



CITY COUNCIL AGENDA September 18, 2023 CERTIFICATIONS

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Leah Puryear, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval **APPROVED 5-0 (WADE/PURYEAR)**

Reports

1. Report: Report from Cultivate Charlottesville on City Food Equity Initiative
2. Report: Charlottesville Redevelopment and Housing Authority Sustainability Plan

5:30 PM CLOSED MEETING (if called)

Vote to meet in closed session APPROVED 5-0 (PINKSTON/WADE)

Vote to certify closed session APPROVED 5-0 (PINKSTON/PURYEAR)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Energy Efficiency Day 2023

Board/Commission Appointments **APPROVED 5-0 (PINKSTON/WADE)**

Consent Agenda* **APPROVED 5-0 (WADE/PINKSTON)**

3. Minutes: August 8 joint City Council-Planning Commission public hearing
4. **Resolution:** Resolution to appropriate Fiscal Year 2024 Fire Programs Aid to Localities Funding (Firefund) - \$209,603 (2nd reading)
#R-23-128
5. **Ordinance:** Ordinance to rezone the properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (2nd reading)
#O-23-129
6. **Resolution:** Resolution to approve a Special Use Permit for properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (1 reading)
#R-23-130
7. **Resolution:** Resolution authorizing revenue bond financing on behalf of St. Anne's Belfield School (1 reading)
#R-23-131

City Manager Report

- Report: City Manager Report

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Action Items

General Business

Other Business

Community Matters (2)

Adjournment

APPROPRIATION

Fiscal Year 2024 Fire Programs Aid to Locality Funding (Firefund)

\$209,603.00

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$209,603.00 be appropriated in the following manner:

Revenues - \$209,603

\$209,603 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$209,603

\$209,603 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$209,603.00 from the Virginia Department of Fire Programs.

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON CHERRY AVENUE, 5TH STREET SOUTHWEST,
AND 6TH STREET SOUTHWEST
FROM CHERRY AVENUE MIXED USE CORRIDOR (CH) AND RESIDENTIAL SMALL LOT (R-1S) TO B-3
(COMMERCIAL) WITH PROFFERS**

WHEREAS, WP-501 Cherry LLC is the owner (“Landowner”) of certain land fronting on Cherry Avenue, 5th ST SW, and 6th ST SW, designated on the City Tax Map and Parcel (TMP) as 290179000, 290178200, 290177000, 290178100, and 290178000 (collectively, hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from CH and R-1S to B-3 with proffers hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on August 8, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-0001), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; 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 and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 290179000, 290178200, 290177000, 290178100, and 290178000 (“Subject Property”), containing, in the aggregate approximately 1.36 acres (approximately 59,241 square feet), from CH (Cherry Avenue Mixed Use Corridor) and R-1S (Residential Small Lot) to B-3 (Commercial) with the following Proffers:

1. AFFORDABLE HOUSING:

City of Charlottesville Zoning Ordinance Section 34 -12 governs the requirement for affordable dwelling units in the event that a rezoning such as ZMA 23-0001 is approved. Ordinance Section 34-12 would require the Owner to provide five (5) affordable dwelling units to households with an income less than 80% of the area median income.

a. Owner will engage in good faith negotiations with Piedmont Housing Alliance (PHA) to co-develop a minimum of 60 residential units within the Project with a goal to sell all such units to PHA under terms mutually agreed upon between Owner and PHA. Under such a sale, the unit mix and affordability rates will be solely determined by PHA. It is expected that PHA will finance its portion of the Project through Low-Income Housing Tax Credits and an investment from the City of Charlottesville, or a combination thereof.

b. If a binding sales agreement between Owner and PHA is not executed by December 31, 2023, or if an agreement is entered into but PHA defaults thereunder, then Owner shall, in lieu of the proffer contained in section 1.a. above, cause five (5) dwelling units constructed within the Project to be For Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The five (5) affordable dwelling units shall remain affordable for a term of six (6) years from the date that a certificate of occupancy is issued for such unit ("Affordable Period"). For the purposes of this Proffer, the term "For Rent Affordable Dwelling Unit" means a dwelling unit that is i) affordable to households with income at not more than 60% of the area median income, or ii) leased to an individual or household that employs a Section 8 Housing Choice Voucher.

c. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change these unit(s), and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number, size, or make-up of the affordable dwelling units, does not result in an Affordability Period shorter than required by these proffers with respect to any of the affordable dwelling units, and should avoid segregation of the affordable dwelling units.

d. Owner or PHA shall submit to the City's Office of Community Solutions prior to the certificate of occupancy a marketing plan on how it will market the Required Affordable Dwelling Units. The marketing plan shall provide detailed information on how the Owner will target lower-income residents.

e. On or before February 1st of each calendar year, or an alternate date mutually agreed upon by the Owner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.

