



CITY COUNCIL AGENDA
October 2, 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. Presentation: Budget Kickoff
2. Presentation: Departmental Budget Presentations - Administration

5:30 PM CLOSED MEETING (if called)

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

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

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Digital Inclusion Week
- Proclamation: Fire Prevention Week

Board/Commission Appointments APPROVED 5-0 (PINKSTON/PAYNE)

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

3. Minutes: July 17 regular meeting, September 12 joint City Council-Planning Commission public hearing
4. Resolution: Resolution to Appropriate funds from the Bureau of Justice Assistance FY 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942 (1 of 2 readings)
5. Resolution: Resolution to Appropriate Virginia Department of Emergency Management (VDEM) Emergency Management Performance Grant - \$7,500 (1 of 2 readings)
6. Resolution: Resolution to Appropriate VDOT TAP funding for Meadow Creek Trail and Bridges - \$800,000 (1 of 2 readings)
7. Resolution: Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (1 of 2 readings)

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

8. **Resolution:** Resolution to Approve a Special Use Permit at 1709 Jefferson Park Avenue
#R-23-132 – SP23-00005 (1 reading)
APPROVED 3-2 (PINKSTON/WADE; Payne and Puryear opposed)
9. **Resolution:** Resolution to Approve a Critical Slope Waiver at 1709 Jefferson Park
#R-23-133 Avenue - P23-0049 (1 reading)
APPROVED 5-0 (PINKSTON/WADE)
10. **Appeal:** Resolution of disposition for Appeal of Planning Commission's 15.2-2232
#R-23-134 Review Decision for 0 E. High Street (1 reading)
APPROVED 5-0 (WADE/PAYNE) to uphold Planning Commission decision

General Business

Other Business

Community Matters (2)

Adjournment

RESOLUTION
Granting a Special Use Permit (SUP) for Property Located at
1709 Jefferson Park Avenue

WHEREAS Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification number 160010100 respectively, currently addressed as “1709 Jefferson Park Avenue” (collectively referred to as the “Property”), and the Landowner, through its authorized representative, proposes to redevelop the Property to accommodate a 27-unit multifamily building with underground parking, and to facilitate this redevelopment the Landowner seeks this Special Use Permit to increase density to 87 DUA, increase height from a by-right 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4) per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along Montebello Circle to 17 feet S-1 screening for 50% of the frontage along Montebello Circle under Section 34-353(b)(4) per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 19 spaces per Section 34-162.

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a) which allow the requested increased residential density, additional height, and modifications to parking and setbacks for the Project; and

WHEREAS the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the Landowner’s application materials submitted in connection with SP23-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on September 12, 2023; and

WHEREAS the Planning Commission considered and recommended approval of this application at their September 12, 2023 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; 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 to be established on the Property, subject to the following conditions:

- 1) Per Section 34-420: Permitted Residential density up to 87 Dwelling Units per Acre (DUA) on the Subject Property.
- 2) Per Section 34-353(b)(3): Allow building height of seventy (70) feet on the Subject Property.
- 3) Per Section 34-162: Alter the Jefferson Park Avenue yard setback requirement to eighteen (18) feet.
- 4) Per Section 34-162: Alter the Montebello Circle yard setback requirement to twenty-five (25) feet.
- 5) Per Section 34-162: Alter the side yard setbacks to five (5) feet.
- 6) Per Section 34-162: Alter the landscape buffer within the Montebello Circle yard to eighteen (18) feet wide along fifty (50) percent of the liner frontage. Landscape buffer shall be S-1 as defined in Zoning Section 34-871.
- 7) Per Section 34-162: Reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district to fifty-eight (58) feet.
- 8) Per Section 34-162: Alter the on-site minimum parking requirement to nineteen (19) vehicular parking spaces. In addition, 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 are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....
- 9) Per 34-157(b): On-site vehicular parking shall not be permitted within the Montebello Circle yard(s) or right-of-way. Nothing within this condition shall prevent loading and unloading within the Montebello Circle yard or designating a space for such activities so long as condition #6 is met.
- 10) Per 34-157(b): The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in the application materials (sheet 14).
- 11) Per 34-157(b): The applicant shall implement measures on the City's Low Impact Development (LID) worksheet to achieve a minimum of 10 points. The applicant's checklist (page 8 of the application and sheet 36 of the application materials) notes a combination of shared parking, bioretention, and/or green rooftop; however, other measures from the checklist may be substituted with approval from City Engineering if the measures indicated become impractical as the project develops.
- 12) 34-157(b): The applicant shall construct a continuous raised sidewalk along the frontage of Jefferson Park Avenue to ensure pedestrian safety crossing the vehicular entrance to the site. Nothing within this condition relieves the applicant from adhering to standards found within the City Standard and Design Manual (SADM).
- 13) 34-157(b): The applicant shall provide short term bicycle and/or micromobility parking within the Montebello Circle yard. These elements must be located on private property and not within the City right-of-way.

14) 34-157(b): The applicant shall provide setbacks that are substantially consistent with the application materials. Specifically, sheet 18 of the Mitchell Matthews drawings, *1709 JPA Progress Draft*, dated July 18, 2023.

RESOLUTION

Granting a critical slope waiver for property located at 1709 Jefferson Park Avenue

WHEREAS Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification No. 160010100, said parcels having current street addresses of 1709 Jefferson Park Avenue (the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.21 acre, which is approximately 70% of the area of the parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a multifamily residential development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P23-0049, as required by City Code §34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their September 12, 2023, meeting, subject to conditions proposed within the Staff Report; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the development of the multifamily residential development as described within the Application Materials, subject to the following conditions:

- 1) The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:
 - a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.
or
 - b. Green rooftop to treat >/- 50% of roof area. 8 points.
- 2) The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.

RESOLUTION UPHOLDING THE PLANNING COMMISSION'S DECISION THAT PURSUANT TO CODE OF VIRGINIA § 15.2-2232 PUBLIC FACILITIES INCLUDED IN THE 0 EAST HIGH STREET DEVELOPMENT ARE NOT SUBSTANTIALLY IN ACCORD WITH THE CITY'S COMPREHENSIVE PLAN

WHEREAS, less than sixty (60) days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and its recorded vote on August 8, 2023, and

WHEREAS, the Petitioner Seven Development LLC (“Petitioner”) argues that the Planning Commission is “deemed” to have approved all the public facilities as presented in such application on August 1, 2023 in accordance with Code of Virginia, § 15.2-2232(B), and Council does not believe this argument is well taken, it expressly overrules any such “deemed” approval by the Planning Commission on August 1, 2023; and

WHEREAS, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

WHEREAS, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated a duly presented motion, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. The Planning Commission further determined that following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

WHEREAS, on September 12, 2023, the Planning Commission adopted a resolution delineating its findings with written reasons therefor, which was transmitted to City Council; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that after considering the Petitioner’s Appeal, Council expressly overrules any “deemed approval” of the public facilities, and

BE IT FURTHER RESOLVED that City Council hereby upholds the decision of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan.