



**CITY COUNCIL AGENDA
July 20, 2015**

6:00 p.m. – 7:00 p.m.

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

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

Council Chambers

**AWARDS/RECOGNITIONS
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 July 6
- b. APPROPRIATION: Funding for Thomas Jefferson Area Crisis Intervention Team Coordinator – \$53,700 (2nd of 2 readings)
- c. APPROPRIATION: Funding Restoration of Saturday Operating Hours at Smith Aquatic Center – \$3,098 (2nd of 2 readings)
- d. APPROPRIATION: Additional Funding for Department of Social Services Benefits Programs – \$16,075 (2nd of 2 readings)
- e. APPROPRIATION: Funding for Medicaid/FAMIS Renewal Application Processing – \$10,045 (2nd of 2 readings)
- f. APPROPRIATION: Homelessness Solutions Grant - \$459,941 and Housing Opportunities for Persons with AIDS Grant - \$190,612 (1st of 2 readings)
- g. APPROPRIATION: Check and Connect Student Engagement Grant - \$147,000 (1st of 2 readings)
- h. RESOLUTION: Amendment to Local Government Support Agreement for Recycling Programs (1st of 1 reading)
- i. ORDINANCE: Lochlyn Hill PUD Amendment (2nd of 2 readings)
- j. ORDINANCE: Amend City Code Relating to the Enforcement of Trespass Violations (2nd of 2 readings)
- k. ORDINANCE: Amendments to Floodplain Management Regulations (2nd of 2 readings)
- l. ORDINANCE: Tree Designation – 1604 E. Market St. (2nd of 2 readings)
- m. ORDINANCE: Lowering Speed Limit on Emmet Street from Ivy Road to Arlington Boulevard (1st of 2 readings)
- n. ORDINANCE: Route 250 Bypass Speed Limit Adjustment (1st of 2 readings)
- o. ORDINANCE: Quitclaim Gas Easement to VDOT in Boulders Road (1st of 2 readings)
- p. ORDINANCE: Quitclaim Gas Easement to VDOT in Briarwood Drive (1st of 2 readings)
- q. ORDINANCE: Amendment to Inoperable Motor Vehicles Ordinance (1st of 2 readings)

**2. PUBLIC HEARING /
ORDINANCE***

Abandonment of Gas Easement at 10th Street, NE and Water Street Extended (1st of 2 readings)

3. ORDINANCE*

William Taylor Plaza PUD Amendment (2nd of 2 readings)

4. RESOLUTION*

Special Use Permit for 201 Garrett Street for Micro-Apartments (1st of 1 reading)

5. APPROPRIATION*

Police Department Community Response Vehicle - \$62,170 (1st of 2 readings)

6. RESOLUTION*

Bicycle and Pedestrian Master Plan Update – Comprehensive Plan Amendment (1st of 1 reading)

7. REPORT

Health Department Presentation – Dr. Denise Bonds

8. REPORT

Social Services Advisory Board Annual Update

9. RESOLUTION*

Organizational Efficiency Study – Scope of Services Proposal (1st of 1 reading)

OTHER BUSINESS

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	July 6, 2015
Action Required:	Appropriation of Funds
Presenter:	Lieutenant C. Sandridge, Police Department
Staff Contacts:	Lieutenant C. Sandridge, Police Department Thomas Von Hemert, Jefferson Area C.I.T. Coordinator
Title:	Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator - \$53,700

Background:

The Virginia State budget of F.Y. 2015 and F.Y. 2016 provides a line item to fund Crisis Intervention Team (C.I.T.) training. Virginia requires local Community Service Boards to serve as fiscal agents for this funding. Region Ten Community Services Board has entered into a Memorandum of Understanding (M.O.U.) with the Thomas Jefferson Area Crisis Intervention Team/Charlottesville Police Department. This M.O.U. agrees that Region Ten C.S.B. will provide \$53,700 per fiscal year, to assist our local C.I.T. program and its director, Thomas von Hemert, in C.I.T. programs across Virginia. This will provide for the progression of the strong C.I.T. Program that currently exists in the Charlottesville area. It will also assist with the creation, training, and expansion of much needed C.I.T. programs across the Commonwealth.

Discussion:

This funding will provide ongoing mentoring, training, technical assistance, and consultation, to our existing and other developing C.I.T. programs. These programs will be identified in conjunction with the Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services, by the Jefferson Area C.I.T. program.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with Council's visions by providing additional funding to aid the Thomas Jefferson Crisis Intervention Team Program and the Charlottesville Police Department in delivering optimal C.I.T. services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important quality services to those in need of mental health assistance and safety.

This appropriation also supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community.** The C.I.T. program provides education and training to members of the Community who have frequent interaction with those in need of mental health assistance. These

people include but are not limited to, police officers, dispatchers, corrections officers, and fire department personnel. C.I.T. encourages safer and more effective interaction between care providers and those in need, making those interactions and the community more equitable and safer for all. The Jefferson Area C.I.T. program also embraces **Goal 5: Foster Strong Connections** by involving all aspects of the mental health processes and making them more efficient and safer. C.I.T. facilitates and fosters relationships between Region 10, mental health providers, law enforcement, local hospitals, jails, and many others to ensure that those in need of mental health services can obtain them as safely and efficiently as possible. Outcomes for C.I.T. programs can be reported through the number of people who received services related to the program. Outcomes for this appropriation can be measured by the number of people trained, the number of programs started, or who received mentoring assistance.

Community Engagement:

N/A

Budgetary Impact:

The funds will be expensed and reimbursed to separate a cost center in a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

The alternative is to not approve this project to the detriment of increasing much needed mental health programs.

Attachments:

N/A

APPROPRIATION.

\$53,700.

Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator.

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, has received from Region Ten Community Developmental Services, funding to support a M.O.U. for mentorship of Crisis Intervention Team programs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$53,700 per fiscal year received from the Region Ten Community Services Board is hereby appropriated in the following manner:

Revenue

\$ 53,700 Fund: 209 CC: 3101003000 G/L: 430080 State Assistance

Expenditure

\$ 53,700 Fund: 209 CC: 3101003000 G/L: 519999 Salaries

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$53,700 per fiscal year from the Region Ten Community Services Board.

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



Agenda Date:	July 6, 2015
Action Required:	Appropriation and Transfer of Funds
Presenter:	Brian Daly, Director, Parks and Recreation Leslie Beauregard, Director, Budget & Performance Management
Staff Contacts:	Brian Daly, Director, Parks and Recreation
Title:	Transfer of Funds (\$3,098) – Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center

Background: At the June 15, 2015 City Council meeting, City Council voted to restore a budget cut in the FY16 adopted budget to support continuation of early morning operating hours at Smith Aquatic and Fitness Center on Saturdays. This change will result in an additional expense requirement of \$3,098, the funds from which will come from Council’s Strategic Initiatives Account as directed by Council at the meeting.

Discussion: Smith Aquatic and Fitness Center will return to a 5:30 AM opening time on Saturday July 11, 2015.

Alignment with Council Vision Areas and Strategic Plan: Appropriation of this item aligns with the City Council Visions of America’s Healthiest City and Goal 2.2 of the Strategic Plan to consider health in all policies and programs.

Community Engagement: Several Parks and Recreation Access pass holders expressed disagreement with the reduction in Saturday operating hours at Smith as a result of the FY16 budget reductions.

Budgetary Impact: The Council Strategic Initiative Account will be reduced by a corresponding amount of the budget reduction in Parks and Recreation - \$3,098.

Recommendation: Staff recommends Council approval of the resolution to transfer funds.

Alternatives: The alternative is to keep the budget reduction as approved in the FY 2016 Adopted Budget that was to open Smith later on Saturday mornings.

Attachments: N/A

RESOLUTION.

Transfer of Funds (\$3,098).

Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center.

WHEREAS, City Council, at its meeting of June 15, 2015 voted to restore funding in the FY16 budget to support opening Smith AFC at 5:30 AM on Saturdays; and to fund the restoration from the Council Priorities Fund

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

Expenditures – Transfer From

\$3,098 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Expenditures – Transfer To

\$3,098 Fund: 105 Cost Center: 3631003000 G/L Account: 510030

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	July 6, 2015
Action Required:	Approve Appropriation
Presenter:	Sue Moffett, Assistant Director, Department of Social Services
Staff Contacts:	Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Additional Funding for Department of Social Services Benefits Programs - \$16,075

Background: The Virginia General Assembly appropriated additional Federal and State funding to local departments of social services to be used for benefits staffing and operations. The Charlottesville Department of Social Services has received \$16,075 from this additional Federal and State funding.

Discussion: The Charlottesville Department of Social Services plans to use the additional funding for overtime opportunities and for technological enhancements such as second monitors for staff who work in multiple computer systems to process benefit applications.

Alignment with Council Vision Areas and Strategic Plan: Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

Community Engagement: Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact: Funds have been received and will be appropriated into the Social Services Fund.

Recommendation: Staff recommend approval and appropriation of these funds.

Alternatives: Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments: N/A

APPROPRIATION.

Additional Funding for Department of Social Services Benefits Programs \$16,075.

WHEREAS, The Charlottesville Department of Social Services has received Federal and State funding in the amount of \$16,075 to be used for benefits programs staffing and operations.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,075 is hereby appropriated in the following manner:

Revenue – \$16,075

Fund: 212 Cost Center: 9900000000 G/L Account: 430080

Expenditures - \$16,075

Fund: 212 Cost Center: 3301005000 G/L Account: 510060 \$13,075

Fund: 212 Cost Center: 3301005000 G/L Account: 520900 \$ 3,000

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approve Appropriation Request
Presenter:	Sue Moffett, Assistant Director, Department of Social Services
Staff Contacts:	Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Appropriation of funds for Medicaid/F.A.M.I.S. Renewal Application Processing - \$10,045

Background: The Virginia Department of Social Services is allocating one-time funding in the amount of \$10,045 to address the backlog of Medicaid/F.A.M.I.S. (Family Access to Medical Insurance Security) renewal applications. This funding will reimburse local departments of social services for extra hours worked to reduce the number of pending Medicaid/F.A.M.I.S. renewals. As of May 31, 2015, there were 51,177 overdue Medicaid/F.A.M.I.S. renewal applications state-wide.

Discussion: The Charlottesville Department of Social Services has 287 overdue Medicaid/F.A.M.I.S. renewal applications and will use the funding to offer overtime opportunities to benefits staff to focus specifically on the identified overdue applications.

Alignment with Council Vision Areas and Strategic Plan: Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

Community Engagement: Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact: This request has no impact on the General Fund. Funds will be appropriated into the Social Services Fund.

Recommendation: Staff recommends approval and appropriation of these funds.

Alternatives: If the funds are not appropriated, the department will not be able to provide targeted overtime opportunities to focus on the identified Medicaid/F.A.M.I.S. renewal applications. Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments: N/A

APPROPRIATION.

Appropriation of funds for Medicaid/F.A.M.I.S. Renewal Application Processing \$10,045.

WHEREAS, The Charlottesville Department of Social Services has received funding in the amount of \$10,045 to be used for processing Medicaid and F.A.M.I.S. (Family Access to Medical Insurance Security) renewal applications.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$10,045 is hereby appropriated in the following manner:

Revenue – \$10,045

Fund: 212 Cost Center: 9900000000 G/L Account: 430080

Expenditures - \$10,045

Fund: 212 Cost Center: 3301005000 G/L Account: 510060

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	July 20, 2015
Action Required:	Approval and Appropriation
Presenter:	Mike Murphy, Director, Human Services
Staff Contacts:	Mike Murphy, Director, Human Services Leslie Beauregard, Director, Budget and Performance Management
Title:	Virginia Homelessness Solutions Grant (V.H.S.P.) - \$459,941 Housing Opportunities for Persons with AIDS (H.O.P.W.A.) - \$190,612

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received two grants from the Virginia Department of Housing and Community Development. The Virginia Homelessness Solutions Grant (V.H.S.P.) award is \$459,941, and the Housing Opportunities for Persons with AIDS (H.O.P.W.A.) award is \$190,612, for a total of \$650,553 in Homeless awards.

Discussion:

The City of Charlottesville has staff from Human Services, Social Services, and Neighborhood Development Services all taking a leadership role in the governance of T.J.A.C.H. The Virginia Homelessness Solutions Grant (V.H.S.P.) and Housing Opportunities for Persons with AIDS (H.O.P.W.A.) Grant are important resources in our community's efforts to end homelessness. The grant provides services in seven key areas.

1. **Rapid Rehousing and H.O.P.W.A.:** Thomas Jefferson Health District is the recipient of V.H.S.P. funds for Housing Opportunities for Persons with AIDS (H.O.P.W.A.) funds for rental subsidies. The Haven is the recipient of the V.H.S.P. funds for Rapid Re-Housing. Supportive Services will be provided to all recipients of financial subsidies for up to 24 months. A small portion of the rapid re-housing funds will be used to address the needs of women experiencing homelessness as a result of domestic violence. The remainder will be used to serve the most vulnerable households experiencing homelessness based on evidence-based decision-making tools. This category will also fund ¼ of a position for Housing Navigation to supplement the investment made by the local governments during the ABRT process.
2. **Prevention:** The Haven will provide prevention services and subsidies to individuals and families in order to avoid the need for emergency shelter stays. Rental subsidies and utility payments will be provided to those individuals and families determined eligible through the use of a validated, structured decision-making tool. Priority will be given to

those households with a previous experience of literal homelessness. The Haven will use a service approach focused on providing the least amount of subsidy necessary to avoid literal homelessness and will make use of all available informal and mainstream resources in this effort. Ongoing eligibility for subsidies will be assessed every 90 days, at a minimum. Monthly case management will be provided to develop and implement a housing stability plan.

3. **Shelter:** P.A.C.E.M. is the recipient of V.H.S.P. funds for shelter. P.A.C.E.M. will continue to provide emergency, low barrier shelter beds during the winter months for the Charlottesville area. With ten years of experience as a D.H.C.D. grantee, P.A.C.E.M. offers the community 60 emergency beds (55 ongoing plus 5 thermal triage beds) between late October and early April when the risk of freezing is tangible for those on the streets. Annually, P.A.C.E.M. shelters between 200 and 225 adults. As a last resort, low barrier shelter, P.A.C.E.M. does not screen for substance use, mental health status, or criminal record, and provides shelter to registered sex offenders. The Families in Crisis program in the Albemarle County Public Schools is an additional recipient in this category. The program is meant to ensure the enrollment, attendance, and the success of homeless children and youth in school. In addition, emergency services, referrals for health services, transportation, school supplies, and costs related to obtaining school records may be provided.
4. **Homeless Management Information System(HMIS):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. H.M.I.S. collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication and reduces the need to interface disparate documentation systems.
5. **Coordinated Assessment process:** T.J.A.C.H., with service delivery through The Haven, will establish and publicize a daily central intake process for individuals and families in need of prevention, outreach, or shelter services. These assessments will be based on the agreed-upon Coordinated Assessment Packet developed through the Community Case Review which includes required demographic data elements, a vulnerability assessment, and release of information forms. Based on information gathered through the coordinated assessment process, clients will be referred to prevention services, emergency shelter services, housing navigation services, rapid re-housing services or permanent supportive housing resources. T.J.A.C.H. has made a commitment to using best-practice approaches and validated, structured decision-making tools to determine which resources will be most effective for people experiencing homelessness. These tools include the Shinn/Greer brief screener for access to prevention services, the Vulnerability Index for Service Provision and Decision-Making Assessment Tool (V.I.-S.P.D.A.T.) for access to rapid re-housing services, and the Community Case Review for collaborative problem-solving when the correct resource is not evident or available.
6. **Continuum of Care Planning:** T.J.A.C.H. will act as the lead agency of homelessness, conducting an annual Point in Time homeless census and submitting an annual Housing Inventory Chart. T.J.A.C.H. will track progress made on the goals of the Community

Plan to End Homelessness, revising this plan as directed by the T.J.A.C.H. Governance Board. T.J.A.C.H. will support the operation of the Community Case Review, identifying a convener and anchor agencies willing to work collaboratively on the development of housing stabilization plans for people who have been housed through rapid re-housing services. T.J.A.C.H. will review sub-contractor invoices, collect documentation, establish monitoring protocols and submit monthly invoices to the City for activities conducted under the V.H.S.P.

7. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T.J.A.C.H. to support the planning efforts of the Coalition.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (I.M.P.A.C.T.).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council's vision for Quality Housing Opportunities for All. Outcomes will demonstrate a coordinated assessment process, individuals and families linked to housing and other resources, and the length of time homelessness was experienced. This grant also fosters the ideals of Community of Mutual Respect and Economic Sustainability by providing services to vulnerable citizens and promoting self-sufficiency.

Budgetary Impact:

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing homelessness: shelter, prevention funds, rapid rehousing, H.M.I.S., and administration.

Attachments:

Sub Grant agreement and amendment are attached.

APPROPRIATION
Virginia Homelessness Solutions Grant \$459,941
Housing Opportunities for Persons with AIDS \$190,612

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of 650,553;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$650,553 is hereby appropriated in the following manner:

Revenues

\$196,066	Fund: 209	IO: 1900251 (VHPS)	G/L: 430110 State Grants
\$263,875	Fund: 209	IO: 1900251 (VHSP)	G/L: 430120 Federal Pass-Thru State
\$190,612	Fund: 209	IO: 1900252 (HOPWA)	G/L: 430120 Federal Pass-Thru State

Expenditures

\$459,941	Fund: 209	IO: 1900251 (VHSP)	G/L: 530550 Contracted Services
\$190,612	Fund: 209	IO: 1900252 (HOPWA)	G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$650,553 in funds from the Virginia Department of Housing and Community Development.

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



Agenda Date:	July 20, 2015
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contacts:	Rory Carpenter, Community Attention Leslie Beauregard, Director, Budget and Performance Management
Title:	Check and Connect Student Engagement Continuation Grant - \$147,000

Background:

Check and Connect is an evidence-based truancy prevention program funded by a Juvenile Assistance Grant (J.A.G.) from the Virginia Department of Criminal Justice Services (D.C.J.S.) and administered by Community Attention. The grant provides a comprehensive student engagement intervention for truant youth or youth at risk of truancy who live in the City of Promise footprint and attend Venable and Burnley-Moran Elementary and Walker Upper Elementary. The grant period is from July 1, 2015 through June 30, 2016. The total grant is \$132,300 in federal pass through funds, and a required local match of \$14,700 to be provided by the City’s current appropriation for the City of Promise.

Discussion:

Truancy is a precursor to delinquent behavior that should be addressed in its early stages to avoid further penetration into the juvenile justice system. Locally, the connection between truancy and delinquency has been documented by the *Juvenile Offender Report, 1* a research report developed by the Charlottesville/Albemarle Commission on Children and Families that deals with the risk and needs of 985 local juvenile offenders who were placed on probation between 1997 – 2000, 2004 – 2006, and 2011-2012. The average rate of truancy for the juvenile offenders in the study group was 48% per year over a nine year period.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to be **America’s Healthiest City** and it aligns with the goals and objectives of the City’s Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community

2.4. Ensure families and individuals are safe and stable

1 *Characteristics of Juvenile Offenders*, Ellis, Carpenter, Balnave, Oudekerk, 2012

Community Attention's programs provide residential and community based services that prevent delinquency and promote the healthy development of youth. The Check and Connect Program provides comprehensive support services for elementary and upper elementary children experiencing school attendance problems to prevent early school withdrawal and ultimately delinquent behavior by promoting students' engagement with school and learning. Expected outcomes include increased attendance and decreased delinquent behavior during and after program participation.

Community Engagement:

The community is engaged through the City of Promise by serving students and families in the Charlottesville school system through the Check and Connect Program and by collaborating with the many different agencies that interface with the program.

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The terms of the award require a local match of 14,700 which will be provided by the current City appropriation to the City of Promise.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the grant funds are not appropriated, City of Promise would not be able to provide this service to local youth.

Attachments:

N/A

APPROPRIATION.
Check and Connect Student Engagement Grant.
\$147,000.

WHEREAS, the City of Charlottesville has been awarded \$132,300 in Federal Funds from the Virginia Department of Juvenile Justice, and \$14,700 in Matching Funds for a total award of \$147,000 for the Check and Connect Student Engagement Program; and

WHEREAS, the grant award covers the period from July 1, 2015 through June 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$64,860 is hereby appropriated in the following manner:

Revenue – \$147,000

\$132,300	Fund: 209	Cost Center: 3413008000	G/L Account: 430120
\$ 14,700	Fund: 209	Cost Center: 3413008000	G/L Account: 498010

Expenditures - \$147,000

\$59,000	Fund: 209	Cost Center: 3413008000	G/L Account: 519999
\$88,000	Fund: 209	Cost Center: 3413008000	G/L Account: 599999

Transfer - \$14,700

\$14,700	Fund: 213	Cost Center: 3413001000	G/L: 561209 Transfers
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$132,300 from V.A. Department of Criminal Justice Services, and \$14,700 from Community Attention.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 20, 2015
Action Required:	Yes (Authorize City Manager to Sign Agreement)
Presenter:	Judith M. Mueller, Director of Public Works
Staff Contacts:	Maurice Jones, City Manager S. Craig Brown, City Attorney
Title:	RSWA/Albemarle County/City - Local Government Support Agreement for Recycling Programs

Background: Last year the City agreed to extend its funding for the McIntire Recycling Center for one year (until June 30, 2015). This would allow Albemarle County time to decide on its long term solid waste management strategy. Albemarle County has asked the City to extend the expiration date of the Agreement to June 30, 2016.

Discussion: Although use of this facility has decreased over the past several years there are still a substantial number of City residents and businesses that regularly frequent the center.

Alignment with Council Vision Areas and Strategic Plan: Vision of Charlottesville as a “Green City” which encourages recycling.

Community Engagement: Albemarle County has a citizen committee which is working on this issue. City staff participate in these meetings.

Budgetary Impact: Sufficient funding is available in the proposed FY16 budget.

Recommendation: Approve extension of the agreement.

Alternatives: Discontinue funding for the McIntire Recycling Center.

Attachments: Amendment No. 4 to Local Government Support Agreement for Recycling Programs
Original Agreement dated August 23, 2011

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Amendment #4 to Local Government Support Agreement for Recycling Programs between the County of Albemarle, Rivanna Solid Waste Authority, and the City of Charlottesville, extending the expiration date of the Agreement from June 30, 2015 to June 30, 2016.

**AMENDMENT NO. 4 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 4** to the **Local Government Support Agreement for Recycling Programs** (this "Amendment") is made this ___ day of _____, 2015 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the "Original Agreement") providing the terms of the City's and County's shared financial support and Authority's operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 3 to the Original Agreement dated January 28, 2014 extending the term of the Original Agreement through June 30, 2015 (the Original Agreement, as amended by Amendment No. 1, Amendment No. 2 and Amendment No. 3, hereinafter, the "Agreement"); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2016, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2016.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

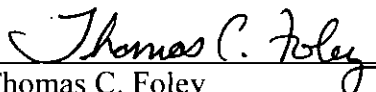
IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:



Thomas C. Foley
County Executive



Date

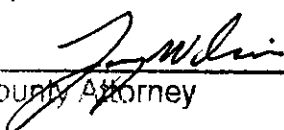
RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Executive Director

Date

66045560_1

Approved as to form:



County Attorney

LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS

AMONG

THE CITY OF CHARLOTTESVILLE

THE COUNTY OF ALBEMARLE

AND

THE RIVANNA SOLID WASTE AUTHORITY

This **Local Government Support Agreement for Recycling Programs** (this "Agreement") is made this 23rd day of August, 2011 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually, a "Party", and together referred to as the "Parties").

WHEREAS, on November 20, 1990, the City and the County entered into a certain Solid Waste Organizational Agreement (the "Organizational Agreement") for the purpose of forming the Authority to operate the Ivy Landfill (the "Landfill") and provide other waste management services for the City and County;

WHEREAS, the Landfill operated continuously from 1968 until the closure of Cell 2 in 2001; however the Authority continues to provide waste management services to the City and County and has continuing obligations with respect to the closure, remediation and monitoring of the Landfill;

WHEREAS, the Authority owns a transfer station at the Landfill site (the "Ivy Transfer Station") currently operated by the Authority, with transportation and disposal of the compacted waste provided by Waste Management, Inc. (formerly Atlantic Waste Disposal, Inc.) pursuant to a contract with the Authority (the "Waste Management Contract");

WHEREAS, in addition to the Ivy Transfer Station, the Authority provides other waste and recycling services at the Landfill site, commonly referred to as the "Ivy Material Utilization Center" (the "Ivy MUC").

WHEREAS, the City, the County, the Authority and the University of Virginia entered into a Memorandum of Understanding dated January 10, 2005 with respect to the sharing of costs related to the closure, remediation and monitoring of the Landfill (the "Environmental Expenses MOU");

WHEREAS, the City, the County and the Authority entered into a Local Government Support Agreement dated December 17, 2007, as amended by First Amendment to Local

Government Support Agreement dated July 1, 2010, providing for the participation of the City and County in the costs of maintaining the operation of the McIntire Recycling Center and Paper Sort Facility (collectively the "Recycling Services") as well as the Ivy Transfer Station and Ivy MUC, which agreement expired on December, 31, 2010;

WHEREAS, the Parties desire to enter into a new Agreement to continue to provide for local government contributions to the Authority by the City and the County to allow the Authority to cover the Authority's administration and operating expenses allocated to recycling services provided at the Authority's McIntire Recycling Center (the "MRC") over and above the revenues received under, and the costs covered by, the Environmental Expenses MOU and the other revenues received by the Authority; and,

WHEREAS, the County and the Authority are entering into a separate Local Government Support Agreement for Ivy Material Utilization Center Programs pursuant to which a separate portion of the Authority's Administration Services expenses (more particularly described in Paragraph 1 below) will be allocated (the "Ivy MUC Programs LGSA").

NOW, THEREFORE, the Parties agree as follows:

1. **City's and County's Proportional Funding of Authority's Projected Annual Recycling Operations Deficit**

If the Authority determines that despite all reasonable efforts to fund the operating and administrative expenses of the recycling services provided at the MRC from the sale of recyclable material collected at, and fees charged (if any) for the use of, the MRC that an operating deficit will exist, it shall prepare and adopt a budget, including reasonable reserves, balanced by using revenue to be contributed by the City and the County. For purposes of the budget for the Authority, the percentage of the City's portion of the revenue to be contributed shall be thirty percent (30%) and the County's portion of the revenue to be contributed shall be seventy percent (70%). The Administration Services expenses for the recycling services provided at the MRC shall be allocated as twenty percent (20%) of the total Administration Services expenses of the Authority. An example of the calculations required by this paragraph is set forth in Exhibit 1 attached hereto, and such calculations shall be made by the Authority in a manner consistent with the example in Exhibit 1. The percentage of Administration Services expenses set forth above assumes that an additional portion of the Authority's total Administration Services expenses will be allocated under the Ivy MUC Programs LGSA, and therefore the parties hereto agree that this Agreement and the Authority's continuation of the MRC recycling programs with the level of funding determined by such percentage is contingent upon entry by the County into the Ivy MUC Programs LGSA, and in the event of any extension of the term of this Agreement pursuant to Paragraph 4 below, upon an extension for the same period of the term of the Ivy MUC Programs LGSA.

2. **Quarterly Payments**

If the Authority's proposed annual budget for the operating and administrative expenses of the recycling services provided at the MRC is balanced by revenues to be contributed by the City and the County, the City and the County agree to provide such revenues by payments to the Authority made quarterly on the first day of July, October, January, and April of such fiscal year of the Authority, subject to the provisions of paragraphs 5 and 6 below.

3. **Increase or Decrease in the Recycling Operations Deficit**

Payments by the City and the County to the Authority for any particular fiscal quarter shall be increased or decreased, as appropriate to take into account any extraordinary increases or reductions in MRC recycling services operation and administrative expenses and/or reductions or increases in recycling revenues from the MRC not anticipated by the adopted budget for such year upon the Authority's submission of an amended budget approved by the Authority's Board of Directors to the City and the County at least 30 days prior to the due date of the next payment. Upon completion of the audited financial statements of the Authority for the prior fiscal year, the City's and County's payments to the Authority shall be increased or decreased, as appropriate, to take into account increases or decreases in actual MRC recycling services operation and administrative expenses and/or reductions or increases in actual MRC recycling revenues of the Authority from those anticipated by the adopted budget as shown by such financial statement, and such adjustments shall be determined by using the City's and County's percentages as set forth in paragraph 1 above; provided, however, that any such increase or decrease shall take into account any increase or decrease in payments for such year pursuant to the most recently adopted amended budget of the Authority for such year, if any. In the event the amount of local government support payments exceed amount of revenues needed by the Authority pursuant to paragraph 1 above, the Authority shall remit such excess to the City and County, or in the event that the City and County extend this Agreement as provided in paragraph 4 below, the Authority may carry such excess over to the next fiscal year giving the City and County credit during such year for such excess.

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue for the Authority's fiscal year ending June 30, 2012. Subject to Paragraph 1 above, the term of this Agreement shall be extended for up to two (2) additional one (1) year terms upon the Authority's receipt of a written request by both the City and County not later than May 1 of the current term or any extended term..

5. **Solid Waste Organizational Agreement**

The Parties enter this Agreement notwithstanding any provisions in the Organizational Agreement conflicting with this Agreement, and agree that in the event of any such conflicting provisions, this Agreement shall control.

6. **Voluntary City and County Funding**

Nothing in this Agreement shall be construed as creating a claim, cause of action, or right of recovery against either the City or the County by the Authority or by any creditor or claimant of the Authority. The Authority acknowledges that neither the City nor the County is under any legal or equitable obligation to provide funding to the Authority, but that each has voluntarily chosen to do so for the sole reason of insuring the continuation of a certain level of solid waste disposal and recycling services being provided by the Authority at the MRC, and the City and County each acknowledges that in the event such funding is not made available to the Authority, the Authority will necessarily have to curtail those services.

7. **Non-Appropriation**

This Agreement is subject to the approval, ratification, and annual appropriations by the Charlottesville City Council and the Albemarle County Board of Supervisors of the necessary money to fund this Agreement for this and any succeeding fiscal years. Should the City or the County fail to appropriate the necessary funding, it shall give prompt written notice to the Authority and the other party of such non-appropriation, and this Agreement shall automatically terminate without further notice by or to any Party.

8. **Amendment**

Any amendment to this Agreement must be made in writing and signed by the Parties.

9. **Governing Law**

This Agreement shall be governed in all respects by the laws of the Commonwealth of Virginia.

10. **Notices**

Any notice, invoice, statement, instructions, or direction required or permitted by this Agreement shall be addressed as follows:

- a. To the City: Office of the City Manager
 P.O. Box 911
 Charlottesville, VA 22902

- b. To the County: Office of the County Executive
401 McIntire Road
Charlottesville, VA 22902
- c. To the Authority: Office of the Executive Director
Rivanna Solid Waste Authority
P.O. Box 979
Charlottesville, Virginia 22902-0979

or to such other address or addresses as shall at any time or from time to time be specified by any Party by written notice to the other Parties.

11. **Integration Clause**

This Agreement, and any amendment or modification that may hereafter be agreed to in accordance with the provisions herein, constitutes the entire understanding between the Parties with respect to the matters addressed, and supersedes any and all prior understandings and agreements, oral or written, relating hereto, except for the Environmental Expenses MOU.

12. **Execution**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WHEREAS these terms are agreeable to the City of Charlottesville, the County of Albemarle and the Rivanna Solid Waste Authority, and each Party offers its signature as of the date below.

THE CITY OF CHARLOTTESVILLE:

Maurice Jones
Maurice Jones
City Manager

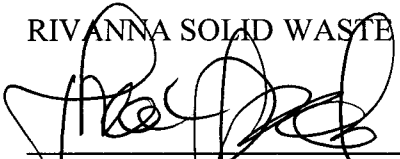
8-16-11
Date

THE COUNTY OF ALBEMARLE:

Thomas C. Foley
Thomas Foley
County Executive

8/15/11
Date

RIVANNA SOLID WASTE AUTHORITY:



Thomas L. Frederick, Jr.
Executive Director

9/23/11

Date

31557129.5

EXHIBIT 1
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
EXAMPLE OF CALCULATIONS FOR DETERMINING CITY & COUNTY FUNDING

Example Budget

	Total Budget	Amount Included in Calculation	Notes
<u>REVENUES</u>			
Ivy Tipping Fees	\$ 238,500	\$ -	Not Included
Ivy MSW Tipping	707,434	-	Not Included
Material Sales-Ivy	86,000	-	Not Included
Recycling Revenues	255,000	255,000	Included 100%
Other Revenues	260,000	-	Not Included
Interest & Fees	17,040	-	Not Included
		<u>255,000</u>	
		\$ 255,000	
<u>EXPENSES</u>			
Ivy Operations	\$ 328,527	\$ -	Not Included
MSW Transfer - Ivy	1,133,340	-	Not Included
Recycling Operations	292,516	292,516	Included 100%
Administration	355,038	71,008	Included 20%
Debt Service	-	-	Not Included
		<u>363,524</u>	
		\$ 363,524	
Difference as Expenses over Revenues			
		108,524	
Albemarle County			
Annual Payment		\$ 75,967	70% of Total Difference
Quarterly Amount		\$ 18,992	25% of Annual Amount
City of Charlottesville			
Annual Payment		\$ 32,557	30% of Total Difference
Quarterly Amount		\$ 8,139	25% of Annual Amount

**AMENDMENT NO. 1 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 1** to the **Local Government Support Agreement for Recycling Programs** (this "Amendment") is made this 5th day of June, 2013 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the "Agreement") providing the terms of the City's and County's shared financial support and Authority's operation of the Recycling Services; and

WHEREAS, the Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014; and

WHEREAS, the County desires to extend the term of the Agreement for six months through December 31, 2013, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 2.** Section 2 of the Agreement, entitled "Quarterly Payments," is amended by inserting the following sentences at the end of such section:

For the fiscal year beginning July 1, 2013, the City and the County each agree to make payments to the Authority on the first day of July and October, each payment equal to one-quarter of the Authority's proposed annual budget for that fiscal year for recycling programs. Within thirty (30) days of completion of the audited financial statements for the fiscal year ending June 30, 2014, the City and the County shall each make a subsequent payment to, or receive a refund from, the Authority based upon the difference between the budgeted and actual revenues and expenses as provided in Section 3 below.

2. **Amendment to Section 3.** Section 3 of the Agreement, entitled “Increase or Decrease in the Recycling Operations Deficit,” is amended by inserting the following sentence at the end of such section:

For the fiscal year beginning July 1, 2013, the Authority shall adopt an annual budget that shall include a December 31, 2013 expense target equal to one-half of the annual budget amount for all cost centers that affect the total Recycling Services expenses. Upon completion of the audited financial statements of the Authority for the fiscal year ending June 30, 2014, the accounting of increases or decreases in actual Recycling Services expenses (including Administrative Services expenses as defined in Section 1 of the Recycling Agreement) and reductions or increases in revenues, shall be based upon the full accrual accounting of those expenses and revenues as of December 31, 2013.

3. **Amendment to Section 4.** Section 4 of the Agreement, entitled “Term of Agreement,” is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through December 31, 2013.

4. **New Section 13.** A new Section 13 is inserted in the Agreement, as follows:

13. **Labor Force.**


The obligations of the Authority to provide the Recycling Services required of it hereunder is contingent upon the Authority’s ability to retain an adequate labor force to provide such services.

5. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

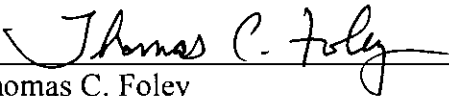
CITY OF CHARLOTTESVILLE:



Maurice Jones
City Manager

6-05-13
Date

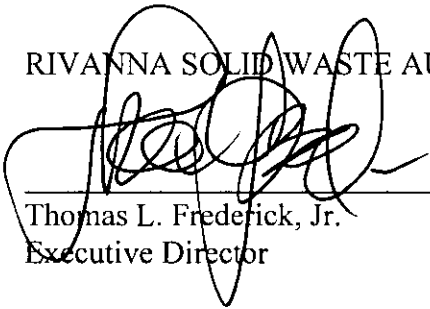
COUNTY OF ALBEMARLE:



Thomas C. Foley
County Executive

6/7/13
Date

RIVANNA SOLID WASTE AUTHORITY:



Thomas L. Frederick, Jr.
Executive Director

6/11/13
Date

SCANNED
DATE 11/8/13

**AMENDMENT NO. 2 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 2** to the **Local Government Support Agreement for Recycling Programs** (this "Amendment") is made this 2nd day of October, 2013 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the "Original Agreement") providing the terms of the City's and County's shared financial support and Authority's operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013 (the Original Agreement, as amended by Amendment No. 1, hereinafter, the "Agreement"); and

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2014, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 2.** Section 2 of the Agreement, entitled "Quarterly Payments," is amended by deleting the last sentence of such Section added under Amendment No. 1.

2. **Amendment to Section 3.** Section 3 of the Agreement, entitled "Increase or Decrease in the Recycling Operations Deficit," is amended by deleting the last sentence of such Section added under Amendment No. 1.

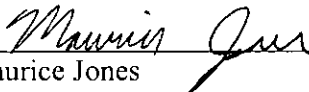
3. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement.** This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2014.

4. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

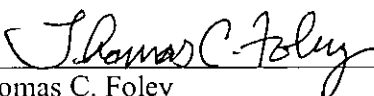
CITY OF CHARLOTTESVILLE:



Maurice Jones
City Manager

10-10-13
Date

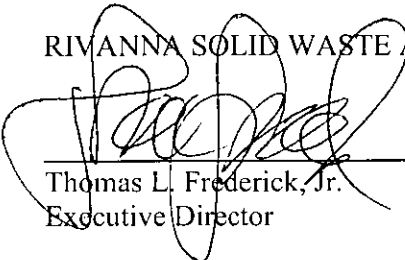
COUNTY OF ALBEMARLE:



Thomas C. Foley
County Executive

10/16/13
Date

RIVANNA SOLID WASTE AUTHORITY:



Thomas L. Frederick, Jr.
Executive Director

10/23/13
Date

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**AMENDMENT NO. 3 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This Amendment No. 3 to the Local Government Support Agreement for Recycling Programs (this "Amendment") is made this 3rd day of APRIL, 2014 by and among the City of Charlottesville, Virginia (the "City"), the County of Albemarle, Virginia (the "County") and the Rivanna Solid Waste Authority (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the "Original Agreement") providing the terms of the City's and County's shared financial support and Authority's operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014 (the Original Agreement, as amended by Amendment No. 1 and Amendment No. 2, hereinafter, the "Agreement"); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2015, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2015.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
Maurice Jones
City Manager

4-10-14
Date

COUNTY OF ALBEMARLE:

Thomas C. Foley
Thomas C. Foley
County Executive

4/15/14
Date

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Thomas L. Frederick, Jr.
Executive Director

4/21/14
Date

53804464_2

Approved as to form:

County Attorney
County Attorney

Approved as to form:

by A. Gray Brown
City Attorney

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

Agenda Date: July 6, 2015

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

Title: ZM15-00002 Lochlyn Hill PUD Amendment

Background:

Milestone Partners, acting as agent for Meadowcreek Development, LLC has submitted a PUD amendment for a development located on Penn Park Lane. The original PUD was approved September 4, 2012. Changes to the approved proposal include a revised concept plan. The property is further identified on City Real Property Tax Map 48A Parcel 39 having frontage on Penn Park Lane. The site is zoned PUD and the total project area is approximately 22.47 acres.

Discussion:

The Planning Commission discussed this matter at their June 9, 2015 meeting.

Citizen Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting June 9, 2015. The member of the public that spoke on the project mentioned general opposition to the project on the grounds that the property was one of the remaining open space and wildlife habitat in the City, as well as bringing an issue with late night noise at the site to the attention of the Commission and Council.

Alignment with City Council's Vision and Priority Areas:

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 states, and abilities" and further that, "Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

The City of Charlottesville Strategic Plan Goal to “Be a safe, equitable, thriving and beautiful community” states that the City will “Engage in robust and context sensitive urban planning.”

Budgetary Impact:

The proposed project is anticipated to increase the assessed value of the property, and result in an increase in property taxes. The residents that inhabit the neighborhood will require City services

Recommendation:

The Commission took the following action:

Mr. Santoski moved to recommend denial of this application for a Special Use Permit.

Mr. Lahendro seconded the motion. The Commission voted 4-2 to recommend denial of the Special Use Permit. Chairman Rosensweig was not present.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the requested rezoning;
- (2) by motion, defer action on the rezoning, or
- (4) by motion, deny the requested rezoning.

Attachments:

Staff Report dated May 27, 2015

ORDINANCE
REZONING PROPERTY TO AMEND THE LOCHLYN HILL PUD
(“AMENDED LOCHLYN HILL PUD”)

WHEREAS, Meadowcreek Development LLC is the owner of property within the Lochlyn Hill PUD, and the owner has authorized Milestone Partners LLC (“Applicant”) to make application for a zoning map amendment with respect to the Lochlyn Hill PUD (City Application No. ZM15-00002, the “Application”) consisting of approximately 22.47 acres of land, identified as City Tax Map 48A Parcel 39, which was previously designated as a planned unit development (“PUD”) zoning district, by ordinance of city council approved September 4, 2012 (the “Subject PUD”); and

WHEREAS, pursuant to City Code §34-519 the Applicant seeks an amendment of the Subject PUD, as set forth within the Application and related materials presented to this Council, such related materials including: (i) revisions to the Concept Development Plan required by City Code §34-517(3) and (ii) revisions to the land use plan required by §34-517(4)(referenced by the applicant as pages 6, 7 and 15 of the “code of development” revised as of June 16, 2015) (collectively, the “2015 Application Materials”); and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on June 9, 2015, the Planning Commission voted to recommend approval of the Application based on finding that the proposed amendment is required by the public necessity, convenience, general welfare or good zoning practice, and this Council likewise finds and determines that the rezoning proposed by the Application is required by the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, this Council finds and determines that in its other aspects, the proposed amendments to the Subject PUD conform to the criteria and requirements set forth within Chapter 34, Article V of the City Code; and

WHEREAS, Council further finds and determines that the proposed amendments to the Subject PUD, are consistent with the City’s adopted 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 Lochlyn Hill PUD (9/4/2012) to Amended Lochlyn Hill PUD, consisting of the following: (i) the Final Proffer Statement approved by Council on September 4, 2012, and (ii) the PUD Development Plan approved on September 4, 2012, amended by the 2015 Application Materials approved this date by Council.

Except as expressly set forth within the 2015 Application Materials approved this date by City Council, the provisions of the PUD Development Plan and the Final Proffer Statement approved for the Lochlyn Hill PUD on September 4, 2012, shall be and continue in full force and effect.

City of Charlottesville
Department of Neighborhood Development Services
Staff Report



CITY COUNCIL AND PLANNING COMMISSION
JOINT PUBLIC HEARING

DATE OF HEARING: JUNE 9, 2015
APPLICATION NUMBER: ZM15-00002

Project Planner: Brian Haluska

Date of Staff Report: May 27, 2015

Applicant: Milestone Partners, acting as agent for the current property owner

Applicant's Representative: L.J. Lopez

Current Property Owner: Meadowcreek Development, LLC

Application Information

Property Street Address: Penn Park Lane

Tax Map/Parcel #: Tax Map 48A, Parcel 39

Total Square Footage/ Acreage Site: 22.47 Acres

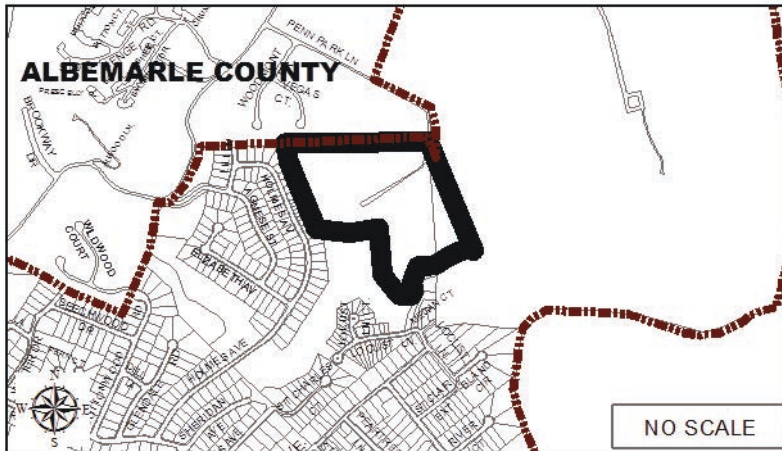
Comprehensive Plan (Land Use Plan): Low Density Residential

Current Zoning Classification: Planned Unit Development

Applicant's Request

The applicant is requesting modification of the approved concept plan for the Planned Unit Development (PUD) zoning approved for the above property by City Council on September 4, 2012. The applicant is proposing to change the concept plan's description of Block 2B of the original concept plan. The proposed amendment would also provide additional clarifying language regarding the types of units envisioned in each of the blocks in the PUD, and would enable some multi-family structures in Blocks 3 and 4A of the original concept plan, so that the developer could construct four-plex units.

Vicinity Map



Rezoning Standard of Review

Sec. 34-42. - Commission study and action.

- a. All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
 1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 3. Whether there is a need and justification for the change; and
 4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services.

Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

Planned Unit Development Standard of Review

Sec. 34-490. - In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
3. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle- alternative services, including, without limitation, public pedestrian systems.

Analysis

1. Consistency with Comprehensive Plan

This area of the City has been identified for Low-Density Residential development as found on the Charlottesville Land Use Map in the 2013 Comprehensive Plan.

a. Housing

Goal 3: Grow the City's Housing Stock

Grow the City's housing stock for residents of all income levels.

3.3: Achieve a mixture of incomes and uses in as many areas of the City as possible.

3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.

2. Effect on Surrounding Properties and Public Facilities

The proposed changes to the PUD primarily will impact the adjacent owners within the PUD. Staff anticipates no change in the impact to public facilities beyond the currently approved development.

3. Proffers

No change to the approved proffer statement is proposed.

4. Development Plan

The original Development Plan approved in 2012 showed a portion of the development known as "Block 2B" was to be "cottages" around a central green space. At their February regular meeting, the Planning Commission reviewed a site plan for this site and indicated to the applicant that the plan for that block did not comply with the concept plan as approved.

The applicant is requesting to amend aspects of the Development Plan as outlined below.

1. Edit the description of Block 2B so that it deletes any references to cottages.
2. Clarify the language regarding uses permitted in the each block.
3. Add provisions to permit additional unit types in Blocks 3 and 4A of the development. The applicants indicate interest in a "Stacked Townhouse" style of building that would house four units in a structure. This style of development is currently considered as multi-family residential in the City.

The applicant notes that the maximum permitted density in each block and the overall development is unchanged, so building a four-unit building would mean reducing unit counts elsewhere in the block to compensate.

Questions for the Planning Commission to Discuss

- **Will the changes requested by the applicant affect the intent of the original PUD?**

The Planning Commission should assess the individual changes as a whole in order to gauge if the intent of the 2012 PUD is altered. Although changes to the original 2012 PUD are permissible, any change should create a better outcome than what is currently allowed. Please consider:

- How a change from an entire block of cottages ringing a green space on Block 2B differs from the proposed lot arrangement of Block 2B.
- How the addition of multi-family residential structures as a by-right use in Blocks 3 and 4A may impact those blocks and the overall PUD.
- How lowering the minimum number of units in Blocks 3 and 4A will affect the overall PUD.

Public Comments Received

Staff has received no comments from the public regarding this change at the time of the drafting of the report. Staff did receive a phone call from an adjacent property owner, requesting more information on the content of the proposal.

Staff Recommendation

The proposed amendment highlights one of the difficulties with crafting a PUD application. While City staff and the Planning Commission encourage a level of specificity that gives an accurate representation of the future development, as well as guidance on how the development will look, this specificity can result in less flexibility in the development as it moves towards site plan approval. In the case of this proposal, the applicant is requesting to substitute more general terms for single family housing, removing undefined terms such as “cottages” or “mid-sized units”. Staff has no concerns with this change, and does not feel that it will materially alter the overall PUD.

The more substantial change is the inclusion of multi-family residential in Block 3 and 4A. Staff has no concerns with the inclusion of units as described by the applicant. A “stacked townhouse” layout will permit the applicant to provide a wider variety of unit types within the development, and place those units in a location adjacent to other units of different sizes, rather than

segregating those units.

Staff's one concern with the proposed change is that the change opens the door to potentially structure with greater than 4 units. Staff, however, would rely on the amended concept plan to address that issue should it arise. The concept plan does not show any structures or lot arrangement conducive to large footprint apartment complex type buildings in these blocks. Thus, any attempt to construct a building that is not in line with the lot sizes shown in the concept plan would require another amendment to the PUD concept plan.

In light of the increased flexibility the amendment provides the applicant in meeting the goals of the PUD, staff recommends the application be approved.

Attachments

1. Lochlyn Hill PUD Amendment Summary dated May 19, 2014
2. Updated Lochlyn Hill concept plan map
3. Resolution from original PUD approval

Suggested Motions

1. I move to recommend approval of this application to amend the development plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.
2. I move to recommend approval of this application to amend the development plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice, with the following modifications proposed by the applicant:
 - a. ...

I move to recommend denial of this application to amend the concept plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.

June 16, 2015



City of Charlottesville
Neighborhood Development
Attn: Brian Haluska
PO Box 911, City Hall
Charlottesville, VA 22902

RE: Lochlyn Hill PUD Modification – Resubmission

Dear Brian:

Please find enclosed the following:

- Revised Pages 6-7+15 of the Code of Development (per staff comments)
- Revised Conceptual Development Plan (no change from Public Hearing)

Per the comments made by Staff, we have revised the Code of Development language on Pages 6-7+15, along with a modification to Table A, to reflect the discussion. Should staff have any additional comments or suggestions, we are amenable to further revision.

Please note the entire package of changes, as submitted with the initial submission, is being provided.

We look forward to working with you on this exciting residential development project that spans both the City and County jurisdictions. If there are any questions, please do not hesitate to contact me directly at llopez@milestonepartners.co or 434.245.5803 (o) or 434.409.1005 (c).

Very truly yours,

A handwritten signature in black ink that reads "LJ Lopez III". The signature is stylized and cursive.

Louis J. Lopez III



LOCHLYN HILL -- CODE OF DEVELOPMENT

balance of the neighborhood, as it will offer single family detached and townhouses in both a front loaded and rear alley loaded condition.

Block 2A

Block 2A is situated solely in the City of Charlottesville and will be a continuation of the development pattern established in Block 1. Small setbacks, street trees, and pedestrian friendly streets will continue in this block and throughout the neighborhood. Front loaded, single family detached dwellings will comprise the majority of the product type in this block with a few, rear loaded, single family detached.

Block 2B

A sub-block, 2B, will support single family detached front load and/or rear load dwellings. In addition, single family detached and/or duplex dwellings will be centralized around a common green space. Parking will be relegated from the primary street as much as possible-

Block 3

Block 3 is situated with a majority of the block in the City and a portion in the County. The Albemarle County portion of the block is comprised of the remainder of the Village Green. Again, this will provide for central green space that is flexible and programmable for both passive and active recreation. This is anticipated to be a central meeting place for residents. The City of Charlottesville portion of Block 3 continues the already established pattern of development with single family detached dwellings and townhouses. The units in this block are all anticipated to be rear loaded.

Block 4A

Block 4A includes single family detached dwellings and townhouses both rear and front loaded. Block 4 is located entirely within the City and will have direct access to the Meadowcreek and pedestrian access to the Rivanna Trail will be made possible by the installation of a bridge to cross the Meadowcreek.

Block 4B

Block 4B is comprised of multi-family dwellings. This block is also adjacent to the Meadowcreek Golf Course and the multifamily use will take advantage of the grades on site to provide spectacular views of the golf course and surrounding mountain vistas.

Blocks 5 and 6

In Blocks 5 and 6 the pedestrian friendly, tree lined streets, alley access, integrated townhomes and single family dwellings pattern of development continues. This block is adjacent to greenspace on its north and south boundaries. To the north is the Meadowcreek Golf Course, offering great views, and to the south is the central Village Green, offering active and passive recreation.

* All uses described above may be included in any of the blocks and Table A, below, shall govern the uses to be included in the respective blocks.