f. The obligations regarding Required Affordable Dwelling Units referenced above shall be set forth within one or more written declaration of covenants recorded in the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that Owner's successors in right, title and interest to the

Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

2. NON-PROFIT USES:

Owner agrees to offer to sell commercial condominium space at the Property to two local non-profit organizations, namely Twice Is Nice and the Music Resource Center prior to offering for sale the space to any third parties. If Twice Is Nice does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer section 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units referenced in proffer section 1.b. by two (2) units. Similarly, if the Music Resource Center does not purchase condominium space within sixty (60) days of the issuance of any certificate of occupancy for the Project, and provided that proffer 1.b. is in effect, then Owner will increase the number of Required Affordable Dwelling Units by two (2) units. If, however, Owner is able to sell commercial condominium space to any non-profit organization that is qualified as tax-exempt under the applicable regulations of the Internal Revenue Code, other than Twice Is Nice or the Music Resource Center, within one-hundred twenty (120) days of the issuance of certificate of occupancy, then Owner shall be relieved of the obligation to provide two (2) additional Required Affordable Dwelling Units for each qualified non-profit that purchases condominium space in the Property, as outlined in this paragraph. If proffer section 1.a. is in effect, and Owner is unable to sell the commercial space to non-profit organizations, then Owner will be released of the requirement for the additional affordable dwelling units referenced in this Section 2 above.

3. GROCERY USE:

Owner agrees to reserve a minimum of 5,000 square feet of commercial space at the Property for lease to a small grocery store or neighborhood grocery store that sells fresh produce. The space will be reserved exclusively for a grocery store use until the issuance of any certificate of occupancy for the Project.

4. PROHIBITED USES:

The following permitted by right land uses shall be excluded from the Property under B-3 Zoning Section 34-480:

Non-Residential: General and Misc. Commercial Uses: Gas station; Repair/servicing business (automobile); Car wash; Crematorium (independent of funeral home); Dry cleaning establishments; Drive-through windows; Taxi stand; Towing service, automobile.

Non-Residential: Industrial: Industrial equipment: service and repair; Wholesale establishments.

5. MAXIMUM BUILDING HEIGHT:

Notwithstanding the by-right seventy-foot (70') building height allowance in the B-3 District, the maximum building height permitted on the Property shall be sixty-five feet (65') or five stories. A five-foot step back shall apply to any story above the 4th story for the Cherry Avenue building frontage.

The maximum building height permitted within 40' of the Property's northern boundary, or rear property line, is further restricted to forty-five (45') feet or three (3) stories and is referred to herein as the "residential height zone." The

building height permitted in the residential height zone shall be a maximum of forty-five (45') feet and no more than three (3) stories measured from 457 feet above sea level for structures adjacent to 6th Street SW and from 454 feet above sea level for structures adjacent to 5th Street SW.

6. MIXTURE OF USES:

Development on the Property shall be mixed use. For the purposes of this proffer, "mixed use" means that no one type of use, such as residential, commercial, or institutional, may exceed 80% of the gross square footage on the Property.

and the City's Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 501, 507 CHERRY AVENUE, 0 5TH STREET SOUTHWEST, AND 0 6TH STREET SOUTHWEST (TAX MAP PARCELS 290179000, 290178200, 290177000, 290178100, and 290178000)

WHEREAS WP-501 Cherry LLC is the owner of certain land identified within the City of Charlottesville real estate records as Parcels No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the “Subject Property”), which has frontage on Cherry Avenue, 5th ST SW, and 6th ST SW; and

WHEREAS the Subject Property is located within B-3 (Commercial) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-480, use of Residential Density up to 87 Dwelling Units per Acre (DUA) may be authorized by City Council by means of a Special Use Permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP23-00001, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on August 8, 2023, following public notice given in accordance with applicable law; and

WHEREAS the Planning Commission considered and recommended approval of this application at their August 8, 2023 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow the Project as a permissible use of the Subject Property subject to the following conditions:

1. Per Section 34-480: Permitted Residential density up to 87 Dwellings Units per Acre (DUA) on the Subject Property.
2. Per Section 34-162: Alter the 5th ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
3. Per Section 34-162: Alter the 6th ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
4. Per Section 34-162: Alter the Cherry Avenue side yard setback requirements to zero (0) feet minimum and twenty-five (25) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
5. Per Section 34-162: Alter the yard setback abutting any Low Density Residential zoned district to ten (10) feet minimum.

