidates for appointment to City boards and commissions; acquisition of real property for public park purposes.)

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

AWARDS/RECOGNITIONS BigRead2015; Black History Month; Planning Commission Awards
ANNOUNCEMENTS

MATTERS BY THE PUBLIC Public comment permitted for the first 12 speakers who sign up before the meeting (limit 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 RESPONSE TO MATTERS BY THE PUBLIC

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
 - a. Minutes for February 2
 - b. APPROPRIATION:** Charlottesville Affordable Housing Fund – \$215,913.33 and Tonsler Park Capital Project Account – \$156,391.02 (2nd of 2 readings)
 - c. APPROPRIATION: Fire Department Donations – \$1,500 (1st of 2 readings)
 - d. RESOLUTION:** Proposal to Submit Grant Application to the Virginia Department of Rail and Public Transportation for FY 2016 Funding (1st of 1 reading)
 - e. RESOLUTION:** Support for the Clean Water Act (1st of 1 reading)
 - f. ORDINANCE:** Designated Trees Under the Tree Ordinance (2nd of 2 readings)
 - g. ORDINANCE:** Spot Blight – 610 Ridge Street (2nd of 2 readings)
- 2. ORDINANCE*** Lee Jackson Day Observance (1st of 2 readings)
- 3. REPORT** Growing Opportunity Update
- 4. RESOLUTION*** Transient Lodging Facilities Zoning Text Amendment Initiation (1st of 1 reading)
- 5. RESOLUTION*** Initiation of Changes to Procedures for Submission and Public Review of Certain Applications (1st of 1 reading)

OTHER BUSINESS
MATTERS BY THE PUBLIC
COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION.
Charlottesville Affordable Housing Fund (\$215,913.33) and
Tonsler Park Capital Project (\$156,391.02)
\$372,304.35.

WHEREAS, the City of Charlottesville has received funding from The Pavilion at North Grounds (\$59,522.31) as its Affordable Dwelling Unit payment for Phase II as required by the Zoning Ordinance Section 34-12, and Southern Development (\$312,782.04) for the purchase of property at Cherry and Ridge; and

WHEREAS, the Affordable Dwelling Unit payment must be paid into the city's affordable housing fund pursuant to Section 34-12(d)(2); and

WHEREAS, the Land Purchase and Sale Agreement dated October 288, 2008 stated that those funds will be appropriated for either affordable housing or for improvements to Tonsler Park.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$59,522.31, to be received as payments from The Pavilion at North Grounds, is appropriated as follows:

Revenues

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 451020
-------------	-----------	-----------------	------------------

Expenditures

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 599999
-------------	-----------	-----------------	------------------

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

Transfer From

\$312,782.04	Fund: 426	Project: CP-080	G/L Code: 599999
--------------	-----------	-----------------	------------------

Transfer To

\$156,391.02	Fund: 426	Project: CP-084	G/L Code: 599999
\$156,391.02	Fund: 426	Project: P-00777	G/L Code: 599999

**Resolution Authorizing the Application for
State Aid to Public Transportation**

BE IT RESOLVED by the Charlottesville City Council that Transit Manager is authorized, for and on behalf of the City of Charlottesville, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$ 3,878,181.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize the Transit Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request. This amount includes the following requested grant amounts:

Federal Operating Assistance	\$1,881,095.00
State Operating Assistance	\$1,366,366.00
Federal Capital Assistance	\$ 526,000.00
State Capital Assistance	\$ 104,720.00

The Charlottesville City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$2,149,650.00 - broken down as follows: \$1,881,095.00 for federal operating match, \$57,732.00 as Capital programs match, and \$210,823.00 as overmatch to defray local operating costs - which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Clerk of Council of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Charlottesville City Council held on the 17th day of February, 2015.