*Single family detached and/or duplex dwellings centralized around a common greenspace (as depicted in a portion of Block 2B) may be included in any of the neighborhood blocks

LOCHLYN HILL -- CODE OF DEVELOPMENT

Land Uses Permitted/ Prohibited by Block

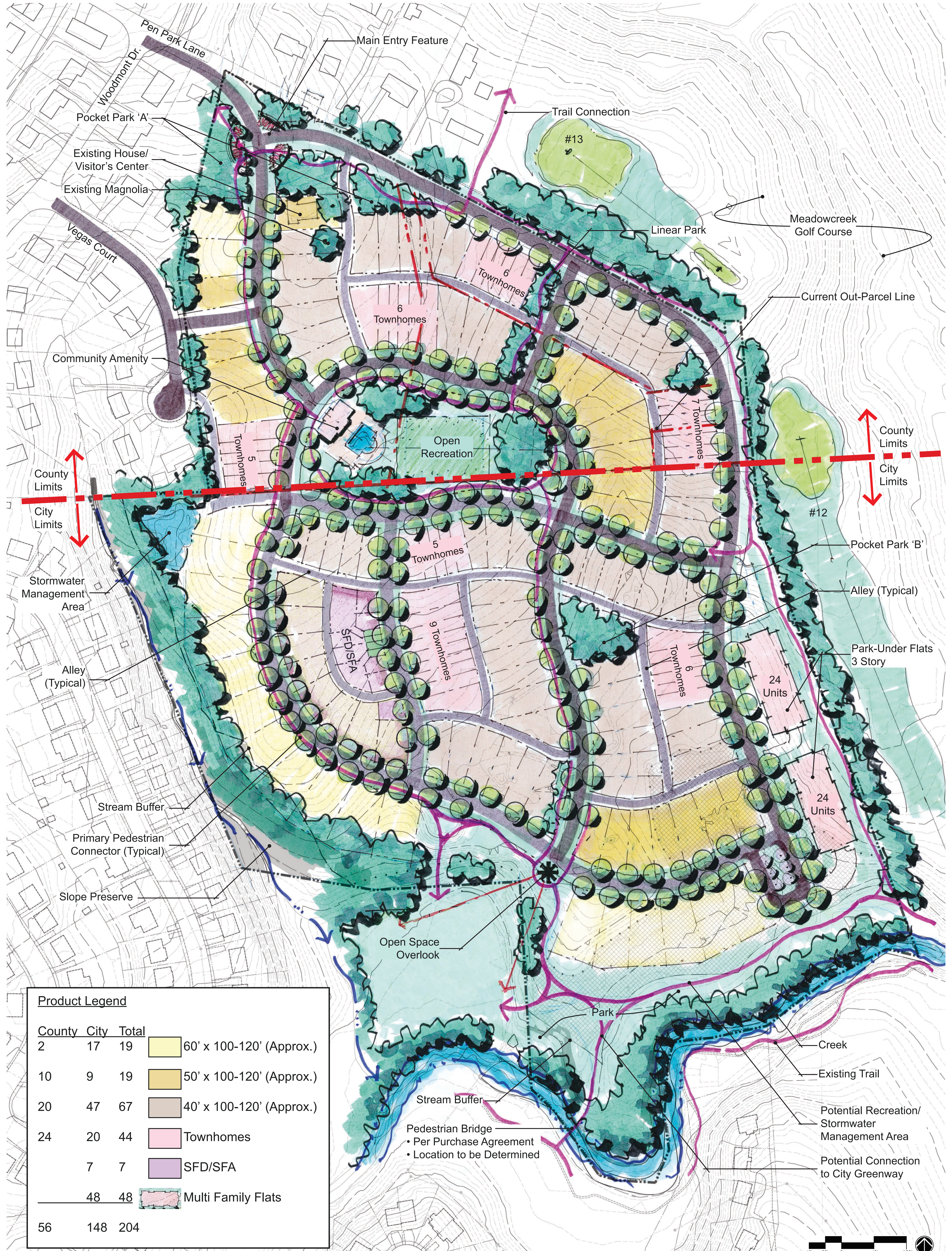
Table A establishes the uses that are permitted or prohibited by block. If the column under a Block has a “B” filled in, then the use in that row is permitted (i.e., it is by-right) within that block. If the column under a Block has a “S” filled in, then the use in that row is permitted within that block only through a Special Use Permit and a separate Special Use Permit would need to be filed and a separate legislative action would need to be taken by the City of Charlottesville City Council to permit that use. Finally, if a column is left blank, then the use is prohibited within that block.

Table A – Permitted/ Prohibited Uses by Block								
Use	Block					Block		
	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Block 8
Detached single family dwelling	B	B	B	B	B			
Duplex, Townhouse	B	B	B	B	B			
Multi-family – 4 units or more	S	S	B	B	B			
Boarding house (rooming house)	S	S	S	S	S			
Accessory building structures and uses	B	B	B	B	B			
Accessory Apartment - Internal	B	B	B	B	B			
Accessory Apartment - External	B	B	B	B	B			
Houses of Worship	B	B	B	B	B			
Clubs, private - lodges, civic, fraternal, patriotic	S	S	S	S	S			
Farmers’ market	S	S	S	S	S			
Home Occupation ¹	P	P	P	P	P			
Education Facilities	S	S	S	S	S			
Utility Facilities	B	B	B	B	B			
Utility Lines	B	B	B	B	B			

1. Home Occupation shall be reviewed in accordance with the City’s Provisional Use Permit regulations and section 34-1172 of the zoning code.

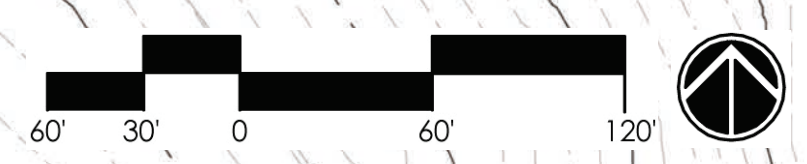
LOCHLYN HILL -- CODE OF DEVELOPMENT

	Primary Dwelling Unit			Accessory Dwelling Unit		Block Area and Density
	MINIMUM ¹	SHOWN ON PUD DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM	
2A	15	15	19	0	5	6.29 Acres 2.38 Units/Acre
2B	15	15	18	0	5	1.79 Acres 8.37 Units/Acre
3	30	30	40	7	15	5.77 Acres 5.19 Units/Acre
4A	40	40	50	8	15	6.4 Acres 5.47 Units/Acre
4B	15	48	48	0	5	1.93 Acres 24.87 Units/Acre
City of Charlottesville	135	148	175	15	50	
County of Albemarle	40	56	60	-	-	
TOTAL	175	204	235	25	50	



Product Legend

County	City	Total	Product
2	17	19	60' x 100-120' (Approx.)
10	9	19	50' x 100-120' (Approx.)
20	47	67	40' x 100-120' (Approx.)
24	20	44	Townhomes
7	7	14	SFD/SFA
48	48	96	Multi Family Flats
56	148	204	



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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: July 6, 2015

Action Required: Approval of Ordinance

Presenter: Craig Brown, City Attorney

Staff Contacts: Lt. C. S. Sandridge, Charlottesville Police Department
Andrew Gore, Assistant City Attorney

**Title: Amend Section 20-11 of City Code Relating to the Enforcement
Of Trespass Violations**

Background:

Section 20-11 of the City Code currently authorizes the Charlottesville Police Department (“CPD”) accept from a property owner a designation as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the owner’s property. This proposed amendment would expand Section 20-11 to authorize “lessees, custodians, or other persons lawfully in charge” to make such designations, in addition to owners, aligning Section 20-11 with state law.

Discussion:

Va. Code § 15.2-1717.1 authorizes localities to establish procedures that allow for “the owner, lessee, custodian, or other persons lawfully in charge” of property, to designate law-enforcement agencies to act as a "person lawfully in charge of the property" for the purposes of barring individuals from a property. A law-enforcement agency so designated may bar individuals from a property in much the same way as an owner. Remaining on or returning to a property after being lawfully barred constitutes an enforceable trespass violation. Currently, Section 20-11 authorizes CPD to accept designations for these purposes only from an owner of the property. This amendment would expand the authority of CPD to also accept such designations from lessees, custodians, or other persons lawfully in charge of the property, in accordance with Va. Code § 15.2-1717.1.

Budgetary Impact: The proposed change will have no budgetary impact.

Recommendation: Approve the proposed change to the ordinance.

Alternatives: Council may elect not to change the ordinance.

Attachments: Proposed ordinance

**AN ORDINANCE AMENDING AND RE-ORDAINING
SECTION 20-11, ARTICLE I, CHAPTER 20
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED
RELATING TO THE DESIGNATION OF POLICE
TO ENFORCE TRESPASS VIOLATIONS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 20-11, Article I, Chapter 20 of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained as follows:

Section 20-11. Designation of police to enforce trespass violations.

The chief of police may accept a designation by the owner, lessee, custodian, or person lawfully in charge as those terms are used in Va. Code §18.2-119, of real property located within the city, designating the Charlottesville Police Department as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner as specified in the designation. Any such designation shall be in writing and shall be kept on file with the Charlottesville Police Department. The chief of police shall promulgate rules, regulations and/or a procedure for the acceptance and use of such designation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approval of Ordinance (1 st of 2 Readings)
Presenter:	Missy Creasy, Planning Manager, NDS
Staff Contacts:	Tony Edwards, Development Manager, NDS Lisa A. Robertson, Chief Deputy City Attorney
Title:	Amendments to Floodplain Management Regulations

Background: Last year, the state’s Department of Conservation and Recreation (DCR) notified City staff that the City would need to update its floodplain management regulations, in order to remain compliant with the requirements of the federal national flood insurance program (NFIP). DCR provided a model floodplain ordinance. The provisions of the model ordinance were substantially different than those in our existing floodplain regulations, so staff prepared a “replacement” ordinance based on DCR’s Model Ordinance.

The Planning Commission has reviewed the proposed ordinance on two (2) occasions, and staff has worked extensively to incorporate changes in response to public comment, and to follow up with DCR in order to obtain the state’s approval. Following the Planning Commission’s vote on May 12, 2015 to recommend approval of the proposed ordinance, the final draft approved by the Commission was sent to DCR, and DCR has provided a final approval and instructions to present this final ordinance to Council with a recommendation for adoption.

Discussion: Following is a list of the provisions that have been edited, at the request of DCR, following the Planning Commission’s recommendations. In the opinion of the City Attorney’s Office, none of the changes are sufficiently substantial as to necessitate additional public hearing or input.

Sec. 34-241(b) (Applicability): This section has been revised to indicate that public environmental restoration and flood control projects will be subject to the floodplain management regulations, the same as any other project. (*According to DCR, public projects are not, by virtue of their public purpose, allowed to be exempt or allowed an exception to compliance with floodplain regulations*).

Sec. 34-254(b)(3) (Floodway requirements): This section has been revised to state that proposed encroachments will not result in *any* increased flood levels

Sec. 34-254(b)(ii) (placement of manufactured homes): This subsection has been revised to correct a typo—the last sentence of the provision has been corrected to refer to Sec. 34-258(4).

Sec. 34-254(b)(v) and (vi): These subsections have been revised to clarify that, if the referenced uses are allowed, they still must comply with the basic floodway regulations set forth in subsection (i).

Sec. 34-256(a) (Permit and application requirements): The second sentence of this paragraph has been added (*no permit will be granted for any activity that would adversely affect the carrying capacity of a water channel*). Although the provision was already stated elsewhere, DCR believed that the sentence should also be added in this location.

Sec. 34-1200 (definitions): The definitions of *existing structure*, *FIRM*, *FIS*, and *new construction* have been edited, to achieve greater clarity.

The definition of *substantial improvement* has been revised, to delete reference to repetitive loss structures, and the definition of *repetitive loss* has also been deleted. Although the language approved by the Planning Commission was the same as DCR's model ordinance, after receiving public comment questioning the advisability of including reference to *repetitive loss*, the Planning Commission encouraged staff to inquire with DCR if this amendment could be made. DCR has confirmed that the reference to *repetitive loss* was not necessary to be included in order to receive the state's approval of this proposed ordinance.

Alignment with Council Vision Areas and Strategic Plan: N/A

Community Engagement: Public comment was received at the Planning Commission meetings.

Budgetary Impact: There will be no impact on the General Fund.

Recommendation: Adopt the amendments to the Floodplain Management regulations (Chapter 34, Article II, Division 1).

Alternatives: Changes to the City's existing ordinance are required if the City is to remain compliant with the national flood insurance program requirements.

Attachments: Proposed Ordinance

ORDINANCE
REPEALING THE EXISTING PROVISIONS OF CHARLOTTESVILLE CITY CODE
CHAPTER 34, ARTICLE II, DIVISION 1
(FLOOD HAZARD PROTECTION OVERLAY DISTRICT) AND
ADOPTING, ENACTING AND RE-ORDAINING SUCH DIVISION

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) has notified the City's Department of Neighborhood Development Services (NDS) that the City's floodplain management regulations are outdated and should be replaced with new regulations implementing current minimum federal requirements governing the use and development of flood-prone areas of the city; and

WHEREAS, federal law and regulations specify that, in order for flood insurance under the National Flood Insurance Program (NFIP) to be available within the Charlottesville community, the City must adopt a floodplain management ordinance that includes provisions which meet or exceeds minimum NFIP criteria, as set forth within Title 44 Code of Federal Regulations, Subchapter B (Insurance and Hazard Mitigation), including, without limitation, Part 60 (Criteria for Land Management and Use); and

WHEREAS, DCR provided the City with a model floodplain ordinance to utilize as a guide for implementing the minimum federal requirements; and

WHEREAS, the City's Planning Commission, by motion, has recommended that City Council should approve the following ordinance, after conducting a public hearing upon notice as required by law; and

WHEREAS, this City Council finds and determines that the proposed zoning text amendment is required by the public necessity, convenience, general welfare and good zoning practice; now, therefore,

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

1. The provisions of Chapter 34 (Zoning), Article II (Overlay Districts), Division 1 (Flood Hazard Protection Overlay District) are hereby REPEALED and, in their place the following provisions are hereby adopted, enacted and re-ordained to read as follows:

ARTICLE II – OVERLAY DISTRICTS

DIVISION 1. FLOOD HAZARD PROTECTION OVERLAY

Sec. 34-240. Authorization; purpose.

(a) This ordinance is adopted pursuant to the authority granted to localities by Code of Virginia §§ 15.2 – 2280. This division may be referred to as the city's floodplain ordinance, or as the city's floodplain management regulations.

(b) The purpose of the regulations set forth within this division is to: prevent loss of life and property; deter the creation of health and safety hazards; prevent disruption of commerce and governmental services; avoid extraordinary and unnecessary expenditure of public funds for flood protection and relief; and prevent erosion of the city's tax base, by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development within areas subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards; and
- (5) Meeting the requirements of the national flood insurance program, so that lands within the city may qualify for flood insurance availability.

Sec. 34-241. Applicability.

(a) The provisions set forth within this division shall constitute the floodplain management regulations for the City of Charlottesville, and they shall apply to the use and development of all privately and publicly owned lands within the jurisdictional boundaries of the City of Charlottesville which have been identified as areas of special flood hazard (SFHA) in accordance with the data and information set forth within the flood insurance study (FIS) and the accompanying flood insurance rate map (FIRM) provided by the Federal Emergency Management Agency (FEMA) to the City.

(b) Upon application to the Floodplain Administrator a permit may be issued for environmental restoration or flood control projects which are (i) designed or directed by the City or by a public body authorized to carry out environmental restoration or flood control measures, (ii) reviewed by the Floodplain Administrator, the City's VESCP and VSMP Administrators, and Director of Public Works, for compliance with the requirements of Chapter 10 of the City Code (Water Protection), and (iii) reviewed by the Floodplain Administrator for compliance with applicable provisions of this division.

Sec. 34-242. Compliance and liability.

(a) All uses, activities and development occurring within any SFHA, including placement of manufactured homes and other structures, shall be undertaken only upon the issuance of a permit by the City's Floodplain Administrator. Such permitted uses, activities and development shall be undertaken, conducted and established only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, such as the Virginia USBC, chapter 10 of the City Code (Water Protection), chapter 29 of the City Code (Subdivisions) and other articles within this chapter 34 (zoning).

(b) The degree of flood protection sought by this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The applicability of this division to certain lands does not warrant or imply that areas outside the

floodplain, or land uses permitted within the floodplain, will be free from flooding or flood damage.

(c) The enactment of this division shall not create liability on the part of the city, or any officer or employee thereof, for any flood damage that results from reliance on the regulations set forth herein or any administrative determination lawfully made hereunder.

(d) The failure of a building, structure or development to be fully compliant with these floodplain management regulations shall constitute a violation of this ordinance. Any building, structure or development without a permit, certification, elevation certificate or other evidence or documentation of compliance required by this division shall be presumed in violation of this ordinance until such evidence or documentation is provided.

Sec. 34-243. Records.

Records of actions associated with administering this ordinance shall be maintained by the Floodplain Administrator in accordance with the applicable requirements of federal and state law and regulations.

Sec. 34-244. Abrogation; greater restrictions.

The regulations set forth within this division supersede any regulations currently in effect within any SFHAs. Notwithstanding the foregoing, the regulations of any ordinance remain in full force and effect, to the extent that such regulations are more restrictive.

Sec. 34-245. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this division. The remaining provisions shall be and remain in full force and effect, and for this purpose the provisions of this division are hereby declared to be severable.

Sec. 34-246. Penalty for Violations

(a) Any person who fails to comply with any of the regulations set forth within this division shall be subject to the enforcement provisions set forth within City Code Sec. 34-81 through 34-89.

(b) Any person who fails to comply with floodproofing or other requirements of the USBC, or with the requirements of the City's VESCP or VSMP programs, may be subject to the enforcement provisions set forth within the USBC, or Chapters 5 or 10 of the City Code, as applicable.

(c) In addition to the above-referenced enforcement provisions, all other enforcement actions are hereby reserved to the city, including, without limitation, any action seeking declaratory or injunctive relief. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue, and any person upon whom such a fine or penalty has been imposed shall be required to correct, remedy or abate such violations.

(d) Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the city to be a public nuisance and abated as such.

(e) Flood insurance coverage may be withheld from buildings and structures constructed in violation of this division.

Sec. 34-247. Designation of floodplain administrator.

(a) The director of neighborhood development services is hereby designated by city council as the city official responsible for administration of the regulations set forth within this division, and the director is referred to throughout this division as the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer the provisions of this division, and in doing so the Floodplain Administrator may:

- (1) Perform the duties and responsibilities set forth herein;
- (2) Delegate duties and responsibilities set forth herein to qualified technical personnel, plan examiners, inspectors, and other city officials, employees, or agents;
- (3) Enter into a written agreement or written contract with another locality or independent contractor, to engage such locality or contractor to serve as the city's agent for administration of the provisions of this division, or specific provisions set forth herein; however, administration of any part of these regulations by an agent shall not relieve the city of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program.

(b) The Floodplain Administrator, and any person(s) acting pursuant to Sec. 34-247(2) or (3), above, shall have authority to render interpretations of the provisions of this division and to establish policies and procedures in order to clarify the application of these provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code. Interpretations shall be made by means of written determinations. The administrator's determinations may be appealed to the city's board of zoning appeals, in accordance with the procedures provided within Sections 34-126 through 34-139 of the City Code. Any person who appeals an interpretation of the boundaries of the city's SFHA, as applied to specific land, may submit independent technical evidence to the board.

Sec. 34-248. Duties and responsibilities of floodplain administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Review applications for permits proposing the use or development of land, to determine whether proposed uses, activities, construction and development will be located in a SFHA;
- (2) Interpret floodplain boundaries, and provide BFE and flood hazard information available from the FIS/FIRM or other sources;
- (3) Coordinate with the City's Building Official, to administer and enforce the flood provisions of the USBC and to review applications to determine whether proposed activities will be reasonably safe from flooding;
- (4) Review applications to determine whether all necessary permits have been obtained from

- the federal, state or local agencies from which approval is required, including, without limitation: permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures); any alteration of a watercourse; any change of the course, current, or cross section of a stream or body of water, including any change to any BFE;
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies as may have authority over such alteration (e.g., the Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to FEMA;
 - (6) Approve applications and issue permits authorizing development in a SFHA, if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met;
 - (7) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations, or to determine if non-compliance has occurred or violations have been committed;
 - (8) Review elevation certificates and require incomplete or deficient certificates to be corrected;
 - (9) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analysis prepared by or for the city, within six months after such data and information becomes available, if the analyses indicate changes in BFEs;
 - (10) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (i) The FIS/ FIRM (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (ii) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations;
 - (11) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action;
 - (12) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and provide a recommendation;
 - (13) Administer the requirements related to proposed work on existing buildings:
 - (i) Make determinations as to whether buildings and structures that are located in SFHAs and that are damaged by any cause have been substantially damaged; and

- (ii) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage;
- (14) Undertake other actions, as determined appropriate by the Floodplain Administrator due to the circumstances, including, but not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with federal, state, and other local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and rendering determinations as to whether specific properties have been substantially or repetitively damaged by flooding.
- (15) Notify FEMA when the corporate boundaries of the city have been modified and:
 - (i) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (ii) If the FIS/FIRM for any annexed area includes SFHAs that have regulatory requirements not set forth in these floodplain management regulations, prepare amendments to adopt appropriate floodplain management regulations for such SFHAs and submit the amendments to the city council for adoption; such adoption shall take place at the same time as, or prior to, the date of annexation and a copy of the amended floodplain management regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA;
- (16) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHAs, number of permits issued for development in the SFHAs, and number of variances issued for development in the SFHAs;
- (17) Take into account actual flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land use, development and management throughout the entire jurisdictional area of the city, whether or not those hazards have been specifically delineated geographically via mapping, surveying, or otherwise.

Sec. 34-249. Use and interpretation of FIS/ FIRM.

(a) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of SFHAs on specific lot(s) or parcel(s) of land, using data and information from the FIS/ FIRM, or other data and information permitted by federal law, federal regulations or these floodplain management regulations. Whenever reference is made within this division to delineation of SFHAs, the reference to delineation shall include, without limitation, interpretations of the Floodplain Administrator. The basis for delineation of SFHAs in relation to specific lot(s) or parcel(s) of land

shall be as specified within paragraph (b) of this section and within Sec. 34-254.

(b) The following shall apply to the use and interpretation of the FIS/FIRM by the Floodplain Administrator:

- (1) SFHA designations furnished within the FIS/ FIRM shall govern the location of such SFHAs.
- (2) Where field surveyed topography indicates that adjacent ground elevations contiguous to the flood hazard boundary are below the BFE, even in areas not delineated as a SFHA within the FIS/FIRM, the area shall be considered as a SFHA and shall be subject to the requirements of these regulations;
- (3) Where field surveyed topography indicates that adjacent ground elevations are above the BFE, the area shall be regulated as a SFHA unless the applicant obtains a LOMR removing the area from the SFHA.
- (4) Within SFHAs designated within the FIS/ FIRM, in which BFE and floodway data have not been provided, and in areas where no SFHAs have been designated: any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used by the Floodplain Administrator;
- (5) BFEs and designated floodways identified within the FIS/FIRM shall take precedence over BFEs and floodway boundaries determined using any other sources, if such other sources show reduced floodway widths and/or lower BFE;
- (6) Notwithstanding the foregoing: sources of data other than the FIS/ FIRM shall be reasonably used if such sources show increased BFEs and/or larger floodway areas than are identified within the FIS/FIRM;
- (7) If a preliminary FIS/ FIRM has been provided by FEMA:
 - (i) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided by FEMA for the purposes of administering these regulations;
 - (ii) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and shall be used where no BFEs and/or floodway areas are identified within the effective FIS/FIRM;
 - (iii) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary BFEs or floodway areas exceed the BFEs and/or designated floodway widths in the existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(c) Any property owner aggrieved by a determination of the Floodplain Administrator rendered pursuant to this section may appeal such determination to the city's board of zoning appeals.

Sec. 34-250. Jurisdictional boundary changes.

(a) In the event that, following the adoption of this ordinance, the jurisdictional boundaries of the city are modified by annexation, then the Albemarle County floodplain ordinance in effect on the date of annexation shall remain in effect within the annexed areas, and shall be enforced by the city, until such time as the city adopts a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIS/ FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the city will adopt amendments to these regulations to adopt the FIS/ FIRM and appropriate requirements for such area, and such adoption shall take place at the same time as, or prior to, the date of annexation and a copy of the amended regulations shall be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA.

(b) The city will notify the Federal Insurance Administration (FIA) and its Virginia State Coordinating Office in writing, whenever the boundaries of the city have been modified by annexation, or the city has otherwise either assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. A copy of a map of the city suitable for reproduction, clearly delineating the new corporate limits or new area for which the city has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Sec. 34-251. SFHA boundary changes.

The delineation of any SFHA relative to a specific lot or parcel of land may be revised by the city's Floodplain Administrator, when natural or man-made changes have occurred; when more detailed studies have been conducted or undertaken by the USACE or other qualified agency; or when a property owner documents the need for such revision. However, prior to any such revision, approval must be obtained from FEMA.

Sec. 34-252. Submitting technical data.

A community's BFEs may increase or decrease as a result of physical land changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the city shall notify FEMA of such changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Sec. 34-253. Letters of map revision.

When development in the floodplain causes, or will cause, a change in any BFE, then the landowner, including any state or federal agency, must notify FEMA by applying for a CLOMR (conditional letter of map revision) and then subsequently, a LOMR (letter of map revision). Examples of circumstances requiring action in accordance with this section include, but are not limited to, the following:

- (1) Any development that causes an increase in the BFEs within a floodway;

- (2) Any development occurring in Zones A and AE without a designated floodway, which will cause a rise of more than one (1) foot in the BFE; and
- (3) Any alteration or relocation of a stream, including but not limited to installation of culverts, bridges and crossings.

Sec. 34-254. Basis for delineation of SFHAs; regulatory requirements.

(a) The basis for the delineation of the city's SFHA by the city's Floodplain Administrator shall be the FIS/ FIRM (as defined in Sec. 34-1200), including any subsequent revisions or amendments thereto, and other data and information, in accordance with the provisions of Sec. 34-249 and as provided within paragraph (b) of this section.

- (1) The city may identify and regulate LFHAs (local flood hazard or ponding areas) that are not identified within the FIS/ FIRM. These LFHAs may be delineated on a LFHM (local flood hazard map) using best available topographic data and locally derived information, such as: flood of record, historic high water marks or approximate study methodologies.
- (2) Upon approval of a LFHM by city council in accordance with the procedures for amendment of the city's zoning district map, the LFHM shall be considered SFHAs subject to the city's floodplain management regulations.

(b) The city's SFHA shall consist of AE Zones and A Zones, as defined within Sec. 34-1200.

(c) AE Zone requirements. The following provisions shall apply within AE zones:

- (i) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the BFE more than one (1) foot at any point within the city.
- (ii) Development activities which increase the BFE by more than one (1) foot may be permitted, provided that the applicant first applies, with the endorsement of the Floodplain Administrator on a community acknowledgement form, for a CLOMR and receives the approval of FEMA.
- (iii) All new construction and substantial improvements shall comply with all applicable regulations set forth within this division, including, without limitation, secs. 34-256 to 34-261.

(d) *A Zone Requirements.* The following provisions shall apply within A Zones:

- (i) The Floodplain Administrator shall obtain, review and reasonably utilize any BFEs and floodway information from federal, state, and other acceptable sources, when available. Where the specific BFE cannot be determined within this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Floodprone Quadrangles, etc., then the applicant for a proposed use, activity or development shall determine the BFE. The applicant shall use federal, state and other sources of information acceptable to the Floodplain Administrator, and shall use technical methods in accordance with subparagraph (ii), below, for any development that involves 5 acres or 50 lots

(whichever is less). However the Floodplain Administrator may require the use of technical methods for other uses, activities or developments, as appropriate to achieve the purposes of this division.

- (ii) Technical methods shall correctly reflect currently accepted non-detailed technical concepts, consistent with methods used in the FIS, such as flood hazard analyses, point on boundary, known high water marks from past floods, or detailed methodologies including hydrologic and hydraulic engineering analysis. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
 - (iii) The Floodplain Administrator shall have the authority to require hydrologic and hydraulic engineering analysis for any development and to determine the BFE. When such BFE data is utilized, the lowest floor shall be elevated to or above a point that is one (1) foot above the BFE. During the permitting process the Floodplain Administrator shall obtain the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and, if the structure has been flood-proofed in accordance with the requirements of this division, documentation of the elevation to which the structure has been flood-proofed.
 - (iv) Upon establishment of a BFE and floodway in accordance with this section, development within an approximated floodplain shall be subject to the requirements of paragraphs (b)(1) and (b)(2) of this section, as applicable.
- (e) *Floodway requirements.* The following provisions shall apply within a floodway:
- (i) Within a floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment will not result in any increased flood levels within the community, affect normal flood flow, increase erosion within or adjoining to the floodway, cause the diversion of flood waters during the occurrence of the base flood discharge, increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or increase the amounts of damaging materials that might be transported in floods during the occurrence of the base flood discharge. Hydrologic and hydraulic engineering analysis shall include an engineer's certification that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
 - (ii) The placement of manufactured homes is prohibited, except that, in an existing manufactured home park or subdivision, A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the encroachment standards of section (iii), below, are met and provided further that the requirements of Sec. 34-258(4) are satisfied.
 - (iii) Development or uses which increase the BFE may be permitted, provided that the applicant first applies – with the endorsement of the Floodplain Administrator on a community acknowledgement form—for a CLOMR in accordance with Sec. 34-253 and receives the approval of FEMA.
 - (iv) All new construction and substantial improvements shall comply with all

applicable regulations within this division, including, without limitation, secs. 34-256 to 34-261.

- (v) Subject to compliance with (i), above, and other applicable provisions of these floodplain regulations, the following uses may be permitted by the Floodplain Administrator within a floodway, if otherwise allowed within the underlying zoning district classification, so long as they do not require any new structure(s): fill, dumping of materials or waste, storage of materials or equipment; (A) agricultural uses and (B) outdoor recreational uses; (C) open uses, such private alleys and driveways, off-street parking, and loading areas related to uses outside the floodway; and (D) public facilities, including public streets and alleys, railroads, bridges, and facilities of public service corporations.

- (vi) The following uses may be permitted within a floodway, following the approval of a special exception granted by the board of zoning appeals, if such use is otherwise allowed within the underlying zoning district classification: (A) accessory uses; (B) uses which may be authorized by a temporary use permit; (C) lots for the sale of new and used cars, trucks, farm equipment, campers, mobile homes; boats; (D) marinas, boat rentals, docks, piers, wharves; and (E) storage yards for non-floatable and readily transportable equipment or machinery. Prior to granting any such special exception, in addition to any other standards to be applied by the board of zoning appeals, the board of zoning appeals must find that the requirements of subsection (i), above are satisfied.

Sec. 34-255. Overlay concept.

(a) The requirements of this division shall govern the use and development of land within SFHAs, and these floodplain management regulations shall apply within SFHAs in addition to the regulations of any other district(s) enumerated in city code Sec. 34-216 and in addition to other development regulations set forth within chapters 34 (zoning) or 29 (subdivisions).

(b) If there is any conflict between the provisions of this division and the requirements of any other ordinance, law, or regulation, the provisions of Sec. 34-6(b) shall govern the interpretation of the conflicting provisions.

Sec. 34-256. Permit and application requirements.

(a) *Permit required*--No use, activity or development shall be established or conducted within any SFHA, except upon the approval of a permit by the Floodplain Administrator. Under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Every permit approved by the Floodplain Administrator shall be subject to the conditions set forth within Sec. 34-257 of this division.

(b) *Applications*—Every application seeking a permit from the Floodplain Administrator, and all other applications seeking an approval from the city allowing the use or development of land, or authorizing any land disturbing activity, within any SFHA shall include the following information:

- (1) The BFE at the site, obtained from the FIS/ FIRM or, if not established on the FIS/ FIRM,

established in accordance with Sec. 34-254(b)(2);

- (2) The proposed elevation of the lowest floor (including basement);
- (3) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed;
- (4) Information from a topographic survey, showing existing and proposed ground elevations; and
- (5) Documentation or evidence of the location of the applicable SFHA, as determined in accordance with Secs. 34-249 and 34-254(b)(2).

Sec. 34-257. General permit conditions.

The following provisions shall each apply as a condition of the validity of every permit approved by the Floodplain Administrator:

- (1) New construction and substantial improvements shall be performed in accordance with the requirements of this division and the USBC, and shall be anchored as necessary to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be securely anchored to an adequately anchored foundation system, to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment

to them or contamination from them during flooding and approved by the local health department;

- (9) In all SFHAs, the following requirements shall apply:
- (i) Prior to any proposed alteration or relocation of any wet channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the USACE, VADEQ, and the VAMRC (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the VADCR (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
 - (ii) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 34-258. Elevation and construction standards.

In all SFHAs where BFEs have been provided in the FIS/ FIRM or established in accordance with Sec. 34-254, above, the following provisions shall apply:

- (1) *Residential construction*--new construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE.
- (2) *Non-Residential Construction*--New construction or substantial improvement of any commercial, industrial, or other non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE. Non-residential buildings may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE, plus 1 foot, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed by the Commonwealth of Virginia shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation to which such structures are floodproofed, shall be provided at the time the finished floor is completed. An Elevation Certificate shall be provided and maintained by the Floodplain-Administrator within the records required by this division.
- (3) *Space Below the Lowest Floor*—in the SFHAs, any fully enclosed areas of new construction or of substantially improved structures, which are below the lowest floor:
 - (i) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator); and
 - (ii) Shall be constructed entirely of flood resistant materials below the lowest floor, and

shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall either be certified by a professional engineer or architect licensed by the Commonwealth of Virginia, or must meet or exceed the minimum design and installation criteria referenced in subparagraphs (iii) – (viii) below.

- (iii) There must be provided a minimum of two openings on different sides of each enclosed area subject to flooding.
- (iv) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed floor area subject to flooding.
- (v) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- (vi) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- (vii) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- (viii) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) *Manufactured homes and recreational vehicles:*

- (i) all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including, without limitation, applicable elevation and anchoring requirements referenced in Sec. 34-257 and this Sec. 34-258.
- (ii) all recreational vehicles placed on a site within an SFHA must: be on the site for fewer than 180 consecutive days and must either: be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements set forth within this division for manufactured homes.

(5) *New above-ground storage tanks* - all above-ground propane storage tanks, including new tanks installed to replace an existing tank, must meet the following requirements:

- (i) Tanks that are associated with new or existing utility service or that are attached to or located under a building, tank inlets, fill openings, outlets, and vents, shall be elevated above the elevation specified in ASCE / SEI 24.05 or most current standard.
- (ii) Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(6) *Placement of fill materials*—in addition to other applicable requirements set forth within this division, proposed development that involves or includes the use of fill shall meet the following requirements:

- (i) Fill shall be of a material that does not pollute surface water or groundwater;
- (ii) Fill shall be the minimum amount necessary to achieve the intended purpose. The application for a permit shall include a statement of the intended purpose of the proposed fill; provided, however, that if the purpose of the fill is to achieve elevation requirements of this division, the permit application shall include a geotechnical engineer's certified analysis of alternative elevation methods;
- (iii) The application for a permit shall include the compaction specifications to be utilized in the placement of the fill, along with the location and dimensions of the proposed fill area(s); the amount, type and source of fill material; and the certification of a geotechnical and/or structural engineer that the quantity of proposed fill is the minimum necessary to achieve the intended purpose of the fill; and
- (iv) The area(s) proposed for fill shall be effectively protected against erosion, by measures described within an erosion and sediment control plan approved pursuant to Chapter 10 of the City Code. For a development that is not subject to the requirement for an erosion and sediment control plan, the fill area(s) shall be protected by vegetative cover, riprap, gabions, bulkhead or other method(s) deemed necessary by the Administrator that the proposed development will be reasonably safe from flooding and does not create any health or safety hazards.

Sec. 34-259. Standards for subdivisions and other developments.

(a) All proposed subdivisions and other developments shall be designed in a manner consistent with the need to minimize flood damage;

(b) All proposed subdivisions and other developments shall have public utilities and facilities such as sewer, gas, electrical and water systems located and designed for construction in a manner that will minimize flood damage;

(c) All proposed subdivisions and other developments shall provide drainage adequate to reduce exposure to flood hazards, and

(d) All final development plans for commercial, industrial, or residential developments shall include BFE data obtained from the FIS/ FIRM or established using detailed technical methods referenced within Sec. 34-254(b)(2).

Sec. 34-260. Existing structures.

(a) A structure, or use of a structure or premises, located within an SFHA and which lawfully existed before the enactment of this division, but which is not in conformity with the regulations of this division, may be continued subject to the following conditions:

- (1) Existing structures and uses in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic engineering analysis performed in accordance with standard engineering practices that the proposed expansion or enlargement would not increase the

BFE.

- (2) Substantial improvements to an existing structure, or use of an existing structure, shall be allowed only if the entire structure, inclusive of such improvements, will conform to the USBC and applicable provisions of this division.
- (3) Except as provided in (1) and (2), preceding above, any other modification, alteration, repair, reconstruction, or improvement to an existing structure, or use of an existing structure, of any kind, shall conform to the USBC and applicable provisions of this division.

(b) For any application seeking a permit for work referenced within (a)(2) or (a)(3), above, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate market value, or require the applicant to obtain a professional appraisal, prepared by a qualified independent appraiser, of the fair market value of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement, or repair of substantial damage; and
- (4) If the Floodplain Administrator determines that the work constitutes substantial improvement, or repair of substantial damage, he or she shall notify the applicant that compliance with the flood resistant construction requirements of this division and of the USBC is required.

Sec. 34-261. Variances.

(a) Variances shall be granted by the BZA only upon a determination (i) that a failure to grant the variance would result in exceptional hardship to the applicant; (ii) that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, any nuisances, any fraud or victimization of the public, or any conflict with federal, state or city laws, regulations or ordinances. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

(b) Generally, the granting of variances will be limited to lots having a size of less than one-half acre; however, circumstances may require the BZA to deviate from this general provision. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the BZA for new construction or substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, in conformance with the provisions of this section.

(c) Variances may be granted by the BZA for new construction, substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that the criteria of this section are met, and the structure, use or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(d) In considering applications for variances, the BZA shall consider relevant factors and procedures specified by state statutes and city ordinances, and the BZA shall also consider the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway that will increase the BFE.
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon the additional determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the proposed variance is the minimum necessary to preserve the historic character and design of the structure.
- (13) Such other factors which are relevant to the purposes of this ordinance.

(e) The BZA may refer any application for a variance, and accompanying documentation, to a professional engineer licensed by the Commonwealth of Virginia, or other qualified person or agency, for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(f) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the approval of a variance to construct a structure below the BFE increases the risks to life and property and will result in increased premium rates for flood insurance. A record shall be maintained by the Floodplain Administrator of this notification as well as all actions of the BZA pursuant to this section, including justification for the issuance of the variances. Any variances approved by the BZA shall be noted in the annual or biennial report submitted by the Floodplain Administrator to the Federal Insurance Administrator.

2. That Section 34-1200 of Article X (Definitions) of Chapter 34 (Zoning), are hereby amended and re-enacted, to read as follows:

ARTICLE X. DEFINITIONS

Sec. 34-1200. Definitions.

The following words or phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

...

“A” Zone – The areas shown on the city’s FIS/ FIRM as areas for which no detailed flood profiles or elevations (BFEs) are provided, but the boundary of the base flood has been approximated. Such areas may also be referred to as the ~~approximated floodplain~~”.

“AE” Zone – The areas shown on the city’s FIS/ FIRM as areas for which BFEs have been provided and the floodway has not been delineated.

Adjacent grade means, when used within the City’s floodplain management regulations (see Article II, Division 1), the elevation of the ground surface next to the walls of a structure. The lowest adjacent grade refers to the lowest natural elevation of the ground surface next to the walls of a structure. The highest adjacent grade refers to the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as ~~regulatory flood~~”, the ~~one-hundred-year flood~~”, and the ~~one-percent-annual-chance flood~~”.

BFE, or base flood elevation means the ~~crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard~~ water surface elevations of the base flood in relation to the datum specified on the FIS/ FIRM; that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

Basement means a portion of the building partly underground, but having more than half its clear height below the average grade of the adjoining ground. When used within the City’s floodplain management regulations (see Article II, Division 1), the term ~~basement~~” means any area of a building or structure having its floor sub-grade (below ground level) on all sides.

Development means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any commercial or industrial purpose or is to contain three (3) or more residential dwelling units. As the term is used within the city’s floodplain management ~~hazard protection district~~ regulations (see Article II, Division 1), it shall also mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building for purposes of Article II, section 34-240 et seq. means, when used within the City’s floodplain management regulations (see Article II, Division 1), a non-basement building

constructed so that ~~which~~ has its lowest elevated floor is elevated raised above ground level by means of ~~fill~~, solid foundation perimeter walls, pilings, or columns, ~~(posts; and piers)~~, or shear walls.

Encroachment – When used within the City’s floodplain management regulations (see Article II, Division 1), the term shall mean the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing structure means, when used within the City’s floodplain management regulations (see Article II, Division 1), buildings and structures for which the start of construction occurred prior to June 15, 1979.

FEMA means the Federal Emergency Management Agency.

FIRM, or flood insurance rate map (“official flood map”) means the Flood Insurance Rate Map prepared by FEMA for Albemarle County, Virginia and incorporated areas and the independent City of Charlottesville, dated February 4, 2005, and subsequent revisions or amendments thereto. This document is an official map of a community the city established by FEMA on which the Federal Emergency Management Agency on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the land within the jurisdictional boundaries of the City of Charlottesville community. The term shall include the digital version of such FIRM provided by FEMA, referred to as a Digital Flood Insurance Rate Map (DFIRM). The FIRM accompanies the FIS; whenever reference is made to the “FIRM”, or to “FIS/ FIRM” such references shall include information and data included within the FIS. Also known as the “official flood map.”

FIS, or flood insurance study means the ~~official~~ Flood Insurance Study dated February 4, 2005, prepared by FEMA for Albemarle County, Virginia and incorporated areas and the independent City of Charlottesville, and any subsequent revisions or amendments thereto. This study is a report provided by FEMA, containing information and maps, that compiles and presents flood risk data for specific flood hazard areas within the City. The FIS the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations. The FIS is commonly referred to as being accompanied by the FIRM; whenever reference is made to the “FIS” or to “FIS/FIRM” such references shall include information and data included within the FIRM.

Flood or flooding means, when used within the City’s floodplain management regulations (see Article II, Division 1), ~~for purposes of Article II, section 34-420 et seq. a~~ general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters, and (ii) the unusual and rapid accumulation of runoff of surface waters from any source, including, without limitation: ~~or (ii)~~ the collapse or subsidence of land along the shore of a lake or other body of water, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event. The terms shall also include mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Floodplain: See means ~~“SFHA or “area of special flood hazard area.”~~

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to properties structures that are subject to flooding and which will reduce or eliminate flood damage to real estate or improved real property, water and sanitary sewer facilities, structures and their contents of buildings or structures. Whenever documentation of the elevation to which structures have been floodproofed is required, such documentation shall show such elevation in relation to the datum specified on the city's FIS/ FIRM.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to carry and discharge the base flood waters of the one hundred year flood, as designated in the FEMA flood study/ map dated February 4, 2005, as amended, without cumulatively increasing the water surface elevation at any point more than one foot at any point more than one (1) foot above the base flood elevation and provided that hazardous velocities are not produced. The area within a floodway shall be either (a) areas defined in the FIS and shown on the accompanying FIRM, or (b) established in accordance with methods and procedures specified in Sec. 34-255.

Floodway fringe means that portion of the floodplain that lies between the floodway and the outer limits of the floodplain, as designated in the flood study/ map prepared by FEMA dated February 4, 2005 (as amended).

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building or structure.

Historic structure means, when used within the City's floodplain management regulations (see Article II, Division 1), any structure that is: (i) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on such National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior, in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis means analyses performed by a professional engineer licensed by the Commonwealth of Virginia, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, BFEs, floodway information and boundaries, and flood profiles.

LOMC or letter of map change means an official FEMA determination, given by letter, that amends, revises or reviews the effective FIS/ FIRM for the city. Letters of Map Change include: LOMAs, LOMRs, and CLOMRs, which are described as follows:

LOMA or letter of map amendment means an amendment based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends or revises the effective FIRM and establishes that an area of land, as described with reference to

specific metes and bounds, or a building or structure, is not located in an SFHA.

LOMR or letter of map revision means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a building, structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for a LOMR-F, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.

CLOMR or conditional letter of map revision means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements with respect to delineation of SFHAs. A CLOMR does not revise the effective FIS/ FIRM.

Lowest floor means the floor of the lowest enclosed area (including basement) of a building or structure. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of the city's floodplain management regulations.

Manufactured home means a structure subject constructed to federal standards, as described within Code of Virginia § 36-85.16, regulation which is transportable in one (1) or more sections, and is (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, which is built on a permanent chassis and is designed to be used as a single family dwelling, for use as a dwelling, with or without a permanent foundation, when connected to the required utilities, and The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For purposes of the city's floodplain management regulations the term "manufactured home" also means recreational vehicles (e.g., park trailers, travel trailers, and other similar vehicles) placed on a site located within an SFHA for greater than 180 consecutive days.

Manufactured home park or manufactured home subdivision - When used within the City's floodplain management regulations (see Article II, Division 1), the term shall mean means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MSL or Mean Sea Level means the National Geodetic Vertical Datum (NGVD) to which base flood elevations shown on the FIRM are referenced an elevation point that represents the average height of the ocean's surface, such as the halfway point between the mean high tide and the mean low tide, which is used as a standard in reckoning land elevation.

New construction means, when used within the City's floodplain management regulations (see Article II, Division 1), and for the purposes of determining insurance rates, construction of improvements to real property, for which the start of such construction commenced on or after June 15, 1979, and includes any subsequent improvements to such structures.

NFIP - the National Flood Insurance Program.

Recreational vehicle - When used within the City's floodplain management regulations (see

Article II, Division 1), the term shall mean—means a vehicle which is: (i)—built on a single chassis; ~~four hundred~~ (ii)—400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv)—designed primarily ~~not for use as a permanent dwelling~~ but as temporary living quarters for recreational camping, travel, or seasonal use and not for use as a permanent dwelling. A recreational vehicle is deemed ready for highway use if it is on wheels or a parking system, is attached to a site only by quick-disconnect type utilities ~~and~~ or security services, and has no permanent attached additions.

SFHA or special flood hazard area means an area of land subject to a one percent (1%) or greater chance of being flooded in any given year, the boundaries or dimensions of which shall be as identified within the city’s FIS/ FIRM or as determined by the city’s floodplain administrator in accordance with the provisions of Article II, Division 1 of this ordinance.

Start of construction - When used within the City’s floodplain management regulations (see Article II, Division 1), the term shall mean the date a building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the date on which the building permit was issued. Actual start shall be interpreted to refer to the first placement of permanent construction of a building or structure on a site (e.g., the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Relative to the substantial improvement of a building or structure within an SFHA, the actual start shall be interpreted to refer to the first alteration of any wall, ceiling, floor, or other structural part of a building or structure, whether or not that alteration affects the external dimensions of the building or structure. Permanent construction excludes land preparation (e.g., clearing, grading, and filling); installation of streets and/or walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings and structures, such as garages or sheds not designed for use as a permanent dwelling or not part of the main building or structure on the site.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things: dwellings, buildings, etc. When used within the City’s floodplain management regulations (see Article II, Division 1) includes a building or other structure, including, without limitation, a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For the purpose of determination of setback, signs shall be excluded as structures.

Substantial damage means for purposes of Article II, section 34-420, et seq., when used within the city’s floodplain management regulations (see Article II, Division 1) damage of any origin sustained by a building or structure, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure. The fair market value of the building refers to (i) the appraised value of the initial repair or improvement, or (ii) in the cause of damage, the assessed value of the building prior to the damage occurring.

Substantial improvement means, when used within the City’s floodplain management regulations (see Article II, Division 1), for purposes of Article II, section 34-240, et seq., any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure: (i) the cost of which equals or exceeds ~~fifty (50)~~ 50 percent (50%) of the fair market value of the building or structure before the start of construction of the improvement, or (ii) such ~~This term includes building or structures which has~~ have incurred substantial damage, regardless of the actual repair work

performed. The term does not, however, include either: (i) any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Historic structures undergoing any repair or rehabilitation that would constitute a substantial improvement" as such term is used for purposes of the city's floodplain management regulations, must comply with all floodplain management regulations that do not preclude the structure's continued designation as a historic structure. Documentation that a specific floodplain management regulation will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the state's Historic Preservation Officer.

USACE – the United States Army Corps of Engineers

USBC or uniform statewide building code means the effective version of the Virginia Uniform Statewide Building Code, and building regulations adopted and promulgated pursuant thereto, applicable to a specific development or construction activity.

VADEQ – the Virginia Department of Environmental Quality.

Watercourse means a natural or artificial channel through which water flows, including, without limitation: any lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically, as well as any specifically designated areas of special flood hazard, in which substantial flood damage may occur.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approval of Ordinance
Presenter:	Doug Ehman, Parks Division Manager
Staff Contacts:	Doug Ehman, Parks Division Manager
Title:	Tree Conservation Nomination

Background: The City passed an ordinance on November 4, 2013 allowing trees considered to be important to be protected. Two trees have been approved for protection to date. The owner of a White Oak tree at 1604 East Market Street has requested designation as a Memorial tree.

Discussion: Trees nominated for this protection are reviewed by staff from various departments as well as the Tree Commission before being brought to Council for final approval. This application has been reviewed and is being recommended for protection under the ordinance. The attached application form describes the tree and the basis for its designation as a Memorial tree.

Alignment with City Council's Vision and Strategic Plan:

The Tree Commission activities support the City Council's "Green City" vision.

Charlottesville City Council Vision 2025: A Green City :

"Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods. We have an extensive natural trail system, along with healthy rivers and streams. We have clean air and water, we emphasize recycling and reuse, and we minimize stormwater runoff. Our homes and buildings are sustainably designed and energy efficient."

Community Engagement: Tree Commission meetings are open to the public. A public hearing will be held at the July 6, 2015 Council meeting to give the public an opportunity to comment on the proposed designation.

Budgetary Impact: This report has no impact on the General Fund.

Recommendation: Approve ordinance to protect this tree under City Code Sections 18-5, *et seq.*

Attachments: Staff review forms, map and photograph



ORDINANCE
DESIGNATING A CERTAIN TREE AS A PROTECTED TREE
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, Bill Emory, owner of the property at 1604 East Market Street, has made application to the City to designate a White Oak tree (*Quercus alba*) on his property as a Memorial tree because it is the offspring of a massive white oak tree near Brooks Hall on the UVA grounds that was destroyed on September 18, 2003 by Hurricane Isabel; 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 tree be afforded protection by designation under the Tree Conservation Ordinance; and

WHEREAS, City Council has considered the report and recommendation of the City Arborist and the Tree Commission, and conducted a public hearing on July 6, 2015; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville that the above-described White Oak tree, located on private property at 1604 East Market Street, is hereby designated as a Memorial Tree, notable as the offspring of the White Oak tree near Brooks Hall (UVA) destroyed by Hurricane Isabel in 2003.

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: 002

Date Received: _____

Nominator: Name (Print) Bill Emory
E-Mail: billemory@gmail.com
Phone: 977-1243
Signature:

Tree to be nominated:

Address: 1604 E Market Street

Location description (if address unknown: Please include sketch below if needed):

Common name or Latin name of tree (if known): quercus alba

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

I'd like to see this category open to include trees planted by people for broader memorial intent. I have a quercus alba in my backyard that is an offspring of the massive tree on grounds at UVA, next to Brooks Hall, that blew down September 18, 2003. I'd like that to qualify as a memorial tree, it preserves the memory (and memorializes the genetics) of that massive white oak on the Corner.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) Bill Emory
 E-Mail: billemory@gmail.com
 Phone: 977-1243

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 002

Date Received: 11-24-14

Date Assigned: 12-5-14

Date Returned:

Verification of Information:

Common Name: White oak Genus/Species: Quercus alba

Location: 1604 E Market Street

Public: Private:

DBH in inches: 13 Height in feet: 35 Average Crown Spread in feet:33

General Condition: Poor Good Excellent

Designation Requested: Memorial

Narrative assessment, summary and recommendation:

The applicant provided information related the Brook Hall white oak, which is the parentage and acorn source for this tree. There does not appear to be objections or utility issues from reviewing City staff or from the City Arborist to approve this tree as a Memorial Tree under the Tree Conservation Ordinance. Therefore the Tree Commission recommends that this tree receive the status of Memorial Tree under the Charlottesville Tree Conservation Ordinance.

Name: John Schmidt, PLA, ASLA

Signature:

Date: 3-25-15

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 002

Date Received: 11/24

Date Assigned:

Date Returned:

Verification of Information: Common Name: White oak Genus/Species: Q.alba

DBH in inches: 13 Height in feet: 35 Average Crown Spread in feet:33

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Condition rating 85 out of 100 . It is Healthy,vigorously growing young white oak

Designation Requested: memorial tree

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

N/A

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 11/26/2014

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 002

Date Received: _____

Date Assigned: _____

Date Returned: 11/24/2014

Nominator: Name (Print): Bill Emory
E-Mail: billemory@gmail.com
Phone: 977-1243
Signature: _____

Please place
address,
description and
location sketch
of tree in box

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? No If yes please detail below:

Name (Printed) Missy Creasy

Signature: _____

Date: 11/24/2014

Tree Conservation-Public Works Report (all fields expand)

Application Number: 002

Date Received: November 21, 2014

Date Assigned: November 21, 2014

Date Returned: December 4, 2014

Nominator: Name: Bill Emory
E-Mail: billemory@gmail.com
Phone: 977-1243
Signature: _____

Address of tree/and or description of location: 1604/& 1602 E Market Street

Add location sketch if needed:

See attached GIS. No utilities identified other than Gas –see below.

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

A ½ inch gas line runs down the property (see attached GIS photo) and a visual observation places the tree approximately 12' from the gas main. If work on the gas main is required in the future, Utilities would attempt to avoid disturbing the tree; however if necessary for the public's safety or for any other reason required in Utilities' view, the City would utilize the exceptions outlined in the Tree Preservation Ordinance as follows, or any other exception that may be relevant and applicable:

Sec. 18-9. - Designation.

(1)

By written request. Any person may submit a written request to the administrator seeking designation by ordinance of a tree located on private property as a heritage, memorial, specimen or street tree. The request must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree. Any submission for designation of a tree by a person who is not the property owner must include written consent of the property owner for the submission. The administrator, upon receipt of such a request, shall forward a copy to the tree commission for review and recommendation to the city arborist.

Sec. 18-7. - Administration and enforcement.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court by the administrator or his or her designee.

Sec. 18-11. - Exceptions.

