



**CITY COUNCIL AGENDA  
August 3, 2020**

**Members**  
Nikuyah Walker, Mayor  
Sena Magill, Vice Mayor  
Heather D. Hill  
Michael K. Payne  
J.Lloyd Snook, III

**5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Legal consultation, boards and commissions)**

**6:30 p.m. Regular Meeting**

Virtual/electronic meeting. Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom)

**CALL TO ORDER**

**MOMENT OF SILENCE**

**ROLL CALL 4 present; 1 absent (Walker)**

**AGENDA APPROVAL APPROVED 4-0 (HILL/SNOOK)**

**ANNOUNCEMENTS**

**RECOGNITIONS/PROCLAMATIONS**

**BOARD/COMMISSION APPOINTMENTS**

1. Report: Boards & Commissions (oral report from City Council)  
**Interviews being scheduled**

**CONSENT AGENDA\* APPROVED 4-0 (MAGILL/HILL)**

2. Ordinance: Amending Section 2-6 of Chapter 2 (Administration) of the Code of the City of Charlottesville, to add June 19 as an Official City Holiday (2nd reading)  
**#O-20-094**
3. Ordinance: Flint Hill Planned Unit Development (PUD): consideration of a rezoning application, critical slope waiver, and right-of-way realignment (2nd reading)
  - a. Ordinance: Ordinance to amend and re-enact the Zoning Map for the City of Charlottesville, to reclassify certain property from R-1S to Planned Unit Development ("Flint Hill PUD")  
**#O-20-095**
  - b. Ordinance: An Ordinance closing, vacating and discontinuing portions of Flint Drive and Keene Court within the area of the proposed Flint Hill PUD  
**#O-20-096**
  - c. Resolution: Resolution granting a Critical Slope Waiver for a development project described in Rezoning Application ZM20-00001 ("Flint Hill Planned Unit Development")  
**#R-20-097**
4. Appropriation: Virginia Housing Solutions Program Supplemental COVID-19 Grant Award - \$243,276 (2nd reading)  
**#A-20-098**
5. Appropriation: Emergency Food and Shelter Program-C.A.R.E.S. act funding - \$7,099 (2nd reading)  
**#A-20-099**
6. Appropriation: Open Society Foundation Emma Lazarus Campaign on Cities Grant - \$250,000 (2nd reading)  
**#A-20-100**
7. Appropriation: Safe Routes to School Non-Infrastructure Grant Award - \$95,000 (1st of 2 readings)

- 8. Appropriation: Community Development Block Grant Coronavirus (CDBG-CV) Funding, FY 20-21 - \$246,699 (1st of 2 readings)
- 9. Appropriation: Office of the Registrar CARES funding for 2020 Presidential election - \$64,229 (1st of 2 readings)
- 10. Appropriation: BAMA Works Grant for Supporting Aspirations-Improving Resiliency for Vulnerable Families - \$6,000 (1st of 2 readings)
- 11. Resolution: **Emergency Communications Center request to retain funds - \$463,074 (1 reading)**  
**#R-20-101**
- 12. Resolution: ~~Honorary street naming request – Black Lives Matter Avenue~~  
**Item removed from Consent Agenda for discussion at the end of regular business.**

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

**COMMUNITY MATTERS** Public comment for up to 16 speakers (limit 3 minutes per speaker). Pre-registration available for up to 8 spaces; pre-registered speakers announced by Noon the day of the meeting. Additional public comment period at end of meeting. Public comment will be conducted through electronic participation as City Hall is closed to the public. Participants can register in advance at [www.charlottesville.org/zoom](http://www.charlottesville.org/zoom).

**ACTION ITEMS**

- 13. Ordinance: Rezoning property at 909 Landonia Circle from B-1 (Business / Commercial) to B-2 (Business / Commercial) (1st of 2 readings)
- 14. Appropriation: Belmont Bridge Replacement Project – \$15,263,257.41 (1st of 2 readings)

**GENERAL BUSINESS**

- 15. Report: JAUNT initiatives update from Brad Sheffield (oral presentation)
- 12. Resolution: Honorary street naming request - Black Lives Matter Avenue  
**Item removed from Consent Agenda for discussion. Council unanimously agreed not to vote on this resolution, but to open an application period to receive Honorary street name designation applications through August 31, 2020.**