If applicant has an official seal
(Official Seal goes here)

Paige Rice

(Signature of Recording Officer)

Clerk of Council

(Title of Recording Officer)

Feb. 17, 2015

(Date)

**RESOLUTION OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN SUPPORT OF
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND ARMY
CORPS OF ENGINEERS' PROPOSED *DEFINITION ON "WATERS OF THE UNITED
STATES"* UNDER THE CLEAN WATER ACT**

A resolution for the purpose of protection of public health, recreational resources, economic livelihood related to clean water, under the Waters of the United States as it provides an extraordinary value for the City of Charlottesville and;

WHEREAS, the Mayor and Council recognize that the Clean Water Act is the fundamental federal law protecting the Waters of the United States from pollution, degradation and destruction, and that strong federal standards are needed because water does not respect political boundaries; and

WHEREAS, critical streams and wetlands which supply drinking water, protect against floods and filter pollution previously were protected under the Clean Water Act, but federal policy changes over the last decade have left these streams and wetlands vulnerable to degradation or destruction; and

WHEREAS, these vulnerable waters of the United States impact sources of drinking water for over 117 million Americans, including 2.36 million residents in Virginia; and

WHEREAS, more than 1,000 peer reviewed scientific studies have confirmed that headwater intermittent and ephemeral streams and wetlands affect the quantity and quality of water in larger bodies of water downstream; and

WHEREAS, the U.S. Environmental Protection Agency and Army Corps of Engineers have proposed a clarifying rulemaking that all tributary streams, regardless of size or frequency of flow are covered under the Clean Water Act, which will restore protections to over 5,000 miles of streams in Virginia that 57% of our residents depend on for drinking water.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Council of the City of Charlottesville, Virginia supports the proposed *Definition of "Waters of the United States"* under the Clean Water Act and urges the Environmental Protection Agency and Army Corps of Engineers to finalize these important protections for our nation's water resources.

ORDINANCE
DESIGNATING CERTAIN TREES AS PROTECTED TREES
UNDER THE CITY'S TREE CONSERVATION ORDINANCE

WHEREAS, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

WHEREAS, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

WHEREAS, Michael Bednar and Elizabeth Lawson, owners of property at 1201 East Jefferson Street, have made application to the City to designate a large White Oak tree on their property as a Heritage tree, and the Tree Commission has made application for a large Sycamore tree in Quarry Park to be designated as a Specimen tree; and

WHEREAS, after the required review by City staff, the City Arborist and the Tree Commission, the Tree Commission has recommended that the above-described trees be afforded protection by designation under the Tree Conservation Ordinance; and

WHEREAS, City Council has considered the report and recommendations of the City Arborist and the Tree Commission, and conducted a public hearing on February 2, 2015; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, that:

(1) The large Sycamore tree in Quarry Park on Quarry Road (as shown in the attached photograph) is hereby designated as a Specimen Tree, notable for its outstanding size and quality for the particular species; and

(2) The large White Oak tree, with an approximate circumference of 16 feet and estimated to be over 400 years old, located on private property at 1201 East Jefferson Street ("The Farm") is hereby designated as a Heritage Tree, notable for its historic or cultural interest.

Approved by Council
February 17, 2015



Clerk of Council

ORDINANCE
TO DECLARE THE PROPERTY LOCATED AT 610 RIDGE STREET
A BLIGHTED PROPERTY

WHEREAS, on October 27, 2014 the Director of Neighborhood Development Services made a preliminary determination (“Director’s Determination”) that the property located at 610 Ridge Street, further described on City Tax Map 29 as Parcel 263 (“Property”) is a blighted property; and

WHEREAS, notice of the Director’s Determination was provided to the owner of the Property in accordance with the requirements of Sec. 5-193 of the Code of the City of Charlottesville (“City Code”) and Sec. 36-49.1:1(B) of the Virginia Code, and the owner failed to respond with a reasonable plan to cure the blight; and

WHEREAS, the Director requested the City’s Planning Commission to conduct a public hearing and make findings and recommendations concerning the repair or other disposition of the Property in question, in accordance with Sec. 5-193 of the City Code, and the Planning Commission conducted the public hearing on January 13, 2015, following notice to the public and to the owner as required by Sec. 5-194 of the City Code; and

WHEREAS, following the January 13, 2015 public hearing, the Planning Commission made a finding that the Property is a blighted property, as defined within Sec. 5-192 of the City Code, and adopted the other findings, as required by City Code Sec, 5-195, and the Planning Commission’s findings and recommendations are set forth within a Resolution adopted on January 13, 2015; and

WHEREAS, Council conducted a public hearing on this Ordinance on February 2, 2015 after advertised notice as required by Sec. 5-196 of the City Code, and Council has considered all of the information, facts, data and recommendations presented; and now,

THEREFORE, BE IT ORDAINED that the Charlottesville City Council hereby finds and declares the Property located at 610 Ridge Street to be a “blighted property,” as that term is defined within Sec. 5-192 of the City Code. The Director of Neighborhood Development Services is authorized, on behalf of this Council, to acquire the property as authorized by Virginia Code Sec. 36-49.1:1(A).