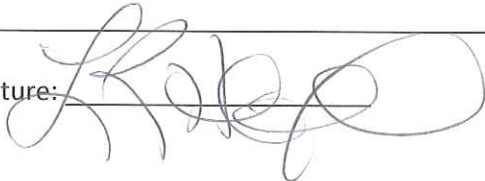
The provisions of this article shall not apply to:

(2) Emergency work to protect life, limb or property; or

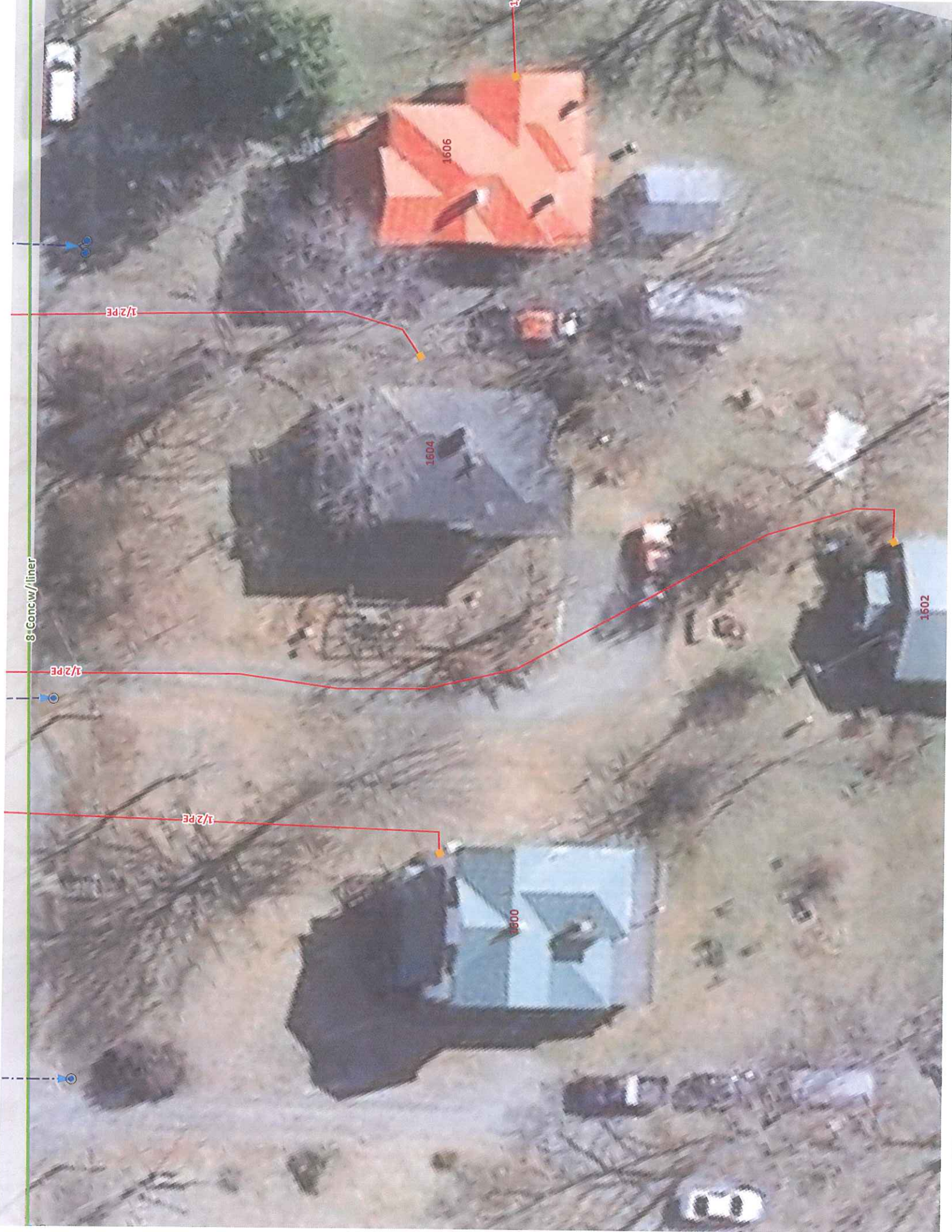
(3)

Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;

Name: Lauren Hildebrand, Director of Utilities

Signature: 

Date: December 4, 2014



CITY OF CHARLOTTESVILLE

Office of the Clerk of City Council

P.O. Box 911 • Charlottesville, Virginia 22902

Telephone: (434) 970-3113



June 19, 2015

Bill Emory
1604 East Market Street
Charlottesville, VA 22902

By Certified Mail

RE: Designation of White Oak Tree as Memorial Tree

Dear Mr. Emory:

You have submitted an application to the City Tree Commission to have a certain white oak tree on your property at 1604 East Market St. designated as a Memorial Tree under the City's tree conservation ordinance (City Code Sections 18-5, *et seq.*). After the required review of the application, the Tree Commission recommended to City Council that the tree be so designated. Pursuant to Sec. 18-9(b)(2) of the City Code, a public hearing on the designation will be held at Council's regular meeting on Monday, July 6, 2015 at 7:00 p.m. You are invited and encouraged to attend the meeting.

Notice of the public hearing will also be published in the Daily Progress on June 23, 2015. If you have any questions about the process, please feel free to call Doug Ehman at 970-3021.

Sincerely,

A handwritten signature in cursive script that reads 'Paige Rice'.

Paige Rice
Clerk of Council

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: July 20, 2015

Action Required: Adoption of Ordinance

Presenter: Christina Fisher, Assistant Traffic Engineer

Staff Contacts: Christina Fisher, Assistant Traffic Engineer
Donovan Branche, City Traffic Engineer

Title: **Emmet Street Speed Limit Reduction**

Background:

The University of Virginia asked the City of Charlottesville Traffic Engineering department to look into the possibility of reducing the speed limit of Emmet Street between Ivy Road and Arlington Boulevard. The current posted speed limit is 40 miles per hour, which does not align with the other posted speed limits at this intersection: University Avenue at Emmet Street is 25 miles per hour; the southern leg of Emmet Street at Ivy Road is 25 miles per hour; Ivy Road at Emmet Street is 35 miles per hour.

State law requires that changes in speed limits by a locality be supported by a traffic engineering study. The City conducted an in-house traffic study with the assistance of USLIMITS to determine the appropriate speed limit of Emmet Street from Ivy Road to Arlington Boulevard. USLIMITS is a web-based design tool developed by the Federal Highway Administration (FHWA) to help practitioners set reasonable, safe, and consistent speed limits for specific segments of roads. The results of the traffic study were also reviewed by traffic engineering at the Virginia Department of Transportation (VDOT).

Discussion:

The USLIMITS report recommends lowering the speed limit of Emmet Street from Ivy Road to Arlington Boulevard from 40 miles per hour to 35 miles per hour. VDOT agrees with this judgment.

City Code Section 15-99 sets forth the maximum speed limits on City streets. The ordinance needs to be amended to clarify the exact locations where the speed limits change.

Budgetary Impact: None.

Alignment with City Council's Vision and Strategic Plan:

This item aligns with Goal 2 of the Strategic Plan to be a safe, equitable, thriving and beautiful community.

Community Engagement: City staff worked closely with staff from the University of Virginia's Office of the Architect and Parking and Transportation division.

Recommendation:

Staff recommends lowering the speed limit on Emmet Street between Ivy and Arlington Boulevard from 40 miles per hour to 35 miles per hour.

Alternative: Do not change the speed limit.

Attachments:

Draft ordinance

Map of location and existing speed limits

USLIMITS report

Vehicular traffic summaries

**AN ORDINANCE
 AMENDING AND REORDAINING SECTION 15-99
 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
 TO REDUCE THE SPEED LIMIT ON EMMET STREET FROM
 IVY ROAD TO ARLINGTON BOULEVARD**

WHEREAS, the University of Virginia has requested the City to reduce the speed limit on Emmet Street from Ivy Road to Arlington Boulevard from 40 miles per hour to 35 miles per hour; and

WHEREAS, the City Traffic Engineer recently conducted a traffic engineering study and traffic surveys on Emmet Street within the City of Charlottesville, and such study and surveys were reviewed by the Virginia Department of Transportation; and

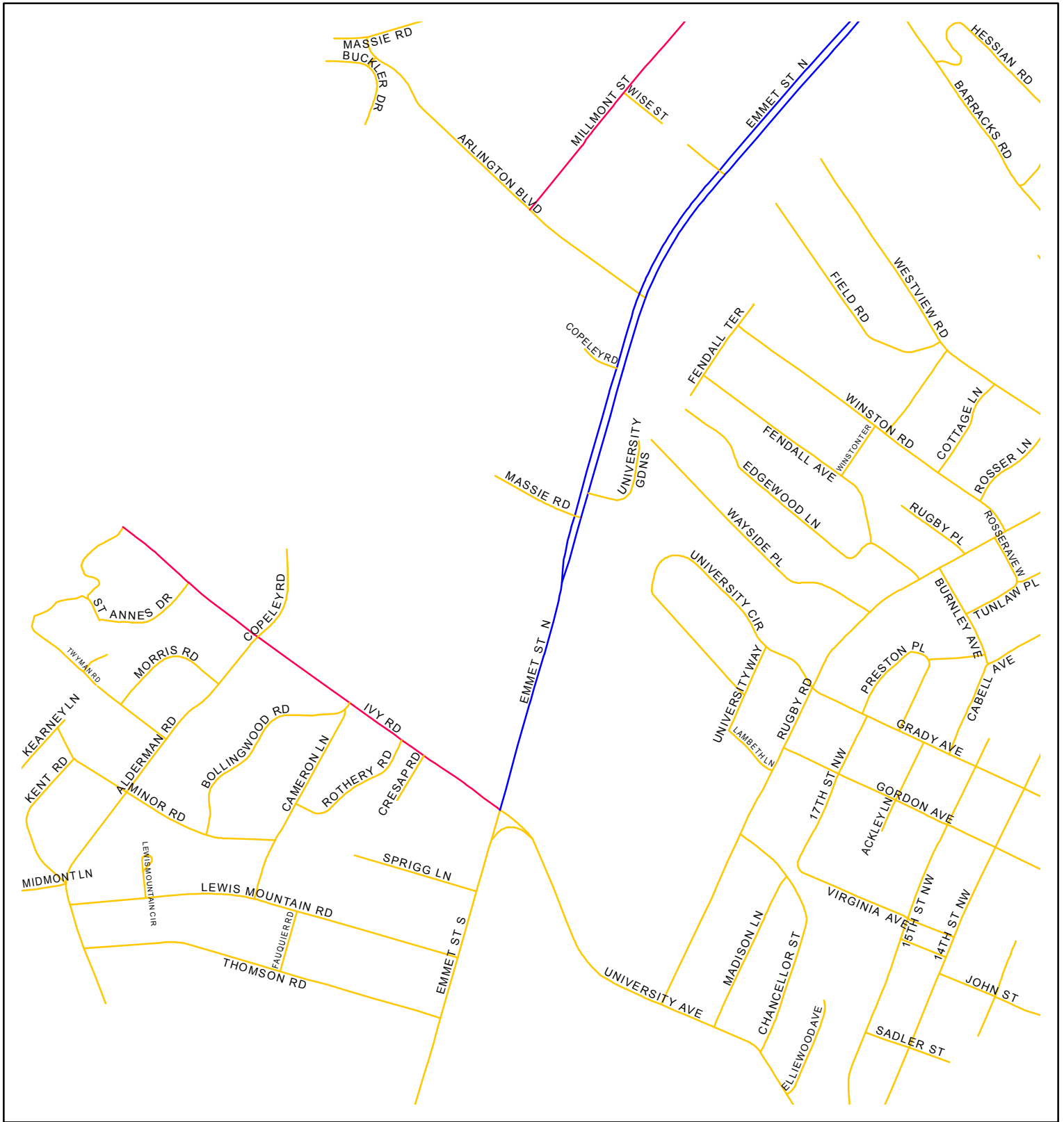
WHEREAS, the City Traffic Engineer has recommended, and VDOT concurs, that the speed limit on Emmet Street from Ivy Road to Arlington Boulevard be reduced to 35 miles per hour, which aligns with the speed limit set for the intersection of Ivy Road and Emmet Street; now, therefore

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 15-99 of Article IV (Speed Limits) of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

Sec. 15-99. Maximum limits on specific streets.

Pursuant to a traffic engineering and traffic survey as required by Code of Virginia, section 46.2-1300, the following speed limits are imposed as hereinafter set forth and no person shall drive a vehicle at a speed in excess of such limits:

Street	From	To	Speed Limit (MPH)
...			
Emmet Street	Jefferson Park Avenue	Ivy Road	25
Emmet Street	Ivy Road	Route 250 By-Pass <u>Arlington Boulevard</u>	40 <u>35</u>
Emmet Street	Route 250 By-Pass <u>Arlington Boulevard</u>	Hydraulic Road	40
...			



**Existing Speed Limits on Charlottesville Roads
July 20, 2015**

miles per hour

— 25

— 35

— 40

0 500 1,000 Feet



USLIMITS2 Speed Zoning Report

Project Name: Emmet Road Speed Study

Analyst: fisherch

Date: 04-22-2015

Basic Project Information

Project Number: 1
Route Name: Emmet Road
From: Ivy Road
To: Arlington Road
State: Virginia
County: Charlottesville city
City: Charlottesville city
Route Type: Road Section in Developed Area
Route Status: Existing

Roadway Information

Section Length: .58 mile(s)
Statutory Speed Limit: 40 mph
Adverse Alignment: No
One-Way Street: No
Divided/Undivided: Undivided
Number of Through Lanes: 4
Area Type: Commercial
Number of Driveways: 11
Number of Signals: 4

Crash Data Information

Crash Data Years: 5.00
Crash AADT: 23115 veh/day
Total Number of Crashes: 88
Total Number of Injury Crashes: 0
Section Crash Rate: 360 per 100 MVM
Section Injury Crash Rate: 0 per 100 MVM
Crash Rate Average for Similar Roads: 415
Injury Rate Average for Similar Roads: 127

Traffic Information

85th Percentile Speed: 42 mph
50th Percentile Speed: 35 mph
AADT: 23115 veh/day
On Street Parking and Usage: High
Pedestrian / Bicyclist Activity: High

Recommended Speed Limit: 35

**MH Corbin Traffic Analyzer Study
 Computer Generated Summary Report
 City: Charlottesville
 Street: Emmet St b/w Arlington & Massie**

A study of vehicle traffic was conducted with the device having serial number 135001. The study was done in the L Lane NB lane at Emmet St b/w Arlington & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 49745 vehicles passed through the location with a peak volume of 199 on 30/01/2015 at [16:00-16:15] and a minimum volume of 1 on 30/01/2015 at [04:00-04:15]. The AADT count for this study was 7,106.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 37 MPH with 62.03% vehicles exceeding the posted speed of 35 MPH. 0.77% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 42.61 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
53	177	278	629	3709	13880	18349	9297	2142	422	381								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 31746 which represents 64 percent of the total classified vehicles. The number of Vans & Pickups in the study was 14115 which represents 29 percent of the total classified vehicles. The number of Busses & Trucks in the study was 2664 which represents 5 percent of the total classified vehicles. The number of Tractor Trailers in the study was 792 which represents 2 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
31746	10350	3765	2047	617	421	211	160											

CHART 2

HEADWAY

During the peak traffic period, on 30/01/2015 at [16:00-16:15] the average headway between vehicles was 4.5 seconds. During the slowest traffic period, on 30/01/2015 at [04:00-04:15] the average headway between vehicles was 450 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 72.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Arlington & Massie**

A study of vehicle traffic was conducted with the device having serial number 135004. The study was done in the L Lane SB lane at Emmet St b/w Arlington & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 38541 vehicles passed through the location with a peak volume of 149 on 31/01/2015 at [12:15-12:30] and a minimum volume of 0 on 29/01/2015 at [02:45-03:00]. The AADT count for this study was 5,506.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 36 MPH with 59.02% vehicles exceeding the posted speed of 35 MPH. 2.07% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 43.32 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
36	144	299	1002	3929	10158	12358	6567	2077	633	786								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 26636 which represents 70 percent of the total classified vehicles. The number of Vans & Pickups in the study was 9760 which represents 26 percent of the total classified vehicles. The number of Busses & Trucks in the study was 1190 which represents 3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 403 which represents 1 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
26636	7693	2067	918	272	191	73	139											

CHART 2

HEADWAY

During the peak traffic period, on 31/01/2015 at [12:15-12:30] the average headway between vehicles was 6 seconds. During the slowest traffic period, on 29/01/2015 at [02:45-03:00] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 68.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Arlington & Massie**

A study of vehicle traffic was conducted with the device having serial number 135008. The study was done in the R Lane NB lane at Emmet St b/w Arlington & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 33101 vehicles passed through the location with a peak volume of 147 on 31/01/2015 at [12:15-12:30] and a minimum volume of 0 on 30/01/2015 at [02:30-02:45]. The AADT count for this study was 4,729.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 38 MPH with 66.21% vehicles exceeding the posted speed of 35 MPH. 5.44% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 45.88 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
40	215	377	593	2324	7298	9753	6246	2512	1002	1745								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 17835 which represents 56 percent of the total classified vehicles. The number of Vans & Pickups in the study was 10529 which represents 33 percent of the total classified vehicles. The number of Busses & Trucks in the study was 2858 which represents 9 percent of the total classified vehicles. The number of Tractor Trailers in the study was 883 which represents 3 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
17835	7375	3154	1985	873	446	202	235											

CHART 2

HEADWAY

During the peak traffic period, on 31/01/2015 at [12:15-12:30] the average headway between vehicles was 6.081 seconds. During the slowest traffic period, on 30/01/2015 at [02:30-02:45] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 72.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Arlingotn & Massie**

A study of vehicle traffic was conducted with the device having serial number 135007. The study was done in the R Lane SB lane at Emmet St b/w Arlingotn & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 54155 vehicles passed through the location with a peak volume of 582 on 04/02/2015 at [13:45-14:00] and a minimum volume of 1 on 29/01/2015 at [02:45-03:00]. The AADT count for this study was 7,736.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 30 - 35 MPH range or lower. The average speed for all classified vehicles was 35 MPH with 46.65% vehicles exceeding the posted speed of 35 MPH. 2.79% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 30MPH and the 85th percentile was 41.72 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
83	447	811	2316	7983	16385	14583	5927	1763	761	1467								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 31777 which represents 60 percent of the total classified vehicles. The number of Vans & Pickups in the study was 13312 which represents 25 percent of the total classified vehicles. The number of Busses & Trucks in the study was 5706 which represents 11 percent of the total classified vehicles. The number of Tractor Trailers in the study was 1731 which represents 3 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
31777	8002	5310	4571	1135	831	437	463											

CHART 2

HEADWAY

During the peak traffic period, on 04/02/2015 at [13:45-14:00] the average headway between vehicles was 1.544 seconds. During the slowest traffic period, on 29/01/2015 at [02:45-03:00] the average headway between vehicles was 450 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 70.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Ivy & Massie**

A study of vehicle traffic was conducted with the device having serial number 135009. The study was done in the L Lane NB lane at Emmet St b/w Ivy & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 45244 vehicles passed through the location with a peak volume of 178 on 28/01/2015 at [14:30-14:45] and a minimum volume of 1 on 30/01/2015 at [04:00-04:15]. The AADT count for this study was 6,463.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 33 MPH with 41.60% vehicles exceeding the posted speed of 35 MPH. 2.06% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 41.11 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
217	1312	2615	4408	7123	9953	10597	4809	1394	546	906								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 27767 which represents 63 percent of the total classified vehicles. The number of Vans & Pickups in the study was 13133 which represents 30 percent of the total classified vehicles. The number of Busses & Trucks in the study was 1560 which represents 4 percent of the total classified vehicles. The number of Tractor Trailers in the study was 1420 which represents 3 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
27767	9950	3183	1168	392	843	370	207											

CHART 2

HEADWAY

During the peak traffic period, on 28/01/2015 at [14:30-14:45] the average headway between vehicles was 5.028 seconds. During the slowest traffic period, on 30/01/2015 at [04:00-04:15] the average headway between vehicles was 450 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 72.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Ivy & Massie**

A study of vehicle traffic was conducted with the device having serial number 135006. The study was done in the L Lane SB lane at Emmet St b/w Ivy & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 38721 vehicles passed through the location with a peak volume of 143 on 31/01/2015 at [12:15-12:30] and a minimum volume of 0 on 29/01/2015 at [02:45-03:00]. The AADT count for this study was 5,532.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 36 MPH with 54.38% vehicles exceeding the posted speed of 35 MPH. 1.14% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 42.90 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
48	210	360	931	4614	11294	11427	6291	2079	577	438								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 23878 which represents 62 percent of the total classified vehicles. The number of Vans & Pickups in the study was 11288 which represents 29 percent of the total classified vehicles. The number of Busses & Trucks in the study was 2652 which represents 7 percent of the total classified vehicles. The number of Tractor Trailers in the study was 451 which represents 1 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
23878	8532	2756	2103	549	199	77	175											

CHART 2

HEADWAY

During the peak traffic period, on 31/01/2015 at [12:15-12:30] the average headway between vehicles was 6.25 seconds. During the slowest traffic period, on 29/01/2015 at [02:45-03:00] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 73.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Ivy & Massie**

A study of vehicle traffic was conducted with the device having serial number 135000. The study was done in the R Lane NB lane at Emmet St b/w Ivy & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 30513 vehicles passed through the location with a peak volume of 111 on 30/01/2015 at [16:00-16:15] and a minimum volume of 0 on 29/01/2015 at [03:15-03:30]. The AADT count for this study was 4,359.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 30 - 35 MPH range or lower. The average speed for all classified vehicles was 32 MPH with 38.80% vehicles exceeding the posted speed of 35 MPH. 0.69% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 30MPH and the 85th percentile was 39.51 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
112	671	1657	3056	4719	8121	7909	2776	582	149	207								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 21557 which represents 72 percent of the total classified vehicles. The number of Vans & Pickups in the study was 7274 which represents 24 percent of the total classified vehicles. The number of Busses & Trucks in the study was 881 which represents 3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 247 which represents 1 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
21557	5482	1792	716	165	117	65	65											

CHART 2

HEADWAY

During the peak traffic period, on 30/01/2015 at [16:00-16:15] the average headway between vehicles was 8.036 seconds. During the slowest traffic period, on 29/01/2015 at [03:15-03:30] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 73.00 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Charlottesville
Street: Emmet St b/w Ivy & Massie**

A study of vehicle traffic was conducted with the device having serial number 135002. The study was done in the R Lane SB lane at Emmet St b/w Ivy & Massie in Charlottesville, VA in Albermarle county. The study began on 28/01/2015 at 02:00 PM and concluded on 04/02/2015 at 02:00 PM, lasting a total of 168.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 47330 vehicles passed through the location with a peak volume of 167 on 31/01/2015 at [12:15-12:30] and a minimum volume of 1 on 29/01/2015 at [02:45-03:00]. The AADT count for this study was 6,761.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 30 - 35 MPH range or lower. The average speed for all classified vehicles was 33 MPH with 37.23% vehicles exceeding the posted speed of 35 MPH. 2.84% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 30MPH and the 85th percentile was 40.75 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to >								
182	598	1192	3238	9472	14194	9600	4154	1438	624	1308								

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Vans & Pickups. The number of Passenger Vehicles in the study was 13115 which represents 29 percent of the total classified vehicles. The number of Vans & Pickups in the study was 18923 which represents 41 percent of the total classified vehicles. The number of Busses & Trucks in the study was 10874 which represents 24 percent of the total classified vehicles. The number of Tractor Trailers in the study was 3088 which represents 7 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to 27	28 to 31	32 to 37	38 to 43	44 to >											
13115	7748	11175	8851	2023	1450	926	712											

CHART 2

HEADWAY

During the peak traffic period, on 31/01/2015 at [12:15-12:30] the average headway between vehicles was 5.357 seconds. During the slowest traffic period, on 29/01/2015 at [02:45-03:00] the average headway between vehicles was 450 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 32.00 and 73.00 degrees F.

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

Agenda Date:	July 20, 2015
Action Required:	Yes (Adoption of Ordinance)
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Staff Contacts:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	250 Bypass Speed Limits

Background: State law requires that changes in speed limits by a locality be supported by a traffic engineering study. A traffic engineering study was conducted by RK&K at the City's request to determine the appropriate speed limits for the Route 250 Bypass within the City limits on March 21, 2012. Subsequent thereto, construction of the Route 250 Interchange project (Interchange) commenced. The construction altered the road significantly in terms of width, geometry and proximity to workers, resulting in the need to reduce the speed limit in the construction zone for the duration of the project. RK&K reviewed the previous study, and took into account the construction conditions, to issue updated findings which recommended reductions in speed limits in the areas of construction. Based upon the RK&K report and City staff analysis, the speed limit was reduced to 25 miles per hour by ordinance adopted October 21, 2013.

Discussion: Now construction of the Interchange is complete. Before construction began, the project area was posted 35 mile per hour and the Interchange was designed to accommodate this 35 mph speed limit. RK&K is recommending, by letter dated June 23, 2015, that the speed limit be returned to 35 mph.

While the Interchange improved the safety and accessibility within the project limits, certain geometric constraints and adjacent land uses remain the same.

- Residential development along US 250 within the city limits
- Presence of the Covenant School
- Lack of sufficient acceleration/deceleration lanes at existing access points along US 250, including McIntire Park

- Limited sight distance to the deceleration lane for Birdwood Road resulting from the presence of a railroad bridge
- Lack of sufficient acceleration/deceleration lanes at existing interchange ramps at the interchanges with Park Street and Rugby Avenue
- The presence of an emergency service station along the US 250 Bypass northwest of the Rugby Avenue interchange requiring vehicles that access the station to make permissive left turns across 2 lanes of traffic
- Bike lanes on McIntire Road that end at the US 250 Bypass, potentially resulting in bicyclists using the US 250 Bypass.

For these reasons, staff recommends the project area return to its previous 35 mph speed limit.

Budgetary Impact: Costs to remove and/or replace speed limit signs is included within the project's scope and is minimal.

Community Engagement: N/A

Alignment with City Council's Vision and Priority Areas:

The Route 250 Interchange project is a large component in the transportation system within the City. The improvement in safe and efficient traffic flow throughout the City upon completion aligns with City Council's vision of having a Connected Community. The adjustment of speed limits within the construction area allowed for the project to continue safely and efficiently.

Recommendation: Staff recommends adoption of the proposed ordinance, based on the recommendation supported by traffic engineering studies provided by RK&K.


Attachments:

RK&K Recommendation Letter (6/23/2015)
Proposed Ordinance



2100 E. Cary Street
Suite 309
Richmond, VA 23223
Phone 804.782.1903
Fax 804.782.2142
www.rkk.com

MEMORANDUM

Date: June 23, 2015
To: Jeanette Janiczek
From: Owen Peery 
Reference: Route 250 Interchange Speed Limit
Engineering Re-evaluation – Post Construction

Now that construction is complete on the referenced project and refinements have been made in the field, RK&K requests that the City of Charlottesville allow the contractor to install and implement the return to the pre-construction speed limit through the construction limits as planned during the design of the project. We provide you the following supporting information regarding this request:

- Prior to the Rte. 250 Bypass Interchange project's advertisement the posted speed on the Bypass ranged from 35 MPH to 55 MPH. The speed limit for the area approaching the proposed Interchange was 35 MPH.
- A Speed Study was conducted by RK&K for the Bypass in 2010 and updated in 2012. This analysis showed that vehicle speeds, both the 85th percentile and the average speed, exceeded the posted 35 mile per hour speed limit. The study further concluded that the appropriate speed limit in the vicinity of the Route 250 Interchange at McIntire Road project should remain 35 miles per hour. This conclusion was reached when looking at the various land uses and situations in the vicinity of the interchange location, including a major City park, a residential neighborhood with access directly from the Bypass, a park entrance and exit with access directly onto the Bypass and numerous ramps that have no merge area.
- Since the interchange project removed a signal from the Bypass, but many of the other conditions still exist, we continue to support the conclusion of the 2012 Speed Study.
- During construction, the speed was reduced to 25 miles per hour through the project site to help improve safety for both the traveling public and the contractor personnel.
- The Bypass is part of the National Highway System and is classified by VDOT and the FHWA as an Urban Principal Arterial Roadway. This type of roadway does not support continued implementation of a speed limit of 25 miles per hour, as this was a temporary condition implemented for construction purposes.
- With knowledge of the Speed Study and with consultation with the City of Charlottesville, VDOT and the Federal Highway Administration, a design speed of 40 miles per hour for all geometric features of the Bypass with a posted speed of 35 miles per hour was determined to be appropriate for the interchange design. The design elements of the interchange will not support a speed limit in excess of these amounts.

After review of the field conditions and the engineering design of the major features of the project, our previous recommendations included in the 2010 and 2012 Speed Studies still stand based on the data collected and analysis performed. Upon conclusion of the interchange project, we recommend that the posted speed limit be returned to the 35 mile per hour speed limit that was present before the construction began. We believe this speed limit is appropriate for this facility and this location based on the previous studies. This type of facility does not support a speed limit as low as 25 miles per hour and the new facility was not designed for speeds in excess of 40 miles per hour with a posted speed of 35 miles per hour.

Please let us know if you need any additional information.

S:\PROJECTS\2005\05140_250INT\TRAFFIC\SPEED MEMORANDUM 2015\SPEED MEMORANDUM 06 23 15.DOC

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 15-99
OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATED TO SPEED LIMITS ON THE 250 BYPASS.**

WHEREAS, the City contracted with RK&K, Traffic Consultants, to perform a traffic engineering study and traffic surveys on various streets within the City of Charlottesville, and such study and surveys were completed in October 2010, March 2012 and September 2013; and

WHEREAS, RK&K submitted the report entitled "U.S. 250 Speed Study", dated March 21, 2012, to the City Traffic Engineer, who concurs with the recommendations made by RK&K for appropriate speed limits (from an engineering and safety standpoint) on various streets, including the Route 250 Bypass; and

WHEREAS, subsequent to the submission of the speed study, construction of the Route 250 Interchange project commenced, and RK&K issued an update of the study dated September 9, 2013; and

WHEREAS, by ordinance adopted October 21, 2013, the speed limits on portions of the 250 Bypass were reduced in accordance with the recommended speed limits in the RK&K study; and

WHEREAS, construction has been completed on the Route 250 Bypass Interchange project at McIntire Road and all roadway impacts due to construction has been eliminated, and RK&K has issued a letter dated June 23, 2015 recommending the speed limit be returned to its original 35 miles per hour; now, therefore

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 15-99 of Article IV (Speed Limits) of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

Sec. 15-99. Maximum limits on specific streets.

Pursuant to a traffic engineering and traffic survey as required by Code of Virginia, section 46.2-1300, the following speed limits are imposed as hereinafter set forth and no person shall drive a vehicle at a speed in excess of such limits:

Street	From	To	Speed Limit (MPH)
Route 250 By-Pass (Westbound)	East corporate limits	Five hundred feet west of Park Street off ramp <u>Westernmost McIntire Park Entrance</u>	35
Route 250 By-Pass (Westbound)	Five hundred feet west of Park Street off ramp <u>Westernmost McIntire Park Entrance</u>	Eight hundred feet west of Birdwood Road <u>West corporate limits</u>	25 <u>45</u>
Route 250 By-Pass (Westbound)	Eight hundred feet west of Birdwood Road	Westernmost McIntire Park Entrance	35
Route 250 By-Pass (Westbound)	Westernmost McIntire Park Entrance	West corporate limits	45
Route 250 By-Pass (Eastbound)	West corporate limits	Four hundred feet west of Emmet Street southbound ramp	55
Route 250 By-Pass (Eastbound)	Four hundred feet west of Emmet Street southbound ramp	Four hundred fifty feet west of Birdwood Road <u>Westernmost McIntire Park Entrance</u>	45
Route 250 By-Pass (Eastbound)	Four hundred fifty feet west of Birdwood Road <u>Westernmost McIntire Park Entrance</u>	Five hundred fifty feet east of McIntire Road <u>East corporate limits</u>	25 <u>35</u>
Route 250 By-Pass (Eastbound)	Five hundred fifty feet east of McIntire Road	East corporate limits	35
McIntire Road	Preston Avenue	Three hundred fifty feet south of Harris Street <u>Route 250 By-Pass</u>	35
McIntire Road	Three hundred fifty feet south of Harris Street	Route 250 By-Pass	25

**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	July 20, 2015
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Craig Brown, City Attorney Phillip Garber, P.E., Chief Gas Engineer
Title:	Quitclaim Gas Easement to VDOT (Boulders Road)

Background: In June 2000, the City acquired a gas line easement in Boulders Road in Albemarle County, where the National Ground Intelligence Center (NGIC) is now located. The developer of that project was Next Generation LLC. In 2009, the Boulders Road right of way was altered such that a portion of the gas line easement had to be relocated, and in July 2009 Next Generation LLC granted a second easement to the City for the relocated gas line and extending the easement to the end of Boulders Road. By ordinance adopted August 17, 2009, Council abandoned that portion of the original easement that was relocated, and a deed signed by the Mayor was sent to Next Generation LLC to record in the Clerk's Office. The deed was never recorded, however, because soon thereafter Next Generation LLC dedicated the Boulders Road right-of-way to the County of Albemarle.

The Virginia Department of Transportation is now prepared to accept Boulders Road into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT all of the City's natural gas easements crossing this roadway.

Discussion: The quitclaim deed requires the gas lines to remain in its present location, and if the street ceases to be part of the state's highway system, the easements will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements are quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: Not applicable.

Alternatives: If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system.

Budgetary Impact: None.

Recommendation: Approval of the attached ordinance and quitclaim deed.

Attachments: Ordinance and Deed of Quitclaim (with plats attached).

**AN ORDINANCE
TO QUITCLAIM NATURAL GAS LINE EASEMENTS
WITHIN THE BOULDERS ROAD RIGHT OF WAY
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Boulders Road in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns easements for such lines, and VDOT has asked that the foregoing easements crossing Boulders Road be released upon VDOT's acceptance of the roadway; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easements to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said right-of-way.

*Prepared by S. Craig Brown, City Attorney (VSB #19286)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902
Albemarle County Tax Map 32, Parcels 5C and 5C3; Tax Map 33, Parcel 14
(Boulders Road)*

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2015, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, the easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated June 24, 2015, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Boulders Road in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across Boulders Road, insofar as the land embraced within said easements falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easements in Boulders Road were conveyed to the City by: (1) Deed from Next Generation, LLC, dated June 27, 2000, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 1931 at

page 330, and (2) Deed from Next Generation, LLC, dated July 23, 2009, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 3784 at page 679.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Satyendra Singh Huja, Mayor

ATTEST:

Acting Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, Lisa M. Miller, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Satyendra Singh Huja, Mayor of the City of Charlottesville, Virginia, and Barbara K. Ronan, its Acting Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2015, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

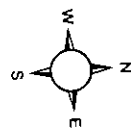
Given under my hand this _____ day of _____, 2015.

Notary Public
Registration #187826

CITY OF CHARLOTTEVILLE PUBLIC UTILITIES: GAS

PLAT SHOWING
EXISTING 15-FOOT WIDE GAS LINE EASEMENT
LOCATED WITHIN THE ROAD RIGHTS-OF-WAY OF
"BOULDERS ROAD"

ALBEMARLE COUNTY TAX MAP 32 PARCEL 5C AND TAX MAP 33 PARCEL 14
RECORDED IN ALBEMARLE COUNTY AT DEED BOOK 1931 PAGE 330
TO BE QUIT CLAIMED TO:
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
DATE: JUNE 24, 2015 SCALE: 1" = 100'



CO TXMP 32 PARCEL 5C1
UNITED STATES OF AMERICA
O.B. 1595 P. 138

CO TXMP 32 PARCEL 5C2
NEXT GENERATION, L.L.C.
D.B. 1534 P. 617

CO TXMP 32 PARCEL 5C
NEXT GENERATION, L.L.C.
D.B. 1534 P. 617

CO TXMP 33 PARCEL 14
NEXT GENERATION, L.L.C.
O.B. 1534 P. 617

GAS LINE EASEMENT
DEED BOOK 1931 PAGE 330

The M.A.O.P. of 4" & 1 1/4" P.E. pipe
is 99 P.S.I., which is <20% S.M.Y.S.
When installed the minimum depth was:
42" below paved travelways
and 36" deep in grassy areas.

CO TXMP 32 PARCEL 5C1
UNITED STATES OF AMERICA
O.B. 1595 P. 138

MATCH TO SHEET 2



Back of Curb
New R.O.W. 15.0'

The M.A.O.P. of 4" & 2" P.E. pipe is 99 P.S.I., which is 20% S.M.Y.S. When installed the minimum depth was: 42" below paved travelways and 36" deep in grassy areas.

GAS LINE EASEMENT RECORDED AT: DEED BOOK 3784 PAGE 684

TXMP 33 PAR 14

"Boulders Road"

Tax Map 32 Parcel 5C3

CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS PLAT SHOWING:

AN EXISTING 15-FOOT WIDE GAS LINE EASEMENT LOCATED WITHIN THE CIRCA 2009 (REVISED) RIGHTS-OF-WAY ALIGNMENT OF "BOULDERS ROAD"

ALBE.CO. TAX MAP 32 PARCEL 5 C 3 RECORDED AT: DEED BOOK 3784 PAGE 684

TO BE QUIT CLAIMED TO: THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION DATE: JUNE 24, 2015 SCALE 1" = 80'

Gas Line Easement D.B. 1931 P. 330

SHEET 1 OF 2

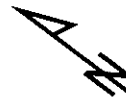
CITY OF CHARLOTTESVILLE
 PUBLIC UTILITIES: GAS
 PLAT SHOWING
 AN EXISTING 15-FOOT WIDE EASEMENT
 GAS LINE EASEMENT
 LOCATED WITHIN THE CIRCA 2009
 (REVISED) RIGHTS OF WAY ALIGNMENT
 OF: "BOULDERS ROAD"
 ALBE. CO. TAX MAP 32 PARCEL 5 C 3
 RECORDED AT: DEED BOOK 3784 PAGE 684
 TO BE QUIT CLAIMED TO:
 THE COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF TRANSPORTATION
 DATE: JUNE 24, 2015 SCALE: 1" = 80'
 SHEET 2 OF 2

The M.A.O.P. of 4" & 2" P.E. pipe
 is 99 P.S.L., which is <20% S.M.Y.S.
 When installed the minimum depth
 was: 42" below paved travelways
 and 36" deep in grassy areas.

Tax Map 32
 Parcel 5C3

"Boulders Road"

GAS LINE
 EASEMENT
 RECORDED AT:
 DEED BOOK 3784 PAGE 684



TXMP 33 PAR 1D LOT 1

TXMP 33 PAR 1D

TXMP 32
 PAR 5C4

TXMP 33 PAR 1D

TXMP 33 PAR 14

TXMP 33 PAR 14

MATCH FROM SHEET 1

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CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA



Agenda Date:	July 20, 2015
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Craig Brown, City Attorney Phillip Garber, P.E., Chief Gas Engineer
Title:	Quitclaim Gas Easement to VDOT (Briarwood Drive)

Background: In 2011 the City acquired a gas line easement within the Briarwood Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept the roadway identified as Briarwood Drive in this subdivision into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the easement crossing Briarwood Drive.

Discussion: The quitclaim deed requires the gas line to remain in its present location, and if the street ceases to be part of the state's highway system, the easement will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: Not applicable.

Alternatives: If the ordinance is not approved, VDOT will not accept the roadway into its road maintenance system.

Budgetary Impact: None.

Recommendation: Approval of the attached ordinance and quitclaim deed.

Attachments: Ordinance and Deed of Quitclaim (with plat attached).

cc: Phil Garber, Gas Division

**AN ORDINANCE
TO QUITCLAIM A NATURAL GAS LINE EASEMENT
WITHIN BRIARWOOD DRIVE
LOCATED IN THE BRIARWOOD SUBDIVISION IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Briarwood Drive in the Briarwood Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns an easement for such line, and VDOT has asked that the foregoing easement crossing Briarwood Drive be released upon VDOT's acceptance of the roadway; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said line to continue to be located in said right-of-way.

*Prepared by Charlottesville City Attorney's Office
S. Craig Brown, City Attorney (VSB #19286)
Albemarle County Tax Map 32G (Briarwood Drive)*

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2015, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, the easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated June 25, 2015, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Briarwood Drive in the Briarwood Subdivision in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across Briarwood Drive, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easement was conveyed to the City by deed from Woodbriar Associates, dated September 7, 2011, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4077 at page 228.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Satyendra Singh Huja, Mayor

ATTEST:

Acting Clerk of Council

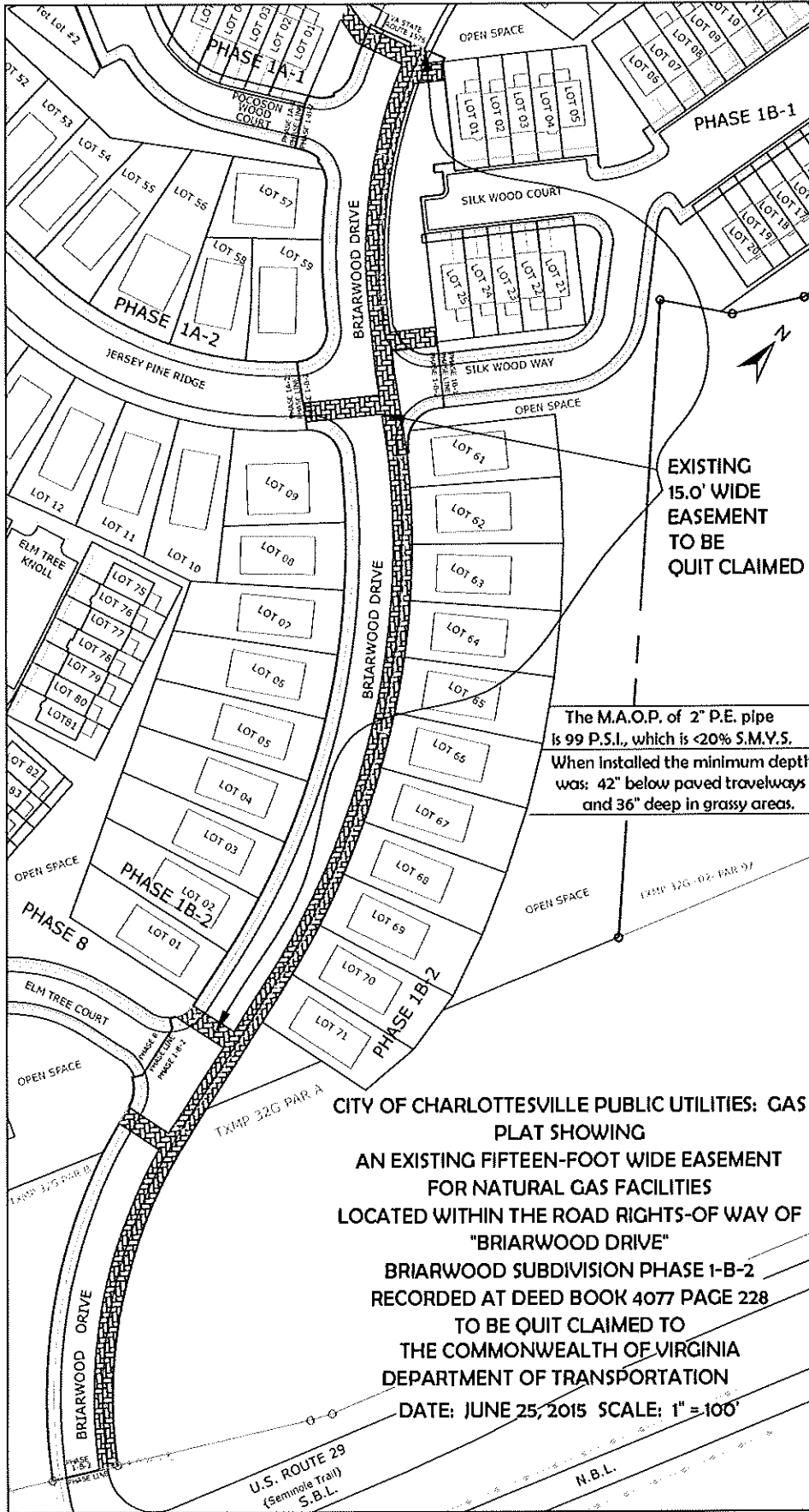
STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, Lisa M. Miller, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Satyendra Singh Huja, Mayor of the City of Charlottesville, Virginia, and Barbara Ronan, its Acting Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2015, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires _____.

Given under my hand this _____ day of _____, 2015.

Notary Public
Registration # _____



EXISTING
15.0' WIDE
EASEMENT
TO BE
QUIT CLAIMED

The M.A.O.P. of 2" P.E. pipe
is 99 P.S.I., which is <20% S.M.V.S.
When installed the minimum depth
was: 42" below paved travelways
and 36" deep in grassy areas.

**CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS
PLAT SHOWING
AN EXISTING FIFTEEN-FOOT WIDE EASEMENT
FOR NATURAL GAS FACILITIES
LOCATED WITHIN THE ROAD RIGHTS-OF WAY OF
"BRIARWOOD DRIVE"
BRIARWOOD SUBDIVISION PHASE 1-B-2
RECORDED AT DEED BOOK 4077 PAGE 228
TO BE QUIT CLAIMED TO
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
DATE: JUNE 25, 2015 SCALE: 1" = 100'**

U.S. ROUTE 29
(Seminole Trail)
S.B.L.

N.B.L.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: July 20, 2015

Action Required: Approval of Ordinance

Staff Contacts: Andrew Gore, Assistant City Attorney

Presenter: S. Craig Brown, City Attorney

Title: Ordinance Amendment - Open Storage of Inoperable Motor Vehicles

Background:

Pursuant to Section 5-150 of the City Code, the open storage of inoperable motor vehicles is prohibited within most, but not all, City zoning districts. This proposed amendment would expand the applicability of Section 5-150 to include all property zoned for residential or commercial purposes.

Discussion:

Section 5-150 provides authority for the City to efficiently enforce the prohibition on the open storage of inoperable vehicles through removal of such vehicles at the expense of the property owner. This amendment would ensure that the City can use this enforcement tool in any property zoned for residential or commercial use within the City, without exception. The amended language would align closely with the authorizing Code of Virginia provision, § 15.2-904.

Community Engagement:

The City has received complaints from multiple citizens regarding open storage of inoperable vehicles. This amendment will improve the City's ability to respond to and address such complaints.

Budgetary Impact:

No budgetary impact.

Recommendation:

Staff recommends approval of the proposed ordinance.

Alternatives:

Council could choose not to amend this section to expand the applicability of Section 5-150.

Attachments:

Proposed Ordinance

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 5-150 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATED TO THE OPEN STORAGE OF INOPERABLE MOTOR VEHICLES.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 5-150 of Article V (Blighted Property) of Chapter 5 (Building Regulations; Property Maintenance) of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained, to read as follows:

CHAPTER 5. BUILDING REGULATIONS; PROPERTY MAINTENANCE

ARTICLE V. Blighted Property

Sec. 5-150. - Open storage of inoperable vehicles.

(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential purposes, see section 34-350 of the City Code, or commercial purposes, see sections 34-440 and 34-541 of the City Code, ~~(R-1,, R-1U, R-1S, R-1SU, R-2, R-2U, R-3, University Medium Density, University High Density, or McIntire 5th Residential) purposes, commercial (B-1, B-2, B-3 or Emmet Street Commercial) purposes, Overlay Districts (Public Park Protection Overlay, Historic Districts, Entrance Corridors, Parking Exempt Zone Boundary, Planned Unit Development or Special Use Permit), or Mixed Use (Downtown Corridor, Downtown Extended Corridor, Downtown North Corridor, West Main North Corridor, West Main South Corridor, Central City corridor, Urban Corridor, High Street Corridor, Highway Corridor, Neighborhood Commercial Corridor, or Cherry Avenue Corridor) purposes~~ any inoperable motor vehicle. However, the provisions of this section shall not apply to a licensed business which, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

- (1) As used in this section "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer (as defined within Virginia Code § 46.2-100) which: (i) is not in operating condition (including, without limitation any motor vehicle, trailer or semitrailer which for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires or wheels, the engine, or other essential parts required for operation); (ii) does not display a valid license plate; (iii) does not display a valid inspection decal; or (iv) displays an inspection decal that has been expired for more than sixty (60) days.
- (2) As used in this section, "otherwise shielded or screened from view" shall mean, on property zoned for residential purposes, not visible to the unaided eye from anywhere below the level of the third story of a building outside the boundaries of the lot on which the vehicle is kept; on property zoned for business purposes, "otherwise shielded or screened from view" shall mean not visible to the unaided eye from street or ground level outside the boundaries of the lot on which the vehicle is kept.

(b) No person shall keep more than one (1) inoperable motor vehicle outside of a fully enclosed building or structure. The one (1) vehicle allowed outside of a fully enclosed building or structure shall still be subject to the requirement of being shielded or screened from view.

(c) Whenever a violation of this section is determined by the director, the director shall serve notice on the owner of the property whereon the inoperable motor vehicle is located, requiring the owner to remove or cause the removal of such vehicle.

(1) All notices sent pursuant to this section shall be served to an owner as follows: (i) by hand-delivery to the owner of record, (ii) by regular, first-class mail, to the owner of record at the address listed in the city's real estate tax records, or to any occupant of the property at the address where the violation exists; (iii) to a person who has charge of real estate as an executor, administrator, trustee, guardian or agent, by hand delivery, or by regular mail to the last known address of such person, or (iv) to a person who is the beneficiary of any easement or right of use of a parcel of real estate, by hand delivery, or by regular first-class mail to the person's last known address. If the real estate parcel on which the violation exists is undeveloped or vacant, the notice shall also be posted in a conspicuous place on the property.

(2) Such notice shall require the owner to correct the condition within ten (10) days from the date of delivery or mailing of the notice.

(d) Should the owner of the premises fail to remove or cause the removal of an inoperable motor vehicle as directed within the director's notice, and if the owner also fails within the ten-day period to request an informal administrative hearing with an official designated by the chief of police for the purpose of challenging the validity of the violation determination or the necessity for removing the vehicle, then the city may take action to remove the inoperable motor vehicle(s). The costs and expenses of such removal by the city shall be assessed and billed to the property owner, and the director shall prepare an affidavit certifying the costs and expenses incurred by the city. In the event the charges billed to the property owner remain unpaid for more than thirty (30) days, such charges shall constitute a lien against such property enforceable as provided by section 5-4 of the City Code.

(e) After removing an inoperable motor vehicle from property, the city may then dispose of the vehicle after giving an additional ten (10) days' written notice to the owner of the vehicle and, if different, also to the owner of the property from which the vehicle was removed. However, if a timely request for an administrative hearing has been made to challenge the validity of the violation determination, then disposal by the city shall not be made unless and until the matter is resolved in favor of the city.

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

Agenda Date: July 20, 2015

Action Required: Yes (Public Hearing and First Reading of Ordinance)

Presenter: Lauren Hildebrand, Director of Utilities, Public Utilities Division

Staff Contacts: Lauren Hildebrand, Director of Utilities, Public Utilities Division

Title: Abandonment of Natural Gas Easement – 10th Street, N.E. and Water Street Extended

Background: In 1991 the City was granted a permanent easement for installation of natural gas lines across properties near the intersection of 10th Street, N.E. and Water Street Extended in anticipation of future development in that area. No gas line was ever installed in the easement. Recently, it was discovered that the building at 100 10th Street, N.E., constructed in 2001, encroaches into the gas line easement in several places, causing a title issue. The owner of the property, Ten Market Condominium Unit Owners Association, has requested the City to abandon that portion of the easement where the encroachments exist in order to clear the title problem.

Discussion: Attached is a plat showing the location of the easement portion to be abandoned. If approved, the City Attorney's Office will draft a quitclaim deed (substantially the same as the attached deed) to release the City's rights in the original gas easement with respect to a portion of the easement. The Public Utilities Division has confirmed that the subject easement is no longer needed and natural gas service in the area will not be affected.

Community Engagement: A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Alignment with City Council's Vision and Priority Areas: Not applicable.

Budgetary Impact: None. The requesting party will pay all expenses to record the quitclaim deed.

Recommendation: Approve the ordinance abandoning a portion of the existing gas easement.

Attachments: Proposed Ordinance; Deed and Plat.

**AN ORDINANCE
AUTHORIZING THE ABANDONMENT OF A
PORTION OF A NATURAL GAS EASEMENT
NEAR THE INTERSECTION OF 10TH STREET, N.E.
AND WATER STREET EXTENDED**

WHEREAS, in 1991 the City acquired a natural gas line easement, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 563, Pages 249-251, along certain properties located at the intersection of 10th Street, N.E. and Water Street Extended ("Subject Easement"), to provide gas service in that area; and

WHEREAS, no gas lines were ever installed in the Subject Easement, and the construction of Water Street Extended as a public roadway allowed natural gas lines to be installed in the public right-of-way to serve that area; and

WHEREAS, the encroachment of the building at 100 10th Street, N.E. has caused a title problem which can be cured by abandonment of a portion of the Subject Easement, which now serves no useful purpose to the City; and

WHEREAS, the Director of Public Utilities has reviewed the request and determined that the City no longer has a need for the Subject Easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the abandonment of a portion of the Subject Easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to abandon a portion of the 1991 natural gas easement located at the intersection of 10th Street, N.E. and Water Street Extended.

Prepared by Charlottesville City Attorney's Office
S. Craig Brown, Esq. (VSB #19286)
Tax Map Parcel 540277000 (100 10th Street, N.E.)

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS QUITCLAIM DEED made this _____ day of _____, 2015, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **TEN MARKET CONDOMINIUM UNIT OWNERS ASSOCIATION**, GRANTEE, whose address is 100 10th Street, N.E., Charlottesville, Virginia 22902.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 54 as Parcel 277 (the "Property"); and

WHEREAS, by Deed of Easement dated July 17, 1991 to the CITY, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 563, Pages 249-251, the CITY was conveyed a permanent easement and right of way (the "Gas Easement") for the construction and maintenance of natural gas line facilities across the Property, but such gas lines were never installed; and

WHEREAS, GRANTEE has requested the City to Quitclaim and Release those portions of the Gas Easement that cross GRANTEE'S Property; and

WHEREAS, the CITY has agreed to Quitclaim certain portions of the Gas Easement as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on _____, 2015.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby RELEASE and forever QUITCLAIM all its right, title and interest in and to certain portions of the Gas Easement, shown as a shaded area on the attached plat dated May 7, 2015, revised May 27, 2015, by Roudabush, Gale & Associates, Inc., acquired by the CITY by recordation of the deed and plat in the Charlottesville Circuit Court Clerk's Office in Deed Book 563, Pages 249-251.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 2015.

WITNESS the following signature and seal:

GRANTOR:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Satyendra Singh Huja, Mayor

APPROVED AS TO FORM:

S. Craig Brown, City Attorney
City of Charlottesville, Virginia

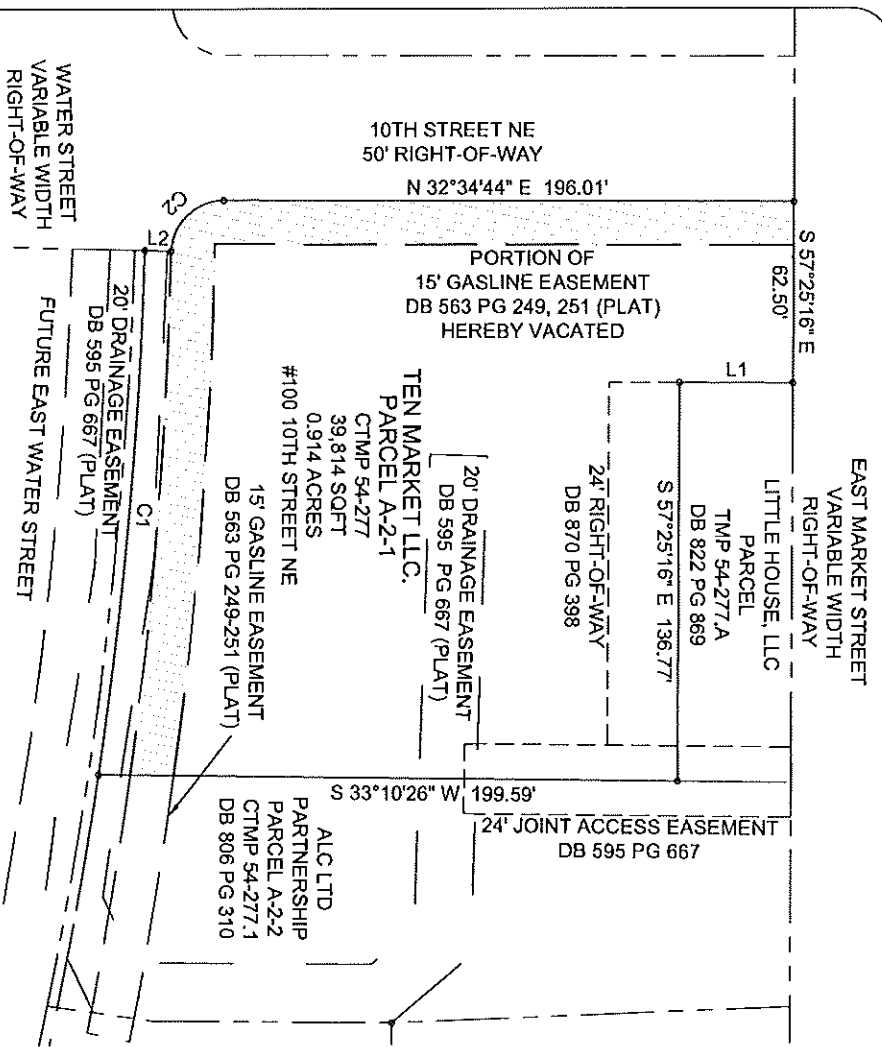
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by Satyendra Singh Huja, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

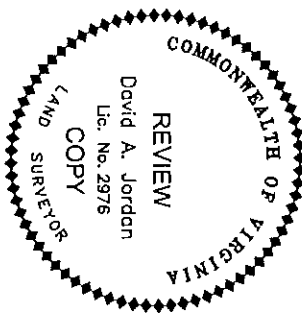
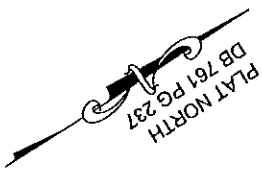
ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS
 A PROFESSIONAL CORPORATION
 SERVING VIRGINIA SINCE 1958
 914 MONTICELLO ROAD - CHARLOTTESVILLE VIRGINIA 22902
 PHONE 434-977-4205 - FAX 434-286-8220 - EMAIL INFO@ROUDABUSH.COM

COAL TOWER ASSOCIATES, L.L.C.
 CTMP 57-157
 INST 2012005708 (DEED)
 INST 20111002432 (PLAT)
 EASEMENT VACATION PLAT



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1510.27'	180.66'	180.55'	N 52°39'02" W
C2	18.00'	27.75'	25.09'	N 11°35'50" W

LINE	BEARING	DISTANCE
L1	S 32°34'44" W	38.65'
L2	N 33°55'21" E	9.21'



PLAT SHOWING
 A VACATION OF
 15' GAS LINE EASEMENT
 ACROSS PARCEL A-2-1
 CHARLOTTESVILLE, VIRGINIA

REVISED: MAY 27, 2015

MAY 7, 2015

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

Agenda Date: July 20, 2015

Action Required: Ordinance Adoption

Presenter: Matthew Alfele, City Planner, Neighborhood Development Services

Staff Contacts: Matthew Alfele, City Planner, Neighborhood Development Services

**Title: ZM14-00002 William Taylor Plaza Planned Unit Development
Amendment Update**

Background:

During the City Council’s July 6, 2015 meeting deliberating ZM14-00002 (William Taylor Plaza Planned Unit Development Amendment) confusion arose over the required residential component of the development and how the proffered Use Matrix would be incorporated. Council deferred action on the amendment to gain more clarity and allow the applicant to rearrange information into a more comprehensive Development Plan document. This new Development Plan is intended to simplify and clarify the application material. No information was added or removed to make the Development Plan less restrictive from what was presented to City Council June 15, 2015. Six changes were made making the Development Plan more restrictive:

1. A note was added to Sheet 3 stating: #8 “The entire William Taylor Plaza Planned Unit Development (PUD), all phases, shall be subject to the Board of Architectural Review (BAR) as it applies all pertinent design standards and guidelines to this project in keeping with the Ridge Street Architectural Design Control (ADC) District.”
2. A note was added to Sheet 3 stating: #9 “The PUD shall conform to the guidelines and policies contained in the comprehensive plan in general and embodied in the Strategic Investment Area (SIA) Plan (appended to the comprehensive plan in February 2014.) Those include but are not limited to the following as per SIA Plan Section VI:
 - Criteria for Character Zone T4 and T5 which applies to the William Taylor Plaza Planned Unit Development (PUD);
 - Building Envelope guidelines; and
 - Public Space guidelines.

3. Notes were added to Sheet 4 stating the required residential units per phase: Phase 1 (Cherry Ave Phase) 0 – 40 Residential Units. Phase 2 (Ridge Street Phase) 10 – 50 Residential Units.
4. Health Clinic (no GFA limit) was removed from the Ridge Street Phase as a By-Right use.
5. Music Halls were removed from the Cherry Ave Phase and Ridge Street Phase as By-Right use.
6. A Narrative (Sheet 7) was added to the development plan to give context.

This document, if passed, will serve as the new Development Plan (with proffers) for William Taylor Plaza and replace the 2009 Development Plan and proffer statement. Below are clarifications to issues brought up during the July 6, 2015 City Council meeting:

- The 2009 William Taylor Plaza Planned Unit Development and the proposed amendment require a residential component.
 - 2009 Development Plan Sheet (1) Note # (2): “The PUD shall be a mixed-use development, with residential and commercial use.”
 - 2015 Development Plan Sheet (3) Note # (2): “The PUD shall be a mixed-use development, with residential and commercial use.”
 - 2009 Development Plan Sheet (1) Note # (3): “Within the residential portion of the development, a variety of housing size shall be provided, including studio, 1 bedroom, & 2 bedroom units.”
 - 2015 Development Plan Sheet (3) Note # (3): “Within the residential portion of the development, a variety of housing size shall be provided, including studio, 1 bedroom, & 2 bedroom units.”

Under the approved 2009 plan no minimum residential units are required outside the provision of Note # 3. This means the developer would only be required to build one studio, one 1 bedroom, and one 2 bedroom units for a total of 3 units. Under the amended plan the developer is required to have a minimum of 10 units to comply with Note # 3.

- The Use Matrix proposed with this amendment will work with the required components of the Development Plan. The Development Plan calls for a range of residential units (10 -50), a minimum of commercial development (20%), and a maximum of total allowable development permitted (100,000 square feet or fewer). This configuration makes it possible that a developer could satisfy all requirements of the Development Plan and still have additional square footage that could be developed. The Use Matrix is meant to guide development not specifically addressed in the Development Plan.

Discussion:

The Planning Commission discussed this matter at their May 12, 2015 meeting

The topics of discussion that the Commission focused on were:

- The Commission received additional information on the day of the Planning Commission meeting. The PC expressed concern that information not in the original packet was being submitted too late. The applicant clarified that it was supplemental information and did not alter what was in the application. The ground floor uses of any building on Cherry Avenue and the proposed Use Matrix were also discussed.
- Present City Councilors discussed the phasing of the development, possible public improvements to Ridge Street, and public access to areas of the development.

Alignment with City Council Vision Areas and Strategic Plan:

The project supports City Council's "Economic Sustainability" vision by providing mixed use and also supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.6, Engage in robust and context sensitive urban planning.

Citizen Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on May 12, 2015. Several members of the public expressed opposition for the project.

- Adjacent property owners do not want people trespassing as they use the Arboretum.
- The site is unbuildable and could house the archeological remains of a cemetery.
- Statement that the project will not have any benefits for the public.
- This item was briefly discussed at the July 9th Town Hall meeting and the applicant has planned a discussion with the neighborhood on July 18th.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of amending the William Taylor Plaza Planned Unit Development.

Recommendation:

The Commission took the following action on May 12, 2015

Ms. Green moved to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice. This denial is based on *Sec. 34-42(3) Whether there is a need and justification for the change,* and *Sec. 34-490(6) To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property.*

Mr. Santoski seconded the motion. The Commission voted 5-0 to recommend denial of the rezoning application to amend the William Taylor Plaza Planned Unit Development.

City Council held discussions on this application during their June 15, 2015 and July 6, 2015 meetings. Council had substantive and clerical concerns that the applicant needed to address. The updated information in front of Council this night reflects the changes the applicant has made.

Alternatives:

City Council has several alternatives:

1. Approval of the Proposed Rezoning (PUD Amendment), by vote to adopt the attached Ordinance.
2. Denial of the Proposed Rezoning (PUD Amendment), by simple motion
3. Deferral of action until a later date

Attachment:

Link to July 6, 2015 Information <http://www.charlottesville.org/index.aspx?page=3661>
2009 Approved Proffer Statement and Development Plan
Work Sheet Comparing the 2009 PUD to the 2015 PUD
William Taylor Plaza PUD Development Plan Dated July 13, 2015
Final signed Proffer Statement dated July 13, 2015

**AN ORDINANCE
APPROVING A REQUEST TO AMEND THE PUD DEVELOPMENT PLAN
APPLICABLE TO PROPERTY LOCATED WITHIN
THE WILLIAM TAYLOR PLAZA PLANNED UNIT DEVELOPMENT (“PUD”)**

WHEREAS, Cherry Avenue Investments, LLC (“Applicant”), by its agent Southern Development Company has filed application number ZM14-00002, seeking a rezoning of property located at 529 Cherry Avenue and 512-529 Ridge Street (City Tax Map 29, Parcels 145, 146, 147, 149, 150, 151 and 157), consisting, of approximately 125,321.5 square feet of land (2.90 acres) (together, the “Subject Property”), in order to amend the zoning regulations applicable to the Subject Property as a result of the PUD zoning district classification, PUD development plan and proffered development conditions previously approved by City Council for the Subject Property on November 2, 2009; and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on May 12, 2015, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on May 12, 2015 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, as part of its Proposed Rezoning also submitted a Preliminary Amended Proffer Statement, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on May 12, 2015; and

WHEREAS, on May 12, 2015, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council, based on their finding that the rezoning is not required by the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, the Applicant’s various application materials reviewed by the Planning Commission for the Proposed Rezoning have been compiled into a complete updated plan of development, consisting of (i) a proposed PUD Development Plan, dated July 13, 2015, and (ii) a Final Proffer Statement dated July 13, 2015, signed by an individual authorized to bind the LLC to the provisions therein stated, as required by City Code Section 34-64(c) (together, the materials included within (i) and (ii) constitute the “Proposed Amended PUD”); and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning/ Amended PUD; that the existing PUD zoning classification (inclusive of the 2009 Final Proffer Statement) as well as the Proposed Amended PUD are both reasonable; that the Proposed Amended PUD is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia **THAT**: the zoning regulations applicable to the William Taylor Plaza PUD shall be and hereby are amended and reenacted as follows: the zoning regulations applicable to the use and development of the William Taylor Plaza PUD shall be (i) those generally applicable within Chapter 34 of the City Code, and (ii) those matters set forth within the PUD plan dated July 13, 2015 and the Final Proffer Statement dated July 13, 2015, which, together, are hereby approved and established as the approved PUD development plan for the William Taylor Plaza PUD, for purposes of Chapter 34, Article V of the City Code.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-09-07-16)
STATEMENT OF FINAL PROFFER CONDITIONS
For the William Taylor Plaza PUD
Dated as of September 14, 2009

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”). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated September 14, 2009.

The Owner/Applicant 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. In accordance with the “Land Purchase and Sale Agreement” approved by City Council October 6, 2008:
 - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City’s discretion.
 - B. The Developer will incorporate public access to the “Arboretum” planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
 - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
 - D. All buildings within the Planned Unit Development shall be designed to a minimum rating of “Certified” under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services (“DNS”) for the City of Charlottesville a written confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum “Certified” LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City’s Director of NDS a written statement from the

architect or engineer that the building was built in conformance with plans on which his opinion was based.

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.

7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.
8. A minimum of 45% of the total site area shall be preserved as Open Space. The "Arboretum" shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6" caliper in the "Arboretum" shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 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.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.

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.

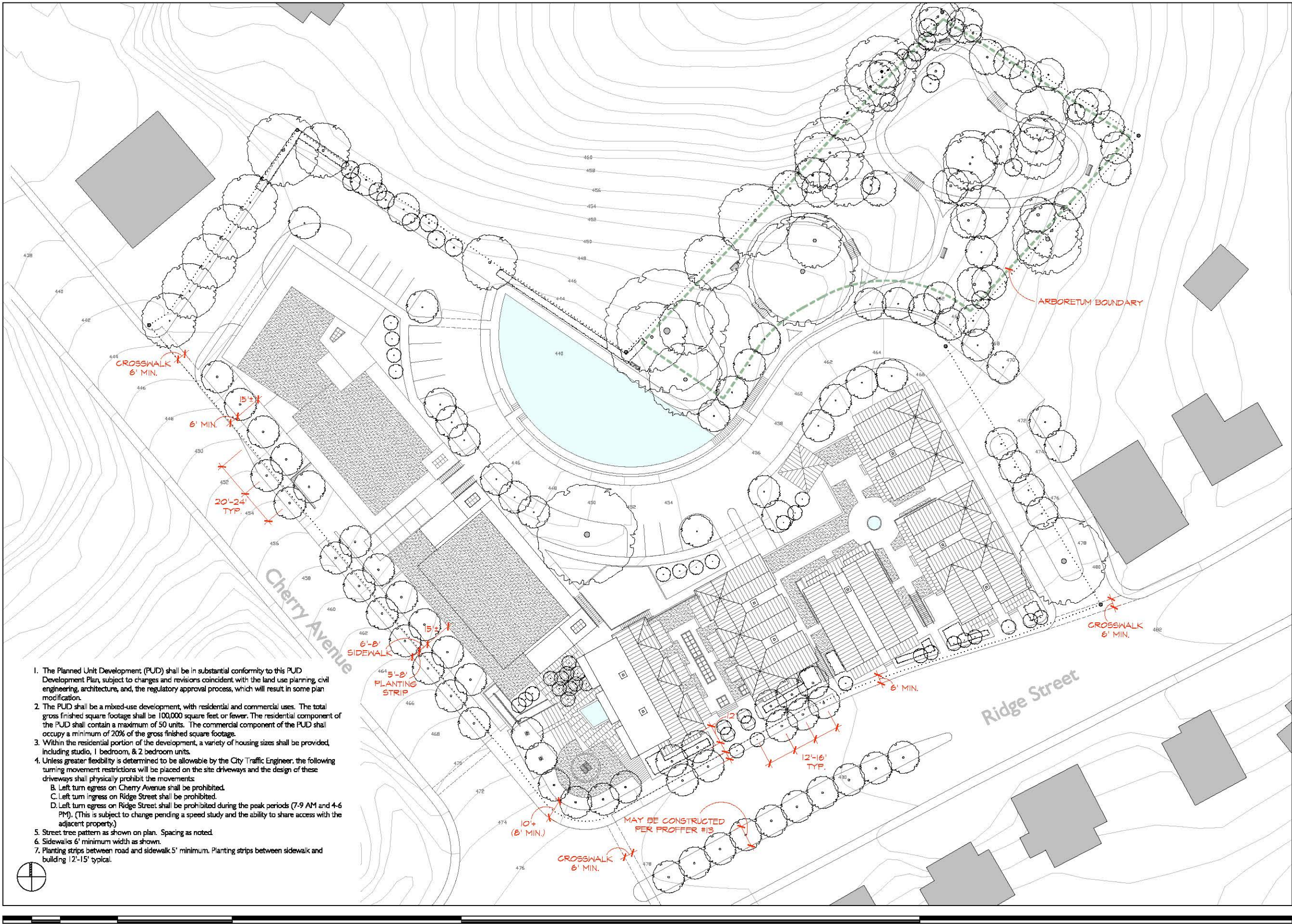
Respectfully submitted this 14th day of September, 2009.

Owner/Applicant:
Rock Creek Properties, LLC

Owner/Applicant's Address:
170 South Pantops Drive
Charlottesville, VA 22911

By: 

Frank Ballif, Manager



1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units.
4. Unless greater flexibility is determined to be allowable by the City Traffic Engineer, the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
 - B. Left turn egress on Cherry Avenue shall be prohibited.
 - C. Left turn ingress on Ridge Street shall be prohibited.
 - D. Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
5. Street tree pattern as shown on plan. Spacing as noted.
6. Sidewalks 6' minimum width as shown.
7. Planting strips between road and sidewalk 5' minimum. Planting strips between sidewalk and building 12'-15' typical.



William Taylor Plaza Planned Unit Development

	Approved 2009 Plan	Proposed 2015 Plan
Narrative stating the objective of the PUD and putting it into context	Not readily apparent in the approved material	Part of the Development Plan and located on Sheet 7
Allowed Uses	Residential and commercial as outlined in note # 2 and # 3 on the Development Plan	Residential and commercial as outlined on Sheet 3 in note # 2 and # 3 and in the phasing notes on Sheet 4, and the Use Matrix on Sheet 5 and Sheet 6
Design Standards	An understanding to have BAR review any building fronting on Cherry Avenue but nothing in writing in the Development Plan or proffers	Design Standards including BAR review and SIA Standards are part of the Development Plan Sheet 3 note #8 and # 9.
Building Setbacks	Not addressed	Part of the Development Plan located on Sheet 3
Phasing	Not addressed	Part of the Development Plan located on Sheet 4
Direct Changes		
	Approved 2009 Plan	Proposed 2015 Plan
Parking	90% of parking to be structured parking	60% of parking to be structured parking
Arboretum	Minimum of 20% of the site	Minimum of 25% of the site
Layout and travelways	Illustrated on the Development Plan	Illustrated on the Development Plan Sheet 3 and Sheet 4

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-14-00002)
STATEMENT OF FINAL PROFFER CONDITIONS

For the William Taylor Plaza PUD

Dated as of July 13, 2015

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"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated July 13, 2015.

The Owner/Applicant 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. In accordance with the "Land Purchase and Sale Agreement" approved by City Council October 6, 2008:
 - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City's discretion.
 - B. The Developer will incorporate public access to the "Arboretum" planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
 - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
 - D. All buildings within the Planned Unit Development shall be designed to a minimum rating of "Certified" under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services ("DNS") for the City of Charlottesville a written confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum "Certified" LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City's Director of NDS a written statement from the architect or engineer that the building was built in conformance with plans on which his opinion was based.

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P. an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.
7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.

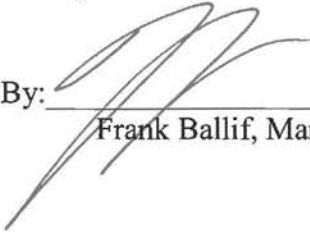
8. A minimum of 45% of the total site area shall be Open Space. Except for utilities, trails and other park amenities, the "Arboretum" shall remain undeveloped and shall occupy a minimum of 25% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6" caliper in the "Arboretum" shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 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.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.
14. The uses and residential densities allowed within the PUD shall be those identified within the matrix titled "Use Types – William Taylor Plaza PUD."

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 13th day of July, 2015.

Owner:
Cherry Avenue Investments, LLC

Owner's Address:
170 South Pantops Drive
Charlottesville, VA 22911

By: 

Frank Ballif, Manager

William Taylor Plaza

PUD Development Plan

July 13, 2015

TABLE OF CONTENTS PUD Development Plan (Sec 34-517)

This PUD Development Plan (Pages 1 through 6) meets the requirements of Charlottesville City Code Section 34-517(a). The below table of contents lists PUD requirements and references where in the PUD Development Plan the requirements are illustrated or described.

Contents:

- 34-517(a)(1) A survey plat describing and depicting the entire land area to be included within the PUD development site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.
Page 2: Existing Conditions
- 34-517(a)(2) A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.
Page 7: Narrative
- 34-517(a)(3) A conceptual development plan, supporting maps, and written or photographic data and analysis which show:
- Location and size of existing water and sanitary and storm sewer facilities and easements;
Page 2: Existing Conditions
 - Layout for proposed water and sanitary sewer facilities and storm drainage facilities;
Page 3: Land Use Plan
 - Location of other proposed utilities;
Page 3: Land Use Plan
 - Location of existing and proposed ingress and egress from the development;
Page 3: Land Use Plan
 - Location and size of existing and proposed streets;
Page 3: Land Use Plan. Note: no new public streets are proposed, only private travel ways.
 - Location of existing and proposed pedestrian and bicycle improvements, including connections to nearby schools;
Page 3: Land Use Plan. Note: Proposed bicycle improvements are discussed in the Proffers. City sidewalks and bicycle lanes do already provide uninterrupted pedestrian and bicycle connectivity the nearest elementary school.
 - An inventory, by tax map parcel number and street address, of all adjacent parcels within a five hundred-foot radius of the perimeter of the PUD, indicating the existing zoning district classification of each.
Provided with the submittal package.
 - A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, critical slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.
*Page 2: Existing Conditions; and
Page 3: Land Use Plan*
- 34-517(a)(4) A proposed land use plan. Such plan will identify:
- Proposed land uses and their general locations, including without limitation, building and setbacks;
*Page 3: Land Use Plan; and
Page 4: Phasing Plan and Land Use Map; and
Pages 5-6: Use Matrix*
 - Proposed densities of proposed residential development;
Page 4: Phasing Plan and Land Use Map
 - Location and acreage of required open space;
Page 3: Land Use Plan
 - Square footage for non-residential uses;
Page 4: Phasing Plan and Land Use Map
 - Maximum height of buildings and structures in area of PUD.
The Maximum height of the buildings shall be 50' in the Cherry Avenue Phase and 40' in the Ridge Street Phase.
- 34-517(a)(5) A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;
Page 3: Land Use Plan.
- 34-517(a)(6) Phasing plan if needed. Each phase shall individually meet the requirements of this section.
Page 4: Phasing Plan & Use Map
- 34-517(a)(7) A statement from the city public utilities department verifying whether water and sewer infrastructure capacity does or does not exist for the proposed land use(s).
The city public utilities department has stated that water and sewer infrastructure capacity does exist for the proposed uses. Water is available via a 12" water main in Cherry Avenue, sewer has sufficient capacity via a 8" sewer line that traverses the site, and gas is available via a gas main in Ridge St.
- 34-517(a)(8) A statement from the fire marshal verifying whether adequate fire flow service does or does not exist for the proposed land use(s).
The fire marshal has stated that adequate fire flow exists via a 12" water main in Cherry Avenue. Recent tests of two hydrants one block away indicate fire flow of 1,350 gpm.



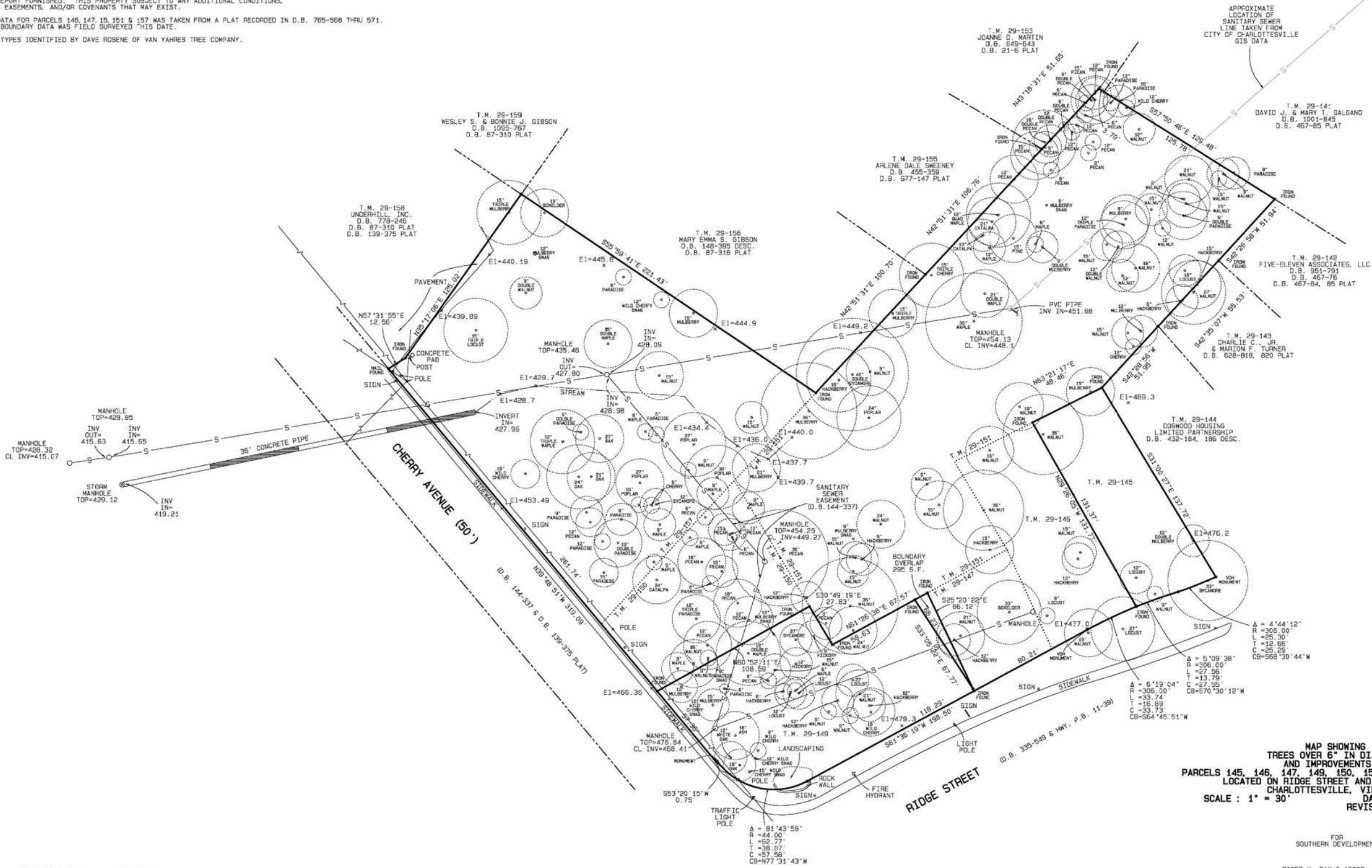
The architecture will be substantially in conformance with this rendering unless modified during the process of obtaining a Certificate of Appropriateness from the Board of Architectural Review

NOTES :

1. NO DETERMINATION WAS MADE TO THE LOCATION OR EXISTENCE OF UNDERGROUND UTILITIES, OTHER THAN THOSE SHOWN.
2. ELEVATIONS SHOWN HEREON ARE BASED ON THE TOP OF A MANHOLE AT THE INTERSECTION OF RIDGE STREET AND HARTMAN'S MILL ROAD (ELEVATION=481.49).
3. LEGAL REFERENCES:
 T.M. 29 PARCELS 146, 147, 150, 151 & 157
 CHERRY AVENUE INVESTMENTS, LLC
 J.B. 1067-850
 J.B. 765-568 THRU 571 PLAT
 T.M. 29 PARCEL 145
 J.B. 373-506, 509 & 510 PLAT
 T.M. 29 PARCEL 149
 J.B. 373-506, 510 PLAT
 J.B. 218-377, 381 PLAT
4. NO TITLE REPORT FURNISHED. THIS PROPERTY SUBJECT TO ANY ADDITIONAL CONDITIONS, UTILITIES, EASEMENTS, AND/OR COVENANTS THAT MAY EXIST.
5. BOUNDARY DATA FOR PARCELS 146, 147, 151, 151 & 157 WAS TAKEN FROM A PLAT RECORDED IN D.B. 765-568 THRU 571. ALL OTHER BOUNDARY DATA WAS FIELD SURVEYED THIS DATE.
6. SOME TREE TYPES IDENTIFIED BY DAVE ROSENE OF VAN YAHRES TREE COMPANY.

Existing Conditions

All parcels in the PUD are owned by Cherry Avenue Investments, LLC and are included in the PUD in their entirety.
 All parcels in the PUD are currently zoned PUD.
 There are no state or federal registered historic landmarks on the property.
 A critical slope waiver was previously granted for the project.



MAP SHOWING
 TREES OVER 6" IN DIAMETER
 AND IMPROVEMENTS ON
 PARCELS 145, 146, 147, 149, 150, 151 & 157 ON TAX MAP 29
 LOCATED ON RIDGE STREET AND CHERRY AVENUE
 CHARLOTTESVILLE, VIRGINIA
 SCALE : 1" = 30'
 DATE : FEB. 9, 2007
 REVISED : MARCH 1, 2007

FOR
 SOUTHERN DEVELOPMENT

ROGER W. RAY & ASSOC., INC.
 1717-19 ALLIED STREET
 CHARLOTTESVILLE, VIRGINIA 22903
 LAND SURVEYORS & LAND PLANNERS
 434-293-3195

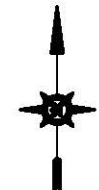
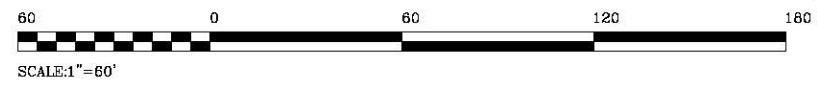
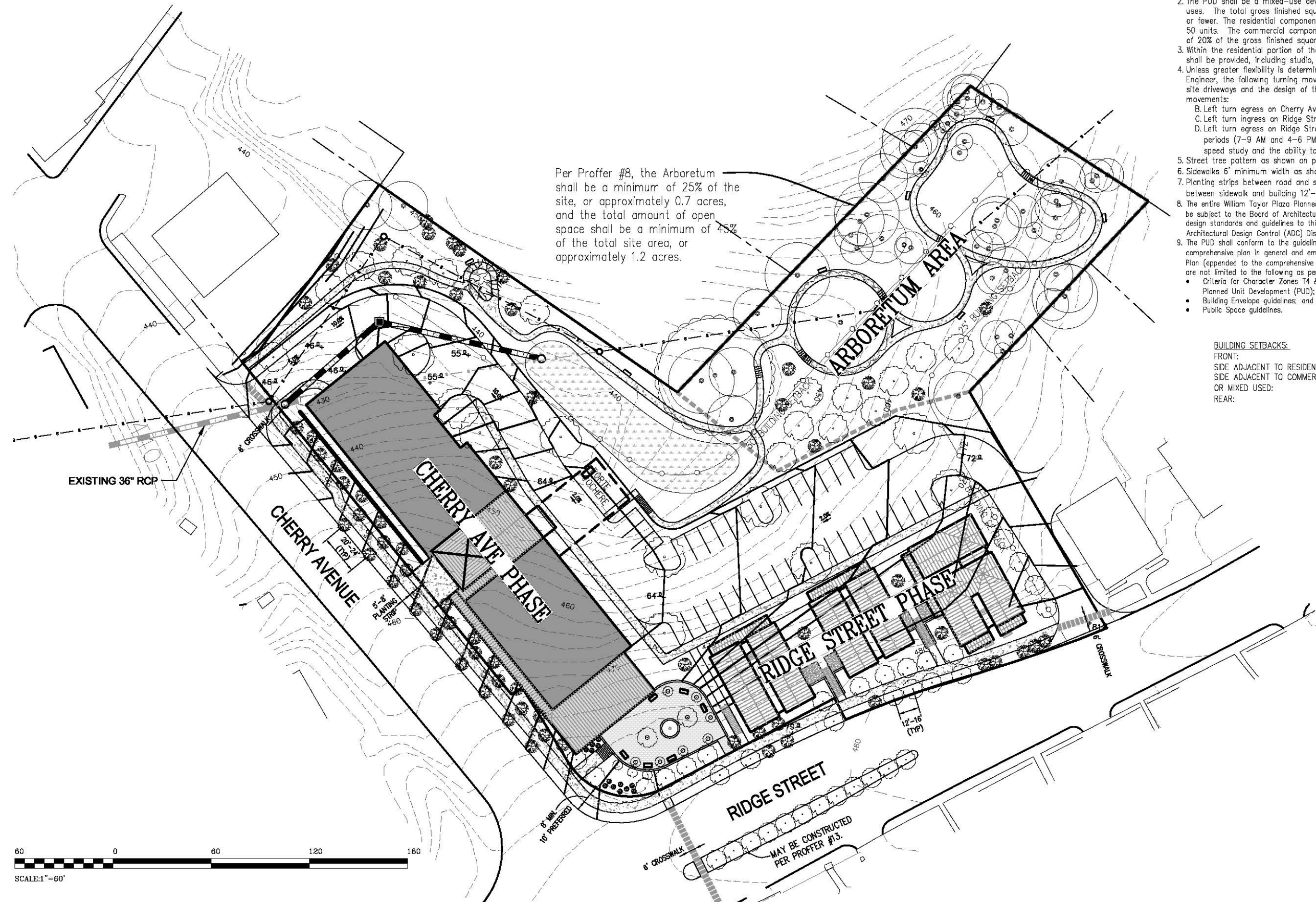


Land Use Plan

Per Proffer #8, the Arboretum shall be a minimum of 25% of the site, or approximately 0.7 acres, and the total amount of open space shall be a minimum of 45% of the total site area, or approximately 1.2 acres.

1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units.
4. Unless greater flexibility is determined to be allowable by the City Traffic Engineer, the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
 - B. Left turn egress on Cherry Avenue shall be prohibited.
 - C. Left turn ingress on Ridge Street shall be prohibited.
 - D. Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
5. Street tree pattern as shown on plan. Spacing as noted.
6. Sidewalks 6' minimum width as shown.
7. Planting strips between road and sidewalk 5' minimum. Planting strips between sidewalk and building 12'-15' typical.
8. The entire William Taylor Plaza Planned Unit Development (PUD), all phases, shall be subject to the Board of Architectural Review (BAR) as it applies all pertinent design standards and guidelines to this project in keeping with the Ridge Street Architectural Design Control (ADC) District.
9. The PUD shall conform to the guidelines and policies contained in the comprehensive plan in general and embodied in the Strategic Investment Area (SIA) Plan (appended to the comprehensive plan in February 2014.) Those include but are not limited to the following as per SIA Plan Section VI:
 - Criteria for Character Zones T4 & T5 which apply to the William Taylor Plaza Planned Unit Development (PUD);
 - Building Envelope guidelines; and
 - Public Space guidelines.

BUILDING SETBACKS:	
FRONT:	0'
SIDE ADJACENT TO RESIDENTIAL:	25'
SIDE ADJACENT TO COMMERCIAL OR MIXED USED:	0'
REAR:	50'



Phasing Plan per Sec. 34-505 and Land Use Map

PHASE 1: CHERRY AVE PHASE █

PHASE 2: RIDGE STREET PHASE █

SEQUENCE:
 THE OWNER MAY DEVELOP THE ENTIRE SITE SIMULTANEOUSLY UNDER ONE SITE PLAN OR MAY DEVELOP THE CHERRY AVENUE PHASE FIRST. IN THE EVENT THE OWNER ELECTS TO DEVELOP THE CHERRY AVENUE PHASE FIRST, EXISTING TREES IN THE RIDGE STREET PHASE SHALL REMAIN UNDISTURBED UNTIL SITE PLAN APPROVAL HAS BEEN GRANTED FOR THE RIDGE STREET PHASE, EXCEPT THAT INVASIVE SPECIES MAY BE REMOVED.



**Cumulative minimum and maximum square footages (sqft) of commercial and residential unit count shall comply with note 2 on Page 3.

- PHASE 1: CHERRY AVE PHASE****
- Approximately 2.4 Acres
 - Shall be Commercial or Mixed Use
 - 0-40 Residential Units
 - 10,000-90,000 sqft of Commercial
 - Approximately 1.1 Acres Open Space

- PHASE 2: RIDGE STREET PHASE****
- Approximately 0.4 Acres
 - Shall be Residential or Mixed Use
 - 10-50 Residential Units
 - 0-40,000 sqft of Commercial
 - Total open space upon completion of Phase 2 shall total 45% of total site acreage

Matrix of Use Types–William Taylor Plaza PUD

Use Types	William Taylor Plaza PUD	
	Cherry Ave Phase	Ridge Street Phase
RESIDENTIAL AND RELATED USES		
Accessory apartment, internal	P	P
Accessory apartment, external	P	P
Accessory buildings, structures and uses	B	B
Adult assisted living	*	*
1–8 residents	B	B
Greater than 8 residents	B	B
Adult day care	B	B
Amateur radio antennas, to a height of 75 ft.		
Bed-and-breakfast:		
Homestay	B	B
B & B	B	B
Inn	B	B
Boarding: fraternity and sorority house		
Boarding house (rooming house)	B	B
Convent/monastery	B	B
Criminal justice facility	B	B
Dwellings:		
Multifamily	B	B
Single-family attached	B	B
Single-family detached		B
Rowhouse/Townhouse		B
Two-family		B
Family day home		
1–5 children	B	B
6–12 children		
Home occupation	P	P
Manufactured home park		
Night watchman's dwelling unit, accessory to industrial use		
Nursing homes	B	B
Occupancy, residential	*	*
3 unrelated persons	B	B
4 unrelated persons	B	B
Residential density (developments)	*	*
1–21 DUA	B	B
22–43 DUA	B	B
44–64 DUA	B	B
65–87 DUA	B	B
88–200 DUA	B	B
Residential treatment facility		
1–8 residents	B	B
8+ residents		
Shelter care facility	B	B
Single room occupancy facility		
Temporary family health care structure		
NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL	*	*
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	B	B
Accessory buildings, structures and uses	B	B
Amusement center		
Amusement enterprises (circuses, carnivals, etc.)		
Amusement park (putt-putt golf; skateboard parks, etc.)		
Animal boarding/grooming/kennels:		
With outside runs or pens	*	*
Without outside runs or pens	B	B
Animal shelter		
Art gallery:		
GFA 4,000 SF or less	B	B

GFA up to 10,000 SF	B	B
Art studio, GFA 4,000 SF or less	B	B
Art workshop	B	B
Assembly (indoor)	*	*
Arena, stadium (enclosed)		
Auditoriums, theaters	B	B
Houses of worship	B	B
Assembly (outdoor)	*	*
Amphitheater		
Stadium (open)		
Temporary (outdoor church services, etc.)		
Assembly plant, handcraft		
Assembly plant		
Automobile uses:	*	*
Gas station		
Parts and equipment sales		
Rental/leasing		
Repair/servicing business		
Sales		
Tire sales and recapping		
Bakery, wholesale	*	*
GFA 4,000 SF or less	B	B
GFA up to 10,000 SF	B	
Banks/ financial institutions	B	B
Bowling alleys	B	
Car wash		
Catering business	B	B
Cemetery		
Clinics:	*	*
Health clinic (no GFA limit)	B	
Health clinic (up to 10,000 SF, GFA)	B	
Health clinic (up to 4,000 SF, GFA)	B	B
Public health clinic	B	B
Veterinary (with outside pens/runs)		
Veterinary (without outside pens/runs)	B	B
Clubs, private	B	B
Communications facilities and towers:	*	*
Antennae or microcells mounted on existing towers established prior to 02/20/01		
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Attached facilities visible from an adjacent street or property		
Alternative tower support structures		
Monopole tower support structures		
Guyed tower support structures		
Lattice tower support structures		
Self-supporting tower support structures		
Contractor or tradesman's shop, general		
Crematorium (independent of funeral home)		
Data center	B	B
Daycare facility	B	B
Dry cleaning establishments	B	B
Educational facilities (non-residential)	*	*
Elementary	B	B
High schools	B	B
Colleges and universities	B	B
Artistic up to 4,000 SF, GFA	B	B
Artistic up to 10,000 SF, GFA	B	B
Vocational, up to 4,000 SF, GFA	B	B
Vocational, up to 10,000 SF, GFA	B	B
Electronic gaming café		
Funeral home (without crematory)	*	*
GFA 4,000 SF or less		

Matrix of Use Types–William Taylor Plaza PUD

GFA up to 10,000 SF		
Funeral homes (with crematory)	*	*
GFA 4,000 SF or less		
GFA up to 10,000 SF		
Golf course		
Golf driving range		
Helipad		
Hospital	B	B
Hotels/motels:		*
Up to 100 guest rooms	B	
100+ guest rooms	B	
Laundromats	B	B
Libraries	B	B
Manufactured home sales		
Microbrewery	B	B
Mobile food units	P	P
Movie theaters, cineplexes	B	
Municipal/governmental offices, buildings, courts	B	B
Museums:		*
Up to 4,000 SF, GFA	B	B
Up to 10,000 SF, GFA	B	B
Music halls		
Offices:		*
Business and professional	B	B
Medical	B	B
Philanthropic institutions/agencies	B	B
Property management	B	B
Other offices (non-specified)	B	B
Outdoor storage, accessory		
Parking:		*
Parking garage	A	A
Surface parking lot	A	A
Surface parking lot (more than 20 spaces)	A	A
Temporary parking facilities	T	T
Photography studio	B	B
Photographic processing; blueprinting	B	B
Radio/television broadcast stations	B	B
Recreational facilities:		*
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc.	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.	B	B
Restaurants:		*
Dance hall/all night		
Drive-through windows	B	
Fast food	B	B
Full service	B	B
24-hour		
Taxi stand	B	B
Towing service, automobile		
Technology-based businesses	B	B
Transit facility	B	
Utility facilities		
Utility lines	B	B
NON-RESIDENTIAL USES: RETAIL		
Accessory buildings, structures and uses	B	B
Consumer service businesses:		*
Up to 4,000 SF, GFA	B	B
Up to 10,000 SF, GFA	B	B
10,001+ GFA	B	B
Farmer's market	B	B
Greenhouses/nurseries		
Grocery stores:		*
Convenience	B	B

General, up to 10,000 SF, GFA	B	B
General, 10,001+ SF, GFA	B	
Home improvement center	B	
Pharmacies:		*
1–1,700 SF, GFA	B	B
1,701–4,000 SF, GFA	B	B
4,001+ SF, GFA	B	B
Shopping centers	B	B
Shopping malls		
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)	T	T
Other retail stores (non-specified):		*
Up to 4,000 SF, GFA	B	B
Up to 20,000 SF GFA	B	B
20,000+ SF, GFA	B	
NON-RESIDENTIAL: INDUSTRIAL		*
Accessory buildings, structures and uses	B	B
Assembly, industrial		
Beverage or food processing, packaging and bottling plants		
Brewery and bottling facility	B	B
Compounding of cosmetics, toiletries, drugs and pharmaceutical products		
Construction storage yard		
Contractor or tradesman shop (HAZMAT)		
Frozen food lockers		
Greenhouse/nursery (wholesale)		
Industrial equipment: service and repair		
Janitorial service company		
Kennels		
Laboratory, medical	B	B
<4,000 sq. ft.	B	B
Laboratory, pharmaceutical	B	B
<4,000 sq. ft.	B	B
Landscape service company		
Laundries		
Manufactured home sales		
Manufacturing, light		
Medical laboratories		
Moving companies	B	
Pharmaceutical laboratories	B	B
Printing/publishing facility	B	B
Open storage yard		
Outdoor storage, accessory to industrial use		
Research and testing laboratories	B	B
Self-storage companies		
Warehouses		
Welding or machine shop		
Wholesale establishments		
A = Ancillary use		
B = by-right use		
CR = commercial/residential		
A/S = Ancillary or Special Use Permit		
DUA = dwelling units per acre		
GFA = gross floor area		
MFD = multifamily development		
P = provisional use permit		
T = temporary use permit		
* = header section		

Narrative per Sec. 34-517(2)

Narrative Project Description
William Taylor Plaza
July 13, 2015

William Taylor Plaza is a mixed use PUD at the corner of Ridge Street and Cherry Avenue. The PUD shall contain both residential and commercial uses, and meets the objectives in Sec. 34-490 of the Planned Unit Development ordinance as follows:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;

This proposal is of equal or higher quality than otherwise required by the strict application of zoning district regulations that currently govern because it proposes the following significant changes: allows 40% of the site parking to be at grade vs 10% in the current zoning, ensures parking is not visible from the street, provides building and parking layouts that reduce impervious surfaces by 25%, increases the size of the arboretum by 25%, provides side and rear setbacks to adjacent residential properties, provides a plan for phasing the project, removes certain inappropriate uses that are currently allowed, and proffers a clearly defined minimum number of residential units in the project.

2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;

The proposed arrangement of buildings is almost identical to the arrangement in the current PUD zoning except that the open spaces in the proposed PUD are larger.

3. To promote a variety of housing types, or within a development containing only a single housing type, to promote inclusion of houses of various sizes;

This mixed-use development will contain a range of unit types to accommodate a wide range of family structures and income levels, including one-bedroom, two-bedroom and studio. The issue of affordable housing is answered in the proffers by the developer.

4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;

The proposed zoning amendment does not modify this except that the current proposal provides more open space.

5. To provide for developments designed to function as cohesive, unified projects.

The proposed PUD frames the corner and provides a transition from the building forms of the Ridge Street historic district to the Cherry Avenue mixed use district. The proposed zoning amendment does not modify this.

6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;

The project has been developed to reflect the massing, scale and rhythms of each of the street with respect for that particular context. The proposed zoning amendment does not modify this.

7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography.

The proposed PUD amendment is no different from the current PUD with regard to preservation of cultural features, scenic assets and natural features except that the proposed PUD preserves more natural features.

8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and

The proposed PUD provides for coordination of architectural styles and will be further reviewed by the BAR.

9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

The proposed PUD is identical to the current PUD in this regard.

10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

The proposed PUD is identical to the current PUD in this regard.

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

Agenda Date: July 6, 2015

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

Title: SP14-00007 201 Garrett Street

Background:

Russell E. Nixon of Nixon Land Surveying, LLC, has submitted a special use permit for a mixed-use development at 201 Garrett Street. The request is for residential density in excess of 43 dwelling units per acre, up to 171 dwelling units per acre. The site plan proposes 233 new multi-family residential units, 49,580 square feet of new commercial space, and 142 on-site parking spaces. The property is further identified on City Real Property Tax Map 28 Parcel 113. The site is zoned Downtown Extended Corridor with Parking Modified Zone Overlay. The property is approximately 1.366 acres.

Discussion:

The Planning Commission discussed this matter at their June 9, 2015 meeting.

The topics of discussion that the Commission focused on were:

- The building's relationship with Garrett Street and its impact on the pedestrian realm along the street.
- The Strategic Investment Area plan, and how well the building conforms to the plan.
- The height and massing of the building.
- The impact of the parking garage on the project overall.

Citizen Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meetings on April 14, 2015 and June 9, 2015. The members of the public that spoke on the project were in opposition to the proposal. The objected to the height of the building, the scale of the project, and the impact that the additional units would have on parking and traffic in the area.

Staff has received a substantial amount of written comment from the public, and it is attached to the staff report.

Alignment with City Council’s Vision and Priority Areas:

The City Council Vision of Economic Sustainability states that “The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market” and further that, “The City has facilitated significant mixed and infill development within the City.”

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 states, and abilities” and further that, “Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

The City of Charlottesville Strategic Plan Goal to “Be a safe, equitable, thriving and beautiful community” states that the City will “Engage in robust and context sensitive urban planning.”

Budgetary Impact:

The proposed project is anticipated to increase the assessed value of the property, and result in an increase in property taxes. Additionally, the increased residential density along Garrett Street will likely result in a small increase in the number of customers at businesses located near the project site.

Recommendation:

The Commission took the following action:

Mr. Santoski moved to recommend denial of this application for a Special Use Permit.

Mr. Lahendro seconded the motion. The Commission voted 4-2 to recommend denial of the Special Use Permit. Chairman Rosensweig was not present.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the requested SUP;
- (2) by motion, request changes to the requested SUP, and then approve an SUP;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachments:

Staff Report dated May 27, 2015

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP14-00007
FOR A PROPOSED MIXED USE DEVELOPMENT AT 201 GARRETT STREET**

WHEREAS, MTE, LLC (“Applicant”) has submitted application SP14-00007 (“Application”) seeking approval of a special use permit for property located at 201 Garrett Street, further identified on City Tax Map 28 as Parcel 113 (“Subject Property”), consisting of approximately 1.366 acres; and,

WHEREAS, the special use permit seeks the following: additional residential density of up to 171 dwelling units per acre, pursuant to City Code §34-580; and

WHEREAS, the Subject Property is zoned “DE” (Downtown Extended Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on June 9, 2015, the Planning Commission reviewed this application and determined that the proposed special use permit would not serve the interests of the public necessity, convenience, general welfare or good zoning practice, and the Planning Commission has communicated its recommendation to City Council; and

WHEREAS, this Council finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code. NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to permit the proposed mixed use development described within the Application, generally described as follows: construction of a mixed use building up to 101 feet in height, containing 49,580 square feet of commercial space (including both office and retail uses); containing 233 dwelling units (171 dwelling units per acre); and providing 142 automobile parking spaces within a parking structure (garage) located under the building (collectively, the “Development”); and

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to suitable regulations and safeguards set forth following below:

1. General. The design and other characteristics of the Development shall remain, in all material aspects, as described within the application materials for SP14-0007. Any material change in the proposed Development shall require Council’s approval of an amendment of this SUP.
2. Visual Impacts.
 - a. Along the Garrett Street frontage, the maximum height of the building streetwall shall be 45 feet; after 45 feet, there shall be a minimum stepback of 10 feet along the entire length of such streetwall.
 - b. The property owner shall provide, as part of its final site plan submission, elevations depicting the Garrett Street building façade, for review and approval by the director of

neighborhood development services. The director shall approve such elevations, upon a determination that the design implements measures, consistent with maintaining a reasonable financial viability of the development, to minimize adverse visual impacts along Garrett Street.

- c. All outdoor lighting and light fixtures shall be full cut-off luminaires.
 - d. Effective no later than the date of issuance of the certificate of occupancy for any residential dwelling unit(s), the owner of the building shall establish and enforce rules regulating the use and appearance of exterior balconies. These rules will be set forth within a written instrument that will be binding and enforceable as to all residential and occupants of the building (for example, a deed of restrictive covenants recorded in the city's land records and enforceable by an owners' association; written lease agreements, etc.).
3. Parking garage. There shall be no more than one (1) vehicular entrance/exit for the Development. The single entrance/exit shall have not more than two (2) lanes of traffic, unless a traffic impact analysis provided by the owner to the City's traffic engineer demonstrates to the satisfaction of the City's traffic engineer that more than 2 lanes are necessary. The parking garage shall have a separate entrance/exit for pedestrians.
 4. Loading Areas. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
 5. Traffic circulation. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.
 6. Construction.
 - a. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
 - b. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
 - c. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a

person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.

- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of framing.
- f. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.
- g. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

City of Charlottesville
Department of Neighborhood Development Services
Staff Report



CITY COUNCIL AND PLANNING COMMISSION
JOINT PUBLIC HEARING

DATE OF HEARING: JUNE 9, 2015
APPLICATION NUMBER: SP14-00007

Project Planner: Brian Haluska, AICP
Date of Staff Report: May 27, 2015

Applicant: Russ Nixon, Nixon Land Surveying, authorized representative of MTE, LLC
Current Property Owners: MTE, LLC

Application Information

Property Tax Map/Parcel # and Street Addresses:

Tax Map 28 Parcel 113 - 201 Garrett St.

Total Square Footage/Acreage Site: 1.366 acres

Comprehensive Plan (Land Use Plan) Designation: Mixed-Use

Current Zoning Classification: Downtown Extended Corridor with Parking Modified
Zone Overlay

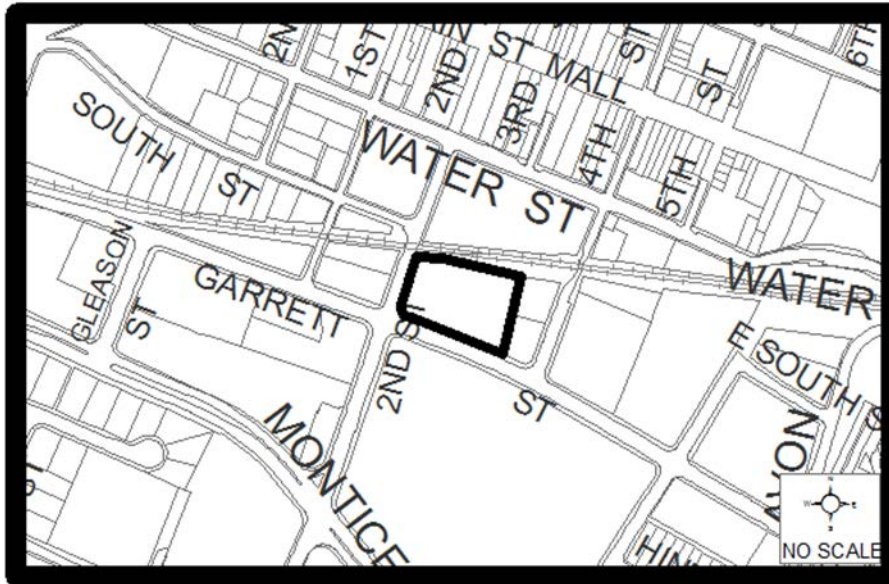
Tax Status: The City Treasurer's office confirms that the taxes for the properties were current
as of the drafting of this report.

Applicant's Request

Special Use Permit for:

1. **Density** up to 171 dwelling units per acre, per City Code Sec. 34-580

Vicinity Map



Background/ Details of Proposal

The applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for an expanded mixed-use building located at 201 Garrett Street. The Property has additional street frontage on 2nd Street SE. The proposed development plan shows a 101 foot tall building with 233 residential units (i.e., density of 171 DUA) and 49,580 square feet of new commercial space that includes office and retail space. The building as proposed would have parking for 142 cars located in structured parking under the building.

The developer has stated that he hopes to have the new residential units average 450 square feet in size, and may be as small as 300 square feet. His stated goal is to meet a price point below the current average rents in the downtown area.

The Downtown Extended Corridor zoning permits a maximum height of 101 feet by right. The maximum density permitted by right is 43 units per acre in a mixed-use development having 25 to 75 percent of the gross floor area designed and occupied for residential use, and up to 240 units per acre by special use permit.

Land Use and Comprehensive Plan

EXISTING LAND USE; ZONING AND LAND USE HISTORY:

The property is current being used for commercial purposes. The existing building houses three restaurants, as well as retail establishments and office space. The building is currently being expanded to add additional office space and 4 residential units.

Section 34-541 of the City Code describes the purpose and intent of the Downtown Extended Corridor zoning district:

“Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area.”

Zoning History: In 1949, the property was zoned **C Industrial**. In 1958, the property was zoned **M-1 Restricted Industrial**. In 1976, the property was zoned **M-1 Restricted Industrial**. In 1991, the property was zoned **M-1 Restricted Industrial**. In 2003, the property was rezoned to **Downtown Extended Corridor**.

SURROUNDING LAND USES AND ZONING DISTRICTS

North: Immediately north of the property are railroad tracks and the Water Street Parking Garage. One block further north is the Landmark Hotel project. These properties are zoned Water Street Corridor with ADC District Overlay.

South: Immediately south of the property are multi-story structures that are used for low-income residential housing, known as Friendship Court. Further south is the IX Complex of commercial uses. These properties are zoned Downtown Extended Corridor.

East: Immediately adjacent to the east is a surface parking lot. Further east is the Norcross Station apartment complex. These properties are zoned Downtown Extended Corridor.

West: Immediately adjacent to the west is a one-story commercial building that primarily houses retail uses. Beyond that property is a vacant lot that has been approved for a four-story mixed-use building. These properties are zoned Downtown Extended Corridor.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

The site does not have any notable natural resources. The site is mostly paved and developed. There are some trees along the edge of the property, some of which have been impacted by the construction of the addition on the corner of 2nd Street SE and Garrett Street.

The current building on the property was constructed in the early 1980's.

COMPREHENSIVE PLAN ANALYSIS:

The Comprehensive Plan is generally supportive of high density, mixed-use developments along the major corridors in the City, especially along Garrett Street. The Comprehensive Plan also contains language that supports creation of housing opportunities for all residents of the City. Lastly, the Comprehensive Plan places a strong emphasis on supporting development that is multi-modal, particularly developments that encourage biking and walking.

Specific items from the Comprehensive Plan that support the application are as follows:

Land Use

- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential area. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors. (Land Use, 3.2)

Economic Sustainability

- Continue to encourage private sector developers to implement plans from the commercial corridor study. (Economic Sustainability, 6.6)

Housing

- Achieve a mixture of incomes and uses in as many areas of the City as possible. (Housing, 3.3)
- Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need. (Housing, 3.5)
- Promote housing options to accommodate both renters and owners at all price points, including workforce housing. (Housing, 3.6)
- Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones. (Housing, Goal 7)
- Ensure that the City's housing portfolio offers a wide range of choices that are integrated and balanced across the City to meet multiple goals including: increased sustainability, walkability, bikeability, and use of public transit, augmented support for families with children, fewer pockets of poverty, sustained local commerce and decreased student vehicle use. (Housing, Goal 8)
- Encourage mixed-use and mixed-income housing developments. (Housing, 8.1)
- Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes, and commercial services. (Housing, 8.3)

- Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity. (Housing, 8.5)

Transportation

- Encourage a mix of uses in priority locations, such as along identified transit corridors and other key roadways, to facilitate multimodal travel and increase cost effectiveness of future service. (Transportation, 2.4)
- Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways. (Transportation, 2.6)
- Encourage the development of transit-oriented/supportive developments. (Transportation 6.6)

Historic Preservation and Urban Design

- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)

Specific items from the Comprehensive Plan that may not support the application are as follows:

Land Use

- When considering changes to land use regulations, respect nearby residential areas. (Land Use, 2.1)

Historic Preservation and Urban Design

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)

The site falls within the City’s Strategic Investment Area, and is a key property identified in the plan because of its frontage on 2nd Street SE. 2nd Street SE between the rail road tracks and Monticello Avenue was identified in the plan as a central axis for initial activity in the area.

The Strategic Investment Area Plan adopted by the City offers the following points of guidance for the site:

- The property is designated as being in the Mixed-Use Urban Center (Transect T5) in the SIA Regulating Plan. (Page VI-3)
- The T5 transect aims for 4-5 1/2 story mid- and low-rise residential developments. (Page VI-4)
- The property is designated as a “Secondary Infill Property” (Page VI-6)
- The adjacent surface parking lots are shown as a potential location for mid-rise multi-family housing. (Page VI-10)

- The plan's building envelope standards show heights of 4-5 stories on the site. (Page VI-14)
- 2nd Street Se is designated as a primary retail frontage, while Garrett Street east of 2nd is not. (VI-18)

Public and Other Comments Received

PUBLIC COMMENTS

The Planning Commission held a preliminary discussion on this matter at their meeting on January 13, 2015. Several members of the public expressed concern about and opposition to the project. The comments cited the impacts to parking in the area around the project and the impact to traffic in the area. Many of the comments in opposition to the project suggested that the by right density would be preferable.

The City held a preliminary site plan review conference on January 7, 2015. Members of the Gleason's Condominium Owners Association expressed their opposition to the project at that time, citing many of the same concerns they presented to the Planning Commission on January 13, 2015.

The Planning Commission held an opportunity for public comment at their meeting on April 14, 2015. Two members of the public spoke in opposition to the proposal, citing the unclear nature of the plan, and that the proposed building was out of scale with the surrounding properties.

The written correspondence regarding the SUP request received by staff in advance of the meeting is attached to this report. Comment specific to the May submission begin on Page 26 of this document.

PLANNING COMMISSIONS COMMENTS AT PRELIMINARY DISCUSSION

1. **Height of the building on Garrett Street.** Commissioners were concerned about how the building could meet the guidelines for building envelope in the SIA.
2. **Concern about whether or not the unit sizes proposed are unique to downtown.** The applicant submitted that the size of the units would be unique to downtown and offer to fill a gap in the residential inventory. Commissioners raised the question of whether or not the units were rare downtown, as well as the challenges that living in a smaller footprint presents.

IMPACT ON CITY SERVICES:

Public Works (Water and Sewer):

The applicant has sent the projected impact of the structure on the City water and sewer services, and the loads have been passed on to the Rivanna Water and Sewer Authority for the required letter of acceptance. Staff does not anticipate any problems with serving the projected demands.

Public Works (Storm Drainage/Sewer): The proposed project will develop an area of land that is currently almost entirely impervious surface, and the resulting development will be required to provide Stormwater management and treatment in accordance with current state regulations and engineering standards. The applicant is required to provide a stormwater management plan as part of a final site plan submission. A preliminary site plan is required to detail the developer's "Stormwater concept" prepared by a professional engineer or landscape architect, in accordance with current provisions of City Code 34-34-827(d)(9).

Staff Analysis and Recommendation

ANALYSIS

Assessment of the Development as to its relation to public necessity, convenience, general welfare, or GOOD ZONING PRACTICE:

The City has zoned the Downtown Extended Corridor with the intent of providing an area for higher intensity development. The proposal looks to take advantage of this location and desire for higher intensity development by delivering up to 233 residential units within easy walking distance of the Downtown Mall and the IX property.

Assessment of Specific Potential Impacts of the Proposed Development:

1. Massing and scale of the Project, taking into consideration existing conditions and conditions anticipated as a result of approved developments in the vicinity.

The height of the building is roughly similar to the height of the nearby Landmark Hotel project and the height of the approved Market Plaza project. The height is not out of character for the location in which it is proposed, but it does exceed the height of all the structures immediately adjacent to the site.

The Planning Commission stated a concern about the height of the project along Garrett Street, and how the scale of the building would impact the pedestrian experience along the street. Staff notes that the height conforms to the code but note additional setbacks may mitigate the massing and scale.

2. Traffic or parking congestion on adjacent streets.

The proposed project will impact traffic on the streets adjacent to the building. The applicant shows vehicular access on Garrett Street. The trip generation for the residential portion of the project shows an added 1000 trips per day, with the maximum hourly impact being 80 additional trips in the PM peak hour according to the ITE Manual.

As the project is currently designed, the maximum number of residential units would fall short of the number requested in the special use permit because of parking limitations. The Parking Modified Overlay zone requires an applicant to provide the

required parking spaces either on-site or within 1000 feet of the property. The applicant's latest site plan shows 199 parking spaces, which is 62 spaces short of the parking necessary to support a complete build-out of the site.

3. Noise, lights, dust, odor, vibration

The proposed project represents a use that is similar to surrounding uses in terms of impacts from lights, dust, odor and vibration. Vibration from parking cars will be internal to the site. The lighting external to the building will be required to meet the City's lighting regulations.

4. Displacement of existing residents or businesses

The proposal would result in a net gain in space for businesses on the site.

5. Ability of existing community facilities in the area to handle additional residential density and/or commercial traffic

This proposed residential use is not projected to present an undue burden on community facilities. Staff has previously raised the point that the Pollocks Greenway element in the Strategic Investment Area plan is aimed at serving residential developments south of the Downtown Mall, and the proposed development at this location would feed into the demand for that facility.

6. Impact (positive or negative) on availability of affordable housing

The proposed development would result in additional residential units in the downtown area. The requested special use permit would increase the permitted number of units on the site from 57 units to 233. The applicant has stated that he intends to construct units with an average square footage of around 450 square feet. The developer has stated that this type of residential product does not exist in the downtown area, and the target rents would be below the average rent in the downtown area.

The developer added a note to the SUP materials and the site plan outlining that they will comply with the Section 34-12 of the City Code.

RECOMMENDATION

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in density is reasonable at this location and that the impacts of the development can be addressed through conditions placed on the special use permit.

General

- 1) The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated May 18, 2015, submitted to the City for and in connection with SP14-00007 ("Application"). Except as the design details of the Development may subsequently be modified to comply with any other provision(s) of these SUP Conditions, any change of the Development that is inconsistent with the Application shall require a modification of this SUP.

Massing and Scale

- 2) **Visual impacts.** The developer shall work with staff to achieve a final design that will minimize the visual impacts of the building on the Garrett Street elevation, while still maintaining a financially viable project.
 - a. All outdoor lighting and light fixtures shall be full cut-off luminaires.
 - b. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners' associations; written leases; etc.).
- 3) **On-site parking garage:** The on-site parking garage shall meet the following requirements:
 - a. There shall be no more than one (1) vehicular entrance or exit for the Development. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

Massing and Scale

- 4) A building setback of 10 feet after 45 feet in height on the side facing Garrett Street.

Construction

- 5) Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
- 6) The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
- 7) The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- 8) The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
- 9) Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

Traffic

10) **Generally:**

- a. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- b. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
- c. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

Attachments

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions for your consideration
4. Public Input received in advance of the preliminary discussion
5. Revised SUP packet
6. Preliminary Site Plan

Attachment 1

Sec. 34-157. General standards for issuance.

(a) In considering an application for a special use permit, the city council shall consider the following factors:

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a. Traffic or parking congestion;
 - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c. Displacement of existing residents or businesses;
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f. Reduction in the availability of affordable housing in the neighborhood;
 - g. Impact on school population and facilities;
 - h. Destruction of or encroachment upon conservation or historic districts;
 - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j. Massing and scale of project.
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and **for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts.** The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

(b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

Sec. 34-162. Exceptions and modifications as conditions of permit.

(a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:

(1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and

(2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and

(3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

(b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.

(c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

Attachment 2

Sec. 34-541. Mixed use districts—Intent and description.

- (1) *Downtown Corridor.* The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:

Primary streets: All streets are primary.

Linking streets: None.

- (2) *Downtown Extended Corridor.* **Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:**

Primary streets: Garrett Street, Monticello Avenue, 6th Street, Market Street, Carlton Road and 10th Street, N.E.

Linking streets: Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

- (3) *North Downtown Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

Primary streets: 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th Street, N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

Linking streets: East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

- (4) *West Main North Corridor.* The West Main North district is established to provide low-intensity mixed-use development at a scale that respects established patterns of commercial and residential development along West Main Street and neighborhoods adjacent to that street. When compared with the area further south along West Main Street, lots within this area are smaller and older, existing buildings (many of them historic in character) have been renovated to accommodate modern commercial uses. Within this district, established buildings are located in close proximity to the street on which they front, and one (1) of the primary goals of this district is to provide a uniform street wall for pedestrian-oriented retail and commercial uses. Within the West Main Street North district, the following streets shall have the designations indicated:

Primary streets: 4th Street, 14th Street, 10th Street, Wertland Street, and West Main Street.

Linking streets: Cream Street, Commerce Street, 8th Street, Elsom Street, 7th Street, 6th Street, 10½ Street and, 12th Street.

- (5) *West Main South Corridor.* Property on the south side of West Main Street are much deeper, and generally larger in size, than those to the north, and established non-commercial uses typically are separated from adjacent residential neighborhoods by railroad tracks and street rights-of-way. The purpose of this zoning district is to encourage pedestrian-friendly mixed-use development, at an intensity slightly greater than that to the north of West Main. The permitted uses and building heights, those allowed by-right and by special permit, respect the scenic character of the West Main Street corridor. Within the West Main Street South district, the following streets shall have the designations indicated:

Primary streets: Jefferson Park Avenue, 9th/10th Connector, Ridge Street, 7th Street, and West Main Street.

Linking streets: Dice Street, 11th Street, 5th Street, 4th Street, and 7th Street.

- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:

Primary streets: Cherry Avenue, 9th/10th Connector.

Linking streets: 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St.

- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this

district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

Primary streets: East High Street and Meade Avenue.

Linking streets: 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

Primary streets: Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

Linking streets: None.

- (9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

Primary streets: Bent Creek Road, Carlton Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

Linking streets: Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

- (10) *Urban Corridor.* The intent of the Urban Corridor district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent. Within this district the following streets shall have the designations indicated:

Primary streets: Barracks Road, Emmet Street, and Ivy Road.

Linking streets: Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

(11)*Central City Corridor.* The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

Primary streets: East High Street, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

Linking streets: Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, 8th Street, Forest Street, 9th Street, and West Street.

(12)*Water Street Corridor District.* The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

Primary streets: All.

Linking streets: None.

(13)*South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

Primary streets: South Street.

Linking streets: None.

(14)*Corner District.* The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

Primary streets: University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

Linking streets: Chancellor Street, 12th Street, 12½ Street and 13th Street.

Attachment 3

Approval without any conditions:

I move to recommend approval of a special use permit as requested in SP14-00007, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice.

OR

Approval with conditions:

I move to recommend approval of a special use permit as requested in SP14-00007, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated, subject to the following revisions:

[List desired revisions]

Denial Options:

I move to recommend denial of this application for a special use permit;

Attachment 4

Sue and I own a condo in the Gleason. We are strongly opposed to the proposed construction of 229 apartments (vs zoned for 56) at 201 Garret Street. This density and lack of parking is very concerning, not to mention the undefined timeline for construction.

Please pass along

Dick Fader

Dear Mr. Haluska,

I am an owner and resident of a condo unit in the Gleason. I am writing to **STRONGLY OPPOSE** the request by MTE, LLC for a Special Use Permit to develop a mixed-use complex on the property located at 201 Garrett Street.

The proposal, as outlined in your letter of December 19th, 2014, would be in violation of the zoning regulation, which allows a maximum of 57 residential units. MTE, LLC is proposing 229 units. This would have serious damaging effects on the neighborhood in several ways:

- Traffic congestions would be unbearable
- Traffic would create a serious hazard for the residents living right across the street with small children
- The complex would not have adequate parking for its size
- The complex would drastically change the ratio of owner-occupied/rental units in the neighborhood
- Noise, pollution and other negative environmental impacts would not be unacceptable

Zoning regulations have an important purpose: to protect the integrity and balance of the neighborhood. NO exception should be granted.

Why not try to find creative solutions to utilize the Landmark building, which has been sitting empty for years, instead of erecting yet another complex?

Thank you for your consideration.

Best regards,

Salvatore N. Moschella

Ms. Creasy.

We are a property owner at 126 Garrett Street and would like provide some input of the proposed development of 201 Garrett Street.

The proposed request to increase residential density by over 400 percent from 59 units to 227 units is not compatible with the long range goals or existing densities in the neighborhood. The zoning density by right of 57 units seems appropriate for multi-family housing. I would understand and could even support a request for less than a 400% increase in allowable units.

I would offer that an increase of 400% should merit a rezoning and all the related infrastructure review that a rezoning entails.

Best,

JP Williamson
HM Gleason's Holdings

COMMENTS ON GLASS HAUS PROPOSAL

We are neighbors of the Glass Haus and strongly oppose the current proposal to build an apartment house on the Glass Haus site that exceeds the zoning rules by a factor of more than 4.

The proposal is completely out of scale with neighboring buildings and irresponsibly fails to provide for parking when the area is already paralyzed by inadequate parking.

Worst yet, the developer has proven with his on-again off-again work on the current building at the corner of the proposed site that he has neither the ability nor the inclination to undertake a construction project in Charlottesville in a responsible and timely manner. If approved, this project would be a disruptive eyesore for at least a decade and might never be completed. The Charlottesville boards responsible for reacting to the developer's ridiculous proposal need to take care not to create another debacle like the Landmark hotel which continues to be a blot on downtown and which the City seems incapable of solving.

We applaud a responsible residential development of the Glass Haus site. It would constitute a positive contribution to the downtown mall area. We understand that the current zoning would permit approximately 50 residential units with retail stores on the first floor. This is the type of building that should be built provided it is no more than 5 stories high (including any penthouse - where did the silly idea of not counting penthouse floors arise?) and provided that adequate parking is provided . (eg, 1.5 spaces per unit).

We urge to City of Charlottesville to insist that the developer comply with the law. Some have suggested that the developer's proposal is so over the top that he expects to settle with the City on something in between but way beyond what is legally permitted. We are confident that the

City will not be fooled by such machinations and will send the developer back to his drawing boards for a proposal that complies with the law.

Thank you.

Dee and Dickson Brown

Dear Mr. Haluska,

Please relay the following objections and concerns to the Planning Commission as it prepares for the meeting tonight.

At the January 6 site plan meeting, I made clear that the owners at 200 Garrett Street do not wish the city to allow Mr. Kuttner to increase the density of his property. We believe that the current density is appropriate for the neighborhood and Charlottesville. Please reject the proposal. I represent the 44 owners and residents of the Gleason Unit Owners Condominium. The principal reason for our position is that any increase in density will exacerbate the currently difficult parking problems in the area. Mr. Kuttner failed to explain how he would provide sufficient parking for 229 new residential units and new commercial and retail operations, as well as provide for the businesses in the Glass House complex. Eventually, he will finish the building at the corner now under construction, which will stimulate additional residential, commercial and retail traffic and demand for parking, but for which we see no evidence that he has provided any net additional parking.

Current Glass House businesses & restaurants (approximately 20)=an unknown number of required parking spaces (he currently provides approx. 63)

New 4-story building (currently in construction) with residences, retail and offices=an unknown number of required spaces (no additional spaces added at this point)

Proposed new buildings that appear to eliminate 63 parking spaces currently provided for businesses=about 80 garage spaces to be built (it appears from the Jan 6 meeting that the three new buildings would require a minimum of 271 parking spaces)

This means that he would need to show ability to provide 271 spaces, plus 63 replacement spaces, plus unknown number for building currently in construction, or at a minimum, 334 spaces.

In the site plan meeting, he dismissed our concerns about parking by stating that parking will not be a problem in ten years, as “no one will have cars.” He also suggested that residents of his project and other people could use the Water Street parking lot (which does not allow overnight parking, is closed on Sunday morning and closes at midnight). He mentioned that he might be able to lease a lot on 4th Street (60 spaces). None of his explanations are reasonable ways to address how his proposals would not make an already demonstrably bad parking situation much, much worse, to the detriment of all residents in the area and the businesses whose customers and

employees park on Garrett Street and adjacent areas.

Do not increase the current allowed density. The Gleason Condominium represents sensible building. We provide 43 condominiums (10 commercial and 33 residential) with 112 covered parking spaces within our building.

Do not open the door for more of what Mr. Kuttner calls “affordable housing.” 229 units of 450 square feet each in a neighborhood south of the railroad tracks that already supports Friendship Court and the Crescent Building is not the kind of development this area needs. This neighborhood needs more owner-occupied residences. The Gleason is evidence that demand for this kind of housing exists.

Do not negotiate with Mr. Kuttner for some density that exceeds the currently allowed number of units. Tell him to return with a plan that meets the currently designated density.

Sincerely,

Jeanne Maushammer, Board of Directors, Gleason Unit Owners Association
200 Garrett Street, Unit 509
434-202-1185

Dear Mr. Haluska,

My wife Annelise and I are residents (unit 513) of the Gleason. I write on our behalves to register our firm objection to granting a Special Use Permit to developer Oliver Kuttner to enable him to increase the density of residential units across the street from us. He proposes to build 229 units of about 450 square feet each and provide no parking. What this means is he is proposing to construct a private dorm for UVa students or something of this nature. This is entirely unacceptable and we urge that the Special Use Permit not be granted.

Thank you for your considertation

Joseph L. Brand
Joseph.brand@squirepb.com
434-202-7448

Dear Mr. Haluska—

Please pass this message to the Planning Commission for its consideration for this evening's meeting.

When we met last week with Mr. Kuttner on the site plan, there was much discussion that, if his plans do not work out, the market would correct the problem in the long run. He would either have to change his plans or suffer the consequences in a huge financial loss. But his company could easily declare bankruptcy and he could walk away with limited losses while we, the neighbors and all the citizens of Charlottesville, are stuck with extensive costs that the market does not assess against the cause of the problem. If the market does not like his proposals, all the citizens of this city could end up with what could be another Landmark Hotel eyesore/disaster for years and years. And the deleterious effects would be inflicted on people and businesses well beyond our immediate neighborhood. So, how does a city protect its image and its people from such a situation? There is at least one way: It could do the right thing and require responsible development. Or, it could take a chance on something radical and approve his request, but require a surety bond good for at least 20 years in an amount equaling the projected cost of demolition/removal of the problem and returning the site to its status quo ante. That is one way to make sure costs are assessed against the source of the problem, not the citizens and taxpayers of the city. Of course, it would be better to avoid the problem to start with.

Robert J. Maushammer, Ph. D.
200 Garrett Street, Unit 509
434-202-1185

To whom it may concern:

I am strongly opposed to the current proposal for developing the project at 201 Garrett St.. It is wrong on so many counts, it is hard to know where to begin.

Height and setback: From the developer's drawings it looks as if at least one of the buildings will be over six stories high. You will be turning this part of Charlottesville into dark canyons for streets if you keep allowing buildings to go ever higher. The current development on the corner, by the same developer, actually doesn't allow for adequate tree canopies. The two existing trees have been pruned badly and will probably die because there is inadequate space for the root systems. The right to build to the current lot lines means that there will hardly be room for any trees and inadequate sidewalks. I walk my golden retriever around downtown all the time and it is nearly impossible to pass anyone on the sidewalk without stepping into the street or median. When the opposite side of the street is developed according to the city's future plan, there might only be room for ginkgo trees. That would be sad. It seems ironic that by increasing the density so much that the streets will become darker and less appealing to pedestrians which runs counter to the city's effort to make walking more attractive.

Density and Parking: The proposal has way too many units not to mention the lack of on-site parking. Does anyone really think that no one will have a car who lives there? Yes,

Charlottesville has a public transit system and is developing bike lanes, which is good, but we do not live in a climate that lends itself to biking 365 days of the year for the vast majority of the people. Inevitably, there will be many people that have cars and they will overwhelm the street parking that exists now. Where will visitors to any of these and surrounding buildings park if the street parking is always monopolized? What about service vehicles, delivery vans, emergency vehicles?

Rental vs. Owned units: It seems to me that there is way too much rental property in this area and not enough home/condo owners. Home ownership brings more stability to a neighborhood than transient renters. I would like to see the city encourage a more diverse mix of residential options.

In summary, the thirty year plan for this area is to increase the overall density of this area. I don't disagree with that vision but I do not think that this is the right project as it is currently proposed.

Thank you,

Louisa Bradford
200 Garrett St., #402
Charlottesville, VA 22902

Dear Mr. Haluska,

I live at 200 Garrett St. and received your letter concerning the Application for Special Use Permit submitted by Nixon Land Surveying, LLC for 201 Garrett St.

I generally support the intended use, but have several questions and comments I hope you can address at the Site Plan Conference on January 7:

1. Your letter of 12/19 states that the proposed project will include 271 parking spaces, but the Nixon application states that 'The parking garage will have approximately 80 parking spaces.' I assume that Nixon's statement is in error.
2. If I understand the zoning code correctly, 43-578 states that a streetwall can have a maximum height of 50' before a 10' setback is required. The rendering in the application does not show a setback, but a vertical wall of 8 stories.
3. There are a number of beautiful pines along Garrett that will be in front of the new building that appear to be beyond the 15' max required setback. Is the developer planning to keep the trees, and, if yes, will he need a variance for the set back requirement?
4. The parking required in the DE District for the new development includes 19 for office 5(?) for retail and 229 for residential, for a total of 253 spaces. Providing 271 spaces leaves 18 spaces for the existing uses: two restaurants, one bakery, the existing office spaces to remain and the new building being built on the corner (which appears to be

larger than what's shown in the rendering). If this is correct, the project will aggravate the existing parking problems in the area.

5. There is no mention of how the 60 (approximately) existing on-site parking spaces will be replaced.
6. There are 7 existing off-street parking spaces on Second St. that the developer is planning to eliminate and use for outdoor dining.

Thank you for addressing these questions. Unfortunately I can't attend the hearing on the 7th.

Regards,
Kevin Silson, AIA
434-243-8032

Dear Charlottesville Planning Commission:

Mr. Kuttner's has asked the city to approve his so-far unspecific plans for two nine-floor buildings at 201 Garrett St. housing more than 220 small apartments. In making his presentation he alluded to New York City and driverless cars.

As a resident of Charlottesville for 47 years, and of Garrett Street for four years, I'm very concerned about the lack of skepticism and probing with which his ideas have so far been greeted by the city. I was very glad that a member of the Planning Commission stated that more details were needed.

The city is aware of course that parking is already a problem at all hours in this area. Mr. Kuttner's assurance that parking would be provided was not yet backed up by details.

Yes, the future of our inner cities is verticality. That part of the Kuttner plan is acceptable for a fine city like ours. It's also swell that the area beyond the railroad tracks will gradually become part of downtown. But thoughtful advocates of verticality always add that it should be relieved by green spaces nearby.

Has the city any provision at all for a downtown green space beyond the tracks nearby? Mr. Kuttner's analogies to Manhattan do not convince, yet even Manhattan has some elegant handkerchief parks. I'd personally be willing to contribute to the city's purchase of nearby plots 103, 105, and 107, for a fine handkerchief park where children could watch the trains go by, and pets could be aired, and everyone on this side of the tracks could get a bit of horizontality and greenness.

Speaking of children, Mr. Kuttner does not mention children at all. Is downtown to be only for adults. Will those families in Mr. Kuttner's apartments where children are born have to move away?

When I moved here 48 years ago, the Main Street Mall was to be built. The willow oaks that were put in were little saplings. The foresight and humane imagination that built the Mall and put in the saplings needs to be continued on the other side of the tracks.

Speaking of foresight, does Mr. Kuttner's futuristic claim that driverless cars will solve his parking problem have much credibility? What do we do if the state and city authorities decide that they are not ready for driverless cars? And don't they need to be parked somewhere near? And must everyone afford to buy a new driverless car to live in a tiny apartment?

Mr. Kuttner can't be blamed for taking care of his own interests. But don't we have an obligation to insure the livability of Charlottesville just as the planners did half a century ago? Do we really want permanent road rage and double parking not all that far from the old courthouse, the Mall and the Academical Village?

Let's encourage Mr. Kuttner to explain exactly how his plan will work for the general neighborhood. And perhaps he would want to help the city acquire the green space that such a concentration of dwellings calls for in a city which is, after all not Manhattan?

E. D. Hirsch, Jr.

200 Garrett Street # 505

296 2631

**Comments on the Proposal Dated May 18, 2015 for the
Development of 201 Garrett Street**

by Robert J. Maushammer

In my oral presentation before the Planning Commission on April 14, I pointed out that multiple inconsistencies in the documents presented by Mr. Kuttner made it impossible to understand what he was proposing. His latest application continues to exhibit multiple inconsistencies and shortfalls. These problems make it difficult to understand his newest proposal. They also undercut confidence that the project, if approved, will be carried out essentially as proposed. On top of everything else, the proposal still falls very short of providing the number of parking spaces required by the Charlottesville Code of Ordinances.

Problem No. 1: Parking

—The number of required parking spaces is incorrectly calculated. The cover sheet of the site plan uses the figure of 31,580 square feet of office space in the two new buildings to get to 32 spaces required for offices. However, the floor-by-floor data on that same page total 49,580 square feet of office space. Thus, 50 parking spaces are needed. This raises the overall requirement to 316.

—Only 149 parking spaces would be provided on site, with another 57 indicated as available on the surface lot next door (but no evidence of long-term availability is presented). The project would have only 206 parking spaces, 110 short of the number required by the Code.

—Also, it is not clear that the parking requirements for the building currently under construction are correct, as the structure now has more office space, what with 4 floors and mezzanines on 3 of those floors.

—How does the developer intend to meet the parking requirements of the Code? The proposal is silent on that point. Among other options, the Code does allow payment into a City parking fund at a standard amount per space, currently about \$18,000 per space.

—Neighborhood residents and their guests, and the customers and employees of downtown businesses, clearly have a difficult time parking at present. Their problems would multiply if adequate parking is not provided for this project. And the businesses taking space in the development—and their clients—will face the same problem. Inadequate parking could well be the flaw dooming the project's financial success.

Problem No. 2: Density and Massing

—The special use permit application indicates the developer is requesting approval of 233 dwelling units for the property, including 229 in two new buildings and 4 in the building under construction. However, the site plan indicates the two new buildings would provide 90 dwelling units each, or 180 in total. If 180 is the correct figure, why does the developer continue to ask for approval for 229 new dwelling units? And are there, in any case, only 2 residences under construction in the corner building?

—The requested density is 3 or 4 times the by-right density, depending on which is the real request. Either way, the project would be out of character for the neighborhood, which adheres to the much lower by-right densities established in the Code.

—Two nine-story urban towers will be as massive-looking in the neighborhood as the Flats project is on West Main Street. The mixed uses are like uses already in the area, to be sure, but the scale is entirely inconsistent with the neighborhood.

Problem No. 3: Construction Sequencing

—The proposal notes the project will be developed in two stages, with the building facing Garrett Street to be constructed first. Will parking facilities for the entire project be built in Phase 1? If not, and Phase 2 never happens, how many parking spaces will have been provided in Phase 1? The site plan drawings indicate only 49 spaces under the first building (plus 7 current spaces off of 2nd Street), versus the 142 apparently required for that much of the project.

—Will part of the Glass Building be demolished as part of Phase 1? If not, then the parking required would increase above the 142 required for the Phase I part of the project, to provide parking for the whole Glass House building. Building all of the parking spaces shown under the Phase 1 building and under the plaza between it and the unconstructed building in Phase 2 would still leave a big shortfall in parking spaces.

—The temporary construction access proposed by the developer is on Garrett Street. If Phase 1 is ultimately the building on Garrett Street, how will construction access be provided for the second phase?

Problem No. 4: Construction Details

—The proposal does not indicate the location for vehicular access for deliveries and garbage collection—only parking entrances.

—The proposal indicates areas in the garage for bike storage that seem very small to accommodate the 165 bicycle spaces required for the dwellings and nonresidential uses involved in the proposed project. This is surprising, given the developer's intent to rent to people who would not have many motor vehicles. Such bicycle storage spaces are very much in the public interest.

—Will the plaza between the Phase 1 and 2 buildings be hard surfaced? If not, what pedestrian access would be provided to the Phase 2 building? Will vehicular access be provided from 2nd Street, as the site plan indicates? Will the 4 white pines and 1 pin oak currently planted along Garrett Street remain or will they be removed? The site plan indicates they remain, even though they would be either under or right against garage walls.

—Is the 8-foot minimum distance for separating buildings, as established in the Code (Section 34-1102), applicable to this project?

The request for a variance of density from the allowed 59 units to 233 units raises a series of questions that I would like the Planning Commission to ask the developer and share his answers with those of us who will be most directly affected, the neighbors on Garrett Street. (The City Code establishes a per-acre density of 43 dwelling units by right; this property has 1.366 acres.)

What is the history of determining that 43 units per acre is the desired maximum density in the neighborhood? Isn't it still valid?

Is it fair to the people who purchased property in this neighborhood knowing that zoning limited density, and who now are seeing a developer asking for special consideration that will harm those buyers as well as neighbors?

What advantage to Charlottesville and the neighborhood is there in raising this density?

What explanation has Mr. Kuttner given for needing this increase? Why isn't the current density sufficient for his desire to provide the type of housing he claims is needed?

From my attendance at several Planning Commission meetings, the members talked about factors which did not seem related to density per se, but since they addressed these things, I ask:

--How has Mr. Kuttner verified that he will be able to meet his goal of "affordable housing" at \$1000 per month? Why is that a desirable goal?

--What evidence has Mr. Kuttner submitted to indicate there is a need for this type of unit? There probably is a need for some of these units, but what indication do we have that there are not already enough units out there and that there is a need for 233 more units? As I stated at the last meeting, I found approximately eleven units within walking distance and renting for under \$1150 (Mr. K. does not include the cost of commercial parking in his \$1000, so with parking, that would be approximately \$1130).

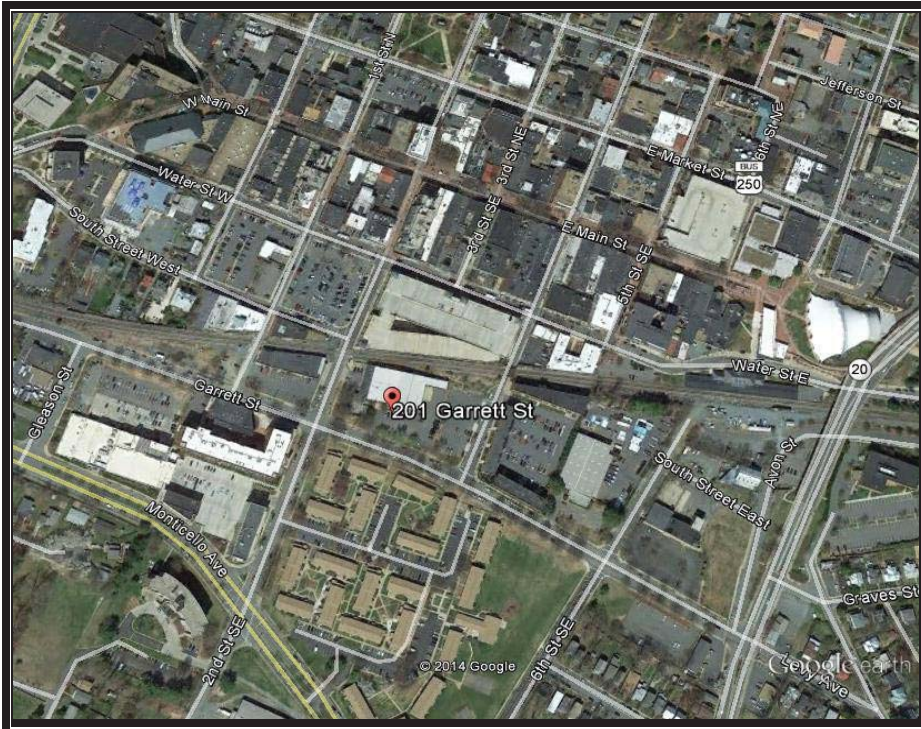
--Has the Planning Commission taken into consideration the already approved multi-use developments at 101 Garrett Street as well as the soon to be started Market Plaza (70 residential units), which is only two blocks from 201 Garrett Street? When one considers that these will be adding to the available housing, does Mr. Kuttner's proposal make sense?

There is an on-going study of downtown parking conditions, updating the previous study. This was necessitated because the previous study became outdated. Is it possible that the new study will indicate that more on-site parking will be necessary in approving new projects/developments in the future? If so, should we not wait until this study is completed before the special exception is granted?

Has the Commission weighed the advantages of rental housing versus residential home ownership (condos or townhouses) in this area? Wouldn't it be better to encourage home ownership and a deeper commitment to the area?

The Planning Commission is asked to provide an opinion on whether a special exception should be given to a developer who claims he needs this exception in order to build what he has said is desirable and needed. While attending various meetings, I have not heard any of the above questions asked by the Commission or addressed by Mr. Kuttner. While it is interesting to look at the design and parking considerations, I do not understand how this proposal can even be considered until the above questions have been asked and answered.

Jeanne Maushammer
200 Garrett St. Unit 509
Charlottesville, VA 22902
Telephone: 434-202-1185



201 Garrett Street, Charlottesville, Va.
Tax Map Parcel #28-113
Property of MTE, LLC
December 16, 2014
Revised 03/23/15
Revised 04/21/15
Revised 05/18/15

APPLICATION FOR SPECIAL USE PERMIT



Nixon Land Surveying, LLC
Land Surveying, Planning & Environmental Consulting
1063 Airport Road, Suite C
Lynchburg, VA 24502
434-237-3600 (office)
434-237-0699 (fax)



Nixon Land Surveying, LLC
Land Surveying, Planning & Environmental Consulting
1063 Airport Road, Suite C
Lynchburg, VA 24502
434-237-3600 (office)
434-237-0699 (fax)

May 18, 2015

City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Va. 22902

Salutations,

An application for Special Use Permit is being proposed for the property located at 201 Garrett Street, Charlottesville, Virginia. The purposed is to increase the by-right density of number of residential dwelling units. The following report is an information accessory to the application.

Best Regards,

A handwritten signature in blue ink that reads "Russell E. Nixon". The signature is written in a cursive, flowing style.

Russell Nixon, LS

Narrative:

MTE, LLC is proposing to develop a mixed-use apartment complex and parking garage at the property located at 201 Garrett Street. The tax map parcel number is 28-113. The property is located in the “Downtown Extended Corridor” (DE) zoning district and the “Parking Modified Zone”. The proposed project will have 233 residential apartment units. The parking garage will have approximately 142 parking spaces. The parking garage adjacent to this site will account for 57 parking spaces and allow for a total count of 199 spaces provided for this site.

This project will serve the City of Charlottesville’s growing residential needs. This site currently houses existing office, restaurants, and retail spaces making it ideal for this residential mixed use addition to the site. It is in close proximity to the downtown mall area and will increase the pedestrian traffic in that vicinity as well as increase of patronage to the existing commercial community.

Special Use Request:



Existing Conditions



Proposed Development

MTE, LLC is requesting a Special Use Permit for this property to allow an increase in the by-right density of the residential units for this property from 56 dwelling units to 233 dwelling units.

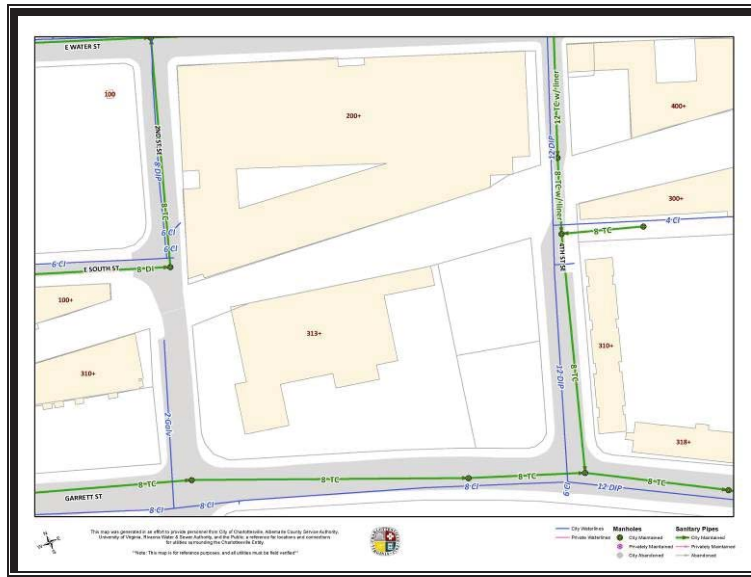
Harmony of Development:

The proposed mixed use project is surrounded by neighboring mixed use multi-family residential, retail, parking garage and office spaces use. The property to the north is missed use parking garage and retail. The property to the east is multi-family residential. The property to the south is also multi-family residential. The properties to the west are missed use office and retail. The proposed project is consistent with the existing uses and zoning district uses in this area.

Affordable Housing Requirements:

The Affordable housing requirements can be met by the implementation of one or the other of these two solutions noted. It is the intent of this development to meet all affordable housing requirements of Charlottesville. This development will in its entirety comprise of 127,850 sqft of residential floor area, the required units for affordable housing over the next thirty years will be 8, based on the following formula: $127,850 - 59,506 \text{ sqft of lot area} = 68,344 \text{ sqft}$, then $68,344 \text{ sqft} \times 5\% = 3,417.2 \text{ sqft of required area for affordable housing}$. If the apartment units have an average area of 450 sqft then 8 units will be required to be rented under the City of Charlottesville Affordable Housing requirements. OR the Client can pay \$276,795.25 into the Charlottesville Affordable Housing Fund by this formula $127850 \text{ sqft} \times \$2.165 = \$276,795.25$

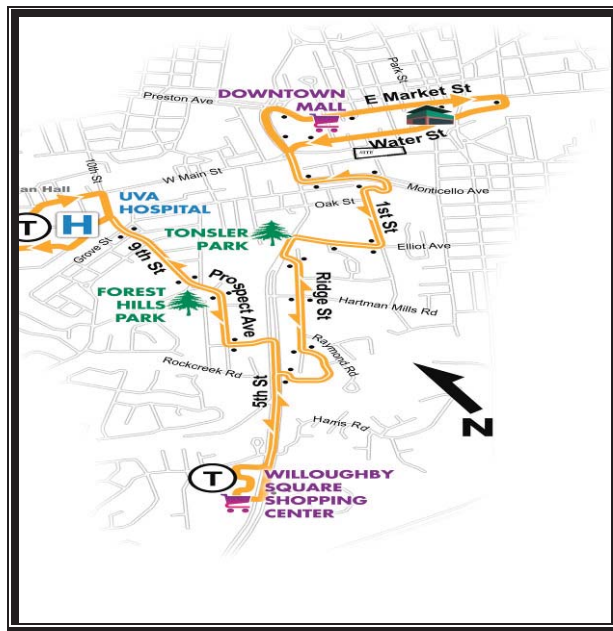
Public Facilities:



Existing Utilities

This property is currently served by public water and sewer. Fire flow testing demonstrates that water service is feasible for this site. Septic sewer mains are also ample to meet the needs of this development.

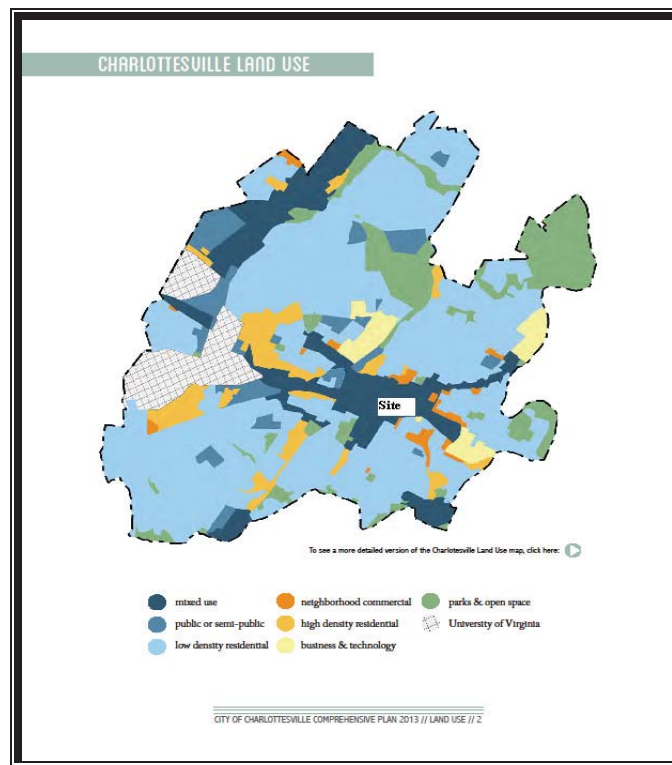
Public Access and Transportation:



Charlottesville Transit Route

The site is located in the Parking Modified Zone which is designed to promote alternative transportation other than personal motor vehicular transportation. The property has convenient access to the City of Charlottesville’s area transit system. It is located just several blocks from the downtown mall area with ample pedestrian walkways. Upon completion of this project an increase in pedestrian activity is expected to flow into the downtown area.

Compliance with Comprehensive Plan 2013:



Comprehensive Plan Map 2013

The proposed project located at 201 Garrett Street complies with the proposed uses of the 2013 Comprehensive Plan for this area in Charlottesville.

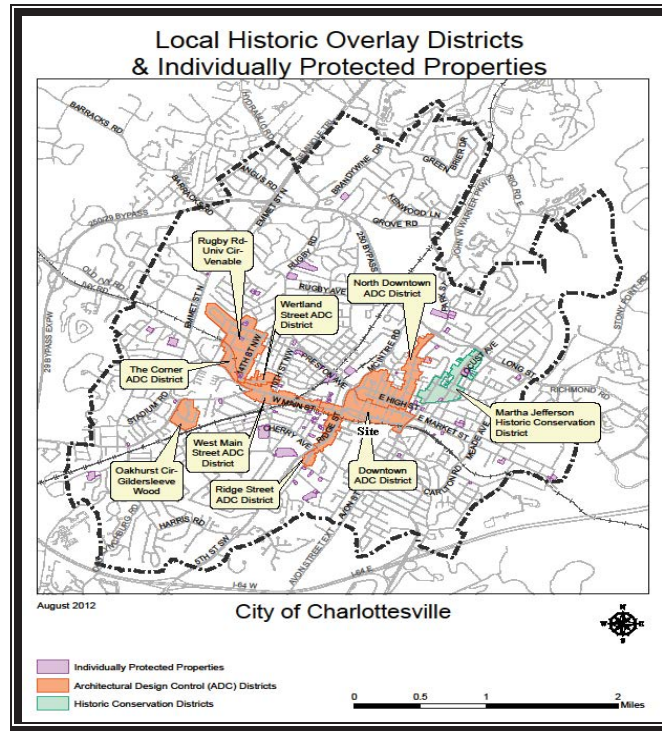
Building Code:

The structures and site will be designed to comply with all applicable building code regulations.

Impact on Schools and Facilities:

The project target market is young and adult professionals wanting to be located close to the downtown mall area. The dwelling units design will most likely not be attractive to families with children. The overall impact on schools and facilities is expected to be minimal.

Design Control District:



Design Control District Map

This property is not located in the design control district and is not subject to bar review.

Potential Adverse impacts on the Community:

Potential adverse impacts to be considered include, but are not limited to, the following:

- Noise and Lighting:
The project will be in compliance with all the City of Charlottesville’s lighting and noise ordinances and should have no adverse affect on the community.
- Traffic and Parking:

Due to the discouragement of personal motor vehicular transportation in the “Parking Modified Zone” this site is designed as such. Parking will be available on this site but not to the density of the development. The impact on traffic and parking congestion should be low and pedestrian traffic should increase.

- Business Displacement:
There should be no displacement of existing businesses on this site.
- Massing and Scale of Project:
This project massing and scale will be consistent with the surrounding buildings and potential future building.