**OTHER BUSINESS**

**MATTERS BY THE PUBLIC**

**AN ORDINANCE  
AMENDING SECTION 2-6  
OF CHAPTER 2 (ADMINISTRATION)**

**WHEREAS**, on January 1, 1863, President Abraham Lincoln issued Proclamation 95, known as the “Emancipation Proclamation” which freed enslaved people in states “in rebellion against the United States”; and

**WHEREAS**, the Emancipation Proclamation was not enforced in many areas of the United States then in rebellion; and

**WHEREAS**, on June 19, 1865, United States Major General Gordon Granger read General Order Number 3 to the residents of Galveston, Texas; and

**WHEREAS**, General Order Number 3 stated, “The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free” and formerly enslaved people celebrated upon General Granger’s statement; and

**WHEREAS**, on June 19, 1866, formerly enslaved individuals celebrated the first anniversary of General Granger’s statement by establishing the holiday now known as Juneteenth; and

**WHEREAS**, Juneteenth is a celebration of Black freedom and achievement that the Charlottesville City Council desires to celebrate on an annual basis.

**NOWE, THEREFORE, BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that:

Section 2-6 of Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

**Sec. 2-6. - Legal holidays.**

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the third day of March (Freedom and Liberation Day), the last Monday in May (Memorial Day), the nineteenth day of June (Juneteenth), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday.

**ORDINANCE  
TO AMEND AND RE-ENACT THE ZONING MAP FOR THE CITY OF CHARLOTTESVILLE,  
TO RECLASSIFY CERTAIN PROPERTY FROM R-1S TO PLANNED UNIT DEVELOPMENT  
("FLINT HILL PUD")**

**WHEREAS**, Belmont Station, LLC ("Landowner"), by its member Charlie Armstrong, has rezoning application ZM20-00001 ("Application") seeking a change in the zoning district classification for certain land identified on the City of Charlottesville's 2019 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000, having frontage on the unimproved portions of Flint Drive and Keene Court and, having, in the aggregate, an area of approximately 9.81 acres/ 427,323 square feet (collectively, the various parcels of land are referred to herein as the "Subject Property"), with such rezoning to be subject to certain proffered development conditions dated June 26, 2020 ("Proffers") and submitted as part of the Application; and

**WHEREAS**, the purpose of the rezoning application is to allow a specific development project identified within: a written PUD Development Plan, dated May 1, 2020, the Proffers, and supplemental application materials dated May 1, 2020, describing details of a planned residential development named "Flint Hill PUD"—this development project will provide townhouse dwelling and multifamily units, with accessory dwelling units allowed, up to a total of not more than 60 dwelling units within the PUD, in the aggregate—of both single family attached (SAF) and neighborhood-scale condominium housing types (MFD). Among those housing types will be several subtypes of various square footages, widths, styles and price points; rear-alley-loaded garage townhomes, and proffered ADUs to guarantee affordability and variety; 5.01 acres of open space, effectively preserving sixty percent (60%) of existing trees, streams and sensitive topography within the PUD, including preservation of wetlands and stream buffer areas along Moore's Creek and tributary streams 1 and 2; rear loaded parking behind units constructed on Flint Drive; sheltered 5-foot-wide sidewalks along Keene Court and Flint Drive; natural trails; and such development further subject to matters set forth within (i) a resolution of this Council granting a waiver of critical slopes regulations for the development under certain conditions, as requested in Application P20-0008, and (ii) an ordinance adopted by this Council vacating Keene Court and Flint Drive for the development under certain conditions, as requested within Application P20-0011 (collectively, the foregoing describe the specific "Project"); and

**WHEREAS**, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on June 9, 2020, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on June 9, 2020, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project; and

**WHEREAS**, City Council has considered the details of the specific Project represented within: the Landowner's various application materials; the Staff Reports relating to the application materials; comments received from the public; and the Planning Commission's recommendation; and

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

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that, in order to allow the development of the Project described above within this Ordinance, the Zoning Map incorporated in

Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-1S to PUD, land identified on the City of Charlottesville's 2020 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000, consisting, collectively, of 9.81 acres, or 427,323 square feet, subject to the PUD Development Plan dated XXX and also subject to the Proffers dated XXX, which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

### **Approved Proffers**

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City's zoning ordinance:

1. There shall be a maximum of 60 residential units within the area of the Subject Property.
2. Affordable Dwelling Units:
  - a. The Landowner shall cause a minimum 15% of the residential units constructed within the area of the Subject Property to be affordable to households having income between 25% and 60% of area median income (as defined in City Code 34-12(c) and 34-12(g)), with such affordability guaranteed for a period of at least thirty (30) years by deed restrictions recorded by the Landowner within the land records of the Charlottesville Circuit Court, which deed restrictions shall include, at a minimum, a first right of refusal for the Landowner to repurchase the property, appreciation-sharing provisions, and forgivable and/or no-interest mortgages from the Landowner or Landowner's designee to a qualified home buyer ("Affordable Dwelling Units, or "ADUs").
  - b. During home construction within the Project, the ADUs shall be provided incrementally such that at least 1 ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy. At the Landowner's option, if the Landowner conveys to Greater Charlottesville Habitat for Humanity ("Habitat"), by recorded deed, any lot(s) within the Subject Property, then:
    - i. the conveyed lot(s) shall be deemed ADUs that are "under construction" as of the date of recordation of the deed of conveyance from Landowner to Habitat containing the deed restrictions referenced in paragraph 2.a., above; and
    - ii. the deed restrictions shall include a covenant requiring that, if any of the initial homeowners of the ADUs sell or otherwise transfer ownership of the ADU to a person other than Habitat or a qualifying heir, within the first thirty (30) years following issuance of a certificate of occupancy for the unit sold or transferred, then Habitat will use any appreciation-sharing proceeds from the sale or transfer of that ADU for construction of a replacement affordable dwelling unit within the City of Charlottesville and shall document such use of the appreciation-sharing proceeds, and shall make such documentation available to the City's zoning administrator upon request.

**BE IT FURTHER ORDAINED THAT**, in the event the layout of the streets within the Flint Hill PUD, including, without limitation, the "teardrop" design of Keene Court (as depicted within the concept plan component of the Flint Hill PUD Development Plan) cannot be designed and constructed in accordance with provisions of applicable City ordinances and the City's Standards and Design Manual, then the Landowner shall be required to obtain City Council's approval of an

amended PUD Development Plan, showing a different street layout, prior to obtaining any preliminary or final site plan or subdivision approval for the Project.

**AN ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
PORTIONS OF FLINT DRIVE AND KEENE COURT  
WITHIN THE AREA OF THE PROPOSED FLINT HILL PUD**

**WHEREAS**, as permitted by Virginia Code Sec. 15.2-2006, the owner of certain land adjacent to portions of Flint Drive and Keene Court has petitioned City Council to alter or vacate those public rights-of-way (Application P20-0011) in order to allow development of a specific development project described in rezoning application ZM20-00001, referred to as the proposed Flint Hill Planned Unit Development (together, hereinafter, the applicable portions of Flint Drive and Keene Court are referred to as the “Subject Rights-of-Way”); and,

**WHEREAS**, following notice to the public pursuant to Virginia Code §15.2-2006, a public hearing by the City Council was held on July 20, 2020 and,

**WHEREAS**, this Council finds and determines that Application P20-0011 should be conditionally granted in order to allow for development of the proposed Flint Hill PUD;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the City hereby authorizes the vacation of the following portions of Flint Drive and Keene Court described, to wit:

- (1) The portion of Flint Drive having frontage along the land referenced as City tax parcel identification numbers 200259380 and 200259350; and
- (2) Keene Court, from its intersection with Moseley Drive to its terminus at the cul-de-sac that currently forms the frontage of land referenced as City tax parcel identification numbers 200259320, 200259310, 200259301, and 200259290.

**PROVIDED, HOWEVER**, that the vacation of the Subject Rights-of-Way is hereby expressly conditioned upon approval of the Flint Hill Planned Unit Development (“PUD”) as proposed within rezoning application ZM20-00001, and upon commencement of development of the Flint Hill PUD, as evidenced by issuance of a building permit for construction of residential dwellings within the development, within thirty-six (36) months from the date this Ordinance is approved by City Council. The landowner’s failure to commence development of the Flint Hill PUD within this specified period of time shall render vacation of the Subject Rights-of-Way, at the option of City Council, void.