**RESOLUTION
TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF
ZONING ORDINANCE TEXT AMENDMENTS
TO PERMIT TRANSIENT LODGING USE OF RESIDENTIAL DWELLING UNITS**

WHEREAS, upon consideration of the matters set forth within a Report received from the City's Planning Commission on the proliferation of the use of residential dwelling units as for-hire transient occupancy/ accommodations, the Charlottesville City Council does hereby find and determine that the public necessity, convenience, general welfare or good zoning practice requires public consideration of the advisability of amendments to the City's zoning regulations to allow "transient lodging" uses within residential dwelling units, within certain specified zoning districts, subject to certain conditions and limitations; and

WHEREAS, taking into account the various options, regulations and impacts referenced within the Planning Commission Report on this matter, this Council believes that initiation of zoning text amendments, for further debate and consideration within a public hearing process, is advisable; **NOW, THEREFORE**,

BE IT RESOLVED THAT this City Council hereby initiates amendments of the Charlottesville City Code, Chapter 34 (Zoning), as follows: **to Sec. 34-1200**, add a definition of "transient lodging facility"; **to Sec. 34-1176**, add provisions to establish the conditions and regulations under which "transient lodging facilities" would be authorized through issuance of a provisional use permit; and **to Secs. 34-420, 34-480, and 34-796**, add annotations to the use matrices for the City's residential, commercial and/or mixed use corridor districts, to indicate the zoning district classifications in which "transient lodging facilities" will be authorized; and

BE IT FURTHER RESOLVED THAT this matter is hereby referred to the Planning Commission for its recommendations, and for an advertised joint public hearing with Council. In the interest of expediting the public hearing process by which these zoning text amendments may be considered, that the Planning Commission is requested to utilize the attached Discussion Draft Ordinance, dated January 21, 2015, as a starting point for their discussions; **HOWEVER**, the Commission's consideration of the zoning text amendments need not be limited to the specific provisions within the Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council, its specific recommendations:

(1) as to whether or not amendments of the City's zoning and subdivision ordinances, allowing the use of residential dwelling units as transient lodging facilities, are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission shall return to this Council its recommendations as to final language proposed for the referenced zoning text amendments, including a list of the specific zoning district classification(s) in which the Planning Commission recommends that transient lodging facilities should be permitted.

RESOLUTION
TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF
AMENDMENTS OF THE CITY'S ZONING AND SUBDIVISION ORDINANCES
TO PROVIDE FOR ENHANCED CITIZEN ENGAGEMENT IN THE REVIEW OF
PROPOSED DEVELOPMENTS

WHEREAS, this City Council desires to enhance opportunities for citizens to obtain information about proposed developments within the City, and to allow expanded opportunities for public discussions of development applications; and

WHEREAS, Council believes that revising established application review processes for certain types of applications will have the effect of improving citizens' opportunities to understand, review and comment on applications seeking development approvals, and will assure that Council, the Planning Commission, the BAR and other public bodies can make their decisions based on more detailed application materials and public comments, and

WHEREAS, Council desires to expedite the time frame in which changes to the City's procedures for review of development applications can be implemented; NOW, THEREFORE,

BE IT RESOLVED THAT this Council does hereby initiate amendments of the Charlottesville City Code, Chapters 34 (Zoning, §§ 34-8, 34-4, 34-42, 34-158, 34-160, 34-515, and 34-804) and 29 (Subdivisions, § 29-59) for the purpose of revising the City's regulations and procedures for submitting applications seeking approval of proposed zoning map amendments, special use permits, subdivisions and site plans, and refers such amendments to the Planning Commission for its recommendations and for commencement of a public hearing process.

BE IT FURTHER RESOLVED that the Planning Commission is requested to utilize the Discussion Draft Ordinance, dated February 2, 2015, as a guide for their discussions; however, the Commission's consideration of amendments need not be limited to this Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council its own recommendations:

(1) as to whether any amendments of the City's zoning and subdivision ordinances are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission should return to this Council an ordinance containing their recommended language for such amendments.