EXHIBITS



Aerial View



Proposed South (Front from Garrett Street) Elevation



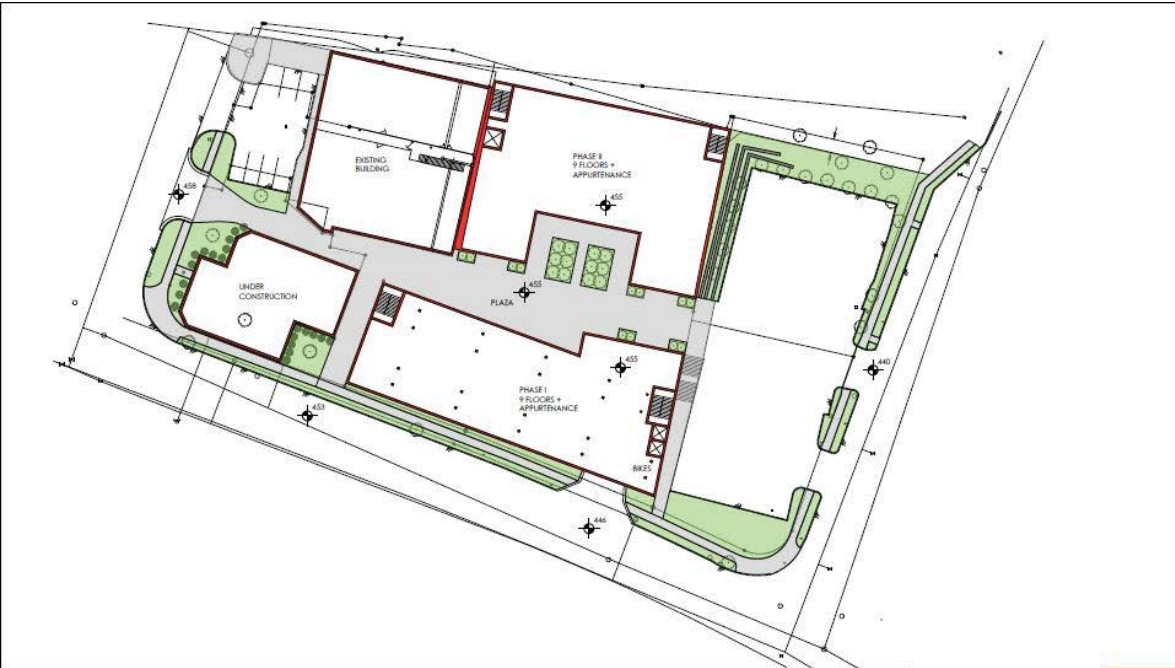
Proposed East (4th Street Side) Elevation



Proposed West (2nd Street Side) Elevation



Proposed North (Facing Railroad) Elevation

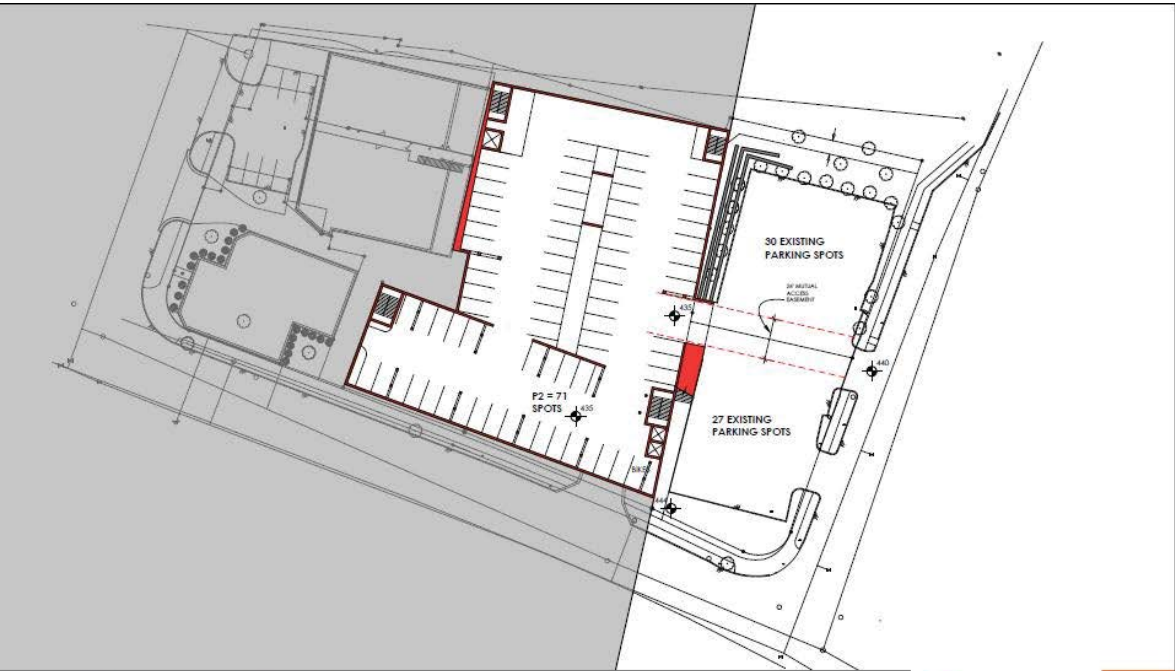


SITE PLAN - GROUND LEVEL ALL PHASES
 201 GARRETT STREET

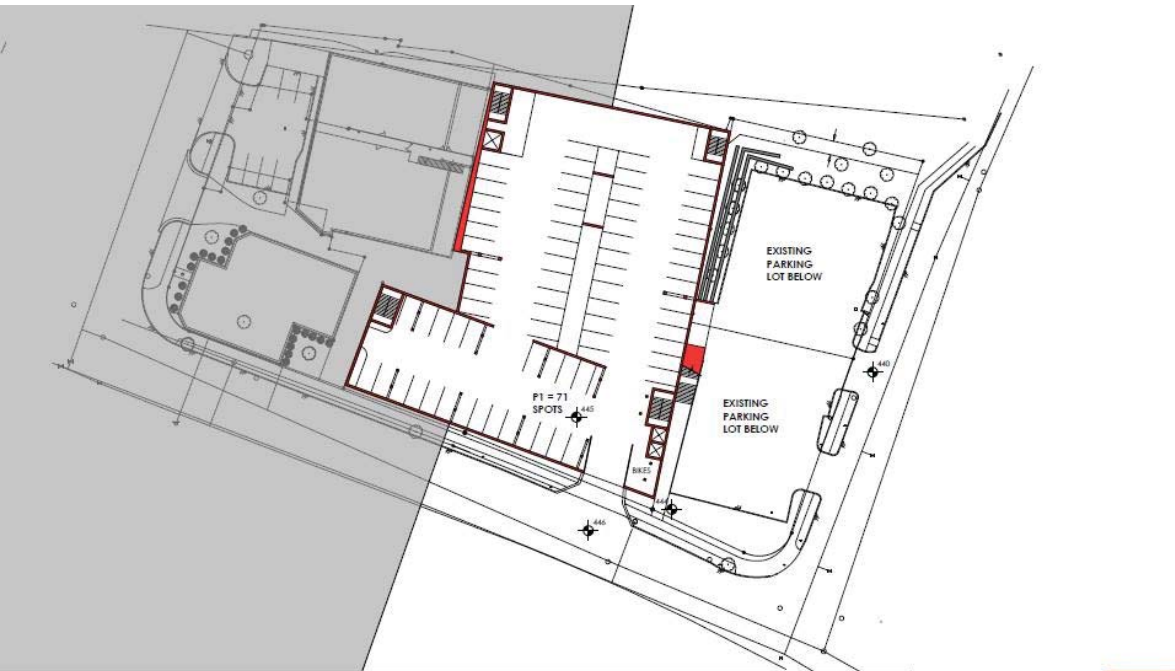


DESIGN DEVELOP
 418 EAST MAIN STREET CHARLOTTEVILLE, VA
 434-806-8365

ARCHITECTURE
 INTERIORS
 LANDSCAPE
 ENGINEERING



CONCEPTUAL PARKING ANALYSIS - LEVEL P2
201 GARRETT STREET



CONCEPTUAL PARKING ANALYSIS - LEVEL P1
201 GARRETT STREET



COVER SHEET

GARRETT STREET COMMONS

SITE DEVELOPMENT DATA

SITE DATE: TAX MAP NO. 28-113
 PROPERTY ACREAGE: 1.366 ACRES (59,502.96 SQ.FT.)
 ZONING: DE (DOWNTOWN EXTENDED CORRIDOR)
 SETBACKS: FRONT SETBACKS: MINIMUM MAXIMUM
 PRIMARY STREET 0' 15'
 LINKING STREET 10' 50'
 SIDE & REAR TO LOW DENSITY RESIDENTIAL 0' 20'

OWNER/DEVELOPER: M.T.E., LLC
 C/O OLIVER KUTNER
 1117 E MARKET STREET
 CHARLOTTESVILLE, VA. 22903

SOURCE OF SURVEY: NIXON LAND SURVEYING, LLC NOVEMBER 2014
 HORIZONTAL DATUM - VIRGINIA STATE PLANE
 VERTICAL DATUM - NAVD 88

SOURCE OF TOPOGRAPHY: NIXON LAND SURVEYING, LLC NOVEMBER 2014
 EXISTING CONDITIONS: COMMERCIAL/ RETAIL, RESTAURANT, OFFICE

BUILDING USE: RESTAURANTS - (3) TOTAL 4,200sq.ft.GFA
 GENERAL OFFICE SPACE - (8) TOTAL 7,200sq.ft.GFA
 (REMAINING 1,500sq.ft.GFA TO REMAIN)
 YOGA (1) 900sq.ft.GFA (12 STUDENTS MAX.)
 GYMNASIUMS - (1) 1000sq.ft.GFA (12 STUDENTS MAX.)
 MEDICAL - (1) 200sq.ft.GFA (1 PRACTITIONER, 1 EMPLOYEE)

TOTAL SITE PARKING TABULATION

TOTAL SPACES REQUIRED	298
-----------------------	-----

REQUIRED PARKING:	REQUIRED BUILDING (TO REMAIN)	UNITS OF MEASURE	REQUIRED PARKING	PROPOSED BUILDING (TO REMAIN)	UNITS OF MEASURE	REQUIRED PARKING
EXISTING BUILDING USES	17	(3)-UNITS	17	17	(3)-UNITS	17
RESTAURANTS	10	TOTAL 4,200sq.ft.GFA	10	10	TOTAL 4,200sq.ft.GFA	10
GENERAL OFFICE SPACE	27	TOTAL 5,200sq.ft.GFA	27	27	TOTAL 5,200sq.ft.GFA	27
TOTAL REQUIRED PRIOR TO REDUCTION	13		13	13		13
50% REDUCTION PER SEC.34-971 (3)	24		24	24		24
TOTAL REQUIRED	24		24	24		24

REQUIRED PARKING: LOT	UNITS OF MEASURE	REQUIRED PARKING	PROPOSED BUILDING ALONG GARRETT & NORTHERN BUILDING	UNITS OF MEASURE	REQUIRED PARKING
PROPOSED BUILDING AT 2ND AND GARRETT ST.	TOTAL 11,000sq.ft.GFA	39	RESIDENTIAL	(229)-UNITS	229
GENERAL OFFICE SPACE	TOTAL 1500sq.ft.GFA	4	GENERAL OFFICE SPACE	TOTAL 31,580 SQ.FT.	63
TOTAL REQUIRED PRIOR TO REDUCTION		43	50% REDUCTION PER SEC. 34-971 (3)		32
50% REDUCTION PER SEC. 34-971 (3) FOR COMMERCIAL		20	TOTAL REQUIRED		261
TOTAL REQUIRED		24	TOTAL PROJECT PARKING WITHOUT VARIANCE IS 298 SPACES OR ADDITIONAL PROVIDED, CURRENT SHORT FALL 62 SPACES		

EXISTING GLASS BUILDING (FRONTING 2ND STREET)
 BRICK AND GLASS BUILDING (UNDER CONSTRUCTION)
 (1) 2ND AND GARRETT STREET) BUILDING FOOTPRINT 4,780 SQ.FT.)
 APARTMENTS 4 - (1,500 sq.ft.GFA)

PHASE 1 - GARRETT STREET BUILDING:
 COMMERCIAL SPACE - PLAZA (12,600 SQ.FT.)
 COMMERCIAL SPACE - 2ND FLOOR (12,600 SQ.FT.) TOTAL COMMERCIAL 25,200 SQ.FT.
 RESIDENTIAL SPACE - 3RD FLOOR (10,600 SQ.FT.)
 RESIDENTIAL SPACE - 4TH FLOOR (10,600 SQ.FT.)
 RESIDENTIAL SPACE - 5TH FLOOR (10,600 SQ.FT.)
 RESIDENTIAL SPACE - 6TH FLOOR (8,500 SQ.FT.)
 RESIDENTIAL SPACE - 7TH FLOOR (8,500 SQ.FT.)
 RESIDENTIAL SPACE - 8TH FLOOR (8,500 SQ.FT.)
 RESIDENTIAL SPACE - 9TH FLOOR (7,250 SQ.FT.) TOTAL RESIDENTIAL 66,980 SQ.FT.

PHASE 2 - BUILDING REPLACEMENT PHASE (PROPOSED NORTHERN BUILDING)
 COMMERCIAL SPACE - PLAZA (12,190 SQ.FT.) TOTAL COMMERCIAL 24,380 SQ.FT.
 COMMERCIAL SPACE - 2ND FLOOR (12,190 SQ.FT.)
 RESIDENTIAL SPACE - 3RD FLOOR (10,250 SQ.FT.)
 RESIDENTIAL SPACE - 4TH FLOOR (10,250 SQ.FT.)
 RESIDENTIAL SPACE - 5TH FLOOR (10,250 SQ.FT.)
 RESIDENTIAL SPACE - 6TH FLOOR (8,500 SQ.FT.)
 RESIDENTIAL SPACE - 7TH FLOOR (8,500 SQ.FT.)
 RESIDENTIAL SPACE - 8TH FLOOR (7,250 SQ.FT.) TOTAL RESIDENTIAL 64,850 SQ.FT.

NEW BLDG 9-STORY - 10' HIGH WITH APPURTENANCE 90 APARTMENTS TOTAL HAVING A SQUARE FOOTAGE TOTAL 89,230 SQ.FT. TOTAL FOOTPRINT AREA 12,189 SQ.FT.

LAND USE:
 BUILDINGS - 396,064 sq.ft.
 PAVEMENT & SIDEWALKS - 646,084 sq.ft.
 OPEN - 13,084 sq.ft.

BUILDING HEIGHT:
 48' MINIMUM
 101' MAXIMUM (NOT INCLUDING APPURTENANCE)

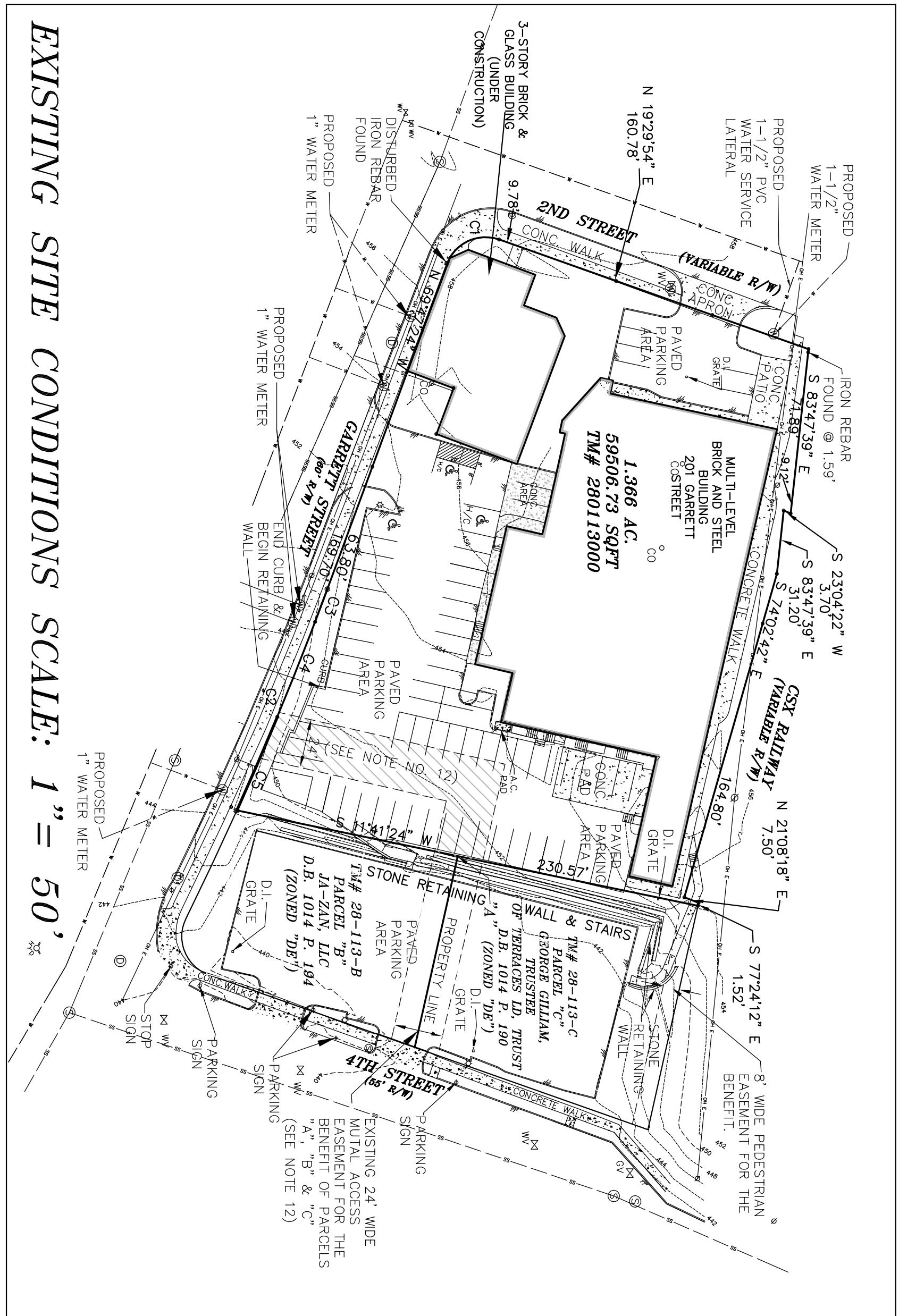
TOTAL IMPERVIOUS AREA:
 PRE-DEVELOPMENT IMPERVIOUS AREA - 43,162sq.ft.
 POST-DEVELOPMENT IMPERVIOUS AREA - 11,958sq.ft.

AFFORDABLE HOUSING REQUIREMENT:
 27,800 SQ.FT OF RESIDENTIAL AREA - 55,600 THUS 68,344.00 X 0.02% = 3417.2 SQ.FT OF AFFORDABLE HOUSING PER THE AFFORDABLE HOUSING REQUIREMENT 34-12.
 OR THE DEVELOPER COULD PAY \$2,165 X 127850 SQ.FT = \$276,795.25 TOWARD AFFORDABLE HOUSING CREDITS TO THE CITY OF CHARLOTTESVILLE.

BASED ON 3417.2 SQ.FT OF REQUIRED AFFORDABLE HOUSING AREA, 8 UNITS IN THIS DEVELOPMENT ARE REQUIRED TO MEET ALL AFFORDABLE HOUSING MEASURES FOR 30 YEARS OR UNTIL THE CITY ORDINANCE CHANGES TO A MORE RESTRICTIVE REQUIREMENT OR A LESSER REQUIREMENT.

TRIP GENERATION (8TH EDITION, I.T.E TRIP GENERATION)
 SITE LAND USE CODE 814 SPECIALTY RETAIL PER 1,000 SQ.FT. GFA = 11,000 SQ.FT.
 AM (AVG. RATE = 6.94)
 48% ENTERING = 38 VPH
 52% EXITING = 39 VPH
 PM (AVG RATE = 2.71)
 44% ENTERING = 13 VPH
 56% EXITING = 17 VPH
 TOTAL TRIP GENERATIONS DAILY TOTAL = 488
 PM TOTAL = 75
 SITE LAND USE CODE 710 GENERAL OFFICE PER 1,000 sq.ft. GFA = 36,280 sq.ft.
 AM (AVG. RATE = 1.55)
 88% ENTERING = 49 VPH
 12% EXITING = 7 VPH
 PM (AVG. RATE = 1.49)
 17% ENTERING = 9 VPH
 83% EXITING = 49 VPH
 TOTAL TRIP GENERATIONS DAILY TOTAL = 396
 PM TOTAL = 54
 SITE LAND USE CODE 223 HIGH RISE APARTMENT PER DWELLING UNIT = 233 DWELLING UNITS
 AM (AVG. RATE = 0.30)
 25% ENTERING = 17 VPH
 75% EXITING = 52 VPH
 PM (AVG RATE = 0.35)
 61% ENTERING = 52 VPH
 39% EXITING = 32 VPH
 TOTAL TRIP GENERATIONS DAILY TOTAL = 979
 PM TOTAL = 82

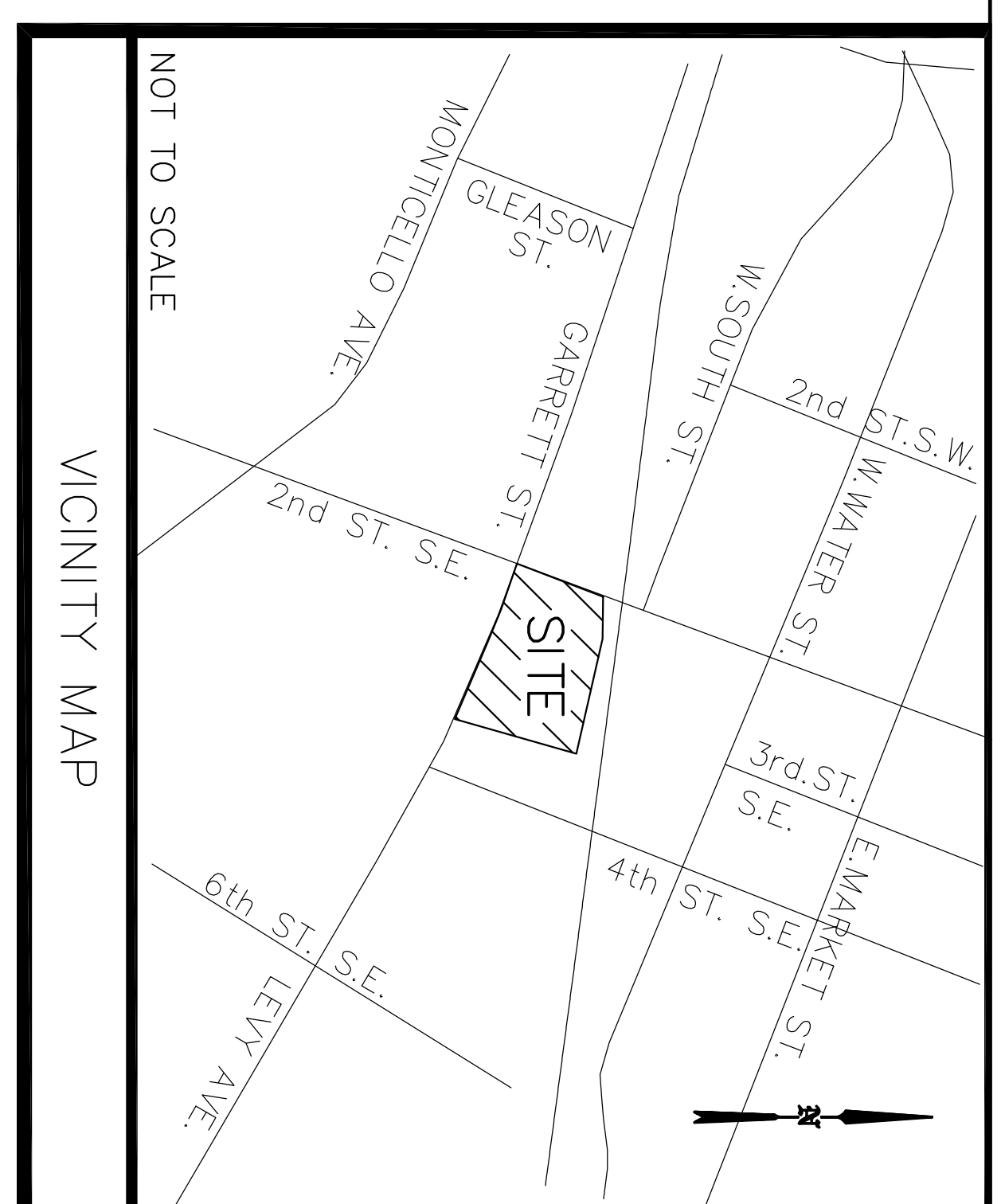
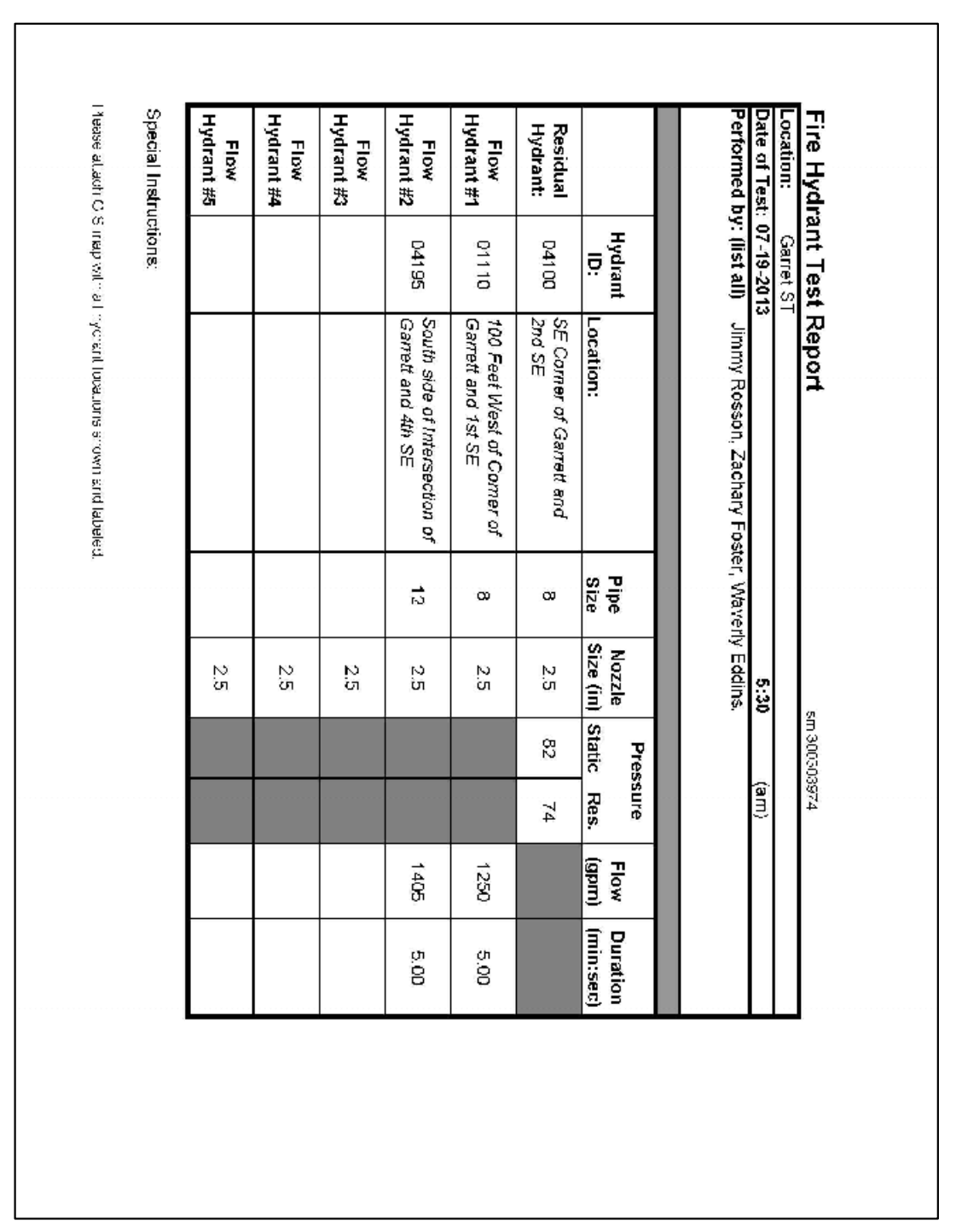
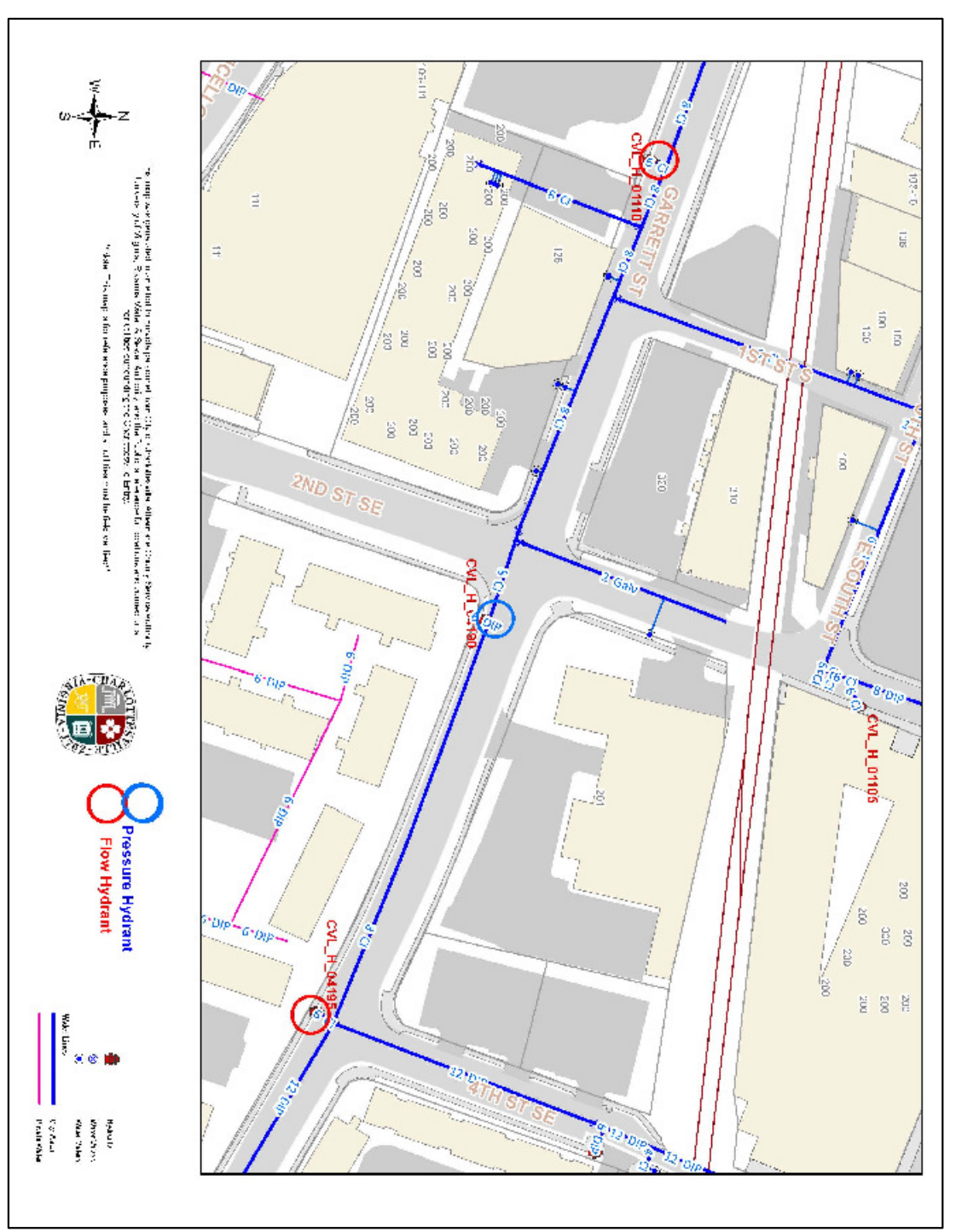
STORM WATER MANAGEMENT NOTES:
 1. STORM WATER MANAGEMENT SHALL BE CONTROLLED BY AN EXISTING UNDERGROUND STORAGE FACILITY SHARED BETWEEN THE SITE AND THE TRUSTEES OF TERRACE LD TRUST.
 THIS SITE HAS HAD ON FILE AN UNDERGROUND STORAGE FACILITY DESIGNED BY JAMES M. HOLCOMB, PE



EXISTING SITE CONDITIONS SCALE: 1" = 50'

FILE HYDRANT TEST REPORT
 Date of Test: 07/18/2015
 Location: Garret St
 Performed by: Jeff Hill, Jimmy Reardon, Zachary Foster, Verony Eckels
 61030000024

Hydrant ID	Location	Pipe Size	Nozzle Static Pres. (psi)	Flow Pressure (psi)	Duration (minutes)
Residual Hydrant 04101	SE Corner of Garret and 2nd St	9"	23	82	74
Flow Hydrant 01110	602 Real World Center of Garret and 4th St	9"	23	1300	600
Flow Hydrant 04105	South side of intersection of Garret and 4th St	12"	23	1465	600
Flow Hydrant #2			25		
Flow Hydrant #4			25		
Flow Hydrant #6			2.8		



- GENERAL NOTES:
- THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCUMBRANCES EXCEPT AS SHOWN HEREON.
 - THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - THIS PROPERTY FALLS WITH IN ZONE "X" AS SHOWN FROM THE F.E.M.A. MAP PANEL NUMBER 5100302088D, DATED 02/09/05, WHICH DOES NOT INDICATE THAT THIS PROPERTY IS SUBJECT TO FLOODING. THIS SURVEYOR DOES NOT OBTAIN TO THE ACCURACY OF THE F.E.M.A. MAP.
 - THIS PROPERTY IS ZONED DE (DOWNTOWN EXTENDED CORRIDOR).
 - ANY LIGHTING FIXTURE IN EXCESS OF 3000 LUMENS PROPOSED TO BE LOCATED ON THE SITE SHALL BE SUBMITTED TO THE CITY OF CHARLOTTESVILLE FOR REVIEW AND APPROVAL FOR COMPLIANCE WITH THE CITY'S LIGHTING ORDINANCE PRIOR TO INSTALLATION.
 - LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF CHARLOTTESVILLE LANDSCAPE ORDINANCE.
 - THIS PROPERTY WILL UTILIZE PUBLIC WATER AND SEWER, NEW PUBLIC UTILITY CONNECTION (WATER AND SEWER).
 - TRASH COLLECTION WILL BE DONE BY A TRASH COLLECTION COMPANY.
 - CONTRACTOR SHALL CONTACT "MISS UTILITY" A MINIMUM OF 48 HOURS PRIOR TO EXCAVATION.
 - NIXON LAND SURVEYING, LLC, THE SIGNING ENGINEER NOR THE OWNER TAKE NO RESPONSIBILITY FOR THE LOCATION OR ACCURACY OF UTILITIES AS SHOWN HEREON OR ANY UTILITIES WITHIN PROJECT THAT ARE NOT SHOWN HEREON. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING PUBLIC UTILITIES TO OBTAIN EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. ANY COST INCURRED BY DAMAGING A UTILITY SHALL BE AT THE EXPENSE OF THE CONTRACTOR.
 - OWNER/CONTRACTOR WILL PRIOR TO FINAL SITE STABILIZATION, TO DETERMINE FERTILIZER APPLICATION RATES FOR THE ESTABLISHMENT OF GRASS ON SITE. THE VIRGINIA COOPERATIVE EXTENSION OR A GEOTECHNICAL FIRM (WITH SOIL TESTING FACILITIES) WILL BE CONTACTED TO OBTAIN A SOIL REPORT FOR NUTRIENT APPLICATION.
 - THE SHADED AREA ON THIS PLAN REPRESENTS AND EXISTING 24' WIDE MUTUAL ACCESS EASEMENT FOR THE BENEFIT OF PARCELS "A", "B" AND "C" TO BE EFFECTIVE ONLY IN THE EVENT OF UPPER LEVEL IMPROVEMENTS OVER PARCELS "B" OR "C", SUBJECT TO RELOCATION BY OWNERS OF PARCEL "A", CONDITIONAL UPON TERMINATION OF POINT "A".
 - A TEMPORARY STREET CLOSURE PERMIT IS REQUIRED FOR CLOSURE OF SIDEWALKS, PARKING SPACES AND ROWWAYS AND IS SUBJECT TO APPROVAL BY THE CITY TRAFFIC ENGINEER.
 - IFC 509 - THE BUILDING STREET NUMBER TO BE PLAINLY VISIBLE FROM THE STREET FOR EMBLEMATIC PURPOSES.
 - IFC 506-1 - AN APPROVED KEY BOX SHALL BE MOUNTED TO THE SIDE OF THE FRONT OR MAIN ENTRANCE THE CHARLOTTESVILLE FIRE DEPARTMENT COVERS THE KNICK BOX MASTER KEY. A KNICK BOX KEY BOX CAN BE ORDERED BY GOING ON-LINE TO www.knicbox.com.
 - ANY PROPOSED UTILITIES WILL BE UNDERGROUND. THERE SHALL BE NO OVERHEAD WIRING OR OTHER OBSTRUCTIONS HIGHER THAN 13 FEET 6 INCHES.

SHEET DETAILS:
 SHEET 1 - COVER SHEET
 SHEET 2 - SITE PLAN

SIGNATURE PANEL

DATE: 05/18/15

COMMONWEALTH OF VIRGINIA
 RUSSELL E. NIXON
 No. 2368
 05/18/15
 LAND SURVEYOR

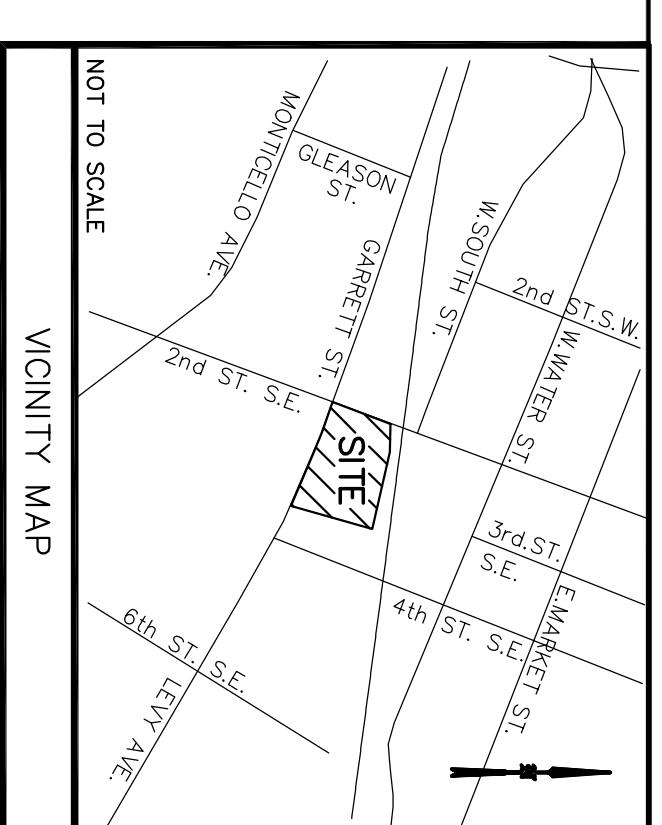
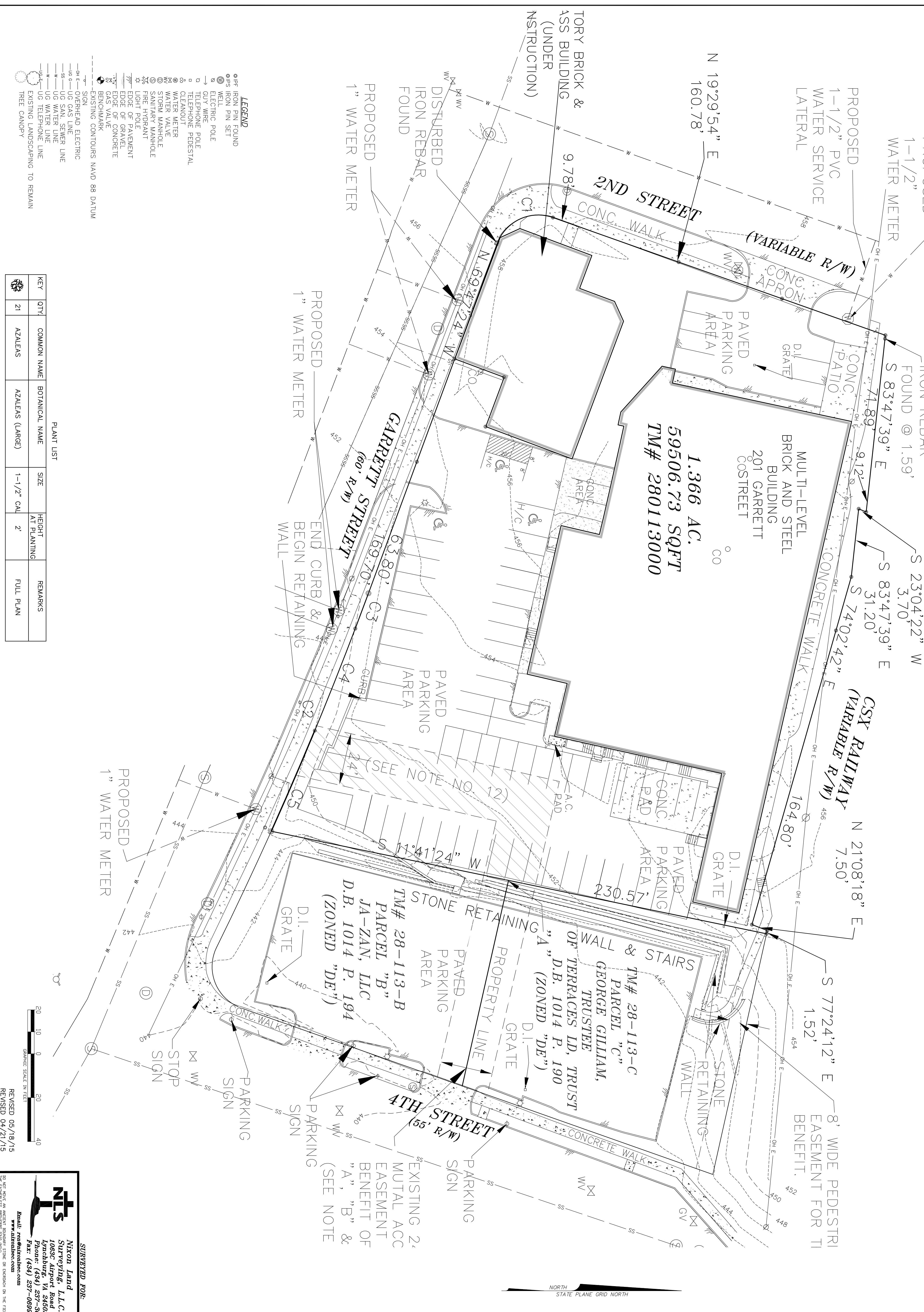
DATE: 09/20/15
 M.T.E., LLC
 CIVIL ENGINEER

NIXON LAND SURVEYING, L.L.C.
 10696 Airport Road
 Lynchburg, VA 24502
 Phone: (434) 237-5900
 Fax: (434) 237-0699
 Email: nls@nixonllc.com
 www.nixonllc.com

COVER SHEET FOR SITE PLAN FOR SPECIAL USE PERMIT PROPERTY OF M.T.E., LLC

DATE: 09/20/15
 SCALE: 1"=50'
 SHEET: 1 OF 8
 CIVIL ENGINEER: M.T.E., LLC

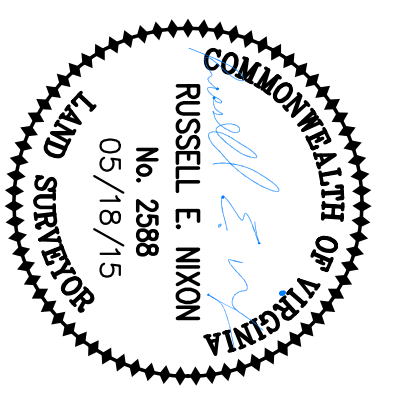
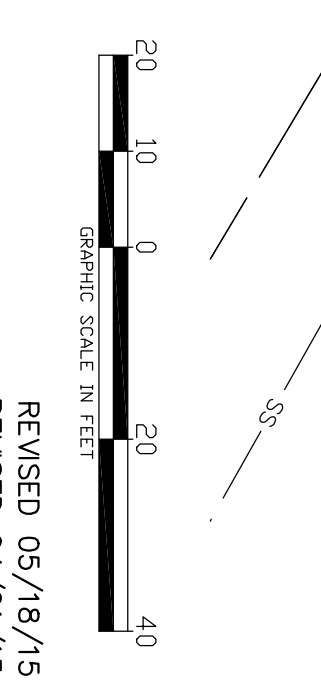
EXISTING CONDITIONS



- LEGEND**
- REF IRON PIN FOUND
 - IRON PIN SET
 - WELL
 - ELECTRIC POLE
 - TELEPHONE POLE
 - TELEPHONE PEDESTAL
 - CLEANOUT
 - WATER METER
 - WATER VALVE
 - STORM MANHOLE
 - SANITARY MANHOLE
 - FIRE HYDRANT
 - LIGHT POLE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - EDGE OF CONCRETE
 - GAS VALVE
 - BENCHMARK
 - EXISTING CONTOURS NAVD 88 DATUM
 - SIGN
 - OH E — OVERHEAD ELECTRIC
 - UG G — UG GAS LINE
 - SS — UG SANI. SEWER LINE
 - W — UG WATER LINE
 - — UG WATER LINE
 - — UG TELEPHONE LINE
 - — EXISTING LANDSCAPING TO REMAIN
 - TREE CANOPY

PLANT LIST

KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
○	21	AZALEAS	AZALEAS (LARGE)	1-1/2" CAL	2'	FULL PLAN



NTS
 Surveying, L.L.C.
 10697 Airport Road
 Lynchburg, VA 24502
 Phone: (434) 237-5600
 Fax: (434) 237-0699
 www.ntsllc.com

M.T.E., LLC
 CITY OF CHARLOTTESVILLE, VIRGINIA
 COMM. NO.: 2012197
 SCALE: 1"=50' DR. BY: VTB DATE: 12/10/14
 SHEET: 2 OF 8 (CHK. BY: BENJAMIN NIXON, SURVEYOR)

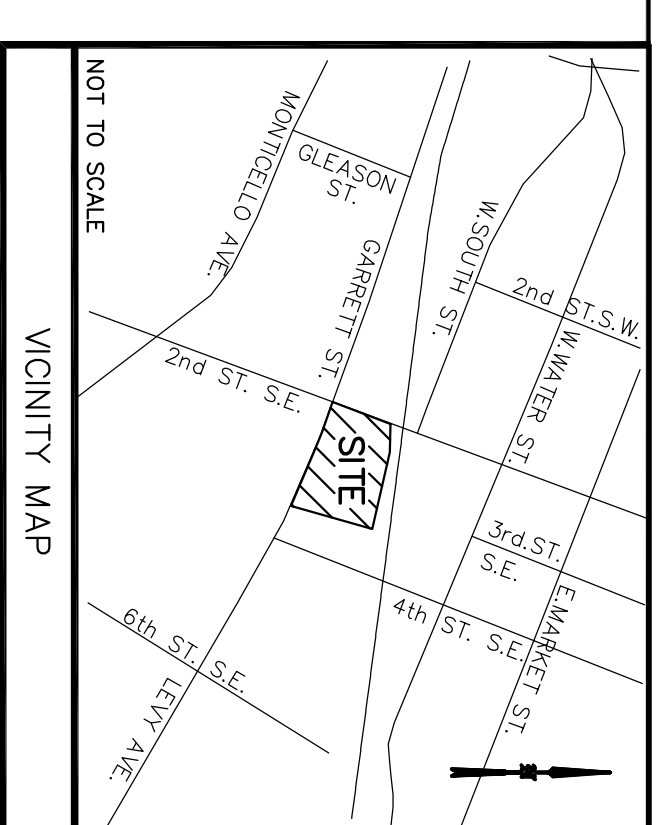
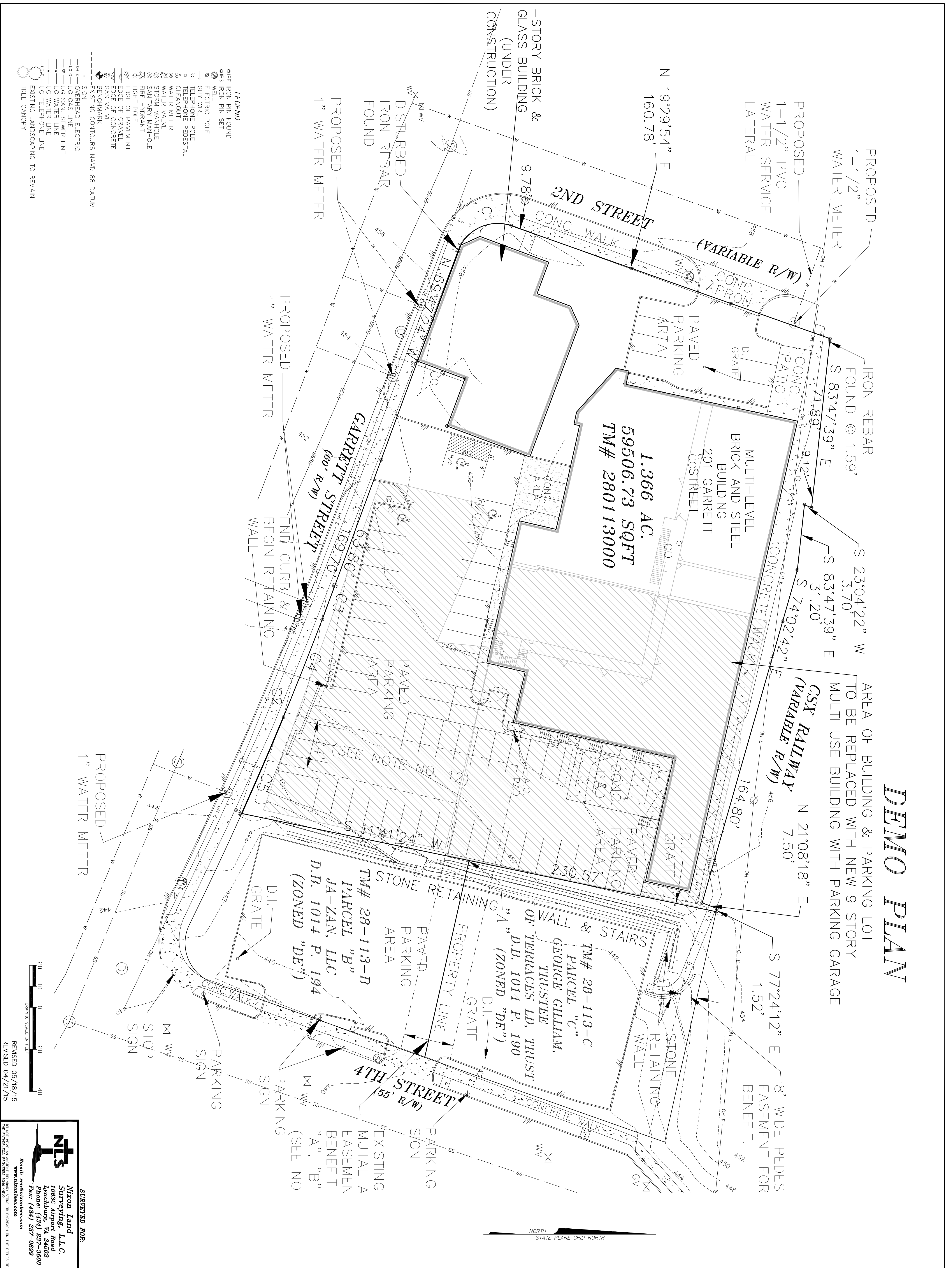
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 Nixon Land Surveying, L.L.C.
 10697 Airport Road
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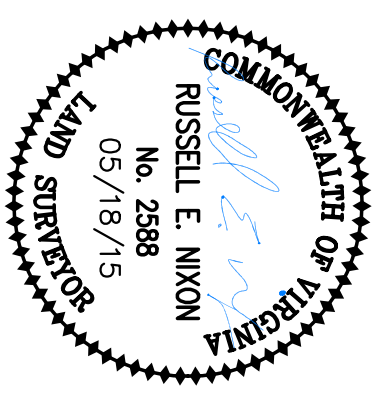
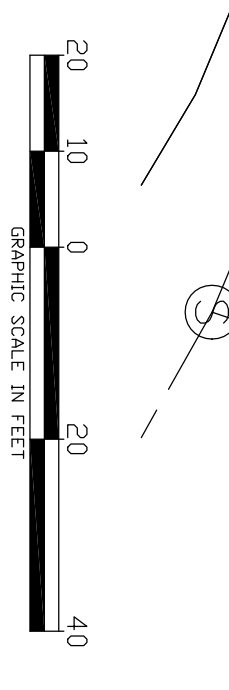
DEMO PLAN

AREA OF BUILDING & PARKING LOT
TO BE REPLACED WITH NEW 9 STORY
MULTI USE BUILDING WITH PARKING GARAGE

CSX RAILWAY
(VARIABLE R/W)



- LEGEND**
- REF IRON PIN FOUND
 - IFS IRON PIN SET
 - WELL
 - ELECTRIC POLE
 - TELEPHONE POLE
 - CLEANOUT
 - WATER METER
 - WATER VALVE
 - STORM MANHOLE
 - SANITARY MANHOLE
 - FIRE HYDRANT
 - LIGHT POLE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - EDGE OF CONCRETE
 - GS VALVE
 - BENCHMARK
 - EXISTING CONTOURS NAVD 88 DATUM
 - SIGN
 - OH E --- OVERHEAD ELECTRIC
 - UG G --- UG GAS LINE
 - SS --- UG SAN. SEWER LINE
 - W --- UG WATER LINE
 - TW --- UG TELEPHONE LINE
 - EXISTING LANDSCAPING TO REMAIN
 - TREE CANOPY



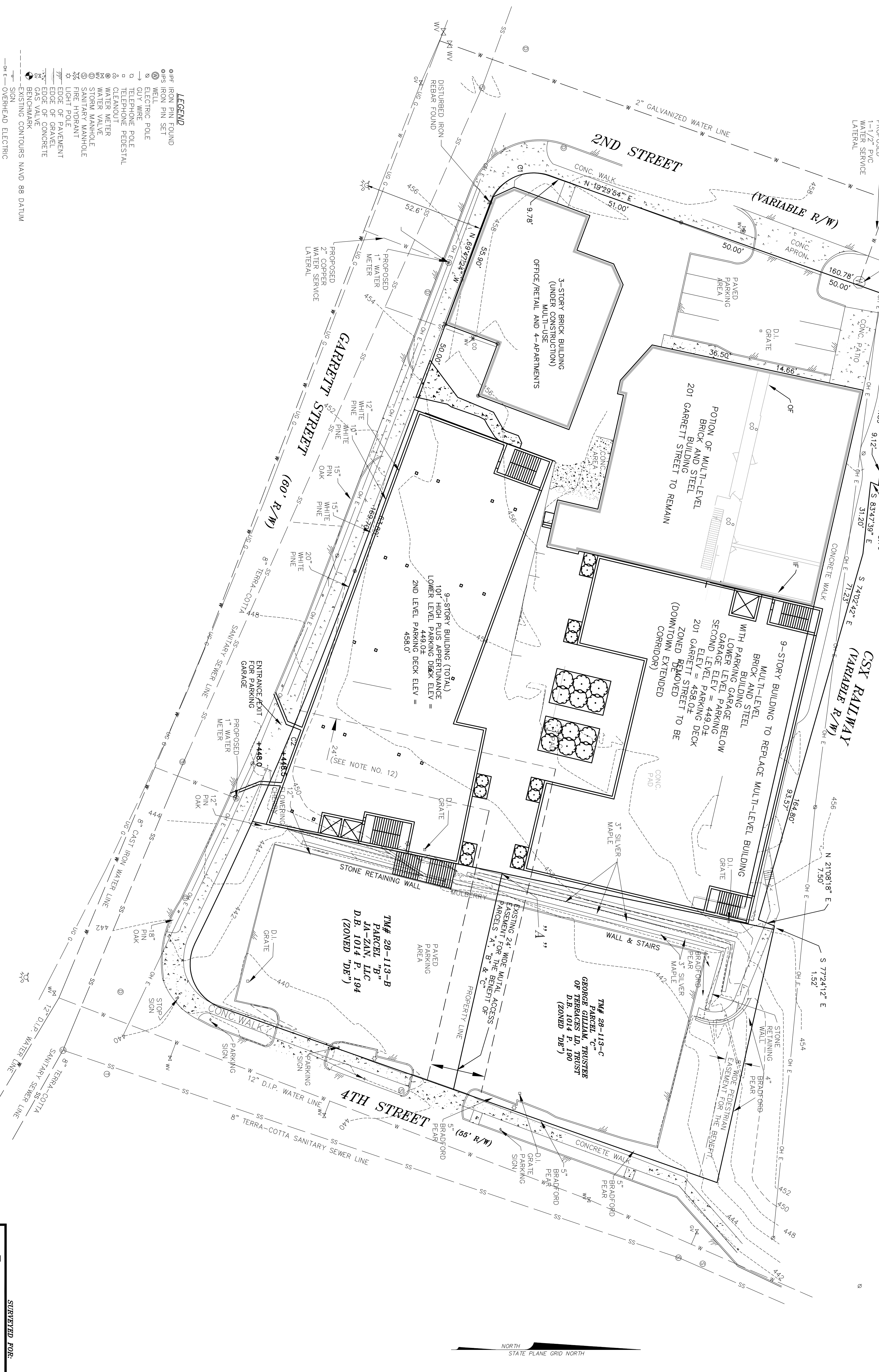
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M.T.E., LLC
MTR, LLC
SITE PLAN FOR
SPECIAL USE PERMIT
PROPERTY OF