**RESOLUTION  
GRANTING A CRITICAL SLOPE WAIVER  
FOR A DEVELOPMENT PROJECT DESCRIBED IN  
REZONING APPLICATION ZM20-00001 (“FLINT HILL PLANNED UNIT  
DEVELOPMENT”)**

**WHEREAS**, Belmont Station, LLC (“Landowner”), by its member Charlie Armstrong, has filed three related applications (“Applications”): one seeking a rezoning (Application ZM18-00003) in order to change the zoning district classification for property identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000 (collectively, the various parcels are referred to herein as the “Subject Property”); the second, a request for a critical slope waiver (Application P20-0008), to allow for the specific development project described in the rezoning application (“Project”); and the third (Application P20-0011), to request vacation of Keene Court and Flint Drive to accommodate the Project; and

**WHEREAS**, the purpose of the rezoning application is to allow construction of a specific planned residential development within the Subject Property, described and referred to within an Ordinance of City Council approving Application ZM20-00001, and this specific Project cannot be developed without City Council’s approval of the requested Critical Slopes Waiver; and

**WHEREAS**, on June 9, 2020, the Planning Commission considered the requested Critical Slope waiver and voted to recommend that the Critical Slopes Waiver be granted; and

**WHEREAS**, based on the representations, information, and materials included within the materials submitted by the Landowner with its various Applications, including its Application for a Critical Slopes Waiver; and upon consideration of the information and analysis set forth within the Staff Report(s), the factors set forth in City Code §34-1120(b), this City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d.)(i) that the benefits of allowing disturbance of critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, **THAT** the request by the Landowner for a waiver of the critical slopes requirements (Application P20-0008) is **GRANTED** for and in connection with the above-referenced Project, subject to the Landowner’s compliance with the following conditions in its use and development of the Land for construction of the Project:

Critical Slope Waiver Conditions

1. The Applicant shall design SWM measures to provide as much water quality treatment on site as the Applicant deems practical given the constraints of the site, with a minimum of 75% of the required treatment occurring on site.



2. The Applicant shall provide chain link supported silt fence above critical slope areas for enhanced protection of slopes during construction.
3. In the onsite biofilter the Applicant shall provide an additional one foot depth of gravel sump across the bottom of the biofilter, above and beyond what is required in standard design, to provide the opportunity for additional stormwater storage and potential for additional infiltration and groundwater recharge.

**APPROPRIATION**  
**Virginia Homeless Solutions Program**  
**Grant - \$243,276**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the amount of \$243,276.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$243,276 is hereby appropriated in the following manner:

Revenues  
\$243,276      Fund: 209      IO: 1900352      G/L: 430127 State COVID

Expenditures  
\$243,276      Fund: 209      IO: 1900352      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$243,276 in funds from the Virginia Department of Housing and Community Development.

**APPROPRIATION**  
**Emergency Food and Shelter Program \$7,099**

**WHEREAS**, the Charlottesville Department of Human Services has received \$7,099 from the Emergency Food and Shelter Program - C.A.R.E.S. Act funding,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$7,099 is hereby appropriated in the following manner:

Revenues

\$7,099      Fund: 210      IO: 1900367      G/L: 451022 Other Grant Funding

Expenditures

\$7,099      Fund: 210      IO: 1900367      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$7,099 from the Emergency Food and Shelter Program – C.A.R.E.S. Act funding.

**APPROPRIATION**  
**Open Society Foundation Emma Lazarus Campaign on Cities**  
**Grant Award - \$250,000**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the Emma Lazarus Campaign on Cities grant award from the Open Society Foundation in the amount of \$250,000,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$250,000 is hereby appropriated in the following manner:

Revenues  
\$250,000      Fund: 210      IO: 1900359      G/L: 451022 Other Grant Funding

Expenditures  
\$250,000      Fund: 210      IO: 1900359      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$250,000 in funds from the Open Society Foundation Emma Lazarus Campaign on Cities.

**RESOLUTION**

**Authorization of Retention of Fund Balance in Excess of 25% for  
Charlottesville-UVA-Albemarle County Emergency Communications Center  
\$463,074**

**WHEREAS**, the City of Charlottesville, Virginia, entered into an agreement on January 20, 1984, between the County of Albemarle, City of Charlottesville, and University of Virginia, to develop the joint Emergency Communications Center (ECC); and

**WHEREAS**, an addendum to that agreement in January 2013, focused on operational, capital, and 800 MHz funding support, stipulated the ECC may retain an additional year-end fund balance that exceeds 25% of the Center's total annual operating budget for alternative purposes, subject to the approval of the Participants;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$463,074 be retained by the Charlottesville-UVA-Albemarle County Emergency Communications Center to be used for the purposes approved by the ECC Management Board.