6. Per Section 34-157(b): Any yard abutting a Low Density Residential zoned district shall provide S-3 Screening as defined in Section 34-871.
7. Per Section 34-162: Off-Street Parking shall be required at the following ratios:
 - a. Multifamily Dwelling Units:
 - i. For efficiencies, 1-bedroom units, and 2-bedroom units = one-half (1/2) parking space per unit.
 - ii. For 3-bedroom units and 4-bedroom units = one (1) parking space per unit.
 - b. General Retail and Sales:
 - i. Two point five (2.5) spaces per 1,000 square feet of gross floor area. Storage space may be deducted from the square footage requirement.
 - c. Grocery Stores and Pharmacies:
 - i. One (1) space per 500 square feet of gross floor area.

Any off-street parking not listed above may adhere to the parking requirements found in Section 34-984. Notwithstanding the off-street parking standards listed in conditions 7 and 8, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents and commercial tenants are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

8. Per Section 34-162: Up to forty (40) percent of the off-street parking spaces may be designated to the dimensions for compact cars as defined in Section 34-977.
9. Per Section 34-157(b): The exterior of any parking garage (structured parking, parking deck...) shall be screened such that automobiles and the interior of the garage are not visible from Cherry Avenue, 5th ST SW, 6th ST SW, or abutting Low Density Residential zoned districts.
10. Per Section 34-157(b): The applicant will provide a five (5) feet by fifteen (15) feet concrete pad that is ADA accessible behind the sidewalk near the intersection of Cherry Avenue and 6th ST SW for a future transit stop.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA REGARDING THE APPROVAL OF ISSUANCE OF BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR THE BENEFIT OF ST. ANNE'S-BELFIELD, INC.

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority") is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") to issue its revenue bonds for the purposes of, among other things, financing or refinancing the construction and equipping of facilities for private, accredited and nonprofit institutions of elementary, or secondary education that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), thereby promoting the safety, health, welfare, convenience, and prosperity of the residents of the Commonwealth of Virginia (the "Commonwealth"); and

WHEREAS, the Authority has approved the application of St. Anne's-Belfield, Inc., a Virginia nonstock corporation (the "Organization"), whose primary business address is 2132 Ivy Road, Charlottesville, Virginia 22903, requesting that the Authority issue up to \$3,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds"); and

WHEREAS, the Organization owns and operates St. Anne's-Belfield School, which consists of, among other things, a lower school and an upper school. The upper school is located on a campus (the "Campus") in and around 2132 Ivy Road, Charlottesville, Virginia 22903; and

WHEREAS, the Authority will loan the proceeds of the Bonds to the Organization to finance and refinance all or a portion of the costs associated with the projects described below:

- (1) The acquisition, construction, developing and equipping of a portion of the renovation and expansion of Randolph Hall, which is located on the Campus; and
- (2) The financing, if and as needed, of capitalized interest on the Bonds, costs of issuance related to the issuance of the Bonds, working capital, other capital expenditures at the Campus and other related costs (collectively (1) and (2), the Plan of Finance"); and

WHEREAS, following notice given as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing on August 17, 2023, regarding the Plan of Finance and issuance of the Bonds as required by Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Act sets forth the procedure for such approval; and

WHEREAS the Authority issues its bonds on behalf of the City of Charlottesville, Virginia (the "City"), and the facilities to be financed and refinanced with the proceeds of the

Bonds are located in the City and the City Council of the City (the "City Council"), constitutes the highest elected governmental unit of the City; and

WHEREAS, in accordance with Section 15.2-4906 of the Act, the Authority has recommended that the City Council approve the Plan of Finance and the issuance of the Bonds, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act; and WHEREAS, a copy of the Authority s inducement resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, and a certificate of the public hearing have been filed with the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA AS FOLLOWS:

1. Subject to paragraph (2) below, the City Council hereby approves the issuance of the Bonds, in an aggregate principal amount up to \$3,000,000, by the Authority for the benefit of the Organization, solely to the extent required by Section 147(f) of the Code and Section 15.2- 4906 of the Act, to permit the Authority to assist in accomplishing the Plan of Finance.

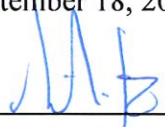
2. The approval of the issuance of the Bonds by the City Council does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Organization, the economic viability of the facilities to be financed as part of the Plan of Finance, or any other matters relating to the Bonds, the facilities to be financed or refinanced with the proceeds of the Bonds, or the Plan of Finance. The Bonds shall not constitute a debt, liability or obligation of the City. In accordance with the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the City. The Bonds shall provide that neither the Commonwealth, nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and moneys pledged therefor by the Organization.

3. This resolution shall take effect immediately upon its adoption.

	<u>Aye</u>	<u>No</u>
Payne	<u> x </u>	<u> </u>
Pinkston	<u> x </u>	<u> </u>
Puryear	<u> x </u>	<u> </u>
Snook	<u> x </u>	<u> </u>
Wade	<u> x </u>	<u> </u>



Approved by Council
September 18, 2023



Maxicelia Robinson
Deputy Clerk of Council