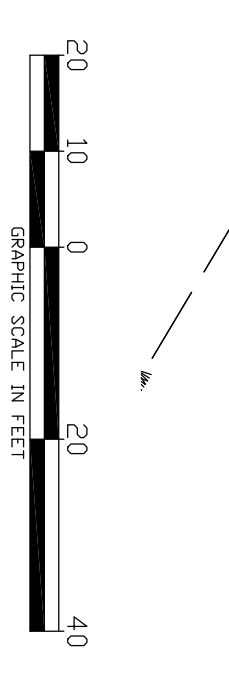
CITY OF CHARLOTTESVILLE, VIRGINIA
CONTRACT NO.: 2012197
SCALE: 1"=50'
DATE: 03/20/15

REVISIONS:
REVISED 05/18/15
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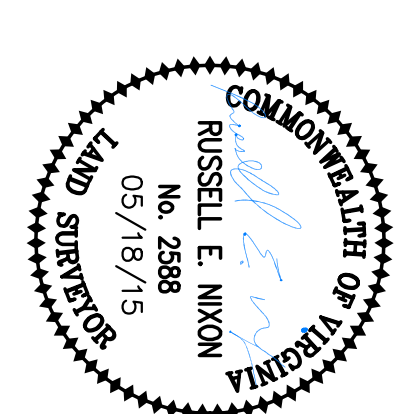
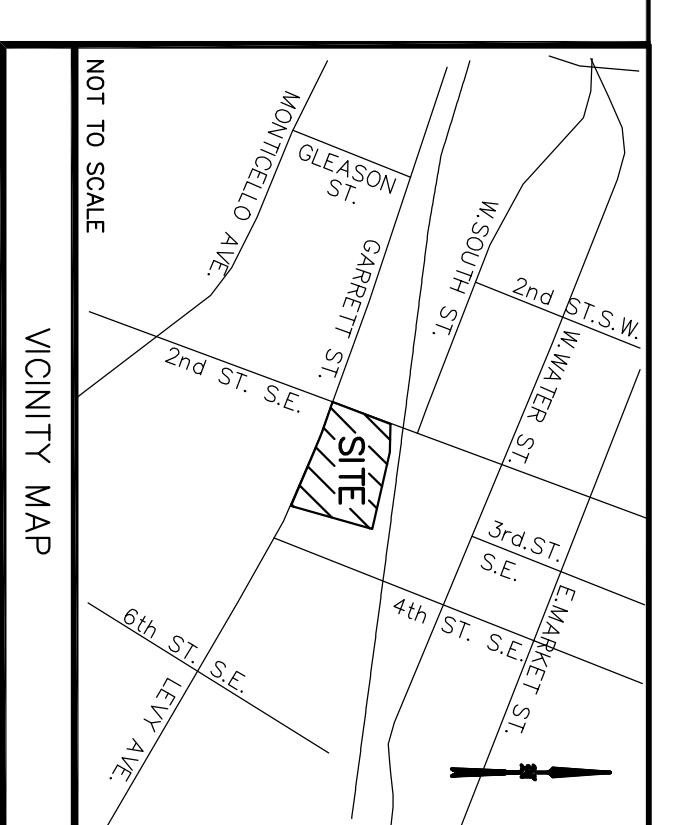
SITE PLAN



- LEGEND**
- IRON PIN FOUND
 - IRON PIN FOUND
 - WELL
 - ELECTRICAL POLE
 - TELEPHONE POLE
 - CLEANOUT
 - WATER METER
 - WATER VALVE
 - STORM MANHOLE
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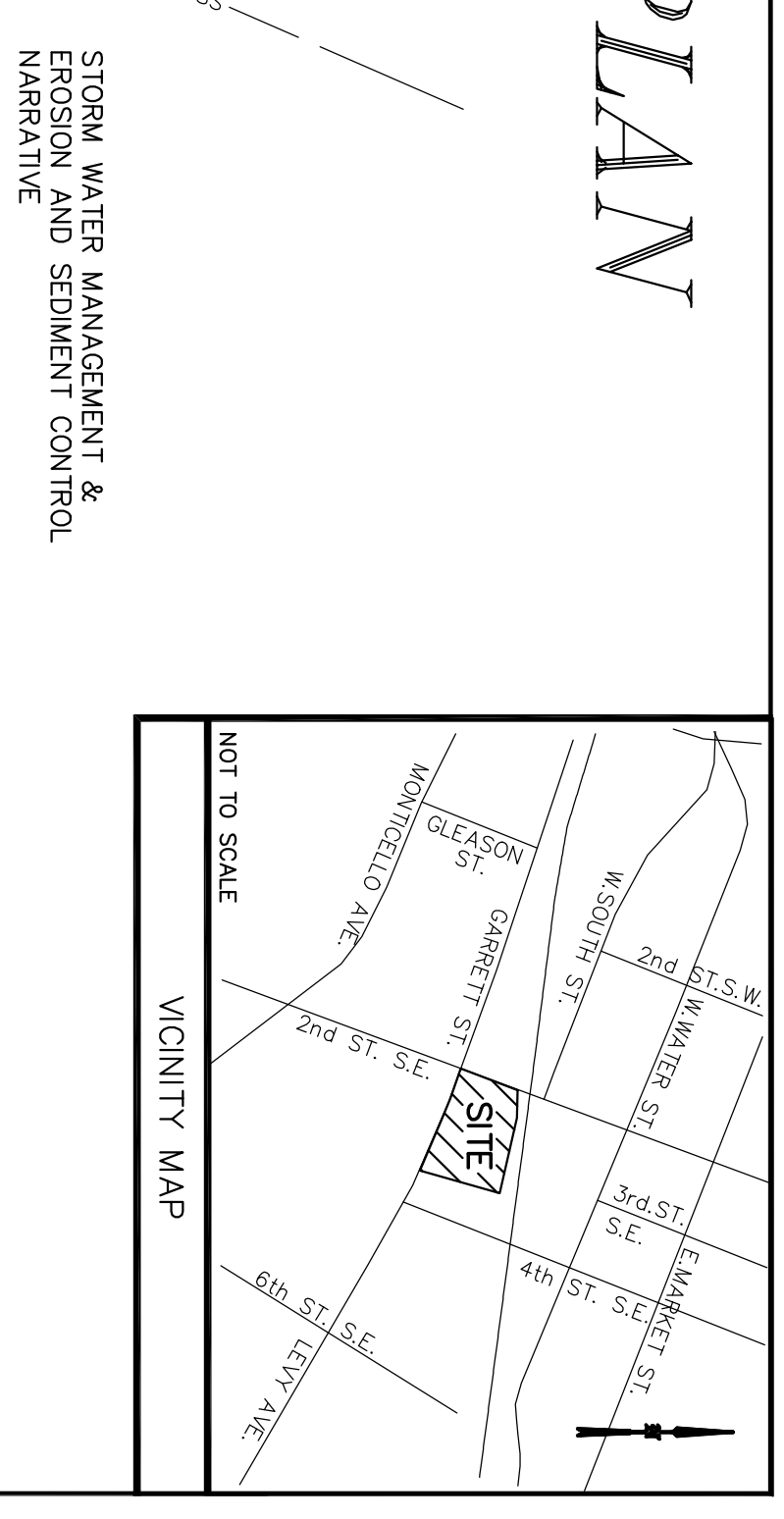
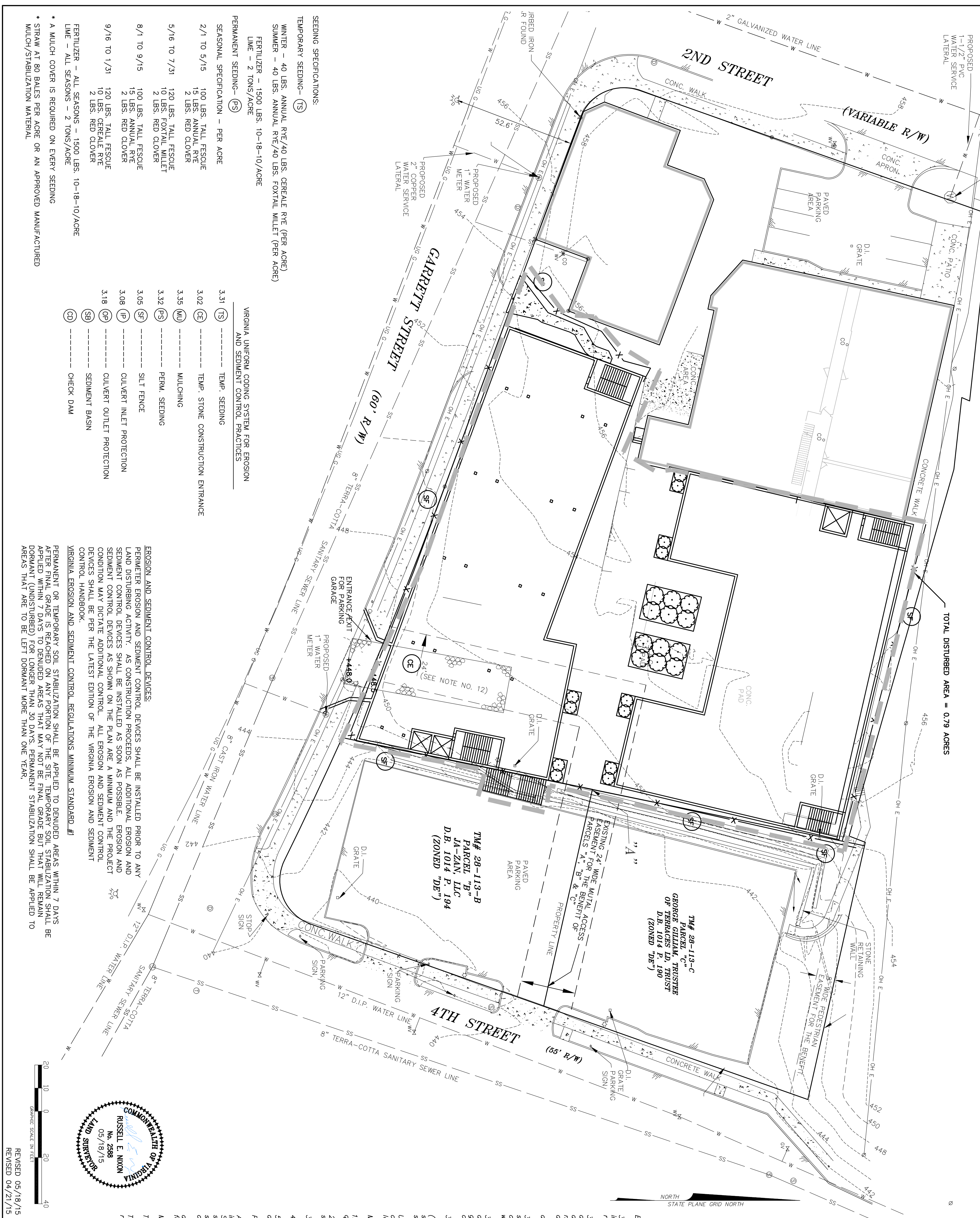
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NIXON TRUST SURVEYING

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SITE PLAN FOR
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SCALE: 1"=50' DR. BY: VTB DATE: 12/10/14
SHEET: 4 OF 8 CHK. BY: BENJAMIN MERSHREKOVIC

EROSION AND SEDIMENT CONTROL PLAN

TOTAL DISTURBED AREA = 0.79 ACRES



STORM WATER MANAGEMENT & EROSION AND SEDIMENT CONTROL NARRATIVE

PROJECT DESCRIPTION

The project consists of building a new 9 story commercial and residential building with two stories being for parking garage use. The construction will involve removing existing parking lot and replacing with concrete, no new impervious area is expected and a decrease in impervious area is expected.

EXISTING SITE CONDITIONS

The site is currently a parking lot and steel and glass building with existing underground storm water detention.

ADJACENT PROPERTY

The adjacent property will share in the control of the storm water, and not significant impact is expected by this development, the existing underground storm water storage will be utilized and shared again by both sites.

STORM WATER MANAGEMENT

Stormwater management for this project will consist of underground detention and water conveyance achieved by underground storm pipes and drop inlets. This site and the neighboring site toward 4th street currently share on underground storm water facility and the changing of this site will not change the use of that storm water facility, the quantities will not change and the storm detention will not change.

EROSION AND SEDIMENT CONTROL

3.02 Temporary Construction Entrance (CE) - A stone pad, located at points of vehicular ingress and egress on a construction site, to reduce the soil transported onto public roads and other paved areas.

3.05 Silt Fence (SF) - A temporary sediment barrier constructed of posts, filter fabric and, in some cases, a wire support fence, placed across or at the toe of a slope or in other drainage ways to intercept and detain sediment and decrease flow velocities from drainage areas of limited size. Silt fence is to be installed along the downhill side of any disturbed area.

3.32 Permanent Seeding (PS) - Establishment of perennial vegetative cover by planting seed on rough-graded areas that will not be brought to final grade for a year or more or where permanent, long-lived vegetative cover is needed on fire-graded areas.

3.35 Mulching (MU) - Application of plant residues or other suitable materials to disturbed surfaces to prevent erosion and reduce overland flow velocities. Forests plant growth by increasing available moisture and providing insulation against extreme heat or cold.

3.36 Soil Stabilization Blankets & Matting (B/M) - The installation of a protective blanket (Treatment 1) or a soil stabilization mat (Treatment 2) on a prepared planting of a steep slope, channel or shoreline.

Unless otherwise indicated, all erosion and sediment control practices shall be constructed and maintained according to minimum standards and specifications of the latest edition of the VESOR handbook.

MANAGEMENT STRATEGIES

1. Construction will be sequenced so that grading operations can begin and end as quickly as possible.
2. Sediment trapping measures will be installed as a first step in grading and will be seeded and mulched immediately following installation.
3. Permanent seeding or other stabilization will follow immediately after finished grading.
4. Areas, which are not to be disturbed, will be clearly marked by flags, signs, etc.
5. After achieving adequate stabilization, the temporary E&S controls will be cleaned up and removed.

PERMANENT STABILIZATION

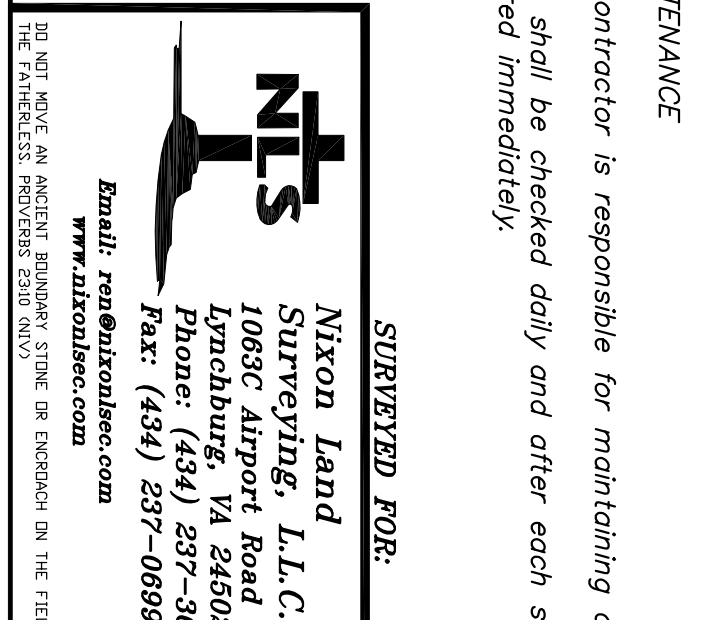
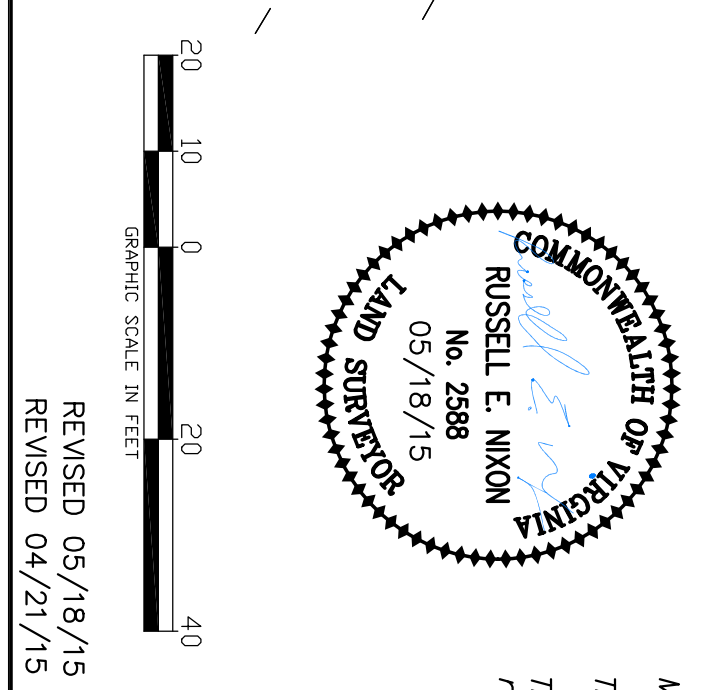
All areas disturbed by construction shall be stabilized with permanent seeding. The contractor shall be responsible for maintaining all erosion and sediment control measures. These shall be checked daily and after each significant rainfall; any deficiencies shall be repaired immediately.

MAINTENANCE

The contractor is responsible for maintaining all erosion and sediment control measures. These shall be checked daily and after each significant rainfall; any deficiencies shall be repaired immediately.

- SEEDING SPECIFICATIONS:**
- TEMPORARY SEEDING-(TS)**
 WINTER - 40 LBS. ANNUAL RYE/40 LBS. CEREALE RYE (PER ACRE)
 SUMMER - 40 LBS. ANNUAL RYE/40 LBS. FOXTAIL MILLET (PER ACRE)
 FERTILIZER - 1500 LBS. 10-18-10/ACRE
 LIME - 2 TONS/ACRE
- PERMANENT SEEDING-(PS)**
- | | |
|-----------------------------------|---|
| SEASONAL SPECIFICATION - PER ACRE | 3.31 (TS) ----- TEMP. SEEDING |
| 2/1 TO 5/15 | 3.02 (CE) ----- TEMP. STONE CONSTRUCTION ENTRANCE |
| 5/16 TO 7/31 | 3.35 (MU) ----- MULCHING |
| 8/1 TO 9/15 | 3.32 (PS) ----- PERM. SEEDING |
| 9/16 TO 1/31 | 3.05 (SF) ----- SILT FENCE |
- VIRGINIA UNIFORM CODING SYSTEM FOR EROSION AND SEDIMENT CONTROL PRACTICES**
- | | |
|------------------------|---|
| 100 LBS. TALL FESCUE | 3.08 (IP) ----- CULVERT INLET PROTECTION |
| 15 LBS. ANNUAL RYE | 3.18 (OP) ----- CULVERT OUTLET PROTECTION |
| 2 LBS. RED CLOVER | 3.09 (SB) ----- SEDIMENT BASIN |
| 120 LBS. TALL FESCUE | 3.00 (CD) ----- CHECK DAM |
| 10 LBS. FOXTAIL MILLET | |
| 2 LBS. RED CLOVER | |

- EROSION AND SEDIMENT CONTROL DEVICES:**
- PREMIER EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBING ACTIVITY. AS CONSTRUCTION PROGRESSES, ALL ADDITIONAL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED AS SOON AS POSSIBLE. EROSION AND SEDIMENT CONTROL DEVICES AS SHOWN ON THE PLAN ARE A MINIMUM AND THE PROJECT CONDITION MAY DICTATE ADDITIONAL CONTROL. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE PER THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.
- VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, MINIMUM STANDARD #1
- PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENUDED AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN 7 DAYS TO DENUDED AREAS THAT MAY NOT BE FINAL GRADE BUT THAT WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 30 DAYS. PERMANENT STABILIZATION SHALL BE APPLIED TO AREAS THAT ARE TO BE LEFT DORMANT MORE THAN ONE YEAR.

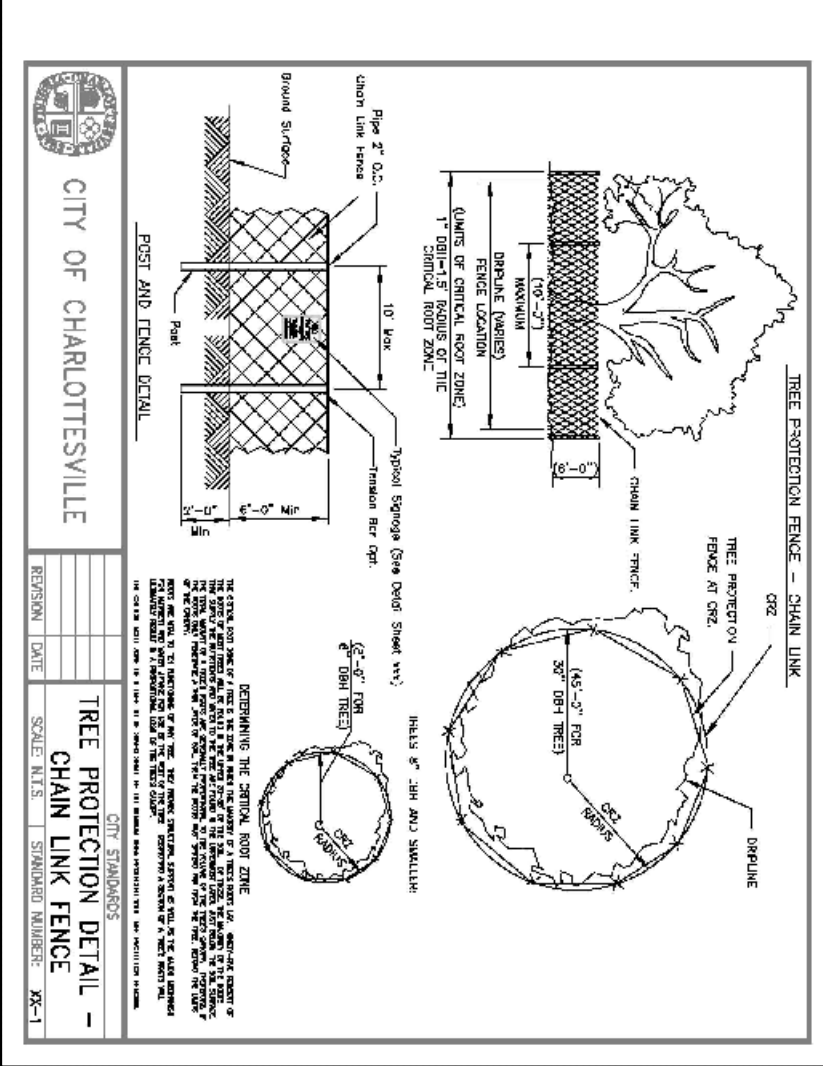
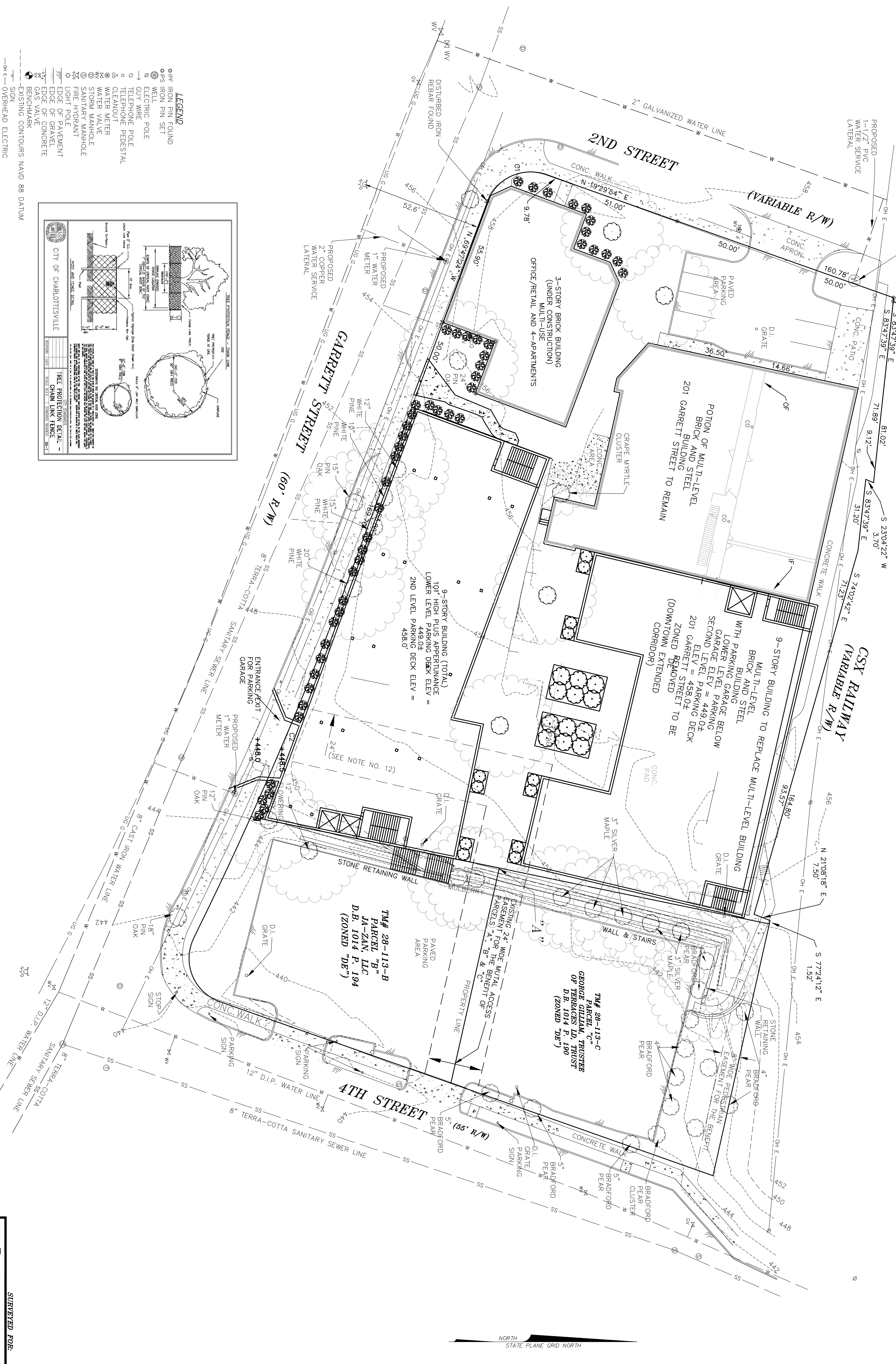


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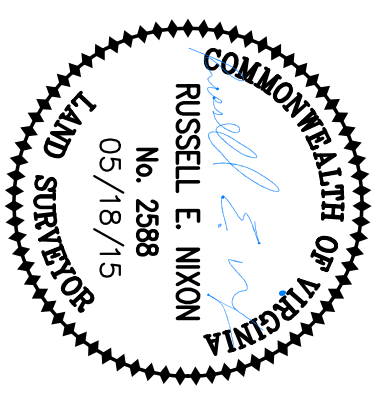
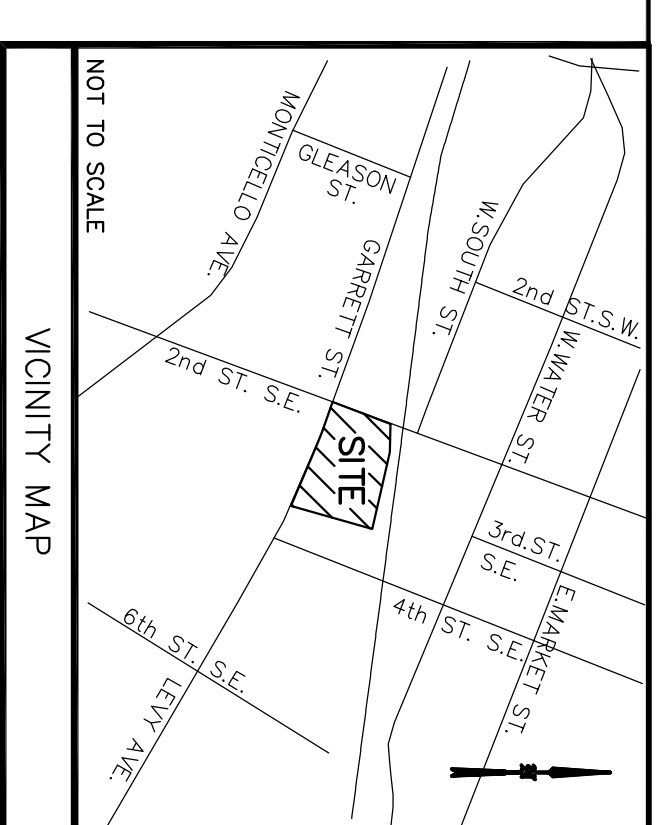
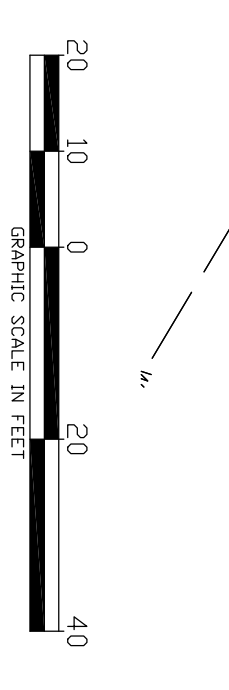
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 CITY OF CHARLOTTESVILLE, VIRGINIA
 CONAL. NO.: 2012197 REVISED: 03/20/15
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 SHEET: 5 OF 8 (CHK. BY: BEN DORN - NMS, SUPERSEDED)

LANDSCAPE PLAN



PLANT LIST

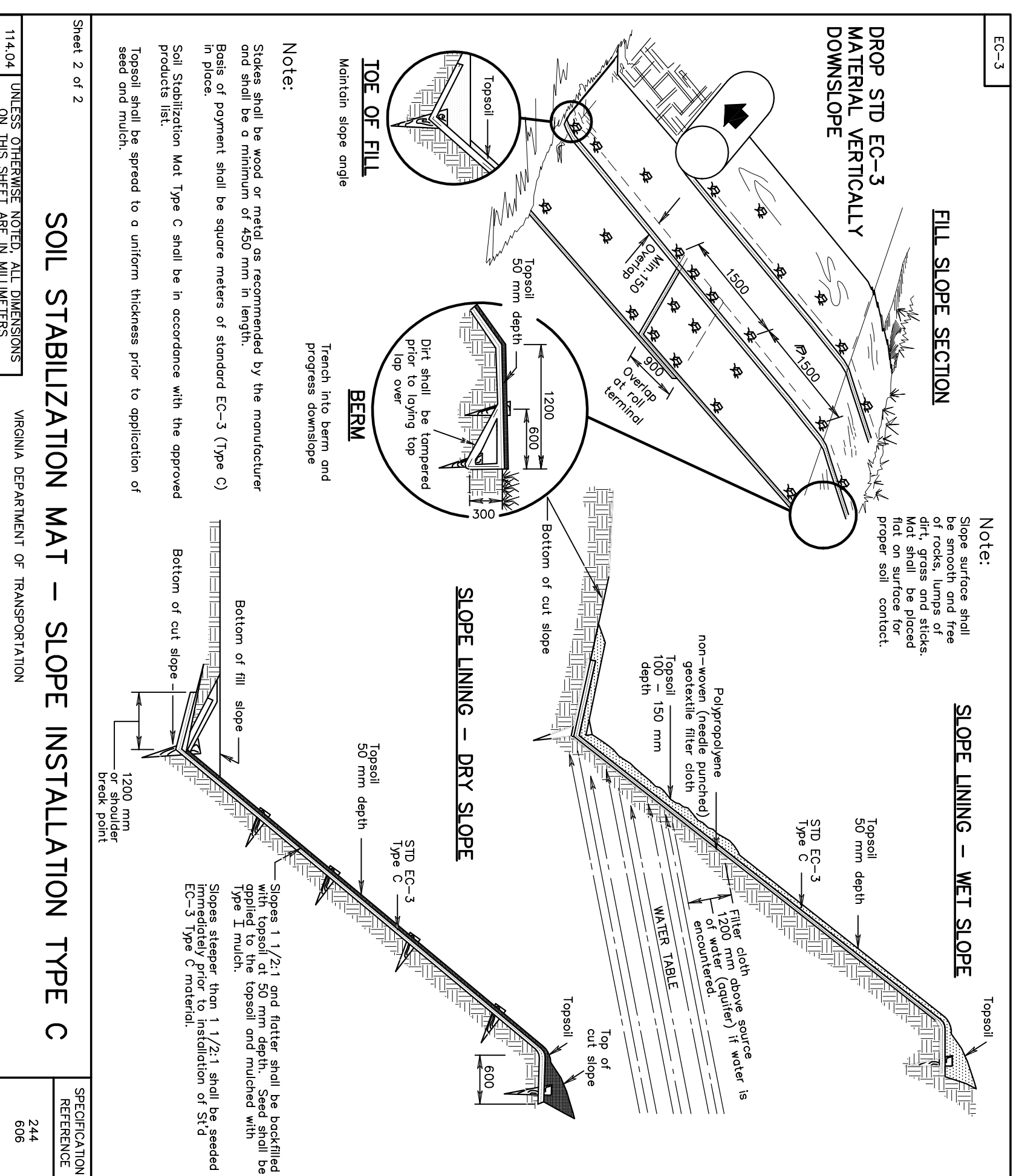
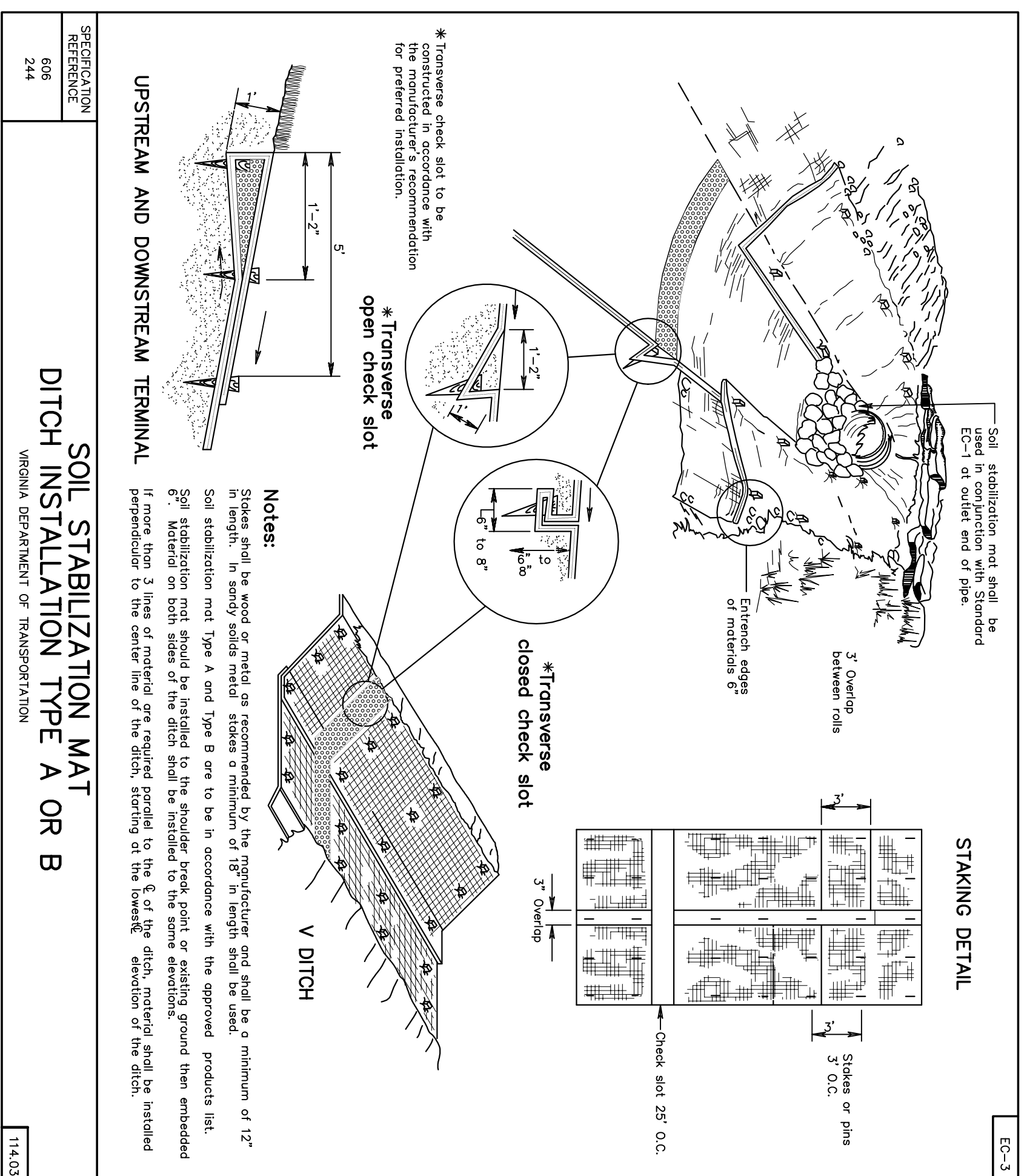
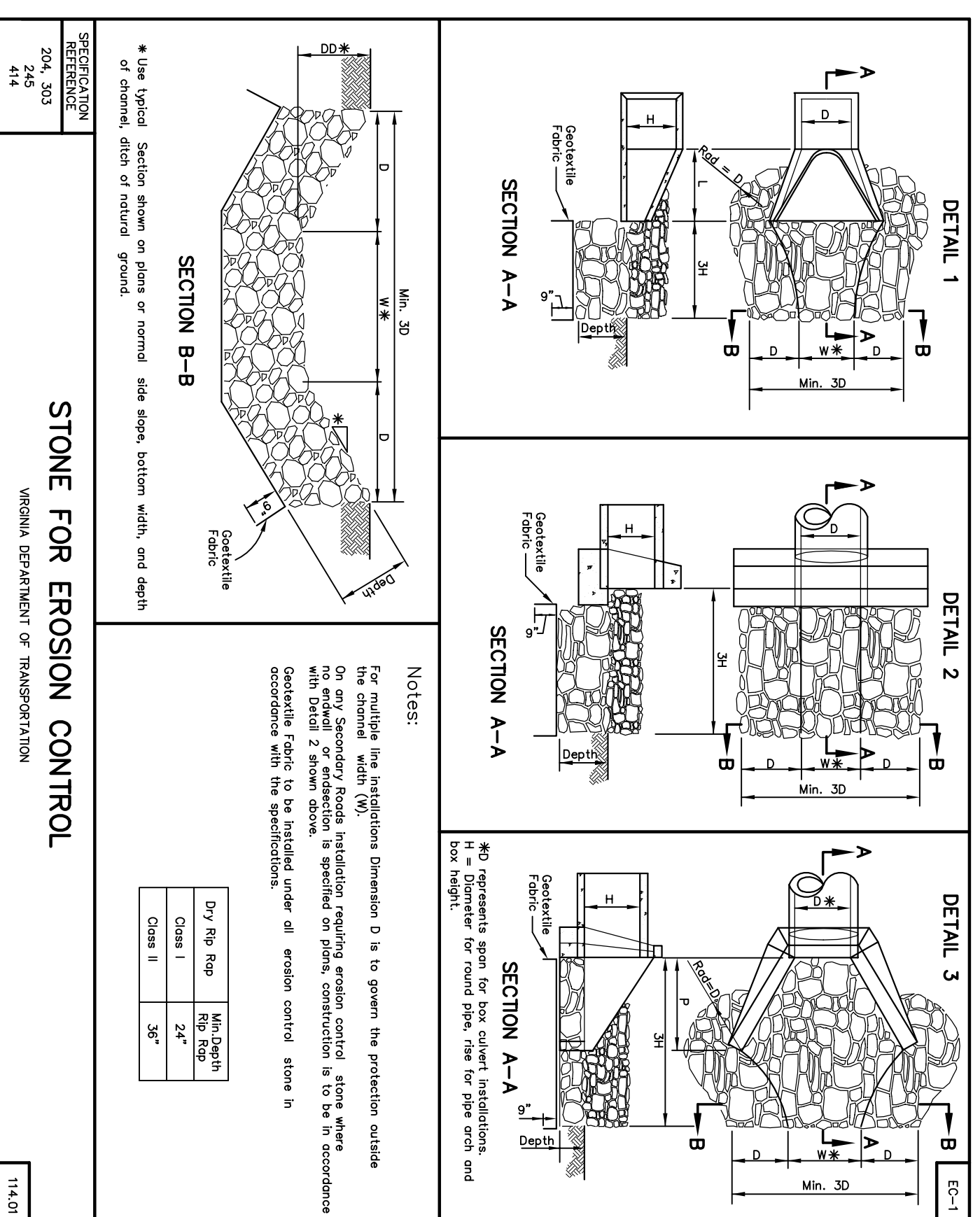
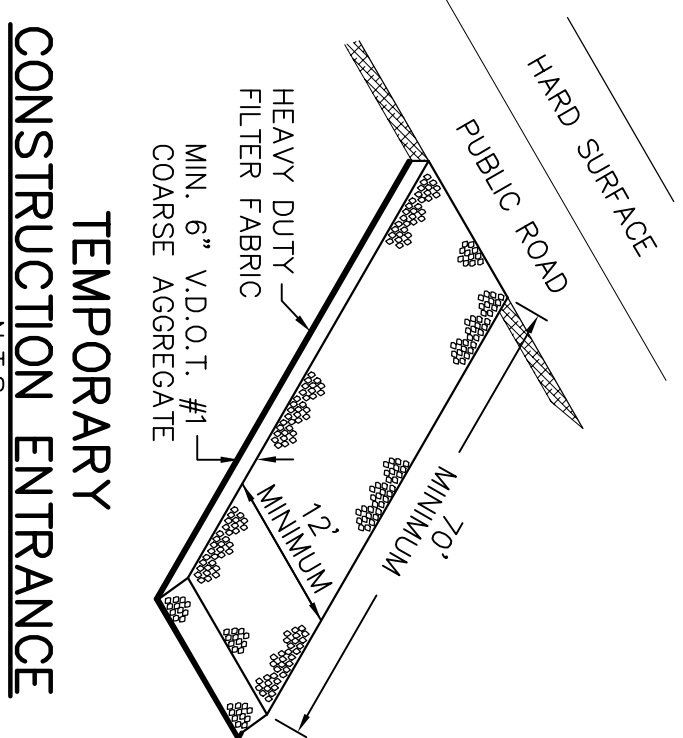
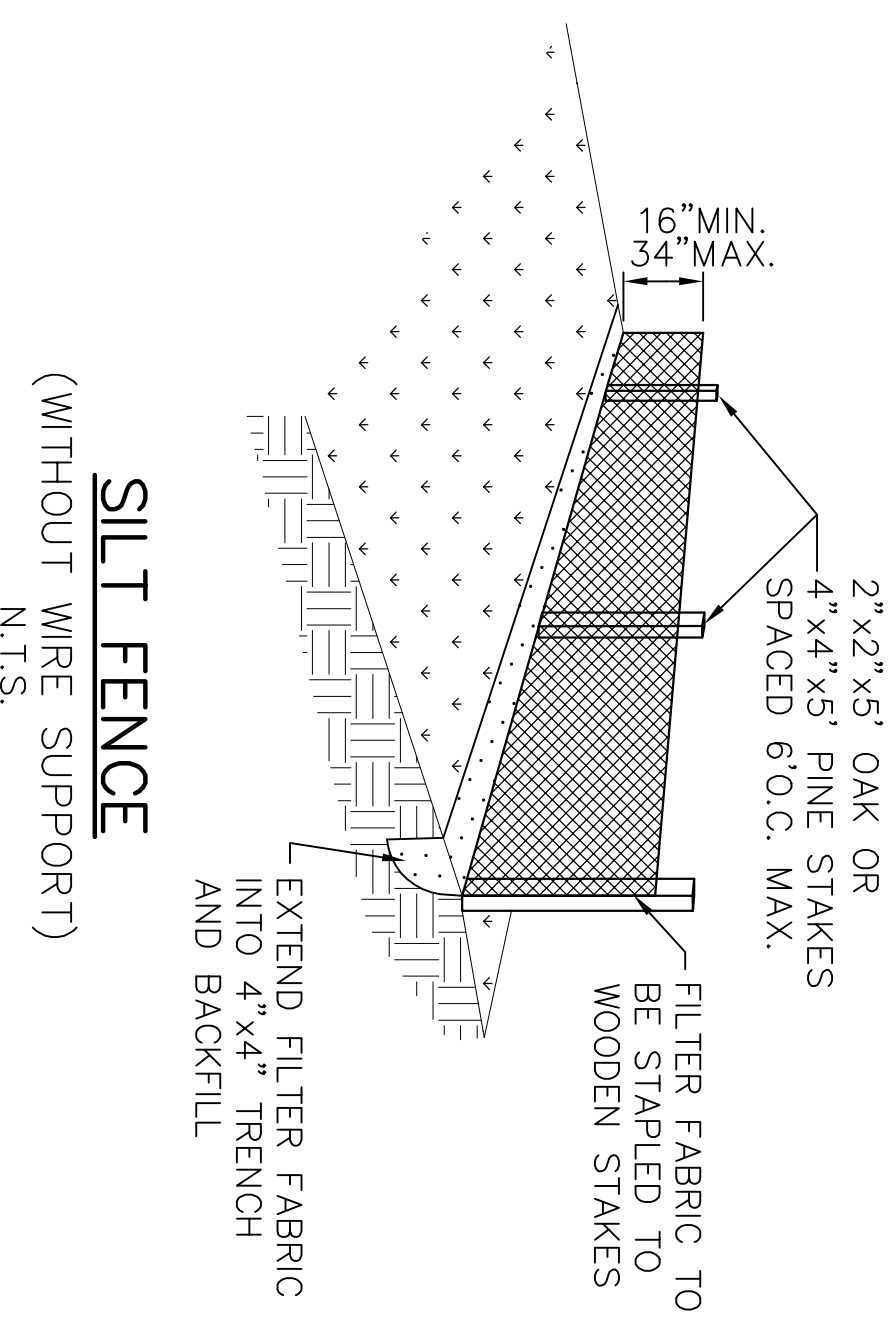
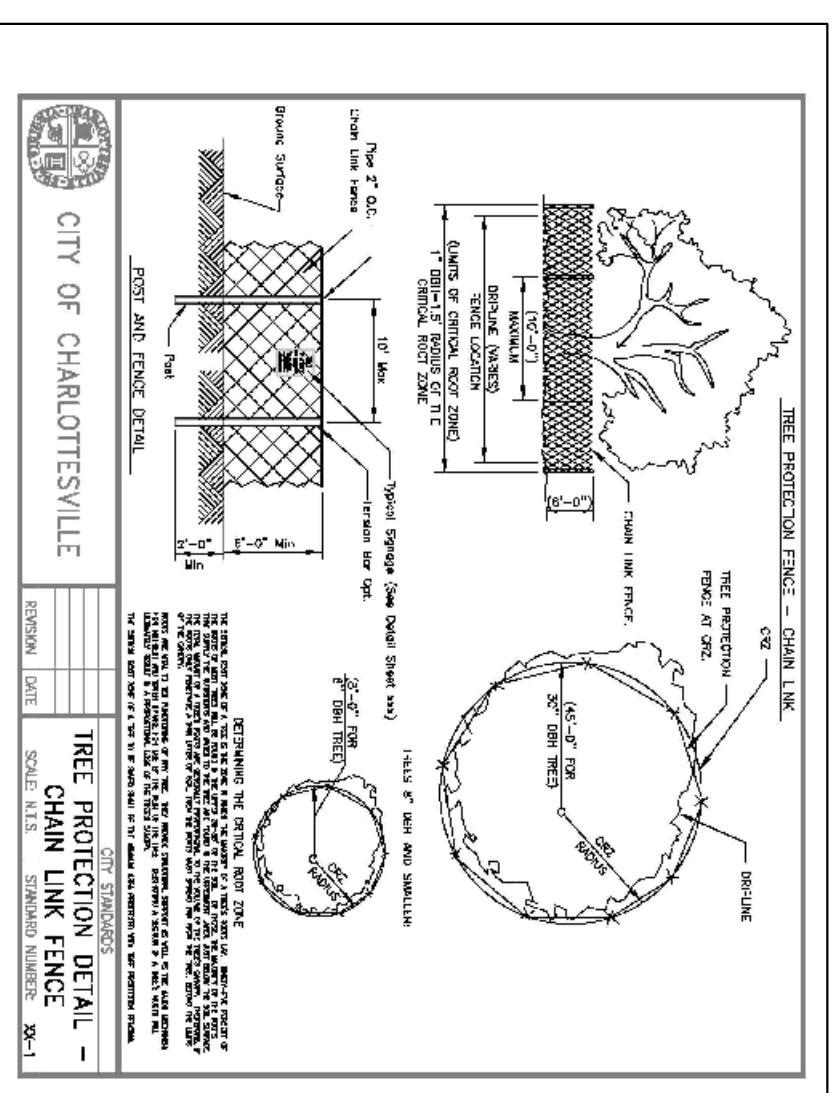
KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
(Symbol)	21	AZALEAS	AZALEAS (LARGE)	1-1/2" CAL	2'	FULL PLAN



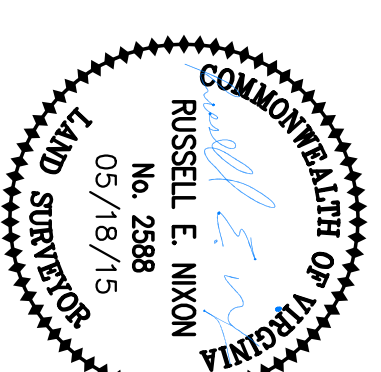
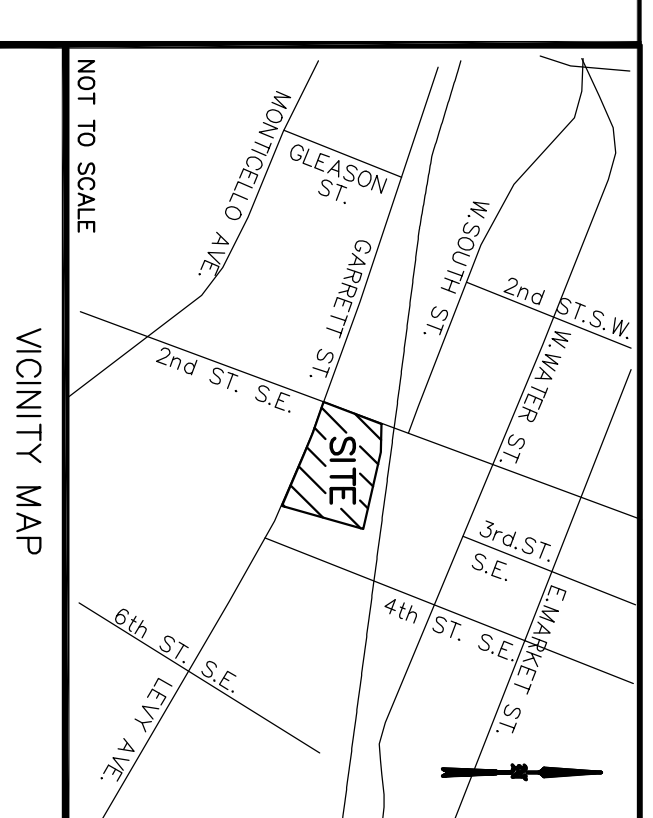
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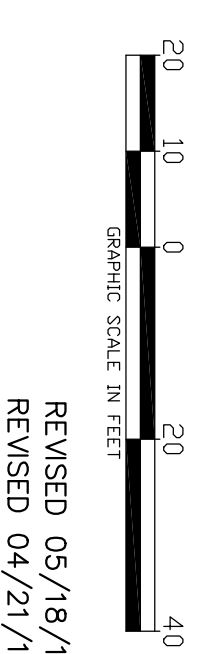


DETAIL SHEET



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SHEET: 8 OF 8 (CHK. BY: BENJAMIN STRICKLAND)



114.04 THICKNESS DIMENSIONS NOT TO SCALE. ALL DIMENSIONS ON THIS SHEET ARE IN MILLIMETERS. VIRGINIA DEPARTMENT OF TRANSPORTATION

Sheet 2 of 2

114.01

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



Agenda Date:	July 6, 2015
Action Required:	Approve Consolidation and Appropriation of Funds
Presenter:	Chief Timothy J. Longo Sr., Chief of Police Lieutenant Thomas McKean, Police Department
Staff Contacts:	Lieutenant Thomas McKean, Police Department
Title:	Police Department Community Response Vehicle - \$62,170

Background:

The Police Department is purchasing a Community Response Vehicle. It will meet many needs that the Police Department has for which no alternative currently exists. Funds have been identified from a variety of sources for this vehicle purchase. Council's approval of the funds is needed to consolidate the funding sources into one account. While the total cost of the vehicle is \$139,068, Council only needs to consolidate and appropriate \$62,170 to cover the remaining funding sources required.

Discussion:

The Community Response Vehicle is a large vehicle, much like an ambulance, or haz-mat truck. It serves as a mobile office when responding to, and planning at, the scene of large or critical event. The truck is large enough to accommodate a few people in the rear. It also allows for equipment and other resources to be assembled and stored in one location for immediate response when needed. Many items cannot be kept together in a regular patrol vehicle. This truck is climate controlled and has a generator for extended deployments. It contains two display screens for planning, documenting, and monitoring situations. Additionally the truck will be utilized monthly for training.

A Community Response Vehicle is an important asset for Law Enforcement to have. It will be utilized in many different capacities. When serving as a Command Center, the truck can provide a protected environment close to events for administrative people to coordinate and direct operations. This use is applicable in large community activities, natural disasters, as well as other types of critical public safety incidents.

A Community Response Vehicle is also able to serve as a place for negotiators to work from, near a volatile, often a hostage situation, while allowing them access to their equipment and other useful resources. These resources would not be as readily available if not stored and transported in the Community Response Truck. Clearly all tools available to facilitate a peaceful outcome are of critical importance and this vehicle will help us to meet that need more efficiently. Many situations of this type involve those who are in mental crisis and in need of services. For this reason the Thomas Jefferson Crisis Intervention Team Program supports this Community Response Vehicle, and is providing grant funds towards the project.

The funding sources for the truck are as follows:

Donation for the Charlottesville Police Foundation	\$43,000
Asset seizure funds	<u>\$19,170</u>
Total current appropriation	\$62,170
Vehicle replacement fund	\$31,898
Grant received by the Thomas Jefferson Area Crisis Intervention Team	<u>\$45,000</u>
Total previously appropriated	\$76,898

Total \$139,068

The funds in the vehicle replacement fund (\$31,898) and the Thomas Jefferson Area Crisis Intervention Team grant (\$45,000) were previously appropriated. This appropriation will appropriate the donation from the Charlottesville Police Foundation and allow for the transfer of seizure funds to the Equipment Replacement fund.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with Council's visions by providing necessary equipment to The Charlottesville Police Department, supporting the Police Department's ability to deliver optimal services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important equipment resources.

This appropriation supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**. The Community Response Truck will be used to more efficiently direct and allocate resources at many types of events, protecting public safety and more effectively resolving critical issues.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The truck will be paid for with funds from donations and previously appropriated funds. To facilitate the creation of the purchase order, funds were moved from previously appropriated reserves in the Equipment Replacement fund. This appropriation will move the funds from the multiple sources listed above to reimburse the Equipment Replacement fund reserve.

Recommendation:

Staff recommends approval of the consolidation and appropriation of funds to purchase this vehicle.

Alternatives:

If the request is not approved, the truck cannot be purchased.

Attachments:

None.

APPROPRIATION.
Police Department Community Response Vehicle.
\$62,170.

WHEREAS, the City of Charlottesville Police Department will purchase a Community Response Vehicle;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the sum of \$62,170 from various funding sources will be appropriated as follows:

Transfer from:

Fund	Internal Order	G/L Account	Amount
105	2000017	599999	\$13,593
105	2000018	599999	\$ 5,577

Transfer to:

Fund	Cost Center	G/L Account	Amount
106	1631001001	4498010	\$19,170

Expense:

106	1631001001	541040	\$19,170
-----	------------	--------	----------

Revenue:

Fund	Cost Center	G/L Account	Amount
106	3101001001	451020	\$43,000

Expense:

Fund	Cost Center	G/L Account	Amount
106	3101001001	541040	\$43,000

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

Agenda Date: July 20, 2015

Action Required: Resolution

Presenter: Amanda Poncy, Bicycle and Pedestrian Coordinator, Neighborhood Development Services

Staff Contact: Amanda Poncy, Bicycle and Pedestrian Coordinator, Neighborhood Development Services

Title: Bicycle and Pedestrian Master Plan Update - Comprehensive Plan Amendment

Background:

One of the action items from the 2013 Comprehensive Plan was to update the 2003 Bicycle and Pedestrian Master Plan. In February 2014, the city hired Toole Design Group, a leading planning, engineering, and landscape architecture firm specializing in multi-modal transportation, to update the plan.

The 2015 Bicycle and Pedestrian Master Plan Update is the next phase of making a bicycle, pedestrian and multi-use trail connections in the City. It is a physical and action-oriented plan that builds upon the 2003 Bicycle and Pedestrian Plan and will complement the Streets that Work Plan also taking place this year.

The Master Plan Update focuses on integrating the on-street and off-street networks identified in past planning efforts to create safe, comfortable transportation corridors that appeal to a wide range of users of all abilities. It provides the recommended network improvements for Charlottesville's on-street bicycle and pedestrian corridors, as well as a phasing plan for implementation.

Discussion:

The Planning Commission considered this item at their May 26, 2015 work session. In general the Commission was supportive of the plan and suggested the following refinements: include pictures that represent the diversity of our community; include a section about bicycle and pedestrian connections to transit; and include a map showing the connections to the County. These items have been incorporated into the plan.

The Commission held a public hearing on June 9, 2015. Two members of the Steering Committee spoke in favor of the plan. One email was received that expressed concerns about the facility types recommended in the plan.

Commissioner Santoski asked many questions regarding the education of people riding bicycles and driving cars, as well as the use of contra-flow bike lanes and bike boxes in the City.

Staff explained that while the contra-flow lane is new to Charlottesville it is legal and allowed under state code and traffic engineering guidelines. Staff explained current outreach initiatives including advertising on radio and social media, but it is a challenge and something that requires ongoing effort.

Citizen Engagement:

The first public workshop was held on June 18, 2014 at City Space. To kick off the public input process, citizens were invited to use an online interactive map to identify barriers to biking and walking, as well as existing and desired routes. Over 200 different users provided comments on the map. In addition, city staff held focus group meetings with safety, health and social service providers; participated in a number of community events at Tonsler, Belmont and Washington Parks throughout the summer; organized a bike tour; and worked with an advisory committee to review and refine network recommendations. In addition, feedback related to bicycle and pedestrian issues received at the Streets that Work neighborhood and public meetings have been incorporated into the plan. A final open house to review and provide comments on the draft plan was held on May 6, 2015 (4:30-6:30) at City Space. To date, we've heard from over 400 people. A full summary of all comments received is contained in the Appendix of the plan

Alignment with City Council's Vision and Strategic Goal Areas:

The City council Vision of A Connected Community states that "An efficient and convenient transit system supports mixed use development along our commercial corridors, while bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods."

A Green City "states that we have tree-lined streets...and an extensive natural trail system, along with healthy rivers and streams." While not specifically called out in the vision, biking and walking are the most "sustainable and energy efficient" modes of travel and support the vision for "clean air and water."

America's Healthiest City states that "We have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools. We have a strong support system in place."

The plan also supports Goal 2 of the Strategic Plan: "Be a safe, equitable, thriving and beautiful community."

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of the plan amendment.

Recommendation:

The Commission took the following action:

Commissioner Green moved to adopt a Resolution recommending approval of the 2015 Bicycle and Pedestrian Master Plan Update, as an amendment to the City's Comprehensive Plan.

Commissioner Keesecker seconded the motion. The commission voted 7-0 to approve the resolution and has attached the certified resolution.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution;
- (2) by motion, request changes to the attached Resolution, and then approve in accordance with the amended Resolution;
- (3) by motion, defer action, or
- (4) by motion, deny the proposed Comprehensive Plan Amendment.

Attachments:

- (1) Proposed City Council Resolution
- (2) The “attested” Planning Commission Resolution
- (3) Direct Link to Bicycle and Pedestrian Plan - www.charlottesville.org/bikeped.
A text-only, accessible version of the plan is also available from that link.

RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE 2015 BICYCLE
AND PEDESTRIAN MASTER PLAN UPDATE

WHEREAS, the Charlottesville Planning Commission and City Council jointly held a public hearing on the proposed 2015 Bicycle and Pedestrian Master Plan Update on June 9, 2015, after notice given as required by law; and

WHEREAS, on June 9, 2015, the Planning Commission adopted a resolution recommending approval by City Council of the proposed Update to the Bicycle and Pedestrian Master Plan, and certifying a copy of the proposed Update to Council for its consideration; now, therefore,


BE IT RESOLVED that, upon consideration of the proposed Update, the City Council hereby approves the 2015 Bicycle and Pedestrian Master Plan Update as an amendment to the City's Comprehensive Plan. Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approved Update.

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
RECOMMENDING AMENDMENT OF THE CITY'S COMPREHENSIVE
PLAN
TO INCORPORATE THE 2015 BICYCLE AND PEDESTRIAN MASTER
PLAN UPDATE**

Whereas, this Planning Commission and City Council jointly held a public hearing on the proposed 2015 Bicycle and Pedestrian Master Plan Update, after notice given as required by law, NOW THEREFORE,

BE IT RESOLVED that this Planning Commission recommends to City Council the approval of the 2015 Bicycle and Pedestrian Master Plan Update, as an amendment to the City's Comprehensive Plan. A copy of this Update is attached to this Resolution and is hereby certified to City Council for its consideration in accordance with City Code Section 34-27(b).

Adopted by the Charlottesville Planning Commission, the 9th day of June 2015.

Attest: 
Secretary, Charlottesville Planning Commission

Attachment: 2015 Bicycle and Pedestrian Master Plan Update

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**THOMAS JEFFERSON HEALTH
DEPARTMENT REPORT
By Dr. Denise Bonds**

(Verbal Only – No Written Materials)

**POWERPOINT PRESENTATION
At Council Meeting**

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 20, 2015
Action Required:	None - Informational
Presenter:	Anne Broccoli, Social Services Advisory Board Chair
Staff Contacts:	Diane Kuknyo, Director of the Department of Social Services
Title:	Social Services Advisory Board Annual Report to City Council

Background:

The City of Charlottesville Code Section 25-1(b) (4) requires that the Social Services Advisory Board make an annual report to City Council.

Discussion:

This report highlights the various programs administered by the Department of Social Services and also touches briefly on some upcoming challenges and opportunities.

Alignment with Council Vision Areas and Strategic Plan:

Goal 1: Enhance the self-sufficiency of our residents

- Promote education and training
- Reduce employment barriers
- Enhance financial health

Goal 2: Be a safe, equitable, thriving and beautiful community

- Consider health in all policies and programs
- Ensure families and individuals are safe and stable

Goal 4: Be a well-managed and successful organization

- Recruit and cultivate quality employees
- Continue strategic management efforts

Goal 5: Foster Strong Connections

- Respect and nourish diversity
- Build collaborative partnerships
- Promote community engagement

Community Engagement:

The Department of Social Services' Advisory Board consists of one City Councilor and eight community members appointed by City Council. Monthly meetings are open to the public. Meeting notices are posted on the Department of Social Services' web page and are also posted on the informational bulletin boards in City Hall and City Hall Annex.

Budgetary Impact:

N/A – This is an informational report

Recommendation:

N/A – This is an informational report

Alternatives:

N/A – The annual report is mandated by the City of Charlottesville Code

Attachments:

1. Social Services Advisory Board 2015 Annual Report - PDF
2. PowerPoint Presentation

Charlottesville Department of Social Services Advisory Board

ANNUAL REPORT TO CITY COUNCIL July 2015

The Social Services Advisory Board is pleased to present its 2015 annual report to City Council. We appreciate the Council's support for the Charlottesville Department of Social Services' mission.

Our Mission

To join with the community in providing social services that meet essential needs, promote self-sufficiency, and enhance the quality of life for all residents.

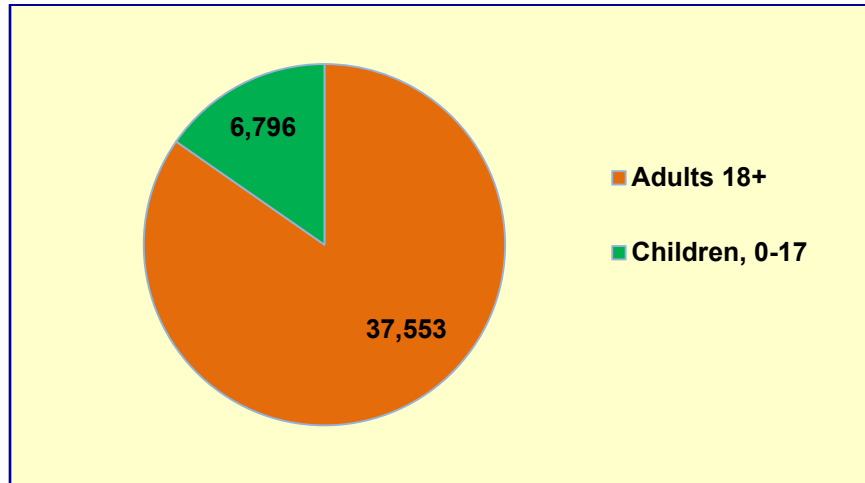
Our Vision

We envision a community where the basic needs of individuals and families are met, all vulnerable people are safe, and everyone has the support needed to achieve their potential.

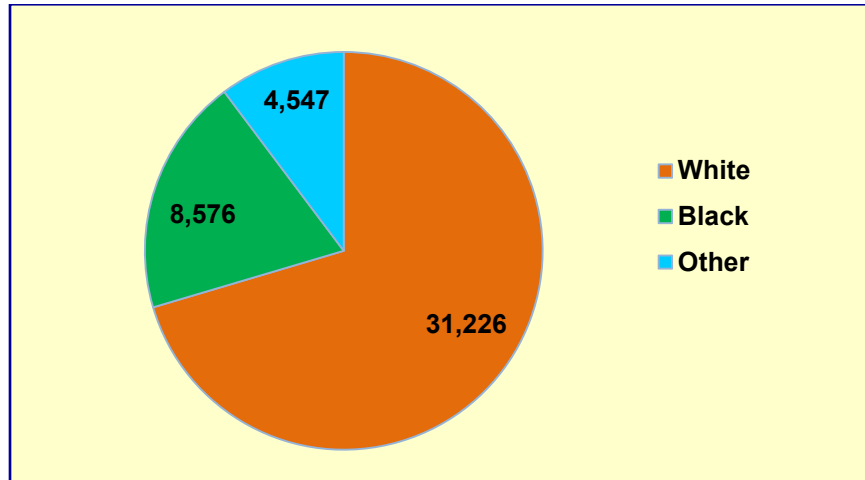


POPULATION

In 2013 the estimated population for the City of Charlottesville was 44,349.



Source: US Census Bureau



Source: US Census Bureau

Poverty Estimates	
9,677	Number of People (All Ages) living in Poverty
22%	Percent of People (All Ages) living in Poverty
1,584	Number of Children (<18 years) living in Poverty
23%	Percent of Children (<18 years) living in Poverty

Source: US Census Bureau, Small Income and Poverty Estimates (SAIPE) – Charlottesville

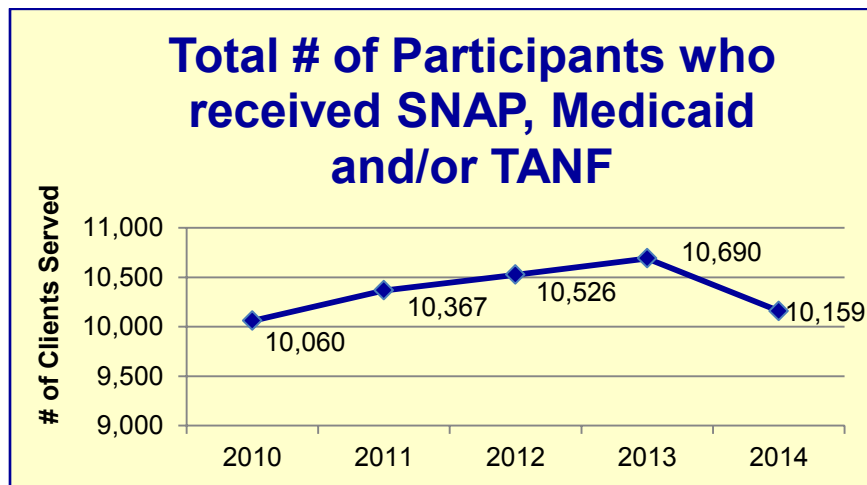
BENEFIT PROGRAMS

Benefits Programs help low income families and individuals meet basic needs for food, shelter and medical care.

Major programs include but are not limited to:

- SNAP (Supplemental Nutrition Assistance Program)
- Medicaid
- FAMIS (Family Access to Medical Insurance Security)
- TANF (Temporary Assistance for Needy Families)
- VIEW (Virginia Initiative for Employment not Welfare)
- Child Care Assistance

In 2014 approximately 23% of the city’s population received assistance from one or more of the 3 largest benefit programs administered by Social Services (SNAP, Medicaid and TANF).

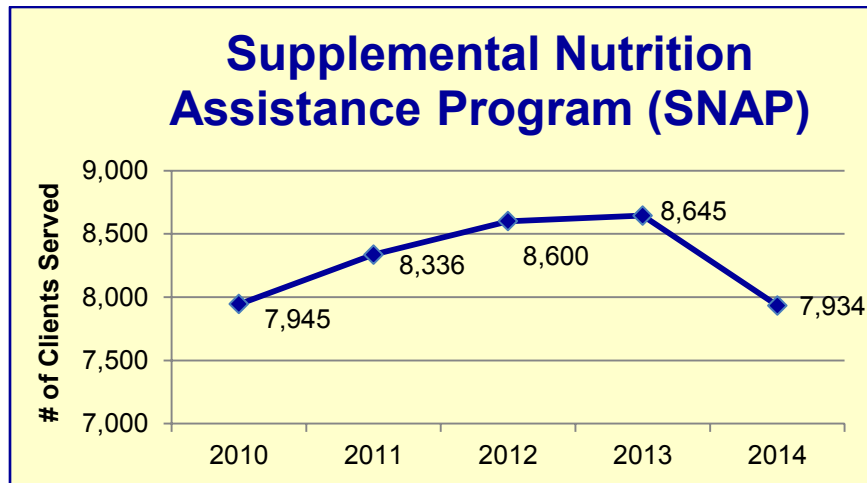


Source: Benefit Programs, ADAPT (Warehouse, Client Cross-Program Locality Year Analysis)

% of City’s Population who received assistance from one or more of the 3 largest benefit programs administered by Social Services	
18%	SNAP (Supplemental Nutrition Assistance)
17%	Medicaid
3%	TANF (Temporary Assistance for Needy Families)

Source: Benefit Programs, ADAPT (Warehouse, Client Cross-Program Locality Year Analysis)

SNAP (Supplemental Nutrition Assistance Program) offers nutrition assistance to eligible, low-income individuals and families. In 2014 approximately 18% of the city's population received SNAP benefits.

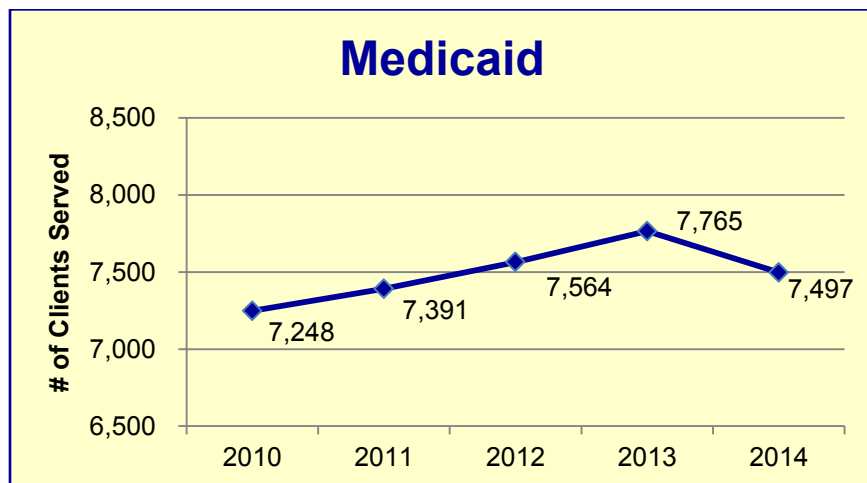


Source: Benefit Programs, ADAPT (Warehouse, Client Cross-Program Locality Year Analysis)

SNAP benefits are especially important for children as proper nutrition promotes optimal childhood health, growth and intellectual development. Approximately 42% (2,853) of the children living in Charlottesville received SNAP benefits in 2014.

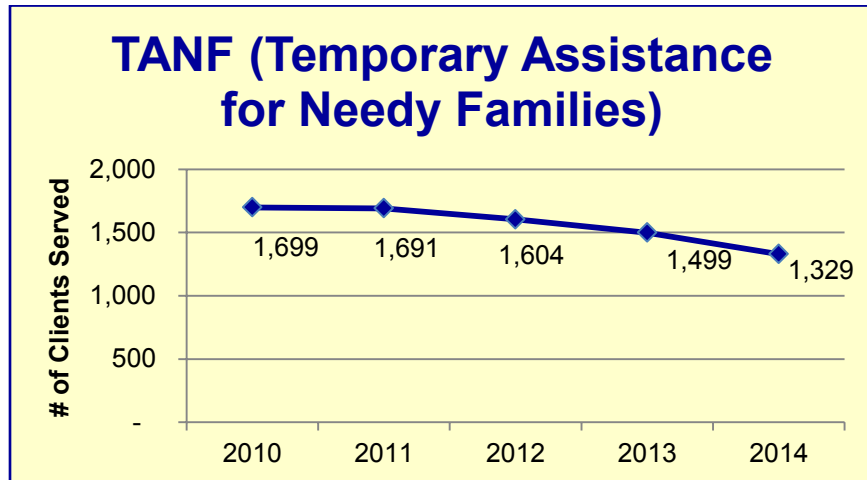
SNAP benefits decrease as a household income increases. This allows a family to transition from SNAP towards self-sufficiency.

Medicaid provides medical and health-related services for individuals and families who meet eligibility requirements. In 2014 approximately 17% of the city's population received Medicaid benefits.



Source: Benefit Programs, ADAPT (Warehouse, Client Cross-Program Locality Year Analysis)

TANF (Temporary Assistance for Needy Families) provides temporary financial assistance and employment-related services for families working towards economic independence. In 2014 approximately 3% of the city's population received TANF benefits.



Source: Benefit Programs, ADAPT (Warehouse, Client Cross-Program Locality Year Analysis)

VIEW (Virginia Initiative for Employment not Welfare) is the employment services component of the TANF Program. It provides a variety of supportive services to assist with securing employment, including assessments, counseling, training, job readiness, referrals to jobs, child care assistance and transportation assistance. In Charlottesville the average wage as of March 2015 for VIEW participants was \$9.22 per hour. The state average in March 2015 was \$8.66 per hour.

Per the Department of Urban Studies & Planning at the Massachusetts Institute of Technology, the living wage, for a family of three (one adult and two children) is \$27.82 per hour¹. See Attachment 1.

Success Story: A single mother with 3 children participating in the VIEW program chose to pursue the office assistant career training through the PACE (Peers Accessing Careers through Education, Empowerment and Engagement) training program. She enrolled in computer classes at PVCC and received multiple career certifications in addition to also being enrolled with WIA (Workforce Investment Act). Once she completed her training she was placed in on-the-job training through WIA. This opportunity allowed her to gain relevant office experience, and build professional relationships. She currently works as an Administrative Assistant.²

¹ <http://livingwage.mit.edu/counties/51540>

² Success stories are a composite to protect client confidentiality.

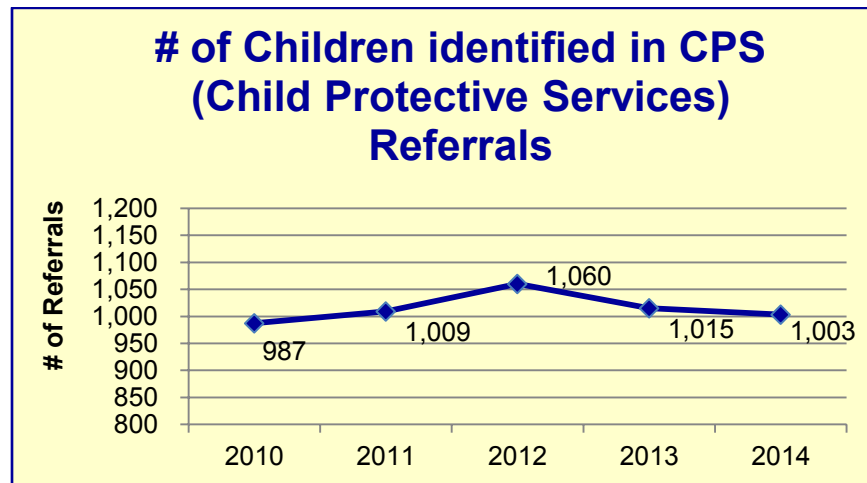
FAMILY SERVICES PROGRAMS

Family Services Programs provide case management services through federally- and state-mandated programs.

Major programs include but are not limited to:

- CPS (Child Protective Services)
- Foster Care Prevention
- Foster Care
- Adoption
- APS (Adult Protective Services)
- Adult Companion Services

CPS (Child Protective Services) responds to reports from the community of abuse and/or neglect by conducting assessments and investigations. The goal of Child Protective Services (CPS) is to identify, assess and provide services to children and families in an effort to protect children, preserve families, whenever possible, and prevent further maltreatment.



Source: Virginia DSS Division of Family Services, VCWOR/ OASIS reports³

Referrals come from a variety of sources. Anyone can report suspected child abuse or neglect, but if you are identified in the *Code of Virginia* as a mandated reporter or you have received training in recognizing and reporting suspected child abuse and neglect, you are required by law to immediately report your concerns to the local department of social services or to the Child Abuse and Neglect Hotline.

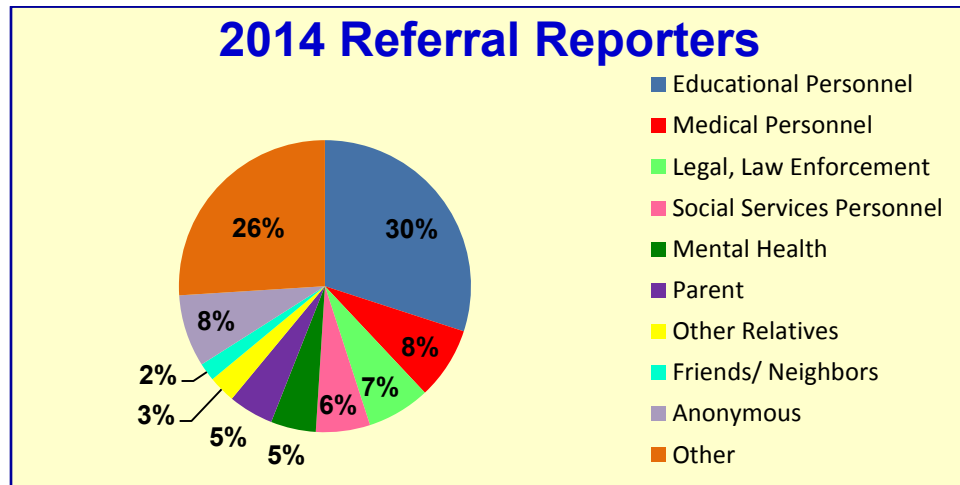
A mandated reporter is an individual who is required by Virginia law to report situations immediately in which they suspect an adult or child may have been abused, neglected or exploited, or is at risk of being abused, neglected or exploited.

Per VA Code § 63.2-1509 certain injuries to children must be reported by physicians, nurses, teachers, etc. Any person required to file a report who fails to do so as soon as possible, shall be fined up to \$500 for the first failure. Subsequent failures may result in penalties between \$100 and \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7

³ Some children may have multiple referrals.

(§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor⁴.

A complete guide on Mandated Reporting can be found at Virginia Department of Social Services website: http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/publications/general/B032-02-0280-00-eng.pdf.



Source: Virginia DSS Division of Family Services, VCWOR/ OASIS reports

Once a CPS referral is made, the CPS intake process begins.

An intake tool is used by all local departments of Social Services in the state of Virginia. The four criteria required to start a CPS investigation are:

1. Jurisdiction: the incident must occur within Charlottesville city limits.
2. Age: the victim must be under the age of 18. If a report is made for a victim 18 or older, it would be referred to APS (Adult Protective Services).
3. Threat by a caretaker: It must be determined who was caring for the victim at the time of the incident and in what capacity.
4. The incident has to fit the definition of *abuse and neglect*⁵.

Once the investigation begins it will follow one of the following tracks:

- The investigation is screened out.
- A family assessment is completed.
- A Criminal Investigation begins.

In the state of Virginia the police, doctors, and departments of Social Services are the only ones allowed to remove a child from the home. When there is an emergency removal, there will be an emergency court hearing within 24 hours of the removal. The court will review the case information and decide if the removal was legal and validated.

⁴ <http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+63.2-1509>

⁵ http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/manuals/07-2011/section_2_definitions_of_abuse_and_neglect.pdf

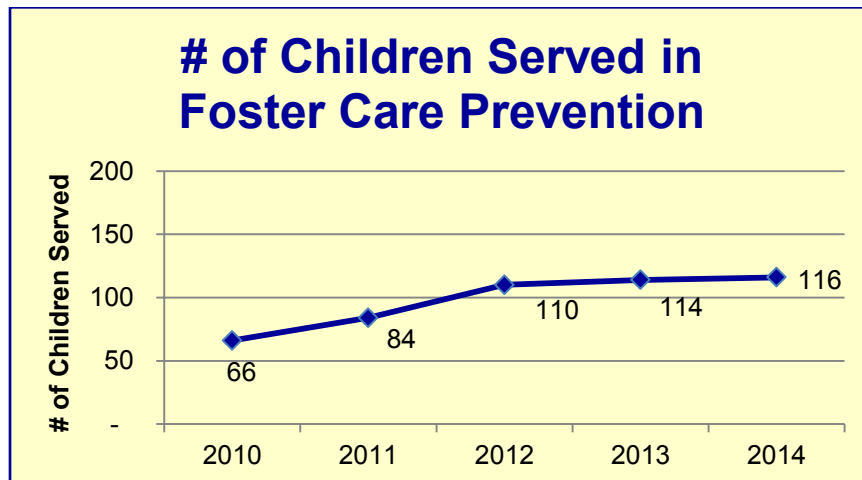
After the emergency court hearing, there are multiple, additional hearings where the Judge can decide if the abuse/ neglect continues to be a threat:

- Five day hearing
- Adjudication within 30 days
- Disposition(s) - this is where the service plan is made for the parent(s).

2014 CPS Referrals	
70%	Percent of Referrals Screened Out
55%	Percent of Referrals Assessed
45%	Percent of Referrals Investigated

Source: Virginia DSS Division of Family Services, OASIS reports

Foster Care Prevention provides services for families whose children may be at risk for maltreatment. Services may include counseling, referrals to parenting programs and other beneficial resources.

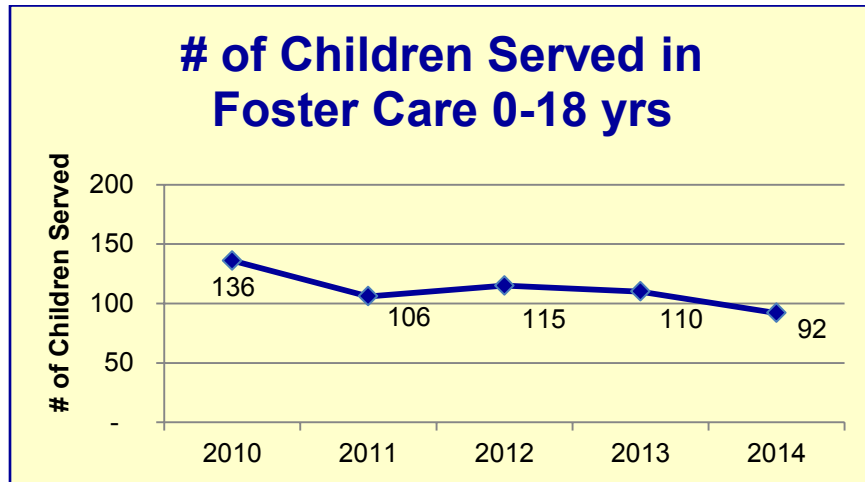


Source: Charlottesville DSS Umbrella- Foster Care Prevention Case Management Statistics Report

In fiscal year 2014 these services prevented 95% of the children from entering Foster Care.

Success Story: A Family Services Specialist recently closed a Foster Care Prevention case due to the completion of services by the family. The case opened because of abuse/neglect and the child's custody was transferred to her grandmother with supportive services put in place. The grandmother and child both worked very hard with their service providers to accomplish their treatment goals. The child now lives safely with her grandmother and CDSS no longer provides services to the family.

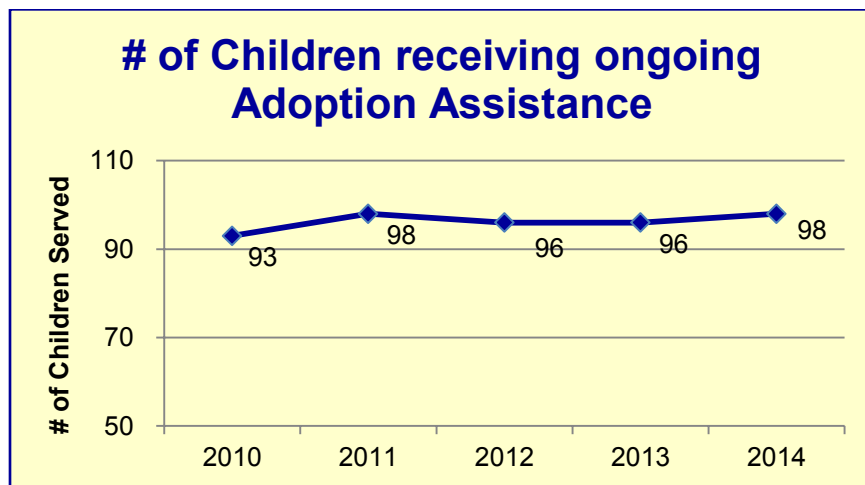
Foster Care provides out-of-home placements for children whose guardians are unable to care adequately for them. The program is designed to be a temporary response for a family in crisis.



Source: Virginia DSS Division of Family Services, VCWOR/ OASIS reports.
As of 6/30 each year (Point in Time)

Success Stories: Through the dedicated advocacy of their Family Services Specialist, two foster care youth recently stepped down from a high level residential care setting into the homes of relatives. Both youth (not related) have behavior problems and had been disconnected from their families of origin. Through the use of Social Services’ family finding process, family partnership meetings, and concurrent planning these two youth have reconnected with their kin. The Department continues to work towards achieving permanency through adoptions or custody transfers for these youth.

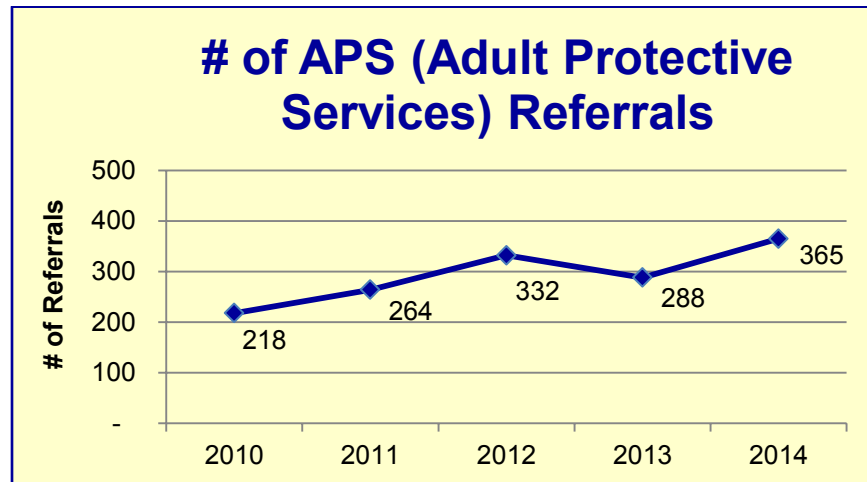
Adoption If parental rights are terminated by the court process, Family Services works to find appropriate and permanent adoptive homes for children in Foster Care.



Source: Virginia DSS Division of Family Services, VCWOR/ Oasis Reports

In Fiscal Year 2015 Charlottesville Social Services, partnering with Albemarle Social Services and Community Attention, received \$84,000 in funding through the Adoptions through Collaborative Partnerships grant. These funds specifically target finding adoptive homes for children who have been in foster care for an extended period of time. To date, five children have been adopted with seven more adoptions to be finalized within the next four to six months.

APS (Adult Protective Services) investigates reports of abuse, neglect, and exploitation of elderly and disabled adults and intervenes to support and protect persons in danger.



Source: Virginia DSS ASAPPS (Adult Services Adult Protective Services) system

Success Story: Adult Family Services Specialists received a report about a citizen whose utilities were scheduled to be turned off and caregivers were not scheduling repairs needed in the home. During this same time period, a separate APS report from the client's Medicaid worker came in as well.

APS staff discovered that the client required 24 hour care and that the health department had recommended nursing home placement. Additionally, APS staff discovered that a Power of Attorney application had been completed while the client was in the early stages of dementia.

APS and Benefits staff worked together to get an accurate financial picture of the client's assets in order to apply for Medicaid. Multiple attempts were made to contact the Power of Attorney and caregivers. Eventually, a hardship claim was filed for Medicaid.

Social Services petitioned for Guardianship and Conservatorship. The Family APS Services Specialist assisted in reconciling the client's finances, documenting financial resources and investigating possible fraud by the caregivers.

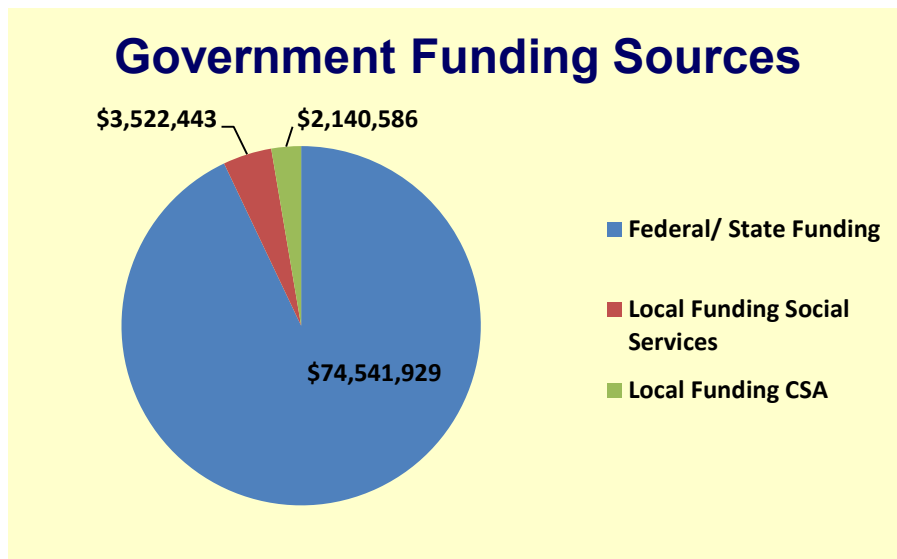
Once Social Services was granted Guardianship, the client was placed in a skilled nursing facility and is safe.

Economic Impact

Economic Impact - \$74,541,929

Total Federal and State Funding for Fiscal Year 2014 = \$74,541,929. Many of these funds were spent on rent, utilities, payments to medical providers and hospitals, purchases at grocery stores and gas stations, and purchases of clothing and school supplies, thereby increasing the economic impact to the community as the funds recycled through the local economy. The matching local costs for fiscal year 2014 totaled **\$3,522,443** for Social Services and **\$2,140,586** for CSA.

- **\$50,404,413** in Medicaid and Family Access to Medical Insurance Security (FAMIS) payments to providers
- **\$7,630,146** in the Supplemental Nutrition Assistance Program (SNAP)
- **\$5,401,193** in Comprehensive Services Act (CSA) payments to providers⁶
- **\$4,680,644** in Staff, Administrative, and Operations costs
- **\$1,881,911** in Adoption Assistance payments to adoptive parents
- **\$1,394,438** in Title IV-E Foster Care payments to providers
- **\$1,184,968** in Child Care payments to providers
- **\$1,091,028** in Temporary Assistance to Needy Families (TANF)
- **\$280,872** in Low-Income Home Energy Assistance Program (LIHEAP)
- **\$236,490** in Auxiliary Grant payments to providers
- **\$136,773** Other Purchased Services for clients
- **\$104,552** in Central Service Cost Allocation⁷
- **\$63,944** in Virginia Initiative for Employment not Welfare (VIEW)
- **\$36,186** in Independent Living Services
- **\$10,722** in Refugee Assistance
- **\$3,649** in General Relief



⁶ The Comprehensive Services Act (CSA) enacted in 1993 established a single State pool of funds to purchase services for at-risk youth and their families. Charlottesville Social Services coordinates administration and financial services for the CSA collaborative interagency team of Social Services, City Schools, Region Ten and the Court Services Unit.

⁷ Federal reimbursement for services from other city departments including, but not limited to: City Manager, City Attorney, Human Resources, Facilities Management, City Finance, City Treasurer and Purchasing.

CHALLENGES and OPPORTUNITIES

Eligibility Systems Modernization

The Virginia Department of Social Services (VDSS) continues its modernization effort in the determination of eligibility for benefits. To date VDSS has launched two components of the technology enhancements, VaCMS (the Virginia Case Management System) and CommonHelp. The VaCMS software system currently processes Medicaid and Child Care applications and renewals. In the future other Benefit applications and renewals will be added to the system. Until the additional applications are added Benefit Program Staff must continue working in two separate stand-alone systems.

VDSS plans to add SNAP, TANF, and LIHEAP to the VaCMS software system in the future.

WorkForce Programs

The Charlottesville Department of Social Services received additional funding to support employment services for VIEW and SNAP eligible clients. This funding will support the enrollment of qualifying Social Services clients in the “GO” job training programs developed by the Office of Economic Development. These job specific training programs include classroom education, job shadowing, mentoring, and supportive services for participants. The “GO” programs are designed to meet the training needs of Charlottesville area employers. This collaboration with the Office of Economic Development and other workforce development partners illustrates the department’s mission to join with the community in providing social services that meet essential needs, promote self-sufficiency, and enhance the quality of life for all residents.

Staffing

In January 2015 City Council approved 2 long-term temporary Family Services Specialist positions for Social Services. These additional positions will assist the department in supporting child safety and permanency outcomes.

Social Services Office Space

In the June 2014 annual report to City Council, we reported on the opportunity of additional office space on the 1st floor of City Hall Annex.

Staff moved into the new space at the beginning of July.

The Advisory Board and Department Staff are thankful for the additional space, which enhances Social Services ability to meet requirements for confidentiality and conduct a growing number of family engagement meetings.

Respectfully submitted by Charlottesville Department of Social Services Advisory Board Members:

- Anne Broccoli, Chair
- Stephanie Cangin
- Jonathan Doerr
- Alana Hill
- Dede Smith
- Monica Millbrooks-Scott, Vice Chair
- Rachel Thielmann
- Jean Zearley
- Judith Zeitler

Attachment 1:

Living Wage/ Expenses for Charlottesville, VA -2015

<http://livingwage.mit.edu/counties/51540>

Living Wage Calculation	
\$27.82	1 Adult, 2 Children
\$24.40	2 Adults (one working), 2 Children
\$15.24	2 Adults, 2 Children

The living wage shown is the hourly rate that an individual working full-time must earn to support a family.

Typical Expenses

Annual Expenses	1 Adult 2 Children	2 Adults (1 Working) 2 Children	2 Adults (2 Working) 2 Children
Food	\$6,704	\$8,903	\$8,903
Child Care	\$11,045	\$0	\$11,045
Medical	\$6,530	\$6,594	\$6,594
Housing	\$12,096	\$12,096	\$12,096
Transportation	\$9,859	\$11,553	\$11,553
Other	\$4,284	\$5,178	\$5,178
Required annual income after taxes	\$50,520	\$44,325	\$55,370
Annual Taxes	\$7,336	\$6,436	\$8,040
Required annual income before taxes	\$57,856	\$50,761	\$73,245

These figures show the individual expenses that went into the living wage estimate.

Typical Annual Salaries

Occupational Area	Typical Annual Salary
Community & Social Science	\$43,520
Education, Training & Library	\$46,130
Arts, Design, Entertainment, Sports & Media	\$47,710
Healthcare Practitioners & Technical	\$58,780
Healthcare Support	\$25,990
Protective Service	\$38,310
Food Preparation & Serving Related	\$19,400
Building & Grounds Cleaning Maintenance	\$22,360
Personal Care & Service	\$20,470
Sales & Related	\$24,790
Office & Administrative Support	\$32,800
Farming, Fishing & Forestry	\$29,490
Construction & Extraction	\$38,250
Installation, Maintenance & Repair	\$43,740
Production	\$31,800
Occupational Area	\$30,010

These are the typical annual salaries for various positions in Charlottesville.

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



Agenda Date:	July 20, 2015
Action Required:	Provide Direction to Staff
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager Leslie Beauregard, Director of Budget and Performance Management
Title:	City of Charlottesville Organizational Efficiency Study Scope of Services Proposal

Background: During the F.Y. 2016 budget discussions this past spring, Councilor Galvin presented to Council and staff with a resolution (see Attachment 1) asking the City Manager to undertake an organizational efficiency study following the adoption of the budget. The City Manager then asked staff to research and draft a scope of services (see Attachment 2) that can be considered by Council.

Discussion: The attached scope of services takes into account the resolution presented by Councilor Galvin, and adds some other areas that may be of interest to study based on research done by staff on what other efficiency studies produce.

Alignment with Council Vision Areas and Strategic Plan: Conducting an efficiency study at this time can certainly impact the City's Strategic Plan, as we look to refresh that sometime next calendar year.

Community Engagement: There has been no community engagement specifically to date that addresses conducting an organizational efficiency study.

Budgetary Impact: The City paid \$30,000 to the Weldon Cooper Center to conduct the efficiency study completed in 2008-2009. At around the same time, the Charlottesville City Schools performed their own study (cost to the schools, \$52,000, which is 25% of the actual cost since they implemented a certain percentage of the recommendations. So, had they not implemented the recommendations, the cost would have been \$208,000). Albemarle County also conducted a study, for which they paid \$90,000. Staff has no idea at this time what the cost ranges would be for the attached scope of work.

Recommendation: Staff is asking for Council to provide some direction about whether to move forward or not and in what capacity if there is a desire to change any elements of the draft scope being presented. Staff recommends a competitive process so that we can see all the options out there regarding who might conduct the study for the City and the range of costs.

Staff does not recommend that this be done in house with City staff given the expertise required in many of these areas, the substantial increased workload that would present to staff, and the desire to have a completely objective outcome upon completion.

Alternatives: Council could choose to change the scope of any and all aspects that have been drafted.

Attachments:

1. Resolution (4/06/15) to Secure Cost Savings and Increased Efficiencies in Local Government – as presented by Councilor Galvin
2. Draft Presented by City Staff - *City of Charlottesville Organizational Efficiency Study - SCOPE OF SERVICES*

RESOLUTION.

City of Charlottesville Organizational Efficiency Study Scope of Services Proposal.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that City staff may move forward with developing a formal Request for Proposal that would solicit quotes from vendors interested in conducting an organizational efficiency study for the City of Charlottesville.

**RESOLUTION (04/06/15).
TO SECURE COST SAVINGS AND INCREASED EFFICIENCIES IN LOCAL GOVERNMENT.**

WHEREAS, local government must be ever vigilant in its search for management efficiencies and best practices so as to continue to provide excellent services without overly burdening Charlottesville taxpayers; and

WHEREAS, recent tax increase(s) to balance the F.Y. 2016 city budget were necessitated by the growing fiscal needs of our City schools; the need to increase our law enforcement presence in our business corridors and our neighborhoods; and the need to invest in our infrastructure and contribute to our debt service payments thereby keeping our A.A.A. bond rating;

NOW, THEREFORE, BE IT RESOLVED THAT coincident with the passage of new taxes to balance the F.Y. 2016 City Budget, Charlottesville City Council hereby authorizes the City Manager to undertake a review of the city's: overall management efficiency; real estate assessments and procedures; transient lodging ordinance and parking plan implementation; overall tax revenue trends; and fines and business license collections.

BE IT FURTHER RESOLVED THAT the City Manager will complete the review of: government-wide management efficiency; real estate assessments and procedures; transient and parking ordinance implementation; fine and business license collections and meals tax revenue by (date to be determined during the 4/9/15 work session) in order to allow ample time to monitor and assess trends and impacts prior to the start of city budget negotiations for F.Y. 2018.

City of Charlottesville Organizational Efficiency Study.

SCOPE OF SERVICES

The Mayor, City Council, and the City Manager are committed to making every effort to improve the City of Charlottesville's effectiveness and efficiency by identifying and eliminating wasted resources and redundancy without sacrificing City services. Of primary importance is the need to make service delivery more efficient and cost-effective and to ensure that the City is forecasting, assessing and collecting the revenue it should be in order to provide these services by looking at the various processes involved in revenue projection and generation. The City is seeking assistance for a qualified consulting firm to analyze the existing organizational structures and operational efficiencies of all City Departments, propose recommendations to reduce expenditures and to increase effectiveness in staffing levels and service delivery and review and provide recommendations of the City's revenue forecasting, assessment, and collecting procedures and policies.

This R.F.P. is hereby issued to provide a scenario to meet these goals. The selected Consultant(s) will assist the City of Charlottesville in analyzing the operations and current organizational structure of all City Departments and deliver recommendations in which the City can increase departmental efficiency in a cost effective manner. The Consultant(s) shall perform a comprehensive analysis of existing services, operations, organizational structure, and current staffing, and a review of and provide recommendations on the City's revenue forecasting, assessment and collecting procedures and policies. Supportive data must accompany all findings with alternatives provided to improve, maintain, or eliminate current levels of service delivery. **The end goal of this effort is to identify those services which are crucial and/or critical and to deliver these identified services in the most cost effective manner possible and to identify ways the City can improve its revenue generating procedures and processes.**

This will include, but may not be limited to:

1. Working with the City Manager's Office to outline the organizational analysis process.
2. Developing a timeline for successful completion of contracted services.
3. Reviewing department service delivery models and recommending alternative models, as appropriate, that will maintain those services identified as crucial while lowering costs. Areas of consideration may be, but are not limited to:
 - Recommending best practices
 - Evaluating services
 - Eliminating services
 - Combining/consolidating services within department divisions or with other service centers within the City's organizational structure
 - Entering into service agreements with other municipalities, agencies, or districts
 - Outsourcing/privatization of services
 - Centralization of services
4. Preparing an analysis of department staffing. Areas of consideration may be, but are not limited to:
 - Staffing and workflow efficiencies and inefficiencies
 - Workload (including staff work related to appointed boards and commissions)
 - Skill levels

- Eliminating, combining, or adding positions
 - Evaluation to determine if the departmental manager-to-employee ratio spans of control are cost effective and in line with best practices of the profession
5. Preparing an analysis to determine if Departments employ the latest theories and best practices in organizational structure to determine if restructuring of the Department is required to achieve optimal efficiencies in the most cost-effective manner. Areas of consideration may be, but are not limited to:
 - Combining departments/divisions
 - Establishing appropriate span of control (supervisor/subordinate ratios)
 - Creating most effective and efficient organizational structure
 - Examining multi-departmental/multi-divisional workflow
 - Analyzing flat vs. hierarchal organizational structures
 - Eliminating departmental and divisional silos and redundancies
 - Comparison of current department organizational structures with other appropriate municipalities.
 6. Reviewing the procedures and processes the City employs in order to project, assesses and collect the various revenue sources that come into the City to provide the various services: Areas of consideration may be, but are not limited to:
 - Reviewing the City's short and long term revenue trending methods when the City is making revenue assumptions that fuel the annual budget and future fiscal plans
 - Examining the City's local tax assessment and collecting processes
 - Identification of areas of potential revenue enhancements, including, but not limited to possible fee schedule adjustments (for revenue generating departments and citywide)
 - Recommending alterative revenue scenarios to properly fund City services
 7. Conducting a meeting with the City Manager's office to discuss preliminary findings and sample organizational structures. The goal of this meeting is to identify the organizational structure outline that is the best fit for the City.
 8. If deemed appropriate, based on these findings, recommend changes to the organizational structure of these departments.
 9. The City of Charlottesville is willing to consider alternate approaches and/or elements not listed above. Provide detailed information in your response on any additional recommended approaches and/or elements for organizational analysis in the Technical Response. Pricing correspondence to these recommendations should only be listed in the Cost Proposal, not in the Technical portion of the response.

RECOMMENDATIONS

The written recommendation shall include a list of recommendations that shall be prioritized in order of measured level of importance with clearly defensible justification in support of each recommendation and a cost benefit analysis for any funding required for implementing a particular recommendation. The cost benefit analysis shall also include both short and long term anticipated savings and net savings.